


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 976/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.09.2024	<p>The implementation petition of Mr. Wajid Iqbal submitted today by Roeeda 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  REGISTRAR</p>

BEFORE THE COURT OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Execution Petition No. 976 /2024
In Service Appeal No.1217/2014

Wajid Iqbal

VERSUS

Secretary Education (Elementary & Secondary
Education) KPK Peshawar & Others

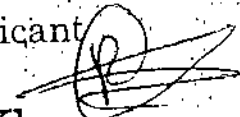
APPLICATION FOR FIXATION THE INSTANT
EXECUTION PETITION BEFORE THE PRINCIPAL
SEAT PESHAWAR INSTEAD OF CAMP COURT
ABBOTTABAD.

Respectfully Sheweth,

1. That the Petitioner is going to file the instant Execution Petition before this Hon'ble Tribunal in which no date yet has been fixed.
2. That the respondent No.1 & 2 as well as counsel for the Petitioner belongs to District Peshawar.

It is, therefore, most humbly prayed that on acceptance of the instant application, the instant execution Petition may kindly be fixed before the Peshawar instead of camp court Abbottabad.

Dated: 05-09-2024

Applicant
Through 
Roeeda Khan
Advocate High Court,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Executive Petition No. _____/2024

In Service Appeal No. 12417/2014

Wajid Iqbal

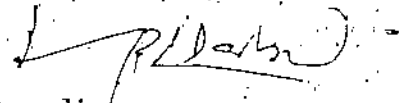
VERSUS

Secretary Education (Elementary & Secondary Education)
Khyber Pakhtunkhwa Peshawar & others

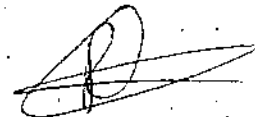
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Dated: 04/09/2024


Applicant

Through


Roeeda Khan

Advocate, High Court
Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Executive Petition No. _____/2024

In Service Appeal No. 1217/2014

Wajid Iqbal Principal Govt. Higher Secondary School
No.1, Mansehra.

.....*Petitioner*

VERSUS

1. Secretary Education (Elementary & Secondary Education) Khyber Pakhtunkhwa Peshawar.
2. Director (Elementary & Secondary Education) Khyber Pakhtunkhwa Peshawar.

.....*Respondents*

EXECUTION PETITION FOR
DIRECTING THE RESPONDENTS
TO IMPLEMENT THE JUDGMENT
OF THIS HON'BLE TRIBUNAL IN
LETTER AND SPIRIT

Respectfully Sheweth,

1. That the applicant/appellant filed Service Appeal No.1217/2014 in this August Tribunal which has been accepted on 23.05.2018. (Copy of judgment is annexed as annexure "A").
2. That the petitioner after getting attested copy of the above mentioned judgment visited to the respondent department for implementation and properly submitted applications to respondent department at the year of August 2018 and 2019 which was forwarded, but unluckily copy of applications was not kept by the petitioner, it is

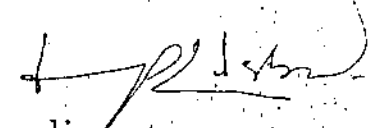
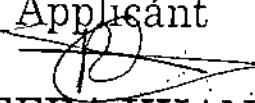
(2)

pertinent to mentioned here that at the year 2019 to 2021 1st and 2nd Covid-19 Pandemic was started and in view of section 30 of the Khyber Pakhtunkwaha Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. (Copy of forwarding order is attached as annexure "B").

3. That at lastly the petitioner submitted an application to respondent department for implementation of the said judgment. (Copy of application and forwarding order are attached as annexure "C & D").
4. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to implement the judgment of this August Tribunal in its true sense.
5. That the petitioner has no remedy except to file this execution petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment of this August Tribunal in letter and spirit.

