

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

C.M No 486/2023 IN

Service Appeal No: 875/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8347

Dated: 17/10/23

Sardar Mahmood SCT S/O Fazal Mahmood GHS Machi Mardan  
.....Appellant

**Versus**


The Secretary of Govt Khyber Pakhtunkhwa & Others

**Respondents**

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**Respondent**

  
District Education Officer  
Sardar (Male) Mardan

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

C.M No 486/2023 IN

Service Appeal No: 875/2023

Sardar Mahmood SCT S/O Fazal Mahmood GHS Machi Mardan  
(Appellant)

Versus

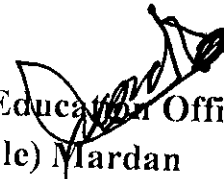
The Secretary of Govt Khyber Pakhtunkhwa & Others...(Respondents)

Subject: Reply to the application for restoration of aforementioned  
Service Appeal dismissed in default dated 07/06/2023

Respectfully Sheweth,

1. Para No 1 is correct.
2. Para No 2 is correct.
3. Para No 3 is Incorrect, as the appellant engage a counsel for the case and every counsel has a clerk to maintain dairy of the cases, but the appellant and his counsel has done negligence.
4. Para No 4 is Incorrect as the appeal is dismissed in default, and the appeal is pending before the honorable Tribunal but the appellant and his counsel both of them is not present in the court.
5. Para No 5 is Incorrect, as the appellant is bound under the limitation Act to explain each and every day but the appellant is not explain each and every day. The appellant has not given a cogent reason.
6. Para No 6 is Incorrect, as the appeal is dismissed in default. The appellant and his counsel should aware the date of hearing.
7. Para No 7 is Incorrect as limitation is not technicalities, it is law and the restoration application maybe consider under the Law of Limitation Act.
8. Para No 8 is Incorrect as the appellant has not valuable rights attached with the instant appeal due to which the appeal is dismissed in default.

Therefore, in view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the R.A in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.

  
District Education Officer  
(Male) Mardan  
(Respondent No

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

C.M No 486/2023 IN

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.....Appellant

**Versus**

The Secretary of Govt Khyber Pakhtunkhwa & Others

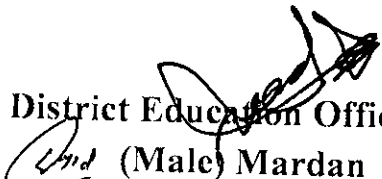
**Respondents**

**Subject:** Reply to the application for condonation of delay

Respectfully Sheweth,

1. Para No 1 is Correct.
2. Para No 2 is Correct.
3. Para No 3 is Incorrect as the appeal is dismissed on 07/06/2023, and the order copy has received on 10/7/2023 which is time barred by law. The appellant has filed Restoration application on 13/7/2023 which is also time barred and the appellant has not given cogent reason.
4. Para No 4 is Incorrect as the appellant engage a counsel for the case and every counsel has a clerk to maintain dairy of the cases, but the appellant and his counsel has done negligence.
5. Para No 5 is Incorrect as the absence is due to careless and negligence of the appellant and his counsel.
6. Para No 6 is Incorrect as the application may be decide on the basis of Limitation Act.

Therefore, in view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the R.A in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.

  
 District Education Officer  
 (Male) Mardan  
 (Respondent No 4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

C.M No 486/2023 IN

Service Appeal No: 875/2023

Sardar Mahmood SCT S/O Fazal Mahmood GHS Machi Mardan  
.....Appellant

**Versus**

The Secretary of Govt Khyber Pakhtunkhwa & Others

**Respondents**

AFFIDAVIT

I, Mr Sajid khan Legal Representative Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Reply R.A by respondents No 1 & 3 are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court. It is further stated on oath that in this application the answering respondents have neither been placed ex-parte nor their defense has been struck off.



Deponent

Sajid Khan

16101-6005318-5



**OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**



**KPESD**  
Khyber Pakhtunkhwa Elementary &  
Secondary Education Department

& ☎ 0937-933151. ✉ deomalemardan@gmail.com

No: 7257 /

Dated: 14/10/2023

**AUTHORITY LETTER**

I, District Education Officer (Male) Mardan do hereby authorize Mr. Sajid Khan, Legal Representative of District Education Officer Male of District Education Office (Male) Mardan to deal with the issues regarding litigation and to represent & attend the KPK Honorable Service Tribunal Peshawar regarding litigation.

  
**DISTRICT EDUCATION OFFICER  
(MALE) MARDAN**