


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 1262/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge:
1	2	3
1	23.10.2024	<p>The implementation petition of Mr. Hamid Ullah submitted today by Mr. Muhammad Saeed Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 28 .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</p> <p> REGISTRAR</p>

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

Execution Petition No. 1262/2024

In

Service Appeal No. 645/2024

Hamid Ullah,.....(Petitioner)

**VERSUS**

Secretary Education to Government of Khyber Pakhtunkhwa  
and others.....(Respondents)

**I N D E X**

S.No.	Description of Documents	Annex	Pages
1.	Application		1-3
2.	Copy of the order dated 23/07/2024 and application	A B	3-4 5
3.	Wakalat Nama		6

Petitioner  
(Hamid Ullah)

Through

Dated: 22/10/2024

*Muhammad Saeed Khattak*  
**Muhammad Saeed Khattak**  
Advocate High Court,  
Peshawar.  
Cell No. 0333-6272753

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

Execution Petition No. 1262/2024

In

Service Appeal No. 645/2024

Hamid Ullah, SS History/ Civics, Government Higher  
Secondary School Bahadar Khel, Karak.....(Petitioner)

**VERSUS**

1. Secretary Education to Government of Khyber Pakhtunkhwa  
at Civil Secretariat, Peshawar.
2. Director Elementary and Secondary Education, Peshawar.
3. Principal Government Higher Secondary School Bahadar Khel,  
Karak.....(Respondents)

**EXECUTION                      PETITION                      FOR**  
**IMPLEMENTATION      OF      THE      ORDER/**  
**JUDGMENT      DATED      23/07/2024      IN**  
**SERVICE APPEAL NO. 645/2024 FOR**  
**ISSUING DIRECTIONS TO RELEASE**  
**SALARIES OF THE PETITIONER FROM**  
**JANUARY TO SEPTEMBER, 2024.**

**Respectfully Sheweth:**

1. That the petitioner is serving as Subject Specialist  
in BPS-17 who was relieved from his duties vide  
order dated 11/01/2024 by the Principal  
(Respondent No. 3) against that order Service  
Appeal was filed having a prayer as under:

2

*"On acceptance of the instant Service Appeal, the impugned order may very graciously be set aside, the appellant may kindly be allowed to continue his duties on the post under the kind command of respondent No. 3, and furthermore directions may kindly be issued for release of his salaries".*

2. That the order impugned therein was set aside by this Hon'ble Tribunal vide order/ judgment dated 23/07/2024. (Copy of the order dated 23/07/2024 is attached as annexure "A").
3. That after receiving the copy of the judgment, the petitioner was taken on duty but the respondent No. 3 is not willing to prepare his salary papers for the month of January to September 2024.
4. That in this regard the respondents concerned were approached through various means but without any fruitful results. (Copy of application is attached as annex B)
5. That when the impugned order was once declared illegal and was set aside and the petitioner suffered many hardships due to the wrong and illegal act of respondent No. 3. In such circumstances there is no justification on behalf of respondent concerned to deny the salaries of the appellant/ petitioner.
6. That, although it has not clearly been mentioned in the order dated 23/07/2024 for release of the salaries of the mentioned period but when the impugned order was set aside by the competent

3

forum that means that petitioner/ appellant is/ was entitled for the benefits of that period.

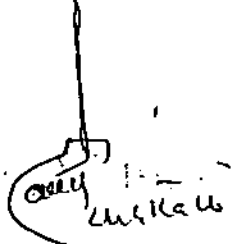
7. That any other ground can also be taken during the arguments with permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of the instant Execution Petition, directions may kindly be issued to the respondents concerned to release the salaries of the petitioner from January 2024 and September 2024.

Petitioner  
(Hamid Ullah)

Through

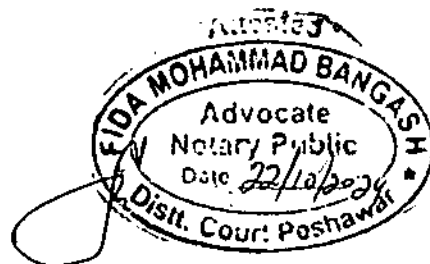
Dated: 22/10/2024

  
**Muhammad Saeed Khattak**  
Advocate High Court,  
Peshawar.

**VERIFICATION:**

Verified on oath that contents of this petition are true and correct to the best of my knowledge and belief and nothing has been concealed or kept secret from this Tribunal intentionally or deliberately.

