

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No.409 /2022.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3512

Dated 10/2/2023

Syed Atta Ullah Shah

V/S

Education Department

APPLICATION FOR SET ASIDING EX-PARTE PROCEEDING AGAINST THE RESPONDENTS NO.11, 13, 14, 21, 22, 28, 40, 41, 42, 46, 48, 67, 70, 72, 73, 77, 86, 94, 96, 104, 121, 127, 142, 144, 151, 152, 162, 165, 170, 171, 180 AND 187 WHICH WERE PLACED EX-PARTE ON 25.11.2022 IN THE INSTANT APPEAL.

RESPECTFULLY SHEWETH:

1. That the appellant has impugned the seniority list dated 02.11.2021 of BPS-18 in this Honorable Tribunal in which he made 185 subject Specialists as private respondents in the instant appeal.
2. That the instant appeal is fixed for reply on 25.11.2022, however above mentioned private respondents did not appear before the Honorable Tribunal on the date fixed, therefore, they placed ex-parte along with other private respondents by the Honorable Tribunal on the 25.11.2022. **(Copy of order sheet dated 25.11.2022 is attached as Annexure-A)**
3. That as the instant appeal is about the seniority issue between the appellant and private respondents and if the appeal of the appellant is decided in the favour of the appellant without hearing the above mentioned private respondents which were placed ex-parte, then ultimately these respondents will be effected and in that case it will be amount condemn unheard.
4. That the above mentioned private respondents which were placed ex-parte have legal right to defend their right in the instant case being necessary party.

It is therefore most humbly prayed that on the acceptance of this application, the ex-parte proceeding may kindly be set aside against the above mentioned private respondents which were placed ex-parte on 25.11.2022 in the instant appeal in order to enable them to defend their legal rights.

2 am

Private Respondents No.

11, 13, 14, 21, 22, 28, 40, 41, 42, 46, 48, 67, 70, 72, 73, 77, 86, 94, 96, 104, 121, 127, 142, 144, 151, 152, 162, 165, 170, 171, 180 and 187.

THROUGH:

Taimur Ali Khan

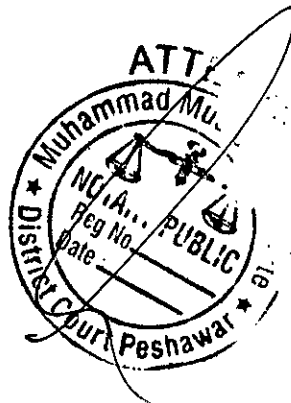
**TAIMUR ALI KHAN
ADVOCATE HIGH COURT**

AFFIDAVIT

It is affirmed and declared that the contents of this application are true and correct to the best of my knowledge and belief.

2 am

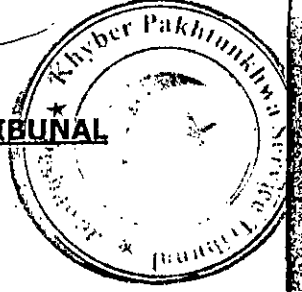
DEPONENT



① A

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 409 /2022



Syed Atta Ullah Shah, Subject Specialist (BPS-18),

GHSS No. 2 Peshawar Cantt.

.....APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Badshah Zamin, SS (BPS-18), GHSS Kotkail, Shangla.
- 5- Hafiz Muhammad Ibrahim, SS (BPS-18), GSSHSS Gujrat Mardan, Mardan.
- 6- Muhammad Tahir, SS (BPS-18), GHSS Ayub Khan Killi, Swabi.
- 7- Sakhi Marjan, SS(BPS-18), GHSS No.04 DIKhan, Lakki Marwat.
- 8- Abdullah, SS (BPS-18), GHSS UtmanzaiCharsadda, Chasadda.
- 9- Shah Jehan, SS (BPS-18), GHSS Gujar Gharii, Mardan.
- 10- Khalid Iqbal, SS (BPS-18), GHSS Muryali DIK, D.I.Khan.
- 11- Zahid Iqbal, SS (BPS-18), GHSS Ramak DIK, D.I.Khan.
- 12- Muhammad Abu Bakar, SS (BPS-18), GHSS No.02 Cantt Peshawar.
- 13- Ubaid Ullah, SS (BPS-18), GHSS Adamzai, Nowshera.
- 14- Waris Khan, SS (BPS-18), GHSS Jandrai Karak.
- 15- Abdur Razaq Khan, SS (BPS-18), SS GHSS No.02 D.I.Khan.
- 16- Gohar Ali, (BPS-18), Vice Principal GHSS Kalam Swat
- 17- Kiramat Ali, SS (BPS-18), GHSS Ismaila Swabi
- 18- Muhammad Irfan Ullah SS (BPS-18), Naurang Lakki Marwat
- 19- Sajad Ali, SS (BPS-18), GHSS Barikot Swat
- 20- Abdul Wadood, SS (BPS-18), GHSS Hakim Haved Bannu
- 21- Muhammad Tahir Khan, SS (BPS-18), GHSS No.1 Cantt. Peshawar
- 22- Raza Ali Shah, SS (BPS-18), GHSS Mani Khel Nowshera
- 23- Tahir Hameed, SS (BPS-18), GHSS No.4 D.I Khan
- 24- Muslim Khan, SS (BPS-18), GHSS Gardai Bajaur
- 25- M.Yaqoob Shah, SS (BPS-18), GHSS No.4 D.I Khan
- 26- Ahmad Khan, SS (BPS-18), GHS No.1 Hangu
- 27- Wajeeh Ullah, SS (BPS-18), GHSS Wanda Amir1 Lakki Marwat
- 28- Hafiz Inayat Ullah, SS (BPS-18), GHSS Dheri Lakpani Mardan
- 29- Aman Ullah Khan, SS (BPS-18), GHSS No.2 D.I Khan
- 30- Muhammad Saqib, SS (BPS-18), GHSS Thand Koi Abbottabad
- 31- Muhammad Sohail, SS (BPS-18), GHSS Perpai Nowshera
- 32- Hidayat Ullah, SS (BPS-18), GHSS Gardai Bajaur
- 33- Navéed Ahmad, SS (BPS-18), GHSS Lachi Kohat
- 34- Anwar Ul Haq, SS (BPS-18), GHSS Kambat Dir Lower
- 35- Maseeh Ullah. SS (BPS-18). GHSS Tarnab Charsadda

