


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 1081/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.09.2024	<p>The implementation petition of Mst. Farhat Gul received today by registered post through Mr. Muhammad Mohsin Ali 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. Counsel for the petitioner has been informed telephonically.</p> <p>By order of the Chairman  REGISTRAR</p>

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

EXECUTION PETITION NO. 1081 OF 2024

Appeal No = 1455/2022

Farhat Gul

**Versus**

Govt. of Khyber Pakhtunkhwa, & Other

**INDEX**

S #	Description of Documents	Annexure	Page #
1	Grounds of Execution Petition	-----	1-4
2	Copy of Judgment dated 23.11.2023	A	5-6
3	Vakalatnama	-----	7

**Your Humble Petitioner  
Through Counsel**



**Muhammad Mohsin Ali  
Advocate Supreme Court  
District Bar, Dera Ismail Khan.**

Dated: 10/09/2024

0345-9875832

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL, PESHAWAR,**

(Khyber Pakhtunkhwa)  
Service Tribunal

**EXECUTION PETITION NO. 1081 OF 2024**

Diary No. 15976

Date 23-09-2024

Farhat Gul daughter of Rehmat Khan Kundi caste Kundi resident of Wensam Housing Scheme, Street No. 2, Kundi House, Multan Road, Tehsil & District Dera Ismail Khan.

**(Petitioner)**

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Govt. of K.P.K, Peshawar.
2. Secretary Finance Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director Education (Elementary & Secondary), Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (Female), Tank.
6. District Account Officer, District Tank.

**(Respondents)**

**EXECUTION PETITION**

That the petitioner hereby applies for execution of the order herein below as follows:

1	Service Appeal No.	1455/2022
2	Name of Parties	Farhat Gul daughter of Rehmat Khan Kundi caste Kundi resident of Wensam Housing Scheme, Street No. 2, Kundi House, Multan Road, Tehsil & District Dera Ismail Khan. <p style="text-align: right;"><b>(Appellant)</b></p> <p style="text-align: center;"><b>Versus</b></p> 1. Government of Khyber Pakhtunkhwa

2

		<p>through Secretary Elementary &amp; Secondary Education Govt. of K.P.K, Peshawar.</p> <p>2. Secretary Finance Department, Govt. of Khyber Pakhtunkhwa, Peshawar.</p> <p>3. Accountant General, Khyber Pakhtunkhwa, Peshawar.</p> <p>4. Director Education (Elementary &amp; Secondary), Khyber Pakhtunkhwa, Peshawar.</p> <p>5. District Education Officer (Female), Tank.</p> <p>6. District Account Officer, District Tank.</p> <p style="text-align: right;"><b>(Respondents)</b></p>
2	Date of Judgment / order	23.12.2023
3	Whether any Appeal preferred from decree	Nil
4	Previously execution petition is filled or not	No
5	Relief granted in the decree	Detail is mentioned in the Judgment dated 23.12.2023
6	Amount of Costs, if any	Nil
7	Against whom to be executed	<p>1. Secretary Finance Department, Govt. of Khyber Pakhtunkhwa, Peshawar.</p> <p>2. Accountant General, Khyber Pakhtunkhwa, Peshawar.</p> <p>3. Director Education (Elementary &amp; Secondary), Khyber Pakhtunkhwa, Peshawar.</p> <p>4. District Education Officer (Female), Tank.</p> <p>5. District Account Officer, District Tank.</p>

3

8	Mode in which the assistance of the court if required	Through any mode being fit by this Honourable Tribunal to execute the judgment in favour of present petitioner.
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**Respectfully Sheweth:**

1. That the present petitioner filed the service appeal before this Honourable tribunal and prayed that;

**"On acceptance of this appeal this august court may be pleased**

To declare the office order No. 8885-92 dated 04.12.2019 issued by Respondent No. 5 (vide which the appellant has been 'Compulsory retired") as illegal, without lawful authority, without jurisdiction, void *ab initio* and ineffective upon the rights of the appellant and is liable to be set aside/quashed and to reinstate the appellant against the post of Drawing Master with all back benefits

**OR**

To direct the respondents to issue the order in respect of regular retirement of the appellant and to release all the pensionary benefits to appellant.

**OR**

**GRANT** any other relief considered just and appropriate under the given circumstances of the case."

2. That the appeal was heard and decided by this Honourable Tribunal vide order dated 23.12.2023 in favour of present petitioner. Copy order dated 23.12.2023 is enclosed herewith.
3. That the petitioner time and again approached to respondents for implementation of order of this Honourable Tribunal, but they paid no heed hence the petitioner is filling the present execution petition.

