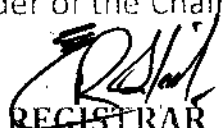


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 979/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.09.2024	<p>The implementation petition of Mr. Zeri Gul submitted today by Mr. Ameer Nawaz Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on 24.09.2024. 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>

Implementation

زیستی کی ۷۵ کو نمٹ کے پی (دعوتی)

Service Tribunal
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

CASE TITLE:

V/S

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Signature:

Dated:

اسم نواز خان
[Signature]
05/09/2024

BEFORE THE HON'BLE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Execution Petition

Zeri Gul

No = 979

(Appellant)

V E R S U S

The Govt. of Khyber Pakhtunkhwa and others

(Respondents)

INDEX

S. No.	Documents	Annexure	Page No.
1	Application for implementation of order dated 03.05.2024		1-2
2	Affidavit		3
3	Copy of order dated 03.05.2024		4-9
	Copy of order dated 03.05.2024		
	Copy of order dated 10.07.2024 of District Education Officer Male Lakki Marwat		(10)
	Wakalat Nama <i>Bestex Copy</i>		(11)
			(12)

Appellant

Through

Ameer Nawaz Khan
Ameer Nawaz Khan
Advocate High Court,
Peshawar

Dated: 22.08.2024

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522109

1

BEFORE THE HON'BLE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Execution Petition No. 979/2024

Service Appeal No. 503/2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15458

Dated 05.09.2024

Zeri Gul, Subject Specialist Economics,
GHSS Abdul Khel, District Lakki Marwat

(Appellant)

V E R S U S

- 1) The Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar
- 2) Secretary Elementary & Secondary education to Govt. of
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 3) Director General, Education (Male), G.T. road, Khyber
Pakhtunkhwa, Peshawar

(Respondents)

Application for implementation of
order and judgment dated 03.05.2024
of this hon'ble tribunal in its true and
spirit.

Respectfully Sheweth,

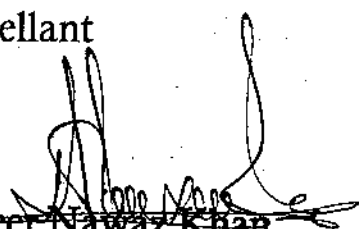
- 1) That the appellant had filed the above noted service
appeal before this honorable tribunal.

- [REDACTED] (2)
- 2) That above mentioned Service Appeal bearing No. 503/2017 was disposed of by this hon'ble tribunal vide order and judgment dated 03.05.2024. (Copy of order dated 03.05.2024 is attached)
 - 3) That on 27.06.2024 the appellant provided the order of this hon'ble tribunal to the District Education Officer (male) Lakki Marwat for the implementation the order of this hon'ble court.
 - 4) That the District Education Officer Male Lakki Marwat has duly verified the order of this hon'ble court, but till date the respondents are not ready or reluctant to implement the order of this hon'ble tribunal.
 - 5) That the respondents with malafide intention turned deaf ear to the request of the appellant.
 - 6) That the appellant is left with no option but to approach this hon'ble tribunal for implementation of the order of this hon'ble tribunal.

It is, therefore, very humbly requested on acceptance of this petition, the above said order may kindly be implemented. Any other relief which this hon'ble tribunal deems fit may also be granted additionally in favour of the petitioner.

Appellant

Through


~~Ameer Nawaz Khan~~
Advocate High Court,
Peshawar

Dated: 22.08.2024

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522109

BEFORE THE HON'BLE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Zeri Gul

(Appellant)

VERSUS

The Govt. of Khyber Pakhtunkhwa and others

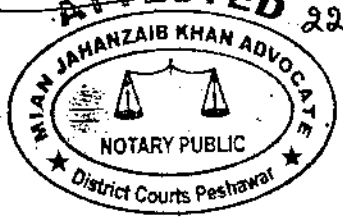
(Respondents)

AFFIDAVIT

I, Zeri Gul, Subject Specialist Economics, GHSS Abdul Khel, District Lakki Marwat, do hereby solemnly affirm and declare on Oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.



DEPONENT
CNIC No. 11201-0363102-5

M. Jahanzaib
ATTESTED 22/08/2024


BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
MUHAMMAD AKBAR KHAN ... MEMBER (E)

Service Appeal No. 503/2017

Date of presentation of Appeal.....08.05.2017
Date of Hearing.....03.05.2024
Date of Decision.....03.05.2024



Ziar Gul Subject Specialist Economics GHSS Abdul Khel District
LakkiMarwat.....(Appellant)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary & Secondary Education to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General, Education (Male), G.T Road, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

ZARTAJ ANWAR,
Advocate

For appellant.

MUHAMMAD JAN,
District Attorney

For respondents

JUDGMENT

MUHAMMAD AKBAR KHAN, MEMBER (E):-The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

*"On acceptance of this appeal the appellant may kindly be considered for promotion to BPS-19 as fit and eligible for the post and if any delay that on the part of respondents, the appellant may also awarded all the **ATTESTED** arrears and back benefits as from dated of promotion*

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

vide order dated 25.04.2014 as his colleague/juniors were promoted to BPS-16 or any other remedy deem proper may also be allowed."

02. Brief facts of the case are that the appellant was serving in the Education Department and was promoted to the post of Subject Specialist on 31.08.2000; that for promotion to BS-18, PER/ACRs were requisitioned; that the appellant allegedly submitted his ACRs from 2000 to 2012; that he was again directed to produce ACRs and explanation in this regard was also called from him; that vide Notification dated 20.08.2015, he was promoted to BPS-18 but the same was allegedly kept hide from the appellant; that for promotion to BPS-19, he was asked for submission of ACRs from 2014 to 2016, and upon his visit, the appellant came to know regarding his promotion Notification dated 20.08.2015 which was received to him on 29.12.2016; that due to the said reason, he was denied his promotion to BS-19 due to non-submission of ACRs; that feeling aggrieved, he filed departmental appeal but in vain, hence this appeal

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant, learned District Attorney for the respondents and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended the appellant has not been treated in accordance with law his rights secured and granted under the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

law are badly violated; that at the relevant time the appellant was not timely conveyed his promotion order and the same order was concealed/keep hid from the appellant which is illegal, unlawful, against the law; that the appellant was promoted to the BS-18 vide order dated 25.04.2014 but astonishingly the appellant promotion was withheld for not providing the PERs for the year 2012 which was handed over by the appellant to the concerned DEO as is evident from the office letter dated 28.04.2014; that when the promotion case was under processes the appellant was called to submit the ACRs for the year 2014 to 2016 the appellant inquired of the same from the concerned office regarding his promotion order to BS-18 which was handed over to him on 29.12.2016; that similarly placed employees have been given promotion while the appellant has been denied which is highly discriminatory and also against the law.

05. On the other hand, learned District Attorney contended that the appellant has been treated as per law, rules & prescribed criteria/policy and no rules violated by the respondents; that the appellant has been conveyed through the DEO Lakki Marwat regarding the promotion Notification dated 25.04.2014; that the appellant failed to submit his PERs/ACRs to the DEO Lakki Marwat for onward submission of the same to the competent authority/PSB for the year 2012 despite repeated Notice & reminders; that due to negligent attitude on part of the appellant in submission of his PERs/ACRs he was called in person by the DEO Lakki Marwat for doing the needful as per procedure; that late handing over of his promotion order from BS-17 to BS-18 on the alleged date i.e. 29.12.2016 was mainly based on malafide intentions just avoid his case of being time barred; that the case of the appellant is not at

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

par with his colleagues, hence has not been considered for the grant of promotion in BPS-16 post in the respondent department.

