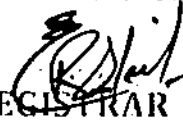


Form- A  
FORM OF ORDER SHEET

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

Implementation Petition No. 1318/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.10.2024	<p>The implementation petition of Mr. Sarfaraz Khan submitted today by Syed Waqas Naqvi Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on 26.11.2024. 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 SERVICES TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR**

E.P.  
GM No. 1318 -A/2024

IN

Service Appeal No. 1376/2018

Sarfaraz Khan (PST) (BPS-12) S/O Umar Fad R/O Kas Qalandar, Allai Battagram.

....PETITIONER

VERSUS

1. Director Elementary and Secondary Education, Khyber Pakhtunkhawa Peshawar.
2. District Education Officer Male Battagram.

...RESPONDENTS

**IMPLEMENTATION PETITION**

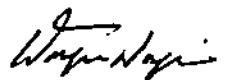
**INDEX**

S. #	Description	Page No.	Annexure
1.	Petition alongwith affidavit	1 to 2	
2.	Copy of appeal	3 to 6	"A"
3.	Copy of judgment dated 06/06/2024	7 to 13	"B"
4.	Copies of applications	14 to 17	"C"
5.	Wakalatnama	18	

...PETITIONER

Through

Dated: 30/10/2024

  
(SYED WAQAS NAQVI)  
Advocate High Court, Abbottabad

/

**BEFORE THE SERVICES TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17470

Dated 31-10-24

EP  
GM No. 1318 -A/2024

IN

Service Appeal No. 1376/2018

Sarfaraz Khan (PST) (BPS-12) S/O Umar Fad R/O Kas Qalandar, Allai Battagram.

....PETITIONER

VERSUS

1. Director Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Male Battagram.

...RESPONDENTS

**IMPLEMENTATION PETITION**

**APPLICATION** FOR IMPLEMENTATION OF JUDGMENT DATED 06/06/2024 PASSED BY THIS HONOURABLE TRIBUNAL IN THE TITLED SERVICE APPEAL.

Respectfully Sheweth;-

1. That the petitioner / appellant filed service appeal No.1376/2018 before this Honourable Tribunal. Copy of appeal is attached as Annexure "A".
2. That this Honourable Tribunal decided service appeal of the appellant / petitioner on 06/06/2024. Copy of judgment dated 06/06/2024 is attached as Annexure "B".
3. That vide judgment dated 06/06/2024 the appeal of the appellant/ petitioner was accepted and the petitioner was reinstated in service.
4. That the respondents were duty bound to implement the judgment passed by this Honourable Tribunal, but the respondents in blatant disregard of the judgment dated

06/06/2024 have neither reinstated the appellant / petitioner nor provided the reinstatement order.

5. That petitioner moved numerous applications to the respondents for the implementation of the judgment passed by this Honourable Tribunal, but the respondents have turned a deaf ear to the request of petitioner. Copies of applications are annexed as Annexure "C".
6. That the act of respondents is contemptuous, contumacious and violation of the judgment dated 06/06/2024 of this Honourable Tribunal and the respondents have committed gross contempt and are liable to be punished accordingly.

In view of the above, it is prayed that on acceptance of the instant implementation petition, respondents may graciously be directed to reinstate the petitioner into service and provide him the reinstatement order forthwith and contempt proceedings may also be initiated against the respondents.

...PETITIONER

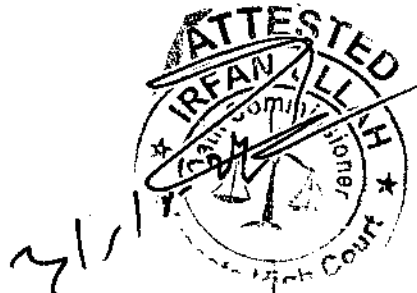
Through

Dated: 30/10/2024

*Waqas Naqvi*  
(SYED WAQAS NAQVI)  
Advocate High Court, Abbottabad

**AFFIDAVIT:-**

I, Sarfaraz Khan (PST) (BPS-12) S/O Umar Fad R/O Kas Qalandar, Allai Battagram, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



DEPONENT

*Sarfaraz Khan*

3



✱

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

Service Appeal No. 1376 /2018

Sarfraz Khan (PST) (BPS-12) S/O Umar Fad R/O Kas Qalandar, Allai, Battagram  
.....Appellant