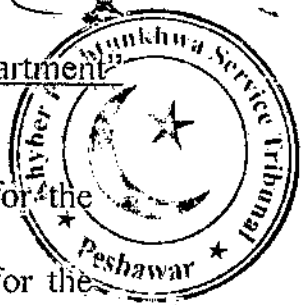
  
**DEPONENT**



Answer A

4

Service Appeal No.645/2024 titled "Hamid Ullah Vs. Education Department"



ORDER

23<sup>rd</sup> July, 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

2. Appellant's case, as reflects from the record that he was serving as Subject Specialist in GGSS Bahadar Khel, (Karak); that the Principal of the school concerned relieved him from his duties vide impugned order dated 11.01.2024 and directed him to report to DEO (Male) Karak; that the appellant submitted application for cancellation of impugned order on the same date in the office of respondent No.3 who forwarded his application to the respondent No.2 for further necessary action; that the respondent No.1 being competent authority, so the departmental appeal was sent to him through postal service on 17.01.2024 which was not responded, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. The appellant is aggrieved from the order dated 11.01.2024, issued by the Principal Government Higher Secondary School Bahadur Khel (Karak), whereby, the appellant was relieved from duties w.e.f 11.01.2024 with further direction to report to the office of DEO (Male) Karak for further necessary action. When confronted whether the Principal GHSS was authority of the appellant or could he pass any order directing the appellant to report somewhere

ATTESTED

EX-MINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

21-10-24

Page 3

else to which, the District Attorney did not controvert the situation, therefore, impugned order dated 11.01.2024 is set aside. Costs shall follow the event. Consign.

5. Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 23<sup>rd</sup> day of July, 2024.

(Aurangzeb Khattak)  
Member (J)

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

Certified in the true copy

EX-10  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

21-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar  
Application No. 518 Date 21/10-24  
Name of Applicant M. Saeed  
Number of Words/Pages 10  
Copying Fee 8  
Urgent/Ordinary 17  
Total 15  
Name & Sign of Copyist Zeeshan  
Date of Completion of Copy 21-10-24  
Date of Delivery of Copy 21-10-24

6

قسمت گناب سید مرتضیٰ ایجوکیشن (Edu Sec) کیناٹہ

Departmental representation in 570 M. Hameedullah  
58 Histi Cam Civics 5868 Bahadur Khan Karak  
against respondent no 3 for non-compliance of the  
Court Orders dated 23rd July 2024. (copy attached).

گناب سید مرتضیٰ ایجوکیشن  
1- یہ کہ مذکورہ بالا عدالت حکم Retrospective کو عدالت نے 11-07-2024 سے اپنے عملدرآمد پر بحال کیا ہے۔  
2- یہ کہ درخواست گزار کی تنخواہ ماہ ذریعہ سے ماہ ستمبر تک فریڈ ہے۔ حسب لیکچر فورڈ  
2024 سے کہ پرنسپل سٹول بعد از درخواست دیا جا چکی ہے۔  
3- یہ کہ عدالت نے غیر قانونی کام کرنے کے باوجود سے پرنسپل پر دیکھ لیا ہے۔  
4- یہ کہ Respondent نے دیکھ لیا ہے کہ مذکورہ بالا (6) میسجز کی تنخواہ  
درخواست گزار کو اس وقت ادا کی جائے گی، جب وارڈ کنوینس کے مطابق  
دستکار ہو گا۔

گناب سید مرتضیٰ ایجوکیشن  
تنخواہ کی عدم ادائیگی درخواست گزار کی معاشی تعلق ہے۔ لہذا اسے مسترد کیا جا چکی ہے۔  
کہ Respondent کو برائیت کی جائے۔ کہ درخواست گزار کو تنخواہ ادا کی جائے اور  
اسے مزید Litigation یعنی Contempt Court کی کارروائی سے بچایا جائے۔  
مقررہ

المدفون  
محمد رشید خان  
59 in Histi Cam Civics  
5868 Bahadur Khan Karak.  
#0347-9847464.

29/08/2024

CFK

No 145

For Insured Stamps all Rs. RGL124110759

uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no postmark is required.

Received a registered addressed to

Initials of Receiving Officer

Insured for Rs. (in figures)

Insurance fee Rs. Ps. (in words)

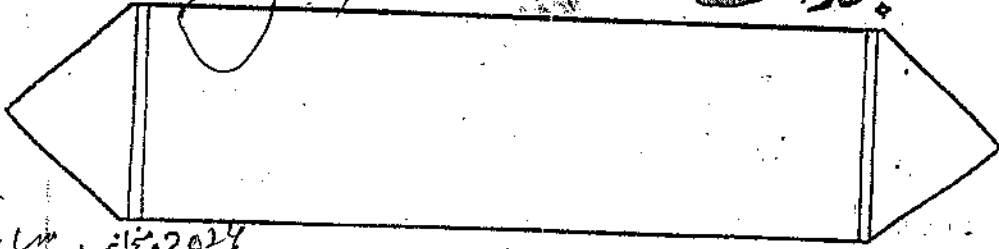
Name and address of sender

Secretary, Cementary  
\*Write here "postcard" with the word "insured" before it when necessary.  
Weight Kilo Grams  
By Khul... 3079123



بعد الت

KPK سوسائٹیز



2024 منجانب سائنس

محمد امجد علی بیٹا سیدتی لطیفہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ کے  
 آن مقام کے لیے محمد سعید صاحب کے  
 مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر حالتہ فیصلہ بر حلقہ دیے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ سند ہے۔

الرقوم 22 ماہ القوس 2024

محمد سعید صاحب

بمقام  
 کے لئے منظور ہے۔  
 سائنس

1889-11-11

04@gmail.com

0333 6272753