

Ph: 9214461
Fax: 9220406

REGISTERED
No. C.P.L.A.353-P/2023 - SCJ
SUPREME COURT OF PAKISTAN
Islamabad, dated 19-09-2024

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

**Khyber Pakhtunkhwa
Service Tribunal**

To ✓ The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Diary No. 15970

Dated 23-09-24

2. The Addl. Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Camp Court Abbotabad.

Subject: CIVIL PETITION NO. 353 - P OF 2023

Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar and
others

Versus

Ms. Gulnaz Bibi

**On appeal from the Judgment/Order of the Khyber Pakhtunkhwa
Service Tribunal, Camp Court Abbotabad dated 16/11/2022 in
Appeal-No. 1177/2020.**

Dear Sir,

I am directed to enclose herewith a certified copy of the Order of this
Court dated 13/09/2024 dismissing with cost the above cited case in the terms
stated therein for information and further necessary action.


The relevant portion of the Order is reproduced as under

... 5 In view of the pain and suffering suffered by the
respondent we impose cost of one hundred thousand rupees which
should be paid to the respondent within thirty days.

Please acknowledge receipt of this letter along with its enclosure
immediately.

Encl: Order

Yours faithfully,


(MUHAMMAD SHAHID HABIB)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Justice Qazi Faez Isa, CJ
Justice Irfan Saadat Khan
Justice Naeem Akhtar Afghan
Justice Shahid Bilal Hassan

Civil Petition No. 353-P of 2023

(Against the judgment dated 16.11.2022 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar, Camp Court Abbottabad passed in Service Appeal No. 1177/2020)

Chief Secretary to Government of Khyber Pakhtunkhwa,
Peshawar and others. ... *Petitioners*

Versus

Ms. Gulnaz Bibi. ... *Respondent*

For the Petitioners: Mr. Shah Faisal Ilyas,
Additional Advocate-General, KP.

For the Respondents: Not represented.

Date of Hearing: 13.09.2024.

ORDER

Qazi Faez Isa, CJ. This petition assails the judgment dated 16 November 2022 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court Abbottabad (**the Tribunal**), whereby the service appeal filed by the respondent was allowed.

2. The learned Additional Advocate-General, Khyber Pakhtunkhwa (**AAG**) has assailed the judgment of the Tribunal through this petition. He states that the respondent had proceeded abroad to do PhD in Chemistry with permission, however, her leave was not approved which aspect was not appreciated by the Tribunal.

3. The respondent was given permission to do PhD in Chemistry, therefore, it stood to reason that she was granted leave otherwise she would not be able to do so. In any event, if technically leave was to be granted the respondent's leave application was kept pending and for no reason. The respondent cannot be penalized for the tardiness of others. Admittedly, the respondent successfully completed her studies and obtained a doctorate in

A TESTED



Court Associate
Supreme Court of Pakistan
Islamabad

Chemistry, and is teaching in Pakistan. Surprisingly, rather than being commended for improving her qualification the respondent was penalized.

4. We enquired from the learned AAG whether the judgment of the Tribunal has been implemented and he stated that the respondent has filed an execution application the outcome of which is awaited, and till then Tribunal's judgment cannot be implemented.

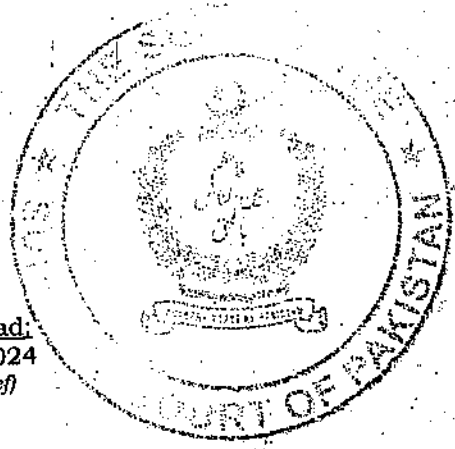
5. The manner in which the respondent has been treated is shockingly abhorrent. There was no justifiable reason to have compelled the respondent to have recourse to the Tribunal. As if this was not enough she was unnecessarily made to suffer further by not implementing the Tribunal's judgment, and without obtaining a stay order from this Court. There is no reason to interfere with the impugned judgment of the Tribunal, therefore, leave to appeal is declined and this petition is dismissed. In view of the pain and suffering suffered by the respondent we impose cost of one hundred thousand rupees which should be paid to the respondent within thirty days. Copy of this order be sent to the petitioners for compliance and to the respondent for information.

Sd/- _____ HET
Sd/- _____
Sd/- _____
Sd/- _____

Certified to be True Copy

[Signature]

Court Associate
Supreme Court of Pakistan
Islamabad



Islamabad
13.09.2024
(M. Tauseef)

16/9/24