


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1137/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1	03.10.2024	<p>The implementation petition of Mst. Najma Perveen submitted today by her. It is fixed for implementation report before touring Single Bench at D.I.Khan on 22.10.2024. 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>

IN THE PESHAWAR HIGH COURT, DERA ISMAIL KHAN BENCH

CHECK LIST

S.No.	Case Title	Yes	No
1.	Case Title	✓	
2.	Case is duly signed	✓	
3.	The law under which the case preferred has been mentioned	✓	
4.	Approved file cover is used	✓	
5.	Affidavit is duly attested and	✓	
6.	Case and Annexure are properly paged and numbered according to index	✓	
7.	Certified Copies of all the requisite documents have been filed	✓	
8.	Certificate specifying that no case on similar ground was earlier submitted in this court	✓	
9.	Case within time	✓	
10.	The value for purpose of court fee and jurisdiction has been mentioned in the relevant column	✓	
11.	Court fee in shape of stamp paper is affixed, (for writ rupees 500/-) for other requirement	✓	
12.	Power of attorney is on proper form		✓
13.	Memo of address filed	✓	
14.	List of books mentioned in the petition	✓	
15.	The requisite number of spare copies attached, (Writ Petition-3, Nos. Civil Appeal (SB-1, SB-2), Civil Revision (SB-1, SB-2)		
16.	Case (Revision/ Appeal/ Petition etc) is filed on the prescribed form	✓	
17.	Power of Attorney is attached by jail authority (for Prisoners only)		✓

Kamran Barani
Advocate.

It is certified that formalities/ documentation as required in column No.2 to 17 above, have fulfilled.

FOR OFFICE USE ONLY

Case No. _____

Case Received. _____

Complete in all respect (Yes/No) (if No, the Grounds: _____

Date in Court _____

Signature _____
(Reader)

Dated _____

Countersigned _____
(Additional Registrar)

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.

Execution Petition/Implementation Petition No. 1137 of 2024

In Service Appeal No.416 of 2018 decided on 25.03.2019.

Mst.Najma Parveen VERSUS Govt Of KPK etc

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YOUR HUMBLE PETITIONER

Dated 12/09/2024

Najma Parveen
Mst.Najma Parveen
(Through Counsel)

Sana Ullah Shamim Gandapur
SANA ULLAH SHAMIM GANDAPUR
Advocate supreme Court
of Pakistan D.I.Khan.

Kaneez Batool
KANEENZ BATOOL
Advocate High Court D.I.Khan.

①

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

Execution Petition/Implementation Petition No. 1137 of 2024 Khyber Pakhtunkhwa
Service Tribunal

In Service Appeal No.416 of 2018 decided on 25.03.2019.

Diary No. 16306

Dated 03.10.24

**Mst. Najma Parveen Wife of Karim Nawaz Resident of Madni Town,
D.I.khan Ex-Primary School Teacher, Government Girls Primary
School ,Jhoke NOOn,D.I.Khan.**

Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief secretary
Khyber Pakhtunkhwa ,Peshawar.
2. Sectary Education, Government of Khyber Pakhtunkhwa, Peshawar.
3. Director Education, Elementary & Secondary Education,
Government of Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female) D.I.Khan.
5. Deputy District Education Officer (Female) D.I.Khan.
6. Sub Divisional Officer (Female) D.I.Khan.
7. Head Mistress Government Girls Primary School, Jhoke Murad
Noon, D.I.Khan.

Respondents

**EXCUTION PETITION SEEKING IMPLEMENTATION/ EXECUTION OF
THIS HONORABLE TRIBUNAL'S JUDGMENT DATED; 25.03.2019
PASSED IN SERVICE APPEAL NO.416/2018 TITLED "MST.NAJMA
PARVEEN VERSUS GOVERNMENT OF KPK ETC".**

Note: Addresses given above sufficient the purpose of service.

