

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM No: _____ Of 2023

IN

SERVICE APPEAL No. 1417/2022

Taj Muhammad Khan PST GPS Luchana Tehsil Puran District Shangla.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5924

Dated 12/6/2023

(Appellant)

VERSUS

1. The Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
2. The Director E& SE Department Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (M) District Shangla.

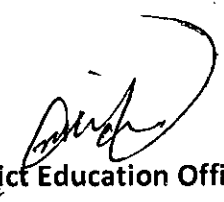
(Respondents)

Subject: **APPLICATION FOR SETTING ASIDE THE ORDER DATED 8.2.2023 VIDE WHICH X-PARTE HAS BEEN MADE AGAINST RESPONDENT NO. 03 AND ALLOWING THE RESPONDENT TO SUBMIT REPLY AND TO CONTEST THE CASE AHEAD.**

RESPECTFULLY SHEWETH :

1. That respondent No. 03 came to know that Ex-Parte in the instant case has been made against the respondent on 08.02.2023.
2. That the respondent No. 03 submitted C.M No: 342/2023 in Service Appeal No. 1417/2022 may please be canceled/ set aside due to some clerical mistakes and non proper format.
3. That any type of summon/ notice about the said service appeal has not been received to the office of the respondent No. 03 and remained unaware of the said service appeal.
4. That suddenly respondent No. 03 was informed by the office of AAG at Service Tribunal Peshawar through telephonically and then the respondent attended the Honorable Tribunal and got copies of the said service appeal with order sheet. So it was come in our knowledge that X-Parte is made against respondent No.3/ department.
5. That the respondent No. 03 has interest to contest the instant Service Appeal and wish to move his stance before this Honorable Tribunal.
6. That the respondent No.03 will never revise the mistake and request that the Honorable Tribunal give a chance to contest the case and cancel the X-Parte made on dated 08.02.2023.
7. That next date for hearing is 07/09/2023.

It is very humbly requested that on acceptance of this Application to set aside the X-Parte order dated 08.02.2023 against the respondent and allow the respondent to submit Joint Para wise Comments/ reply and contest the Service Appeal ahead.


District Education Officer (M)
District Shangla
(Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM No. _____/2023

IN

SERVICE APPEAL No. 1417/2022

Taj Muhammad Khan PST GPS Luchana Tehsil Puran District Shangla.

(Appellant)

VERSUS

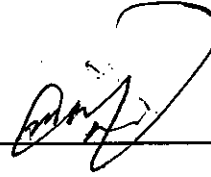
1. The Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
2. The Director E& SE Department Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (M) District Shangla.

(Respondents)

AFFIDAVIT

I Mian Asif Ali Shah Assistant District Education Officer (M) (BPS-17) O/O DEO (M) District Shangla 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 from this Honorable Court.

Deponent _____

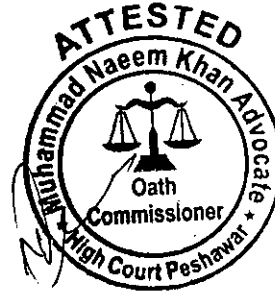


Mian Asif Ali Shah S/O Jam Mian
ASSISTANT DISTRICT EDUCATION OFFICER (M) (BPS-17)
SHANGLA

CELL NO. 03008811866

CNIC NO. 15501-2279446-3

Dated: 29/05/2023



11.11.2022

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1417 of 2022

Taj Muhammad Khan PST (Primary School Teacher)
Government Primary School Luchana, District Shangla.



...Appellant

VERSUS

1. The Secretary Elementary and Secondary Education Department Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (M) District Shangla.

...Respondents

SERVICE APPEAL UNDER SECTION 4
OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974
AGAINST THE SENIORITY POSITION
ALLOTTED TO THE APPELLANT IN
THE SENIORITY LIST OF THE YEAR
2022 AND 2023, WHICH WAS NEVER
COMMUNICATED TO THE
APPELLANT AND THE APPELLANT
GOT BY HIS PERSONAL EFFORTS,
WHEREIN WRONG SENIORITY
POSITION WAS ASSIGNED TO THE
APPELLANT FROM 19-09-2018 AND
REFLECTED AT SERIAL NO. 672
AGAINST WHICH THE APPELLANT
PREFERRED A DEPARTMENTAL

Certified to be true copy
J. A. MINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

A. No. 1417/2022
Taj Muhammad Khan

03.01.2023

Counsel for the appellant present.

Preliminary arguments heard.



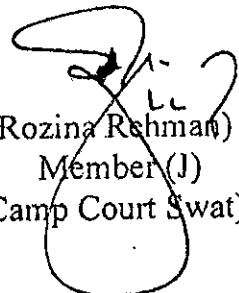
perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 08.02.2023 before S.B at camp court Swat.

Rs-100/-
Appellant Deposited
Security & Process Fee

A. Masood
10/1/23

SCANNED
KPST
Peshawar

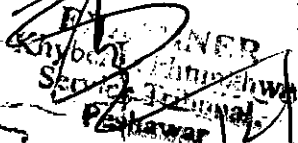

(Rozina Rehman)
Member (J)
(Camp Court Swat)

08.02.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Today there is nobody present on behalf of the respondents nor did they submit written reply/comments. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is seven days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply stands struck off. To come up for arguments on 08.03.2023 before D.B at camp court Swat.

Certified to be true copy


Muhammad Akbar Khan
Member
Camp Court Swat

(Muhammad Akbar Khan)
Member
Camp Court Swat

Date of Presentation of Application 12/6/23
Number of Words Paper
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist Shetye
Date of Completion of Copy 12/6/23
Date of Delivery of Copy 12/6/23