**VS**

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar:
  2. District Education Officer (Male), Battagram
  3. District Account Officer, Battagram
- .....Respondents

**SERVICE APPEAL U/S 04 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE UNLAWFUL STOPPAGE OF MONTHLY SALARIES OF THE APPELLANT SINCE MARCH 2015 WITHOUT ANY COGENT JUSTIFICATION KEEPING IN VIEW THE FACT THAT THE APPELLANT HAS ALWAYS PERFORMED HIS DUTY WITH DEDICATION AND DILIGENCE SINCE INCEPTION OF HIS SERVICE (17/06/2008) AND FOR ISSUANCE OF DIRECTIONS TO ADJUST THE APPELLANT ON HIS DUTY PLACE AND SEAT AS THE APPELLANT HAS NEITHER BEEN TEMINATED NOR DISMISSED FROM SERVICE HITHERTO.**

The appellant is pleased to beseech before this Honorable Court as under;

1. That the appellant was appointed as PST (BPS-07) on 17/06/2008 on the recommendation of the Departmental Selection Committee and approval of the competent authority and was directed to perform his duties at "GPS Bandi Chari Said, Battagram". (Copy of Appointment Order is attached as F/A)
2. That the appellant has always performed his duties with efficiency and diligence and never ever caused hardships for his high-ups. (Copy of Service Book and Pay Slips is attached as F/B)
3. That the stroke of misfortune hit the appellant in the month of March 2015 when he was serving as "PST (BPS-12)" at "GPS Toba Pashto Allai, District Battagram, his salary was stopped unceremoniously without specifying any justification. In this regard, the appellant immediately informed the concern quarters but no heed was paid. (Copy of Request Application is attached as F/C)

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

31-10-24

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4. That with the passage of time, the appellant submitted a number of applications but his salary was not released which further increased the miseries and agonies of the appellant. (Copy of the Applications are attached as F/D)
5. That it is axiomatic to submit that despite repeated application to the different quarters, the appellant at last submitted his departmental appeal to the Respondent No. 01 (Director, E&S Education K-P Peshawar) on 05/04/2018. (Copy of the Departmental Appeal is attached as F/E)
6. That despite the submission of the aforesaid departmental appeal, the appellant didn't get any reply or response from the Respondents so another reminder was sent on 27<sup>th</sup> June 2018 where the appellant was telephonically informed that such appeal was forwarded to Respondent No. 02 and was also informed that as soon as they get the reply there will be a response. (Copy of the Reminder is attached as F/F)
7. That the appellant after great struggle, acquired a copy of the rejection letter of the departmental appeal on 08/10/2018 where Respondent No. 01 conveyed the message to Respondent No. 02 regarding rejection of the departmental appeal vide letter no. 3336/F.No.162/Vol:15/Appeal of PST (M) General Dated Peshawar the 8/10/2018. (Copy of the Rejection is attached as F/G)
8. That feeling aggrieved from the un-lawful stoppage of the salaries of the appellant and rejection of the departmental appeal, the petitioner being a civil servant approaches this Honorable Tribunal on the following grounds inter-alia;

**GROUND:**

- A. That the act of the Respondents to stop the salary of the appellant is against the mandate of law, rules and natural justice.
- B. That it is pertinent to submit that the appellant is still of the strength of the education department as so far, the appellant has neither been dismissed from service nor terminated but the salary has been blocked without any justification and explanation which is sheer violation of the fundamental right of the appellant.
- C. That it is also submitted that no disciplinary action so far, has been initiated against the appellant by the Respondents in shape of any explanation, enquiry or show-cause but without specifying any reason stopped the salary of the appellant which has further increased the problems of the appellant.

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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- D. That the universal adage "Audi Alterem partem" provides that no one can be condemned unheard" which means if any action is to be taken against any person, at least a fair opportunity is required to be provided to such person but in the instant case, no opportunity has been provided and the salary has been stopped.
- E. That it is also essential to submit that the stoppage of salary provides and causes recurring cause of action so, the appellant right's has been violated very badly.
- F. That there are plethora of judgments of the Honorable Courts. that salaries cannot be stopped without any reason and cause and if it is done; such would be unlawful and against the mandate of law. Thus, by stopping the salary of the appellant without any reason and justification is against the mandate of law, rules and natural justice.
- G. That any other ground can be raised at the time of arguments.