Respectfully Sheweth,

The Petitioner humbly submits as under:-

Kawee 3 Badmal

1. That Petitioner filed above captioned Service Appeal No.416/2018 before this Honorable Tribunal which was decided through Judgment /order dated 25.03.2019 in the following terms;

"In view of the above ,we are of the considered opinion that the impugned order of dismissal of appellant passed on 27.04.2017 is not sustainable ,upon acceptance of appeal in hand the said order is set aside and the Respondents are required to conduct proper departmental inquiry against the appellant in accordance with law in order to ascertain the correctness of allegations against her .the enquiry shall be concluded within a period of ninety days from the receipt of copy of instant judgment, wherein ,the appellant shall be dully provided opportunity of setting-forth her defense. The issue of back benefits in favor of appellant shall follow the outcome of proceedings taken against her". Certified copy of judgment /order dated 25.03.2019 is enclosed **as Annexure-A**

2. That for compliance of Judgment/ order dated 25.03.2019 of this Honorable Tribunal, the Petitioner filed Execution Petition / Implementation Petition No.672/2022 during proceeding the Respondents submitted copy of notification dated 09.09.2023 ,wherein Petitioner was reinstated in Service for the purpose of denovo inquiry. In view of above the said Execution Petition disposed of being satisfied.Copies of Execution Petition/ Implementation Petition & order dated 21.09.2023 is enclosed **as Annexure-B &C.**

3. That despite clear cut directions of this Honorable Tribunal ,the Respondents have never reinstated the Petitioner nor conducted denovo inquiry with in stipulated time period of ninety-days, therefore ,they may please be ordered to outright reinstate the Petitioner with back benefits by operation of law.

4. That the Petitioner has approached the respondents many times for relief but never received any response. i-e Petitioner got a valid cause of action.

5. That this Honorable Tribunal has ample powers to accept the instant execution Petition /Implementation Petition and to implement the Judgment /order dated 25.03.2019 in its sprite.

Ramesh Babu
AC

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6. That the Petitioner being aggrieved from the acts of omission on the part of Respondents is being filing instant Execution Petition/Implementation Petition.
7. That Counsel of Petitioner may please be allowed to urge additional grounds at the time of hearing.

Prayer:

It is, therefore, most humbly prayed that on acceptance of instant Execution Petition/Implementation Petition, direct the Respondents to comply with Judgment/order dated 25.03.2019 of this Honorable Tribunal in letter and spirit and to reinstate the Petitioner in service with all back benefits.

Dated: 18/09/2024

Your Humble Petitioner

Najma Parveen
Mst. Najma Parveen
(Through Counsels)

Sana Ullah Shamim Gandapur
SANA ULLAH SHAMIM GANDAPUR
Advocate Supreme Court of Pakistan
Station at D.I.Khan.

Kaneez Batool
Kaneez Batool
Advocate High Court
D.I.Khan

4

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

Execution Petition/Implementation Petition No.-----of 2024

In Service Appeal No.416 of 2018 decided on 25.03.2019.

Mst.Najma Parveen VERSUS Govt Of KPK etc

AFFIDAVITE

Mst. Najma Parveen Wife of Karim Nawaz Resident of Madni Town, D.I.khan Ex-Primary School Teacher, Government Girls Primary School ,Jhoke NOOn,D.I.Khan.,the petitioner do hereby solemnly affirm and declare on oath that all the contents of the Writ Petition are true and correct to the best of my knowledge and belief and noting has been deliberately concealed from this Honorable Court.

Najma Parveen
Deponent

Identified by Counsel;

SANA ULLAH SHAMIM GANDAPUR
Advocate supreme Court
of Pakistan D.I.Khan.

(6) 1

5 Annexure "A"

Annexure "A"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT, D.I.KHAN.

Service appeal No. 416/2018

Date of institution ... 13.03.2018
Date of decision 25.03.2019



Mst. Najma Perveen W/O Karim Nawaz R/O Madni Town, D.I.Khan Ex-
Primary School Teacher, Government Girls Primary School, Jhoke
Murad Noon, D.I.Khan. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and others. ... (Respondents)

Present

Qazi Ziaur Rahman,
Advocate ... For appellant.

Mr. Farhaj Sikandar,
District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The facts, as emerge from the memorandum of appeal, suggest that
the appellant was appointed as PTC (Trained Teacher) by the District
Selection Committee D.I.Khan on 14.11.1994. She ever-since had
performed her duty when on 08.03.2015 the appellant was transferred

ATTESTED

CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(4)

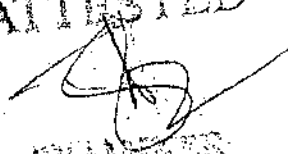
(A)

from Government Girls Primary School Jhok Dabary to Government Girls Primary School Jhok Murad Noon through transfer order No.3557-60/AE. She assumed the charge and started performing duty at GGPS Jhok Murad Noon when it came to her knowledge that her monthly salary was stopped. The appellant preferred a Constitutional Petition No. 708-D/2015 before the Honourable Peshawar High Court Bench D.I.Khan on 22.10.2015. During the pendency of the Writ Petition the respondents were directed to release the salary of appellant, if she was still in service, while they were also required to furnish comments to the Writ Petition. Despite some adjournments, the requisite comments were not provided nor the salary of appellant was released; therefore, she moved a Contempt of Court Petition No. 87-D/2017. In the course of hearing of Contempt of Court Petition it came to the limelight for the first time that the appellant had been dismissed from service on 27.04.2017. The appellant there-after submitted a departmental appeal on 14.12.2017 which remained un-responded, hence the appeal in hand.

2. We have heard learned counsel for the appellant, learned District Attorney on behalf of the respondents and have also examined the available record.

Learned counsel for the appellant mainly contended that the proceedings culminating into dismissal of service of appeal were taken at her back. Besides, no show cause notice was issued to her before passing

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.

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of the impugned order. It was also asserted that regular enquiry was necessary in the case against the appellant who was awarded major penalty of dismissal from service.

On the other hand, learned District Attorney referred to the contents of impugned order and stated that the reasons given therein fully justify treatment meted out to the appellant.

3. We have noticed from the contents of impugned order dated 27.04.2017, wherein, it was noted that the appellant was neither adjusted nor performing duties at any school of Sub Division, D.I.Khan. That, her services were not verified by the SDEO(F)/ASDEO(F)/Accountant SDEO(F) D.I.Khan. That, she was drawing salary illegally from the date of her appointment till the date of passing of the order. That, the service record of appellant was not available in the office of Sub Division D.I.Khan. The appellant was stated to have been involved in misconduct, financial embezzlement, negligence, habitual and willful absence and illegal drawl of pay without performance of duty.

4. It is undeniable fact that the appellant, after her appointment, had been receiving monthly salary for a long time. Besides, during the course of her duty she was transferred/adjusted from one school to another although the adjustment order was denied in the impugned order. All the said facts and the allegations levelled against the appellant required proof


ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

through documentary/oral evidence which could only be procured through a proper departmental enquiry. On the other hand, the competent authority only referred to Rule 5(b)(ii) of Government Servants (E&D) Rules, 2011 for dispensing with holding of proper enquiry against the appellant but there is no order to the said effect containing specific reasons for such doing away with a regular enquiry. Similarly, the non-issuance of show cause notice to the appellant during departmental proceedings, purportedly, under the provisions of Rule 5 (a)(iii) of the rules ibid appears to be violative of the law. Under Rule 5 of the Rules, 2011 the competent authority is to proceed against an accused by issuing a show cause notice under Rule 7, provided that no opportunity of showing cause or personal hearing shall be given where, inter-alia, it is not reasonably practicable to give such an opportunity to an accused. Seeing in juxtaposition to the contents of the said rules the provisions contained in Rule 7 cater for the procedure where enquiry is to be dispensed with. The said rules also require the competent authority to give an accused a reasonable opportunity of showing cause against the proposed action, within the period prescribed in the rules. In the case in hand the competent authority has proceeded against the appellant in utter disregard of the rules and the principles of fair trial and natural justice.