Dated: 04/09/2024


Applicant
Through 
ROEEDA KHAN
Advocate, High Court
Peshawar

(3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Executive Petition No. _____/2024

In Service Appeal No. 12417/2014

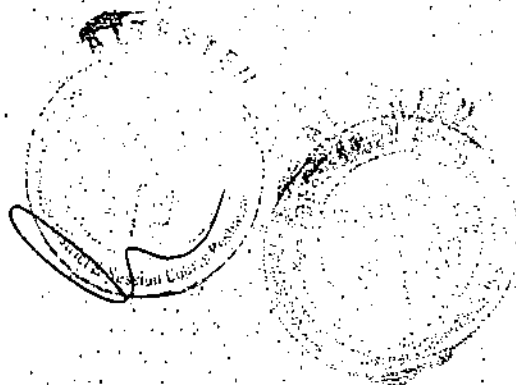
Wajid Iqbal

VERSUS

Secretary Education (Elementary & Secondary Education)
Khyber Pakhtunkhwa Peshawar & others

Affidavit

I, Wajid Iqbal Principal Govt. Higher Secondary School No.1, Mansehra, do hereby solemnly affirm and declare on oath that all the contents of the instant Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




Deponent

(9)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2024

Wajid Iqbal

VERSUS

Secretary Education (Elementary & Secondary Education)
Khyber Pakhtunkhwa Peshawar & others

APPLICATION FOR CONDONATION OF DELAY (if any)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the petitioner after getting attested copy of the above mentioned judgment visited to the respondent department for implementation and properly submitted applications to respondent department at the year of August 2018 and 2019 which was forwarded, but unluckily copy of applications was not kept by the petitioner, it is pertinent to mentioned here that at the year 2019 to 2021 1st and 2nd Cavid-19 Pandemic was started and in view of section 30 of the Khyber

5

Pakhtunkwha Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen and lastly the appellant submitted an application to respondent departments for implementation of the above mentioned judgment in the year of 2024.

3. That there are so many judgments of superior courts that case should be decided on merit rather than on technicalities.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.


Appellant

Through

Date: 04.09.2024



Roeda Khan
Advocate, High Court
Peshawar

CA^v

(6)



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1217/2014

Wajid Iqbal, Principal Government Higher
Secondary School, Baffa, Mansehra, Tehsil and
District Mansehra Appellant

G.W.P. PESHAWAR
1249
09-10-2014

VERSUS

1. Secretary Education (Elementary & Secondary Education), Khyber Pakhtunkhwa, Peshawar.
2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
3. Executive District Officer (Finance & Planning), District Torghar.
4. District Accounts Officer, Torghar.
5. Shahnawaz, Assistant office of District Education Officer, Torghar.
6. Manager, National Bank of Pakistan, Main Branch, Mansehra..... Respondents.

Respondent No - 6
in para vide circle
sheet No -

SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER/
NOTIFICATION NO.S.O(S/M)E&S E-D/4-17-
2013 DATED 13.05.2014 VIDE WHICH THE
MINOR PENALTY OF STOPPAGE OF
THREE INCREMENTS WAS IMPOSED UPON
THE APPELLANT.

9/10/14

PRAYER: -

On acceptance of instant appeal; the impugned order/notification dated 13.05.2014 may kindly be set aside and the appellant may graciously be exonerated from the charges levelled against him.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.



Service appeal No. 1217/2014

Date of institution ... 09.10.2014
Date of decision 23.05.2018

Wajid Iqbal, Principal Government Higher Secondary School, Baffa, Mansehra
Tehsil and District Mansehra. ... (Appellant)

Versus

1. Secretary - Education (Elementary & Secondary Education) Khyber
Pakhtunkhwa, Peshawar and others. ... (Respondents)

Syed Asif Shah,
Advocate ... For appellant.

Mr. Muhammad Jan,
Deputy District Attorney ... For respondents.

MR. SUBHAN SHER,
MR. MUHAMMAD HAMID MUGHAL, ... CHAIRMAN
MEMBER.