**PRAYER:**

In light of the foregoing submissions, it is therefore, most convivially and humbly prayed that on acceptance of the instant appeal, this Honorable Tribunal may graciously be pleased to;

1. Declare the stoppage of monthly salaries of the appellant since March 2015 as unlawful, without lawful authority, against the fundamental rights of the appellant and void ab-initio
2. Direct the Respondents to release/start the monthly salaries of the appellant
3. Direct the Respondents to release all the unpaid accrued salaries since March 2015 to the appellant
4. Direct the Respondents to adjust the appellant on his post of PST in District Battagram
5. Direct the Respondents, in case any pending charges, to afford an opportunity of hearing

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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*[Handwritten mark]*

6. Any other relief which this Honorable Tribunal may deem fit and proper may also be awarded in favor of the appellant

Through

Appellant

*[Signature of Mian Muhammad Imran]*

(Mian Muhammad Imran)

Advocate High Court

*[Signature of Muhammad Uzairullah Jan]*

(Muhammad Uzairullah Jan)

Advocate High Court

Office No. 05 Shan Plaza, Sikandar Pura  
Chowk, Hashtnagri Peshawar  
0333-9577770 0333-9274073

Certified to be true copy

EA...  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

31-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar	31-10-24
Application No	412
Name of Applicant	Khushv. Ahmed
Number of Words/Pages	28
Copying Fee	5/-
Urgent/Ordinary	58/-
Total	7eeshm
Name & Sign of Copy	
Date of Completion of	31-11-24
Date of...	31-10-24



(7)

(S)

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

Service Appeal No. \_\_\_\_\_/2018

Sarfraz Khan (PST) (BPS-12) S/O Umar Fad R/O Kas Qalandar, Allai, Battagram  
.....Appellant

**VS**

Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar et.  
al.

**APPLICATION FOR CONDONATION OF DELAY IF ANY**

1. That the accompanied service appeal is being submitted for the release of the stopped monthly salaries of the appellant.
2. That this application may be considered as part and parcel of the main accompanied service appeal.
3. That as the departmental appeal was filed on 05/04/2018 but despite the passage of three months appeal was not submitted before this Honorable Tribunal because the appellant was time and again informed by the respondents that the departmental appeal would be decided soon and in this regard an application was also written on 27<sup>th</sup> June 2018 and resultantly, the departmental appeal was rejected and the appellant got such rejection on 08/10/2018 and hence filed this service appeal within time.
4. That the applicant is a poor man having profound reliance on his job and salary so graciously seeks indulgence of this Honorable Court.

It is therefore, prayed that on acceptance of this application the delay, if any, may kindly be condoned please.

Through

Applicant

  
(Mian Muhammad Imran)  
Advocate High Court

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Service Appeal No. 1376/2018 titled "Sarfaraz Khan Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" and connected Service Appeal No.1377/2018 titled "Khial Muhammad Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" decided on 07.06.2024 by Division Bench comprising Kalim Arshad Khan, Chairman and Fareeha Paul, Member (Executive), Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN  
**FAREEHA PAUL** ... MEMBER (Executive)

*Service Appeal No. 1376/2018*

Date of presentation of appeal .....07.11.2018  
Dates of Hearing.....06.06.2024  
Date of Decision.....06.06.2024

Sarfaraz Khan (PST) (BPS-12) S/O Umar Fad, R/O Kas Qalandar,  
Allai, Battagram. ....(Appellant)

Versus

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male), Battagram.
3. District Account Officer, Battagram. ....(Respondents)

Present:

Syed Waqas Naqvi, -  
Advocate.....For appellant.

Mr. Asif Masood Ali Shah,  
Deputy District Attorney.....For respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE UNLAWFUL STOPPAGE OF MONTHLY SALARIES OF THE APPELLANT SINCE MARCH 2015 WITHOUT ANY COGENT JUSTIFICATION KEEPING IN VIEW THE FACT THAT THE APPELLANT HAS ALWAYS PERFORMED HIS DUTY WITH DEDICATION AND DILIGENCE SINCE INCEPTION OF HIS SERVICE (17/06/2008) AND FOR ISSUANCE OF DIRECTIONS TO ADJUST THE APPELLANT ON HIS DUTY PLACE AND SEAT AS THE APPELLANT HAS NEITHER BEEN TERMINATED NOR DISMISSED FROM SERVICE HITHERTO.