5. In view of the above, we are of the considered opinion that the impugned order of dismissal of appellant passed on 27.04.2017 is not

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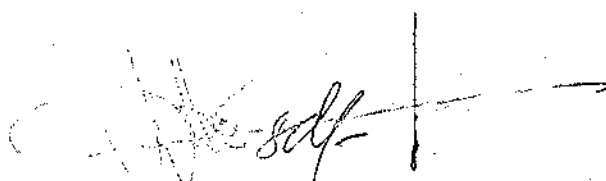

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

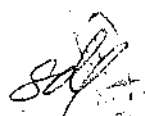
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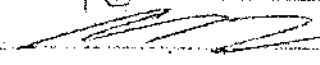
sustainable. Upon acceptance of appeal in hand the said order is set aside and the respondents are required to conduct proper departmental enquiry against the appellant in accordance with law in order to ascertain the correctness of allegations against her. The enquiry shall be concluded within a period of ninety days from the receipt of copy of instant judgment, wherein, the appellant shall be duly provided opportunity of setting-forth her defence. The issue of back benefits in favour of appellant shall follow the outcome of proceedings to be taken against her.

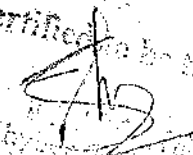
Parties are left to bear their respective costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Hamid Farooq Durrani)
Chairman
Camp Court, D.I.Khan.

ANNOUNCED
25.03.2019

Date of Presentation of Copy	10-4-19
Number of Vols	2400
Copy of Copy	14
Urgent	2
Total	16
Name of D.I.Khan	
Date of Completion of Copy	10-4-19
Date of Delivery of Copy	10-4-19

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

13-4-2019

Md. Masud Rabbani

[Signature]

Cell-No-03468886525

Cell No. 03468886525

Md. Masud Rabbani

Cell No. 03468886525

Cell No. 03468886525

Cell No. 03468886525

Cell No. 03468886525

Cell No. 03468886525

Cell No. 03468886525

Cell No. 03468886525

(11)

Cell No. 03468886525

(11)

Annexure B

(11)

[Signature]

[Signature]

[Signature]

To,

~~32~~ 33
The Worthy
District Education Officer (F),
D.I.Khan

Annexure 'C'

Subject REINSTATEMENT OF APPLICANT INTO
GOVERNMENT SERVICE AS PST (BPS-12)

Respected Sir,

The applicant humbly submits as under:-

1. That applicant was serving under your esteemed department as PST (BPS-12) and through order No.5513-19 Dated 25.04.2017 was dismissed from service.
2. That as per mandate of judgment of Honourable Service Tribunal, your Worthy Honour has been given three months' time to conclude the inquiry proceedings against the applicant.
3. That as inquiry under the Efficiency & Disciplinary Rules, 2011 cannot be conducted only and only against Civil Servants but as reflected from the record, the applicant has not yet attained the status of civil servant. In absence of reinstatement order

Same as
page 2.

Attested
2/2/2018

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of the applicant, the inquiry proceedings are bad and void ab initio under the law.

It is therefore, most respectfully prayed that applicant may please be reinstate in service to streamline the disciplinary proceedings.

Your Humble Applicant

Najma Parveen
Najma Parveen,
Ex-PST/PTC, 15-7-19
R/O Madni Town,
D.I.Khan

Attended

Maharaj

*Sumit only
Applicant*

*of subject:
15/7/19*

*Received at office
of the Principal
G.G.M.H.S No 1, D.I. Khan
for
Implementation Committee*

2 S.H. saw



Annexure 20 13

OFFICE OF THE DISTRICT EDUCATION OFFICER

(FEMALE) DERA ISMAIL KHAN

Phone No. 0966-9280133, emisfdikhan@gmail.com

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NOTIFICATION.

WHEREAS, you, Mrs. Najma Perveen, Ex-PST GGPS Jhoke Murad Noon, filed a Service Appeal before the Honorable Khyber Pakhtunkhwa Services Tribunal and impugned the order dated 27.4.2017 that affected termination of your service. Thereafter, the worthy decision was passed by the Honorable Tribunal, Camp Court D.I.Khan vide Order Dated 25.3.2018, in Service Appeal No. 416 / 2018. Wherein the impugned order was set aside and the respondents were required to conduct proper departmental inquiry against you, hence conducted the same.

AND WHEREAS, the inquiry committee was constituted vide Letter No. 6963, dated 30 / 03/2019, D.I.Khan, received by your husband, in person.

AND WHEREAS, you were called for personal hearing on the 10.6.2019 but you absented and merely your husband was present dated, 10.6.2019 and sought leave for you while stating before the committee that you have been travelling for Umrah to the Kingdom Of Saudi Arabia and that you would be available for the next date, 13.7.2019, if allowed by the committee, which, thence, was allowed unanimously.

