

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Sher Wali Khan Senior Clerk GGHSS Pabaini, District Swabi.....

Appeal No. 1046/2016

Khyber Pakhtunkhwa  
Service Tribunal

(Appellant)

Diary No. 3611

**Versus**

Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar  
& Others.....

Dated 15/2/2023

(Respondents)

**APPLICATION UNDER ORDER 1 RULE 10(2) OF THE CODE OF CIVIL PROCEDURE 1908 FOR THE STRIKING OUT THE NAME OF THE PETITIONER/RESPONDENT IMPROPERLY JOINED AS RESPONDENT.**

**Respectfully Sheweth:**

It is submitted that:

- 1 That the cadre of appointment and lines of promotion of appellant and answering respondent vary each other. Hence the name of the answering respondent has been impleaded improperly which is liable to be struck out from the list of the respondents.
- 2 That answering respondent has appointed against the post of Assistant BPS-14 by the District Coordination Officer Abbottabad vide order endst: No. 1139-1143 dated 19-02-2009 while the appellant was junior clerk at that time which is 02 steps below than the post of assistant.
- 3 That the services answering respondent has been placed at the disposal of Executive District Officer Elementary & Secondary Education Haripur vide order endst: No. 10489-92 dated 14-09-2009 by the District Coordination Officer Haripur after confirming post availability vide letter endst: No. 10314-15 dated 07-09-2009 and 4464-65 dated 12-09-2009.
- 4 That the answering respondent has been adjusted against the post of Assistant BPS-14 in the office of Executive District Officer Elementary & Secondary Education Haripur vide endst: No. 14290-96 dated 14-09-2009.
- 5 That subsequently the post of assistant BPS-14 has been upgraded to BPS-16.
- 6 That the answering respondent has been promoted from the post of BPS-16 to the post of superintendent BPS-17 vide notification dated 07-03-2018.
- 7 That the answering has been promoted from the post of superintendent BPS-17 to Budget & Account Officer BPS-17 vide notification dated 01-09-2021.
- 8 That the name of the petitioner/respondent is liable to be struck out from the list of respondents under Order 1 Rule 10(2) of the Code of Civil Procedure 1908.

It is therefore very humbly requested that the name of the petitioner/ respondent may very kindly be struck out from the list of respondents.

Asima Ghaffar D/O Abdul Ghaffar  
B&AO office of DEO (Male) Haripur.

Though Special Attorney

Sabeel ur Rehman S/O Zareef Khan  
R/O Tehsil Ghazi District Haripur.

**Affidavit:**

Solemnly affirmed and declared that the contents of the application are true and correct to the best of my knowledge.

Petitioner/Respondent.

Asima Ghaffar D/O Abdul Ghaffar  
B&AO office of DEO (Male) Haripur.

13-2-2023  
Oath Commissioner  
Sobia Raashid  
Advocate  
High Court  
P.O.A. Judicial Complex

oath Commissioner ✓

6/19/ Attest C

Affidavit