*Service Appeal No. 1377/2018*

Date of presentation of appeal .....07.11.2018  
Dates of Hearing.....06.06.2024  
Date of Decision.....06.06.2024

Khial Muhammad (PST) (BPS-12) S/O Nooran Shah, R/O Village  
Rashang, Tehsil Allai, District Battagram. ....(Appellant)

Versus

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.

ATTESTED

EXAMINER  
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Peshawar

31-10-24

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Service Appeal No. 1376/2018 titled "Sarfaraz Khan Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" and connected Service Appeal No.1377/2018 titled "Khial Muhammad Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" decided on 07.06.2024 by Division Bench comprising Kalim Arshad Khan, Chairman and Fareeha Paul, Member (Executive), Khyber Pakhtunkhwa Service Tribunal, Peshawar.

- 2. District Education Officer (Male), Battagram.
- 3. District Account Officer, Battagram.....(Respondents)

Present:

Syed Waqas Naqvi,  
Advocate.....For appellant.

Mr. Asif Masood Ali Shah,  
Deputy District Attorney.....For respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 AGAINST THE UNLAWFUL STOPPAGE OF MONTHLY SALARIES OF THE APPELLANT SINCE MARCH 2015 WITHOUT ANY COGENT JUSTIFICATION KEEPING IN VIEW THE FACT THAT THE APPELLANT HAS ALWAYS PERFORMED HIS DUTY WITH DEDICATION AND DILIGENCE SINCE INCEPTION OF HIS SERVICE (06/07/2008) AND FOR ISSUANCE OF DIRECTIONS TO ADJUST THE APPELLANT ON HIS DUTY PLACE AND SEAT AS THE APPELLANT HAS NEITHER BEEN TERMINATED NOR DISMISSED FROM SERVICE HITHERTO.

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Through this single judgment, this appeal and the connected Service Appeal No. 1377/2018 titled "Khial Muhammad Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others" are decided as both are regarding the same subject matter and can conveniently be decided together.

2. According to the facts gathered from the available record, the appellant namely Sarfaraz Khan was appointed as PST (BPS-07) on 17.06.2008, while appellant namely Khial Muhammad was appointed as PST (BPS-07) on 06.07.2008, however, their salaries were stopped in the month of March 2015 without specifying any reason. The appellants filed several applications to the quarter concerned for release

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
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Peshawar

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Service Appeal No. 1376/2018 titled "Sarfaraz Khan Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" and connected Service Appeal No.1377/2018 titled "Khial Muhammad Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" decided on 07.06.2024 by Division Bench comprising Kalim Arshad Khan, Chairman and Fareeha Paul, Member (Executive), Khyber Pakhtunkhwa Service Tribunal, Peshawar.

of their salaries but no heed was paid, therefore, they filed separate departmental appeals on 05.04.2018 but the same were not responded. The appellant namely Khial Muhammad had filed reminder on 26.06.2018, while appellant namely Sarfaraz Khan had filed reminder on 27.06.2018, however it came to the knowledge of the appellants that their departmental appeals have already been rejected vide impugned order dated 02.05.2018 and they have been informed regarding rejection of their departmental appeal on 08.10.2018. The appellants have now approached this Tribunal through filing of the instant service appeals on 07.11.2018 for redressal of their grievances.

3. On receipt of the appeals and their admission to full hearing, the respondents were summoned. Respondents No. 1 & 2 put appearance through their representatives and contested the appeals by filing their para-wise comments, raising therein numerous legal and factual objections.

4. Learned counsel for the appellants has argued that the salaries of the appellants were stopped in the month of March 2015 without specifying any reason, which is against the mandate of law, rules and natural justice. He next argued that neither any disciplinary action had been initiated against the appellants nor any adverse order in the shape of dismissal, removal, termination etc has been passed against the appellants but despite that the salaries of the appellants were illegally stopped by the respondents. He further argued that universal adage *audi alterem partem* provides that no one can be condemned unheard, which means that if any action is to be taken against any person, at least a fair opportunity is required to be provided to such person but in the instant

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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*Service Appeal No. 1376/2018 titled: "Sarfaraz Khan Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" and connected Service Appeal No.1377/2018 titled "Khial Muhammad Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" decided on 07.06.2024 by Division Bench comprising Kalim Arshad Khan, Chairman and Fareeha Paul, Member (Executive), Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

cases, no opportunities have been provided to appellants and their salaries were illegally stopped by the respondents without assigning any reason. In the last he requested, that the salaries of the appellants might be released and they may be adjusted on their post of PST in District Battagram.