06. Scrutiny of record reveals that the appellant was posted/serving in a school situated at far flung area of District Lakki Marwat. In the year 2014 the respondent department, after consideration/recommendation of Provincial Selection Board, issued consolidated notification of promotion of 353 officers of Teaching cadre from BS-17 to BS-18 on regular basis vide notification dated 25.04.2014. The name of the appellant appeared at serial No. 233 of the said Notification. The said Notification does not contain any condition for making available any missing ACR/PER in respect of the appellant. However, in the posting proposal the promotion of the appellant was shown as withheld for want of ACR for the year 2012. A copy letter from DEO Lakki Marwat available on record reveals that ACR in respect of the appellant was forwarded to the Director Elementary & Secondary Education (Respondent No. 3) on 28.04.2014. This fact stands admitted in the explanation called from the appellant vide communication from Section Officer (School/Male). The PER for the year 2012 was received in the office of Secretary Elementary & Secondary Education (respondent No. 2) on 22.09.2014. However, the dealing hands in the office of respondent No. 2, instead of notifying the posting/adjustment of the appellant, kept on calling explanation from him for delay in submission of PERs for the year 2012. Posting order of the appellant was ultimately issued by the respondent No. 2 vide Notification dated 20.08.2015. Strangely the same was received by the appellant by hand upon his personal visit to the office of respondent No. 2 on 29.12.2016. These facts, based on documentary evidence on record, reveal no fault, whatsoever, on the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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part of the appellant but speaks volume about lethargy and malafide on part of dealing hands who create hurdles rather than facilitating the teacher serving in far flung schools.

07. Foregoing findings in view we allow the appeal in hand. The promotion of the appellant shall be considered to has been actualized with effect from the date of his promotion i.e. 25.04.2014 and he shall stand eligible for all consequential monetary and service benefits including promotion to next high pay scale. Costs shall follow the event. Consign.

08. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 03rd day of May, 2024.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(KALIM ARSHAD KHAN)
CHAIRMAN

(MUHAMMAD AKBAR KHAN)
MEMBER (E)

Kamranullah

Date of Presentation of Application 03/9/24
Number of Words 5/8
Copying Fee 25/-
Urgent 5/-
Total 30/-
Name of Copyist
Date of Completion of Copy 03/9/24
Date of Delivery of Copy 03/9/24

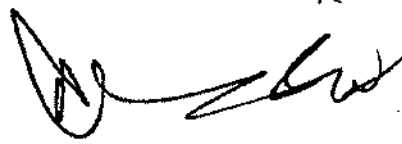
ORDER

03.05.2024

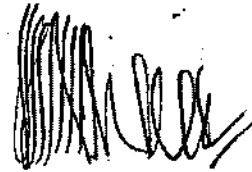
1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgment of today separately placed on file, we allow the appeal in hand. The promotion of the appellant shall be considered to have been actualized with effect from the date of his promotion i.e. 25.04.2014 and he shall stand eligible for all consequential monetary and service benefits including promotion to next high pay scale. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 03rd day of May, 2024.*



(KALIM ARSHAD KHAN)
CHAIRMAN



(MUHAMMAD AKBAR KHAN)
MEMBER (E)

OFFICE OF THE
DISTRICT EDUCATION OFFICER MALE LAKKI MARWAT

10/10/20

The Director
K&S Education Khuzdar Paktunkhwa Peshawar

APPLICATION BY DING IN CONNECTION OF
MR. ZAHIR GUL EX IS MISS ABDEL KHALID
MARWAT

Respected Madam!

I have the honor to inform you that I have received the application of Mr. Zahir Gul Ex is Miss Abdel Khalid Marwat for admission in the Government High School, Paktunkhwa, Peshawar. The application is being forwarded to you for consideration.