JUDGMENT

SUBHAN SHER, CHAIRMAN:-

Facts in brief, making the background of the present appeal are, that the appellant was initially appointed as Subject Specialist on 18.03.1993 and subsequently promoted to Grade-18 on 09.02.2014. During this period, he remained posted at various posts and stations. After establishment of District Torghar, some fake appointments were made and salaries were also withdrawn in the establishment of District Education Officer (Female) Torghar for which an enquiry was conducted, wherein the appellant alongwith others was also held responsible. So disciplinary proceedings were initiated against the appellant and he was served with charge sheet etc. which he duly replied. Ultimately, the enquiry committee held the appellant alongwith others responsible and different punishments were awarded to them. The appellant and two other officers were also punished by imposing minor penalty of stoppage of 3 increments for 3 years.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
[Signature]

8/10/2018
23.5.2018

[Signature]

(8)

Feeling aggrieved from the impugned order, the appellant preferred departmental appeal but the same could not be decided so far. So he instituted the present service appeal before this Tribunal.

2. Syed Asif Shah, Advocate, counsel for the appellant contended that the enquiry committee has punished the appellant whereas, in fact, he was neither present at the relevant time nor had played any role in the fake appointments and withdrawal of salaries as the said incident occurred in the establishment of DEO(Female) Torghar whereas the appellant was posted as D.E.O (Male) Torghar. He further contended that the official namely Shah Nawaz, now respondent No. 5 had withdrawn the salary amount under his fake signature and later-on, he immediately re-deposited the same in the relevant head. The learned counsel for the appellant requested this Tribunal to accept the present appeal and set aside the minor penalty imposed on the appellant.

3. Mr. Muhammad Jan, Deputy District Attorney opposed the contentions of the learned counsel for the appellant and stated that after holding proper enquiry, the appellant was held responsible and minor penalty was imposed for his slackness and negligence; He requested this Tribunal to dismiss the appeal of the appellant.

4. From perusal of the record attached with the appeal and produced by the representative of the respondents, some admitted facts came to the surface which are given below:-

5. All the 14 fake appointments were made in the establishment of DEO (Female) and salaries were also withdrawn by the Assistant named above who re-deposited the same in the same head of account. Similarly the appellant was posted as DEO (Male) and being a separate and independent hierarchy, he had no concern with the affairs of DEO(F). Similarly, the above mentioned fake appointments were made in the year, 2009 whereas the appellant was posted as DEO (Male) Battagram on 29.11.2011 and remained there for a period of 10 months and thereafter, his services were placed at the disposal of Hazara University on deputation basis. Again the enquiry committee held the appellant

ATTESTED

EXAMINER
 Khyber Pakhtunkhwa
 Provincial Council
 Peshawar

[Signature]

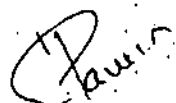
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responsible for his slackness and negligence but neither explained nor given detail as what type of slackness and negligence and in which capacity the appellant had committed.


6. From the above discussion, it becomes crystal clear that the appellant has successfully not only rebutted the allegations but proved with certain documents that fake appointments were made in the Female Section of Education Department in Torghar and he being a D.E.O (Male) had no role to play in the affairs of Female Section. Similarly he was not assigned any such duty or responsibility by the Authority which he did not fulfill and for which he could be held responsible. From the findings of enquiry committee it appears that the appellant alongwith Mst. Saeeda Anjum, D.D.E.O (F) and Mr. Muhammad Zulfiqar, District Accounts Officer, Torghar were imposed the above mentioned penalty which on the face of it is against the law as the above named Mst. Saeeda Anjum being D.D.E.O(F) and Muhammad Zulfiqar, District Accounts Officer certainly might have played some role in one form or the other but the appellant without attributing any specific role, was too clubbed with them and punished for the act which he had neither committed nor facilitated.