5. Conversely, learned Deputy District Attorney for the respondents has contended that the appellants were not appointed by the competent Authority as Primary School Teachers and the appointment orders so annexed by the appellants with their appeals are fake, bogus and fabricated. He next argued that the appellants had never performed any duty nor their services books were prepared by the department. He further argued that the appellants had fraudulently received the earlier salaries, which are required to be refund the Government Treasury. In the last, he argued that the appellants are not civil servants, therefore, their appeals are not maintainable before this Tribunal, which are liable to be dismissed with costs.

6. We have heard the arguments of learned counsel for the parties and have perused the record.

7. Perusal of the record would show that the appellants Sarfaraz Khan and Khial Muhammad were appointed as Primary School Teachers vide appointment orders dated 17.06.2008 and 08.07.2008 respectively. After their appointment, service books were also prepared and they had received their salaries till February 2015, however, from the month of March 2015, their salaries were stopped by the department without assigning any reason in the shape of any written order. The appellants have annexed with their appeals their pay slips, which show that the

**ATTESTED**

**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

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Service Appeal No. 1376/2018 titled "Sarfaraz Khan Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" and connected Service Appeal No. 1377/2018 titled "Khal Muhammad Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" decided on 07.06.2024 by Division Bench comprising Kalim Arshad Khan, Chairman and Fareeha Paul, Member (Executive), Khyber Pakhtunkhwa Service Tribunal, Peshawar.

appellants have received their salary since their appointment but from the month of March, 2015 their salaries were stopped by the department without any reason in the shape of any order. This Tribunal vide judgment dated 12.04.2018 passed in Appeal No. 572/2017 titled "Fazal Wahab Versus The District Education Officer, Elementary & Secondary Education Department, Peshawar and two others" has already dealt with almost si nilar matter in the following manner:

"CONCLUSION"

5. Whatever has been argued by the learned Deputy District Attorney is based on the findings of the enquiry report and similarly the authority has based his findings on the basis of enquiry report which is itself a proof of the fact that the issue involved appreciation of factual controversy which could not be decided without holding of formal enquiry. But the Authority neither opted for holding regular enquiry nor dispensed with the formal enquiry. The authority further initiated the proceedings under the disciplinary rules by issuing show-cause and then culminated the proceedings by not awarding the penalty under the disciplinary rules but declared the appointment letter as bogus. Such proceedings in the eyes of law cannot be sustained. The Authority should have been clear, regarding the proceedings to be conducted under the disciplinary rules or should have withdrawn the appointment order in exercise of the powers on the basis of locus-poenitentiae. In case the authority was to exercise his powers under the latter option then this Tribunal could decide the issue on the basis of the stage at which the same power was exercised. However in any event it was incumbent upon the authority to have given full opportunity to the appellant to participate in the enquiry proceedings by giving all rights of due process which has not been done.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar.

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Service Appeal No. 1376/2018 titled "Sarfaraz Khan Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" and connected Service Appeal No.1377/2018 titled "Khial Muhammad Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others" decided on 07.06.2024 by Division Bench comprising Kalim Arshad Khan, Chairman and Fareeha Paul, Member (Executive), Khyber Pakhtunkhwa Service Tribunal, Peshawar.

6. As a sequel to the above discussion, the present appeal is accepted. The appellant is reinstated in service. However, the department is directed to hold denovo proceeding within a period of ninety days from the date of receipt of this judgment. The issue of back benefits etc. shall be subject to the final outcome of de-novo proceedings and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room."

8. As the factual controversy involved in these two appeals is similar with the above referred appeal, therefore, these two appeals are also decided in the same manner. Consign.

9. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 06<sup>th</sup> day of June, 2024.