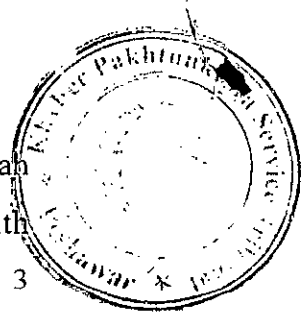
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[Signature]


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

25.11.2022

Appellant alongwith counsel present. Kabir Ullan Khattak learned Additional Advocate General alongwith Fahim Khan Assistant for official respondents No. 1 to 3 present.



Taimoor Ali Khan Advocate submitted Wakalatnama on behalf of private respondents No. 4 to 10, 12, 15, 17 to 19, 23 to 27, 29, 30, 32 to 35, 36 to 39, 43 to 45, 47, 49 to 51, 53 to 55 to 57, 58, 60, 62 to 66, 68,71,74,78, 80, 82 to 85, 87 to 93, 95, 98, 102, 106 to 109, 112 to 116,119, 122, 123, 125, 126, 128, 129, 132 to 137 to 139 to 141, 143, 150,154, 156 to 159, 161, 163,164, 168, 169,172,174;175, 176, 178, 182 to 186, 188 which is placed on file. Remaining respondents are not present despite publication in the newspaper, therefore they are placed ex-parte. Written comments on behalf of official respondents 1 to 3 submitted today. To come up for written reply/comments on behalf of private respondents on 28.12.2022 before S.B.


(Rozina Rehman)
Member (J)
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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 10/2/23
Number of ~~Pages~~ Page 2
Copying Fee 10/-
Urgent 15/-
Total 25/-
Name of _____
Date of Completion 10/2/23
Date of Delivery of Copy 10/2/23

R. No	Name	Signature
11	Zahid Iqbal S/O Sardar Ali Khan	
12	Muhammad Abu Bakar S/O Muhammad Yousaf	
13	Ubaid Ullah S/O Hafiz Ghulam Muhammad	
14	Waris Khan S/O Ghani Gul	
21	21 Muhammad Tahir Khan S/O Fazal Rehman	
22	Raz Ali Shah S/O Amin ul Haq	
28	Hafiz Inayat Ullah S/O Noor Ullah	
33	Naveed Ahmad S/O Sher Mulla Jan	
36	Ajmal Khan S/o Jamshed	
40	Maqbool Khan S/O Khair Ullah Khan	
41	Ihsan Ud Din S/O Sheer Muhammad	
42	Muhammad Hassan S/O Sher Jang	
46	Farooq Anwar S/O Muhammad Shah SS Math	
48	Muhammad Rafique S/O Dost Muhammad	
50	Jan Rahim S/O Mir Rahim SS Math -	
56	Muhammad Imran S/O Jehanzeb	
67	Mamraiz Khan S/O Ghulam Habib	
70	Masood ur Rahman S/O Khan Zaman	
72	Yasir Khan S/O Arif Khan SS Math	
73	Muhammad Nawaz Khan S/O Awal Khan	
77	Shireen Khan S/O Aqal Din SS Urdu	
85	Liaqat Ali Shah S/O Hassan Wali Shah	
86	Sayed Jauhar Ali S/O Sayed Rajab Ali	
94	Muhammad Shafiq S/O Gul Janan	
96	Nisar Ahmad S/o Feroz Din	
98	Asad Ullah S/O Iqbal Buland	
104	Habib ur Rahman S/O Syed Abdur Rahman Shah	
121	Muhammad Shah S/O Shah Zareen	
127	Niaz Wali S/O Musteem	
138	Bilal Khan S/o Gul Nawaz Khan	
142	Shah Faisal S/o Shah Inam	
144	Tanveer Ahmad S/o Kala Khan	
147	Syed Abbas Hussain Shah S/o Syed Faqir Shah	
148	Momin Khan S/O Sher Zamin.	
151	Muhammad Saqib S/o Muhammad Zafran	
152	Muhammad Farooq S/o Rehmat Hussain	
162	162 Gul Rehman S/o Muhammad Zarin SS	
165	Syed Bahadar Shah S/O Syed Zulfiqar Ali	
170	Muhammad Israr S/o Muhammad Said Jan	
171	Noor Aslam S/o Gul Hassan	
177	Muhammad Nawaz S/o Muhammad Ibrahim	
180	Muhammad Ilyas S/o Abdul Qayyum	
181	Syed Alam Shah S/o Syed Farman Shah	
187	Shah Nawaz Khan S/o Zar Muhammad SS Urdu	