7. The pith of the foregoing discussion is that after considering the arguments of the learned counsel for the parties and consulting the available record, this Tribunal reached to the conclusion that the enquiry committee illegally and wrongly held the appellant responsible for fake appointments and punished in clear violation of law. As such, this appeal is allowed and the impugned order dated 13.05.2014 to the extent of present appellant is set aside. In the circumstances of the case, parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD HAMID MUGHAL)
Member


(SUBHAN SHER)
Chairman
Camp Court, Abbottabad.

ANNOUNCED
23.05.2018

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

"B" (10)

OFFICE OF THE PRINCIPAL GOVT; HIGHER SECONDARY SCHOOL BAFFA. (MANSEHRA)

No. 79
Dated 14/7/2020

To: The Secretary
Elementary and Secondary Education Deptt;
KPK Peshawar.

Through:- PROPER CHANNEL.

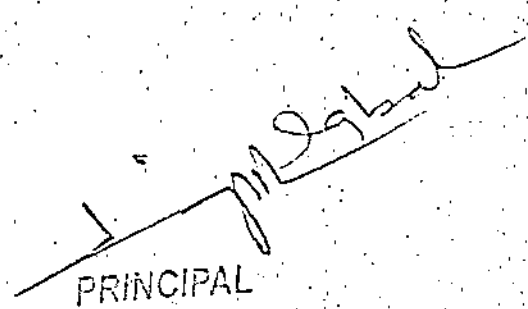
Subject:- REQUEST FOR IMPLEMENTATION OF COURT ORDER.

Memo:-

Reference this Office letter No.64 dated 14-06-2019 on the subject cited above.

(copy attached). The court decision is hereby once again submitted for your kind perusal and further necessary action please.

Encls:- 1, Court Order


PRINCIPAL
Govt Higher Secondary School
Baffa (Mansehra)

(C) (11)

To

The Secretary
Elementary and Secondary
Education Govt. of KPK
Peshawar.

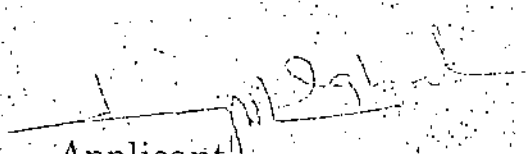
APPLICATION FOR IMPLEMENTATION OF THE
JUDGMENT OF THIS HON'BLE TRIBUNAL DATED
23.05.2018 PASSED IN SERVICE APPEAL
NO.1217/2014

Respectfully Shewith:

1. That the applicant file service appeal No.1217/14 before the Khyber Pakhtunkhwa Service Tribunal which was accepted on 23.05.2018.
2. That although the Khyber Pakhtunkhwa Service Tribunal decided the above mentioned appeal in favour of the applicant but the respondent department is not ready to implement the above mentioned judgment in favour of the applicant.
3. That the prior to the instant application the applicant was already submitted applications to respondent department for implementation of judgment but in vain.

It is therefore most humbly prayed that on acceptance of the instant application the judgment dated 23.05.2018 of the Hon'ble KPK Service Tribunal may kindly be implemented in favour of the applicant in letter in spirit.

Dated: 05/08/2024


Applicant
Wajid Iqbal
Principal Govt Higher
Secondary School No. F
Mansehra.

7 D^y (12)

To

The Secretary
Elementary and Secondary
Education Govt. of KPK
Peshawar.

REQUEST FOR IMPLEMENTATION OF COURT ORDER
DATED 23.05.2018 IN SERVICE APPEAL NO.1217/14

Memo:

Reference letter No.64 dated 14.06.2019 and No.79 dated 14.07.2020 on the subject cited above. The court decision is hereby once again submitted for your kind perusal and further necessary action please.

15/8/2021

Principal

Govt Higher Secondary
School No.2 Manshara

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Handwritten text on a horizontal line, possibly a signature or name.

Handwritten text below the line, possibly a date or location.

Handwritten text, possibly a name or title.

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