

S.B 05/06/2023

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR.

C.M NO _____/2023

SERVICE APPEAL NO. 1512/2022

Mst. Nasma Noor.

VERSUS

Secretary E & S E KPK & Others

Application for grant of opportunity to the applicant/respondent for submission of reply in line with Article 10 A of the constitution of Islamic Republic of Pakistan 1973.



Respected Sheweth,

The appellant submits as under:-

1. That the above captioned service appeal is pending adjudication before this Hon'ble Court and is fixed for 05-06-2023.
2. That on 3rd April 2023 this Hon'ble court has struck off the defense of the applicant / respondent.
3. That the applicant / respondent seeks grant of permission / opportunity to submit written reply/comments in the captioned service appeal inter alia on the following grounds.

GROUND

- a) That fair trial is the constitutional granted right of the applicant / respondent as envisaged under article 10A of the constitution, thus impugned order dated 03-04-2023 is liable to be set aside.

Put up on relevant file.

Incharge, Pending Section.

[Signature]
02/06/23

- b) That with utmost respect the impugned order is the harsh one and will cause a great miscarriage of justice.
- c) That is a settled principal of law that lis should be decided on merits and technicalities should be avoided.
- d) That with utmost respect the word defense struck off is alien to the prevailing service laws, in such a circumstances the impugned order dated 03-04-2023 is liable to be set aside and an opportunity by filing comments be awarded for ends of justice.
- e) That the impugned order is against the principal of Audi Altrem Partim, thus is liable to be set aside

It is therefore, most humbly prayed that on acceptance of this application the impugned order dated 03-04-2023 may kindly be set aside and opportunity by way of filing comments may kindly be awarded in line with article 10A of the constitution

M. Usman

District Education Officer (female)
District Dir Lower
Respondent No. 03

AFFIDAVTE:

I, Muhammad Usman ADEO, (F) Dir Lower do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honorable Court.



M. Usman

Deponent: