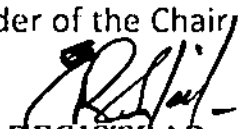


## Form- A

## FORM OF ORDER SHEET

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

Implementation Petition No. 1226/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.10.2024	<p>The implementation petition of Mr. Ihsanullah submitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for implementation report before Single Bench at Peshawar on 25.10.2024. 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>

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Execution Petition No. 1225 /2024  
In Service Appeal No.596/2018

*Ihsan Ullah*

**VERSUS**

*Director E&SE, KP*

**INDEX**

S#	Description of Documents	Annexure	Page#
1.	Grounds of Execution Petition		1,2
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3.	Copy Judgment & Order dated.31-05-2024	"A"	4-7
4.	Wakalat Nama, & Application for implementation of order	"B"	8-9.

Dated: 15/10/2024

*Ihsan Ullah*  
Appellant

Through

*Javed Iqbal Gulbela*  
(JAVED IQBAL GULBELA)  
Advocate, Supreme Court of  
Pakistan.

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. 1228 /2024

In Service Appeals No.596/2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16892

Dated 17-10-24

*Ihsan Ullah S/o Saeed Ullah (SST)GHSS Topi Swabi R/o Neki Khel,  
Tehsil Topi, District Swabi.*

.....*Petitioner*

**VERSUS**

*Director Elementary and Secondary Education, Khyber Pakhtunkhwa,  
Peshawar.*

.....*Respondent*

**EXECUTION PETITION FOR IMPLEMENTATION OF THE JUDGMENT AND ORDER DATED 31-05-2024 OF THIS HON'BLE TRIBUNAL IN APPEAL No. 596/2018, AND FOR INITIATING CONTEMPT OF COURT PROCEEDINGS AGAINST THE RESPONDANT FOR WILLFUL DEFAULT AND DISOBEDIANCE TO THE REVEREND JUDGEMENT AND ORDER OF THIS HONRABLE TRIBUNAL.**

*Respectfully Sheweth,*

1. That the petitioner had earlier filed their Service Appeal bearing No.596/2018 which was graciously allowed by this Hon'ble Tribunal vide judgment and order dated.31-05-2024.s(copy Judgment & Order dated.31-05-2024 is annexed as annexures "A")
2. That while allowing the Service Appeal of the petitioner, this Hon'ble Court very graciously held that, *"For what has been discussed above, we are unison to hold that appellant was entitled to be appointed as SET along with above mentioned two SETs on 03-02-2000. Therefore, respondents are directed to anti-dated his appointment to 03-02-2000 instead of 01-09-2003. Cost shall follow the events."*
3. That inspite of clear cut directions of this Hon'ble Court the respondents have not implemented the reverend judgement and order of this Hon'ble Tribunal and have simply resorted to correspondences just to prolong the issue in hand and bluff and beguiled the petitioner as well as misled this Hon'ble Tribunal.

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4. That besides the above this sort of approach on part of respondent and dealing with the reverend judgement of this Hon'ble Tribunal such callus ally definitely amounts to willful disobedience to this Hon'ble Tribunal which under no canon of law can be justified.
5. That thus by not implementing the judgement and order of this Hon'ble Tribunal, the respondent has rendered himself liable to be proceeded against and prosecuted for contempt of this Hon'ble Tribunal.

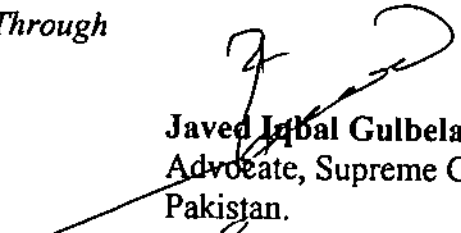
*It is, therefore, requested that on acceptance of this application, the Contempt of Court proceedings may graciously be initiated against the respondent and be punished accordingly.*

*It is further prayed that the respondent be directed to implement the judgment and order dated 31-05-2024 of this Hon'ble Tribunal passed in Service Appeals No.596/2018 in its true spirit, instantly.*

**Dated: 15/10/2024**

  
**Petitioner/Appellant**

*Through*

  
**Javed Iqbal Gulbela,**  
Advocate, Supreme Court  
Pakistan.

  
**Saghir Iqbal Gulbela**  
(AHC)

**Muhammad Arif Mohmand**  
Advocate, Peshawar  
&  
**Syed Jazib Manzar**  
Junior Advocates.

3

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Execution Petition No. \_\_\_\_\_/2024  
In Service Appeal No.596/2018

*Ihsan Ullah*

**VERSUS**

*Director E&SE, KP*

**AFFIDAVIT:**

I, Ihsan Ullah S/o Saeed Ullah (SST)GHSS Topi Swabi R/o Neki Khel, Tehsil Topi, District Swabi, do hereby affirm and declare on oath that all contents of this petition are true and correct to the best of my knowledge and believe and nothing has been concealed from this Hon'able Tribunal.

*Ihsan Ullah*

**Deponent.**

CNIC:16202-8279124-9

Mob:0314-9866227

**Identified By:**

*Javed Iqbal Gulbela*

(ASC)



4

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**



Service Appeal No.596/2018

**BEFORE: MRS. RASHIDA BANO ... MEMBER (J)**  
**MISS FAREEHA PAUL ... MEMBER (E)**

**Mr. IhsanUllah S/o SaeedUllah R/o NekiKhel, Tehsil Topi, District Swabi.**

... (Appellant)

**VERSUS**

Ann-"A"

1. Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Director, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Swabi.

... (Respondents)

Mr. Asad Zeb Khan  
Advocate

... For appellant

Mr. Asif Masood Ali Shah  
Deputy District Attorney

... For respondents

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Date of Institution.....19.04.2018  
Date of Hearing.....31.05.2024  
Date of Decision.....31.05.2024

**JUDGMENT**

**RASHIDA BANO, MEMBER (J):** The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

**“On acceptance of this service appeal, the respondents may kindly be directed to promote the appellant alongwith all other consequential relief including arrears and seniority, etc.”**

R.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
11-10-24

2. Brief facts of the case are that appellant joined the Education Department as PST in the year 1982. He was promoted to the post of CT vide order dated 15.01.1998. Seniority list for appointment as SETs was prepared wherein the name of appellant was shown at serial No.3. Respondents vide order dated 23.05.1995 issued appointment/promotion of trained teachers by ignoring the name of the appellant and juniors to him were promoted. Later on, he was promoted to the post SET in the year 2003 instead of 1991. Respondents issued seniority list for the year 2017-18 on 01.01.2018. Feeling aggrieved, appellant filed department appeal, which was dismissed vide impugned order dated 19.03.2018, hence the present service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellants and learned Deputy District Attorney for the respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order(s).

6. Perusal of record reveals that appellant through instant appeal wants to ante-date his appointment order as SET in year 2003 to year 1995 when his colleagues were promoted as SET. Record reveals that appellant joined education department way back in the year 1982 when the appellant was

appointed as PST and promoted to the post of CT on 15.01.1998. Appellant

ATTESTED

EXAMINER  
Higher Pakhtukhwa  
Service Tribunal  
Peshawar

was awarded professional degree of M.A Education by the University of Sindh in the session of 1990-91. List for appointment as SETs was prepared wherein, the appellant was shown at serial No.3, who was eligible for promotion to the post of SET's.

7. Respondent No.2 issued appointment/promotion orders of certain trained graduates as SETs vide order dated 23.05.1995, by dropping the name of the appellant and the colleagues of the appellant shown in finalized list of promotion were promoted. The department on the basis of notification 1992 and 1999, declared the M.A Education as non-professional degree, against which certain candidates challenged the plea of the government before the august Peshawar High Court, Peshawar and the Hon'ble High Court was pleased to allow the said writ petition by declaring M.A Education as equivalent to M.Ed and that the said degree is professional degree.

8. Appellant was not promoted to the post of SET as he possessed degree of M.A Education which was declared non-professional degree. Appellant alongwith other also approached worthy Peshawar High Court, Peshawar by filling writ petition bearing No.76 of 1999 which was decided vide order dated 15.09.1999 by holding M.A Education equivalent to M.Ed and petitioners who hold degree of M.A Education was held entitled to apply, contest/compete in the ensuing test and interview for the post of Senior English Teacher (SET). After declaring M.A Education equivalent to M.Ed by High Court respondent was required to consider appellant for appointment to post of SET because he was eligible for his appointment to the post of SET in 1995 due to his M.A Education was declare non-professional degree. Therefore, respondents did not

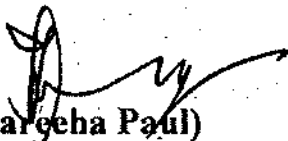
ATTESTED  
EXAMINER  
Khyber Pakhtukhwa  
Service Tribunal  
Peshawar



consider appellant till 24.07.2003. As per verdict of worthy Peshawar High Court, Peshawar ensuing test/examination and consideration by DSC was held in February 2000 notification of which was issued on 03.02.2000, respondent will have to appoint appellant from 03.02.2000 alongwith Tajamul Shah and Muhammad Islam; by not doing so, they discriminate appellant which is unjustified.