Yours faithfully,

District Education Officer
(Male) Lakki Marwat

Encl. to 12/10/20
Imp. to the

Date: 10/10/20

Principal of Government High School, Paktunkhwa, Peshawar

District Education Officer
(Male) Lakki Marwat

Abdul Aziz Khan
ABDUL AZIZ KHAN
Advocate High Court Peshawar
14-A, Hazrat Nizamuddin Khayr Bazar
Peshawar 25000-9143007

SECRET (Jy (64)

091-9223642

0313-5763030

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PAGE
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OFFICE OF THE
DISTRICT EDUCATION OFFICER MALE LAKKI MARWAT

No. 4234

Dated: 10.07.2024

To,

The Director,
E&S Education Khyber Pakhtunkhwa,
Peshawar

Subject: APPLICATION REGARDING IMPLEMENTATION OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL IN SERVICE APPEAL NO.
503/2017 TITLED AS ZAIRI GUL EX-SS GHSS ABDUL KHEL DISTRICT
LAKKI MARWAT

Respected Madam!

Enclosed please find herewith application in original submitted by Mr. Zairi Gul Ex-SS GHSS Abdul Khel District Lakki Marwat, forwarded by Principal concerned received to this office vide Diary No. 1726 dated 27.06.2024, along with copy of decision of Honourable Khyber Pakhtunkhwa Service Tribunal decided on 03.05.2024, for further submission to quarter concerned.

Enclosure: As above

District Education Officer
(Male) Lakki Marwat

Endst: No. 4235-36 Dated: 10.07.2024

Copy to the:

- 1) Principal GHSS Abdul Khel District Lakki Marwat
- 2) Office record

ATTESTED

Amir Nawaz Khan
AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

District Education Officer
(Male) Lakki Marwat

وکالت نامہ

بعدالت جناب سر سید سروس ٹریڈ اینڈ انویسٹمنٹ کمپنی

22-08-2024ء بمخانب (Appellant)

مورثہ
مقدمہ
دعویٰ
جرم

بنام گورنمنٹ
ڈپٹی مگ

باعث تحرے آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب وہی وکل کارروائی متعلقہ
آن مقام لیسٹہ کیلئے ایمرنی از کان / محمد انصاف / حافظ امین / عابد اللہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار حاصل ہوگا
نیز وکیل صاحب کو عرضی دعویٰ داخل کرنے، جواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہو
گا نیز وکیل صاحب بصورت ڈگری برخلاف من اختیار و ہندہ اپیل، نگرانی، نظر ثانی از عدالت ابتداء
تا عدالت انتہا یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم پیروی
کارروائی یکطرفہ یا ڈگری یکطرفہ بخلاف درخواست دائر کر سکتا ہے اور وکیل موصوف میری جانب
سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی شکل میں وصولی کر سکے گا اور مزید یہ کہ وکیل
موصوف مقدمہ متذکرہ کی کل یا جزوی کارروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا
ہے جس کو بھی وہ جملہ اختیار حاصل ہونگے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں
تمام ساختہ پر داخے منظور و قبول ہوگا لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط انشان
انگشت ثبت کروایا ہے تاکہ سند رہے۔

واہ ال

ڈپٹی مگ ولد رحیم گل

5-102-0363102-5
0331-4399185
0319-8328902
0341-0499038
Mobile No

المرقوم 22 ماہ 08 2024ء

بمقام سر سید سروس ٹریڈ اینڈ انویسٹمنٹ کمپنی کے لئے منظور ہے۔

M. Anwar

M. Anwar

Asif

AMEER NAWAZ KHAN
Advocate High Court
14-A Haroon Mansion
Khyber Bazar Peshawar
0333-9142007 091-5522107

PAKISTAN

National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name

Zed Gul

Gender / Country of Birth

M / C

Identity Number

11283-0383102-5

Date of Birth

13.12.1957

Date of Issue

03.03.2018

Class of Entry

Lifetime



Holder's Signature

K.P Service
Peshawar



مستند کی عمل درآمد عمل، تحصیل و ضلع کی صورت

11201-0363102-5



مستند کی عمل درآمد عمل، تحصیل و ضلع کی صورت

London 4, Pakistan

Registrar General of Pakistan

301081060480
156-91-049210

گمشدہ کارڈ ملنے پر قریبی لبریری میں ڈال دیں