AND WHEREAS, you were absent on the second opportunity of hearing, 13.7.2019, when your husband, Karim Nawaz, telephonically responded to our committee member, Mr. Inayatullah, Litigation Officer, DEO (F), D.I.Khan vide Cell No. 0347-1969193, 13.7.2019, 09:33 AM that you have gone to Karachi with your family. It was noticed that you absented on 13.7.2019 to appear before this committee without prior intimation to any of the member or the Chairperson.

AND WHEREAS, the committee liked to grant you the last opportunity to appear at Government Girls Centennial Model High School, No.1, D.I.Khan, dated 16th of July, 2019, 9:00 AM, sharp, with all relevant documents to defend your case, hence make order of the Worthy Tribunal reach its finality and it was conveyed to you that in case of being absent on the last opportunity of hearing, the committee will consider that you have no words to defend your case; you again absented on today, and now the competent authority has no other choice than to pass an Ex-Parte decision in respect of you on this day of 16th of July, 2019, 11:00 AM.

AND IT IS A FACT THAT you were reported by the SDEO (F) D.I.Khan, a Ghost Teacher/ Employee, being without any records at office. (vide letter No.449, dated 23.4.2015).

AND WHEREAS, The first appointment order attached with your Service Appeal is counterfeit and forgery, being undated and unsigned and that you did not provide other copy of your Appointment order to this committee.

AND WHEREAS, the Transfer Order bearing No. 3557-60/AE dated 8.3.2015 is not traceable at office records for the date 8.3.2015. Moreover, the transfer order as annexed at B with the memo of your Service Appeal, is bearing date 8.3.2010 is also fake, being untraceable.

Attested
Liaqat
2019

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AND WHEREAS, that Mrs. Chanda Bibi, Headteacher GGPS Jhoke Murad Noon (since 1.9.2014) stated before the committee that you did not perform duties in that school rather, she did not ever heard of you or saw you in her school. Another, Mr. Tanweer Hussain, Chowkidar (since 1994) stated before the committee that you did not ever perform duties in the said school and that he did not ever found you there.

AND WHEREAS, you have not been performing duties anywhere in the schools of this District, D.I Khan. Hence, caught red-handed as a Ghost Teacher / Employee, and that you usurped salaries from the Government Ex-Checker, illegally, without performing duties anywhere in the jurisdiction of DEO (Female), D.I.Khan.

NOW THEREFORE, I, Mrs. Syeda Anjum, District Education Officer (Female) D.I.Khan, being Competent Authority, hereby dismiss your appeal for reinstatement.

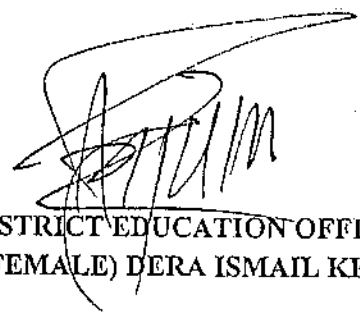
DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Endst. No. 16083-88

Dated, D.I.Khan, the 17/9/2019

Copy is forwarded to the:-

1. Director, Department of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. SDEO (Female), D.I.Khan.
3. Litigation Wing, O/o DEO (Female), D.I.Khan.
4. The Petitioner.
5. PA to DEO (Female), D.I.Khan.
6. Master Copy.



DISTRICT EDUCATION OFFICER
(FEMALE) DERA ISMAIL KHAN

Attested
undated
see



**OFFICE OF THE PRINCIPAL
GOVERNMENT GIRLS CENTENNIAL MODEL
HIGH SCHOOL, NO.1 DERA ISMAIL KHAN
(FOR IMPLEMENTATION COMMITTEE)**

15

To Mrs. Najma Perveen (Ex-PST),
Wife of Karim Nawaz (Ex-Civil Court Reader), Cast Awan,
Madni Town, Near Shah Alam Abad Chowk, D.I.Khan,
Cell No. 0346-8886525.

No: 334
Dated: 13-07-2019

Subject: PERSONAL HEARING

16

Memo:

Reference: Khyber Pakhtunkhwa Honorable Khyber Pakhtunkhwa Services Tribunal Camp Court D.I.Khan Order Dated 25.3.2018, in S A No. 416/2018.

Reference to the DEO (F), D.I.Khan order Dated 30.5.2019, you were called for personal hearing on the 10.6.2019 vide telephonic communication.

It is to verify that that your husband was present on the day of your personal hearing dated, 10.6.2019 and sought leave for you while stating before the committee that you had been travelling for Umrah to the Kingdom Of Saudi Arabia and that you would be available for the next date, 13.7.2019, if graciously allowed by the committee, which, thence, was allowed unanimously.

It is again stated that you were absent on the second opportunity of hearing, today, 13.7.2019 without prior intimation to any of the member or the Chairperson.

It is further added that this committee feels no hesitation to grant you the last opportunity to appear at Government Girls Centennial Model High School, No.1, D.I.Khan, dated 16th of July, 2019, 9:00 AM, sharp, with all relevant documents to defend your case, hence give the order of the Worthy Tribunal its finality. Otherwise, this committee will consider that you have no words to defend your case and that statement of the Department and allegations are all correct that you have been a Ghost Teacher and that you don't have a valid Appointment Orders etc.

It is to be noticed by your good self that the competent authority will have no other choice than to pass an Ex-Parte decision in respect of you on 16th of July, 2019, 11:00 AM.

Farzana Shaheen
(Farzana Shaheen)
CHAIRPERSON
Principal G.G.C.M.H.S No.1
D.I.Khan

PRINCIPAL
G.G.C.M.H.S. No.1
D.I.Khan

Attest
Zia Khan
Mu

RGL12577729

No. 1541 For Insurance Notices see reverse. Rs. 50/-
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide on which no
acknowledgement is due.

Received a registered
addressed to _____ Date Stamp _____

Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Initials of Receiving Officer _____
Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Kilo _____
Grams _____

Insurance fee Rs. _____ Ps. (in words) _____

Name and address of sender: D.I.Khan

Annexure ^{u/s} ~~B~~

16

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

Execution Petition/Implementation Petition No. _____ of 2022

In Service Appeal No. 416 of 2018 Decided On 25.03.2019

Mst. Najma ParveenPetitioner

Versus

Govt: of Khyber Pakhtunkhwa & Others..... Respondents

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4	Wakalatnama		17

Dated:- 31.10.2022

Your Humble Petitioner
Through Counsel


Zia-ur-Rahman

Advocate Supreme Court of Pakistan,
Dera Ismail Khan

1

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

Execution Petition/Implementation Petition No. of 2022

In Service Appeal No. 416 of 2018 Decided On 25.03.2019

Mst. Najma Parveen Wife of Karim Nawaz Resident of Madni Town,
D.I.Khan Ex-Primary School Teacher, Government Girls Primary
School, Jhoke Murad Noon, D.I.Khan.

Petitioner

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary
Khyber Pakhtunkhwa, Peshawar.
2. **Secretary Education**, Government of Khyber Pakhtunkhwa,
Peshawar.
3. **Director Education, Elementary & Secondary Education**,
Government of Khyber Pakhtunkhwa, Peshawar.
4. **District Education Officer (Female)**, Dera Ismail Khan.
5. **Deputy District Education Officer (Female)**, Dera Ismail Khan.
6. **Sub Divisional Officer (Female)**, Dera Ismail Khan.
7. **Head Mistress** Government Girls Primary School, Jhoke Murad
Noon, Dera Ismail Khan.

Najma Parveen

31-10-22

(2)

(18)

8. Budget & Accounts Officer, Dera Ismail Khan.

Respondents

EXECUTION PETITION SEEKING IMPLEMENTATION/
EXECUTION OF THIS HONORABLE TRIBUNAL'S JUDGMENT
DATED 25.03.2019 PASSED IN SERVICE APPEAL NO.
416/2018 TITLED "MST. NAJMA PARVEEN VERSUS
GOVERNMENT OF KPK ETC"

Note:- Addresses given above shall suffice the object of service.