9. For what has been discussed above, we are unison to hold that appellant was entitled to be appointed as SET alongwith above mentioned two SETs on 03.02.2000. Therefore, respondents are directed to anti-dated his appointment to 03.02.2000 instead of 01.09.2003. Cost shall follow the events.

10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 31<sup>th</sup> day of May, 2024.*

  
(Fareeha Paul)  
Member (E)

  
(Rashida Bano)  
Member (J)

\*M.Khan

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
11-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar  
Application No. 53 Date 11-10-24  
Name of Applicant Jamrud Khan  
Number of Words/Pages 4-8  
Copying Fee 50/-  
Urgent/Ordinary 5/-  
Total 55/-  
Name & Sign of Copyist Zeeobhan M  
Date of Completion of Copy 11-10-24  
Date of Delivery of Copy 11-10-24

8

Ann - "B"

The District Education officer (Male),

Swabi .

**Subject: -PETITION FOR IMPLEMENTATION OF KP SERVICE TRIBUNAL JUDGEMENT DATED 31.05.2024 REGARDING ANTI-DATION OF HIS APPOINTMENT AS SET FROM 03.02.2000 INSTEAD OF 01.09.2003 WITH ALL FINANCIAL BACK/CONSEQUENTIAL BENEFITS**

Respected Sir,

With profound regards it is submitted that: -

That the petitioner has been retired from service on reaching superannuation as SET Teacher of Elementary & Secondary Education Department KP during pendency of subject appeal. During his service, the petitioner approached the Hon,able Khyber Pukhtunkhawa Service Tribunal through Appeal No.596/2018, for anti-dation of his appointment as SET Teacher from the date he was entitled which was decided.

That the petition of the petitioner has been decided on 31.05.2024 in his favour with the directions of Hon.able KP Service Tribunal which are reproduced as below:-

"For what has been discussed above, we are unison to hold that the appellant was entitled to be appointed as SET along with above mentioned two SETs on 03.02.2000. Therefore, the respondents are directed to anti-date his appointment to 03.02.2000 instead of 01.09.2003.

That till date the decision of the Hon,able Tribunal has not been implemented in its true spirit, it is therefore, very humbly requested to anti-date his appointment as SET from 03.02.2000 instead of 01.09.2003 with all consequential/back financial/service benefits. (Copy of the judgement dated 31.05.2024 in Appeal No.596/2018 of KP Service Tribunal is enclosed herewith for implementation please).

Yours Sincerely

Ihsan Ullah Rtd SET Teacher

G.H.S.S Topi (Swabi)

Mohallah Neki Khail Village Topi Tehsil Topi District Swabi

Khyber Pukhtunkhawa

WhatsApp (0346 9824713)

Cell # 0314 9866227

Dated: 16.09.2024

Copy to: -

1. Secretary E & S.E Department Khyber Pukhunkhwa Peshawar.
2. Director E & S E Deptt KP Peshawar

(For same cause of action please).

## وکالت نامہ

بعدالت: صاحب سروس ریزیشن لیسٹ

احسان اللہ بنام صاحب سروس ریزیشن  
منجانب ایسٹریٹس دعویٰ ع. پ. ۰  
تاریخ

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی  
بمقام لیسٹ کے لیے جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے  
جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر و ملت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوں اور مقدمہ میری غیر  
حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب  
موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ  
ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش  
ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی  
صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو  
عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی  
اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے  
بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی  
مقدمہ یا منوشی ڈگری یا کطرفہ درخواست حکم امتناعی یا قری یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا کی علیحدہ مختارا  
نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے  
واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے  
ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ  
التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو  
صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف  
کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔

مورخہ: مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted  
by

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