KALIM ARSHAD KHAN  
Chairman

Certified to be true copy

EXCUTIVE MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
31-10-24

FAREEHA PAUL  
Member (Executive)

\*Nuzem Amin\*

Khyber Pakhtunkhwa Service Tribunal, Peshawar	(412)	Date	31-10-24
Application No.		Name of Applicant	KARIS YOV Ahmed
Name of Applicant		Number of Words/Pages	6-p
Number of Words/Pages		Copying Fee	30/-
Copying Fee		Urgent/Ordinary	5/-
Urgent/Ordinary		Total	35/-
Total		Name & Sign of Copyist	Zeeshan
Name & Sign of Copyist		Date of Completion of Copy	31-10-24
Date of Completion of Copy		Date of Delivery of Copy	31-10-24
Date of Delivery of Copy			

14

Service Appeal No. 1376/2018 titled "Sarfaraz Khan Versus Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others".

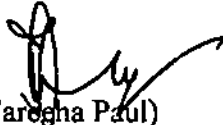
**ORDER**

06<sup>th</sup> June, 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Lutf Ullah, Assistant for the respondents present. Arguments heard and record perused.

2. Vide our consolidated judgment of today placed on file, the present appeal is accepted. The appellant is reinstated in service. However, the department is directed to hold denovo proceeding within a period of ninety days from the date of receipt of this judgment. The issue of back benefits etc. shall be subject to the final outcome of de-novo proceedings and rules on the subject Costs shall follow the events. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 06<sup>th</sup> day of June, 2024.*



(Fardena Paul)  
Member (Executive)



(Kalim Arshad Khan)  
Chairman



5018

2/7/2024

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(in words)

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16

# بخدمت جناب DEO صاحب ضلع بگرام

عنوان: بحالی بمطابق سروس ٹریبونل فیصلہ مورخہ 06-06-2024

درخواست ذیل عرض ہے۔

جناب عالی!

گزارش خدمت ہے کہ مورخہ 06-06-2024 کو سروس ٹریبونل نے سائل کے حق میں عدالتی فیصلہ ہو چکا تھا۔ سائل بحال کرے اور بعد میں انکوائری کریں۔

یہ کہ سائل نے اپنے بحالی کیلئے اور عدالتی فیصلے پر سائل نے 2 عدد درخواست جناب کو حوالہ کیا تھا۔ جو کہ پہلا درخواست 02-07-2024؛ انری نمبر 518 اور دوسرا درخواست 01-08-2024 کو دے دیا تھا۔ جس پر مجھے بحالی کا آرڈر نہیں ملا ہے۔ اور میرے خلاف انکوائری کیا گیا ہے۔

لہذا جناب کے خدمت میں عرض ہے کہ سائل کو بحالی کا آرڈر کیا جائے اور سروس ٹریبونل فیصلے کو مد نظر رکھتے ہوئے بحالی کا حکم جاری فرمایاویں۔ سائل تاحیات دعا گو اور شکر گزار رہے گا۔

العارض:-

سرفراز ولد عمر قاد PST آلائی بگرام

موبائل نمبر 0347-9611891

17/10  
17/2024

(17)


To

The Worthy DEO (Male),  
District Battagram

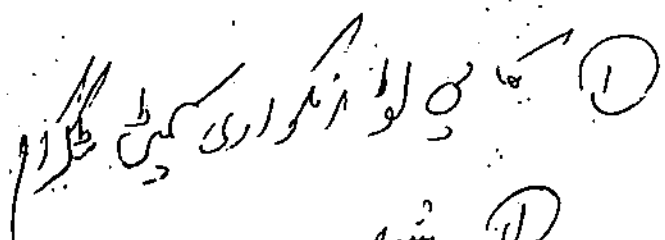
Subject: RE-INSTATEMENT INTO SERVICE BASED ON THE JUDGEMENT OF  
THE LEARNED KHYBER PAKHTUNKHWA SERVICE TRIBUNAL DATED:  
06/06/2024

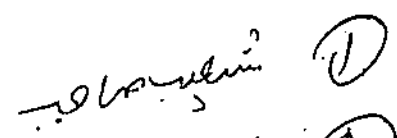
Respected Sir,

With reference to the letter Dated: 28/08/2024 served on the undersigned by the Inquiry Committee qua appearance before the same, it is submitted that a simple bird's eye view, if poured, over the operative para of the above-mentioned judgment of the Worthy Service Tribunal, it is, in an unequivocal terms, directed that the undersigned shall be reinstated first, then, de-novo departmental inquiry would be carried out; if any please.

03015707200  (Khyal Muhammad)

سرفراز خان  
03479111891 (Sarfaraz Khan)

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