Respectfully Sheweth,

1. **That** Petitioner filed above captioned Service Appeal No. 416/2018 before this Honourable Tribunal which was decided through Judgment/Order Dated 25.03.2019 in the following terms: -

"In view of the above, we are of the considered opinion that the impugned Order of dismissal of appellant passed on 27.04.2017 is not sustainable. Upon acceptance of appeal in hand the said Order is set aside and the Respondents are required to conduct proper departmental enquiry against the appellant in accordance with law in order to ascertain the correctness of allegations against

her. The enquiry shall be concluded within a period of ninety days from the receipt of copy of instant judgment, wherein, the appellant shall be duly provided opportunity of setting-forth her defence. The issue of back benefits in favour of appellant shall follow the outcome of proceedings to be taken against her."

Certified copy of the Judgment/Order Dated 25.03.2019 passed by this Honourable Service Tribunal is enclosed as Annexure "A".

2. **That** for compliance of Judgment/Order Dated 25.03.2019 of this Honourable Tribunal, the Petitioner moved applications on 13.04.2019 & 15.07.2019 for reinstatement into Government Service for the purpose of conducting enquiry but instead of complying with the mandate of Judgment/Order Dated 25.03.2019, the Respondents in clear cut violation issued the Notification No. 16083—88 Dated 17.09.2019 in the following terms: -

"Now, therefore, I Mrs. Syeda Anjum, District Education Officer (Female), Dera Ismail Khan being competent authority dismissed your appeal for reinstatement."

Photocopies of applications Dated 13.04.2019 & 15.07.2019 of the Petitioner and Notification No. 16083—88 Dated 17.09.2019 are enclosed as Annexures "B", "C" & "D" respectively.

3. **That** despite clear cut directions of this Honourable Tribunal, the Respondents have neither reinstated the Petitioner nor conducted enquiry within the stipulated period of ninety days,

Liyaqat Raza
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therefore, they may please be ordered to outright reinstate the Petitioner with back benefits by operation of law.

4. **That** this Honourable Tribunal has vast the jurisdiction to accept the instant execution petition/implementation petition and to implement the Judgment/Order Dated 25.03.2019 in accordance with law.

It is therefore, most humbly prayed that on acceptance of instant Execution Petition/implementation Petition, direct the Respondents to comply with Judgment/Order Dated 25.03.2019 of this Honorable Tribunal in letter and spirit and to reinstate the Petitioner in Government Service with all back benefits.

Dated:-31.10.2022

Your Humble Petitioner

Mst. Najma Parveen
Petitioner
Through Counsel



Zia-ur-Rahman
Advocate Supreme Court of Pakistan,
Dera Ismail Khan

(5)

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

Execution Petition/Implementation Petition No. of 2022

In Service Appeal No. 416 of 2018 Decided On 25.03.2019

Mst. Najma ParveenPetitioner

Versus

Govt: of Khyber Pakhtunkhwa & Others..... Respondents

EXECUTION PETITION/IMPLEMENTATION PETITION

AFFIDAVIT

I, **Zia-ur-Rahman Kazi**, Advocate Supreme Court of Pakistan, counsel for Petitioner do hereby solemnly affirm and declare on Oath that the contents of instant execution petition/Implementation petition are true and correct and that nothing has been concealed or kept secret from this Honorable Tribunal.

Dated:- 31.10.2022


Deponent



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

Execution Petition/Implementation Petition No. of 2022


In Service Appeal No. 416 of 2018 Decided On 25.03.2019

Mst. Najma Parveen Wife of Karim Nawaz Resident of Madni Town,
D.I.Khan Ex-Primary School Teacher, Government Girls Primary
School, Jhoke Murad Noon, D.I.Khan.

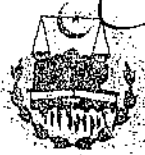
Petitioner

Versus

1. **Government of Khyber Pakhtunkhwa** through Chief Secretary
Khyber Pakhtunkhwa, Peshawar.
2. **Secretary Education**, Government of Khyber Pakhtunkhwa,
Peshawar.
3. **Director Education, Elementary & Secondary Education**,
Government of Khyber Pakhtunkhwa, Peshawar.
4. **District Education Officer (Female)**, Dera Ismail Khan.
5. **Deputy District Education Officer (Female)**, Dera Ismail Khan.
6. **Sub Divisional Officer (Female)**, Dera Ismail Khan.
7. **Head Mistress Government Girls Primary School**, Jhoke Murad
Noon, Dera Ismail Khan.