④

4. That this Honourable Tribunal has got vast power to entertain the instant petition.

It is therefore, humbly prayed that the instant petition may kindly be accepted.

**Petitioner**

**Dated:** 10 / 09 / 2024

**Farhat Gul**  
Through Counsel

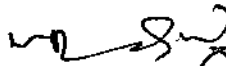


**Muhammad Mohsin Ali**  
**Advocate Supreme Court**

**Affidavit:**

I, the petitioner, do hereby solemnly affirm and declared on Oath that all the contents of the petition are true and correct to the best of my knowledge and belief and no other petition on the same subject matter was filed earlier.

**Deponent**  
**Through Counsel**



Service Appeal No.1455/2022 titled "Farhat Gul Vs. Education Department"

ORDER

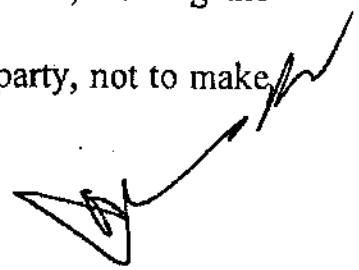
20<sup>th</sup> Dec. 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mrs. Azra Bibi, District Education Officer (Female) Tank present.

2. Admittedly, the appellant was compulsory retired from service vide order dated 04.12.2019 but the pensionary benefits were not paid to the appellant till date. The District Education Officer (Female) Tank is present in person and has not denied the compulsory retirement of the appellant, rather has informed the Tribunal that the pension case of the appellant was sent by the office of DEO (F) Tank but there was some issue in the office of District Accounts Officer Tank regarding payment of the pensionary benefits to the appellant. The learned counsel for the appellant submitted that if a commitment is made by the DEO (F) Tank that case of the appellant will be taken up and pursued with the DAO Tank, so that the benefits, for which the appellant was entitled, could be paid to her, the appellant would be satisfied and this appeal might be disposed of accordingly.

3. While disposing of this appeal, we direct the DEO (F) Tank to take-up the pension matter of the appellant and pursue it with the DAO Tank, so that the pensionary benefits could be paid to her as expeditious as possible. We also direct the DAO (District Accounts Officer) Tank, who, though, was deleted from the panel of respondents, holding the same unnecessary at that time, by re-arraying him as party, not to make

Attested  
Asad  
A.S.G.



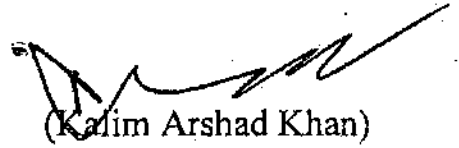
6

unnecessary hurdles in payment of the pensionary benefits to the appellant. Disposed of in the above terms. Consign.

4. *Pronounced in open Court at D.I.Khan and given under our hands and seal of the Tribunal on this 20<sup>th</sup> day of December, 2023.*



(Salah-Ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman


\*Mutazem Shah\*

Attested  
by  
AS



PAKISTAN BAR COUNCIL

MR. MUHAMMAD MOHSIN ALI  
Advocate  
Supreme Court of Pakistan (AS)



Roll No. 10042022

Office Address:  
10042022

Name: MR. MUHAMMAD MOHSIN ALI

Petitioner Name: SADEZ ALI KHAN

Date of Birth: 17-08-1983

Date of Enrolment as Advocate of a High Court: 17-08-2022

Enrolment No: 4877

Address: SADDUL TOWN, ST. NO. 1 NEAR WEN AM COLLEGE ROAD, ISHAN

Tel: 0992-336-7289883, Fax: 0992-344-8842383, Cell: 0336-7988003

**VAKALATNAMA**

BEFORE THE COURT OF

*Service Tribunal KPK Peshawar*

*فردت علی*

Plaintiff / Appellant / Petitioner / Complainant / Accused

*گورنٹ KPK*

Vs

Defendant / Respondent / Complainant / Accused

*اجرا*

*گورنٹ*

KNOW ALL to whom these present shall come that I/We.....  
do hereby appoint **Muhammad Mohsin Ali Advocate Supreme Court** (herein  
after called the advocate/s) to be my/our Advocate In the above noted case authorize him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us;
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....day of .....20

Accepted  
*[Signature]*  
Muhammad Mohsin Ali  
Advocate Supreme Court

*فردت علی*