ATTESTED

13/10/22
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Najma Parveen
31/10/22



SUPREME COURT
BAR ASSOCIATION
PAKISTAN

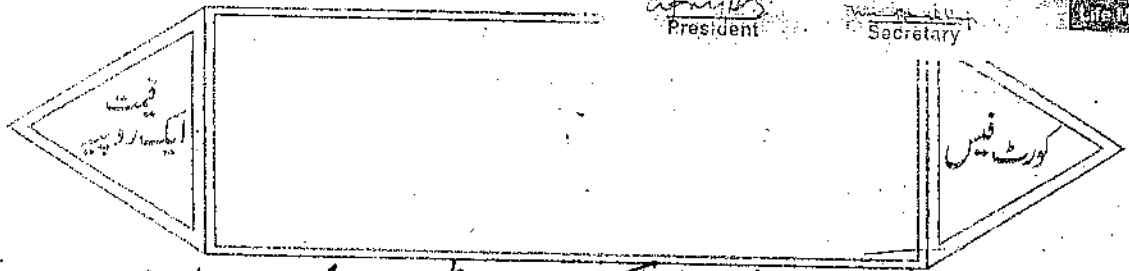
Sanaullah Shamim Gandapur
Advocate



President

Secretary

ثانہ



بعدالت جناب
مہرین منیر بیگم کیس ڈیڑھ اگست 2017ء
مخانبہ منجھڑی میں
نائبہ بیگم
بیتام - حکومت UPK و غیرہ

دعویٰ یا حکم
تفصیل دعویٰ یا حکم
Execution/Implementation
Petition
باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان شدہ اپنی طرف واسطے پیکر کی وجوہاً پیش کرتی یا تصفیہ مقدمہ بمقام 2017ء کیسے
شمارہ 1000/2017ء کیس ڈیڑھ اگست 2017ء میں منجھڑی میں
کو حسب ذیل شرائط پر نکل سکر گیا ہے کہ پیش برقی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکار کے جانے مقدمہ ذیل صاحب
موصوف کا اطلاع دیکر حاضر عدالت کروں گا، اگر پیش بر منظر حاضر نہ ہوں اور مقدمہ پوری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف
اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہجرتی کرنے کے
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہجرتی کرنے کے ذمہ دار نہ
ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ
دار یا اس کے واسطے کسی عائدہ کے ادا کرنے یا بخاندہ واپس کرنے کے مجھے موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا خلد صاحب موصوف مثل کروہ
ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو مرضی دعویٰ یا جواب دعویٰ یا درخواست ابراہنے ذکر و نظر ثانی اٹھائی گرائی، ہر قسم درخواست پر دستخط و تصدیق کرنے کا
بھی اختیار ہوگا۔ اور کسی حکم یا ذکر کی کرائے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور واپس کرنے اور ہر قسم کے میان دینے اور اس پر عملی یا امری نامہ فیصلہ
حالیہ کرنے، اقبال دعویٰ کا بھی اختیار ہوگا اور صورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر پوری مقدمہ مذکورہ نظر ثانی و ترمیمی و ترمیمی
مقدمہ یا مستوفی ذکر کی تکلیف یا درخواست حکم انتہائی یا ترمیمی یا گرفتاری عمل از فیصلہ اجراء ذکر کی بھی صاحب موصوف کو شرطاً، یعنی علیحدہ علیحدہ پوری کا اختیار ہوگا
اور تمام ساختہ پروا خلد صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جز
کی کارروائی یا صورت درخواست نظر ثانی اپنی یا ترمیمی یا گرفتاری یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا میرٹھ کو اپنے بجائے اپنے ہمراہ مقرر کریں۔ اور ایسے شیعہ قانون کو
بھی ہر امر میں ہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائز التواء ہے لگا، وہ صاحب
موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی تردید نہ کریں اور اپنی
سورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

Accepted
Kameez Batool
2017

23 مارچ 2017ء

مضمون و کالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Najma Parveen

Handwritten signatures and scribbles at the bottom left.