

# FORM OF ORDERSHEET

Court of \_\_\_\_\_

Misc. application No. 995 /2023

S.No.

Date of order proceedings

Order or other proceedings with signature of judge

1

2

3

1

22/12/2023

The Misc. application in appeal no. 1385/2023 submitted today by Mst. Tawheeda through Mr. Israr Ahmad Advocate. It is fixed hearing before touring Division Bench at Swat on \_\_\_\_\_. Original file be requisitioned. Applicants be informed accordingly.

  
REGISTRAR

**BEFORE THE SERVICE TRIBUNAL KPK, AT PESHAWAR**

**Appeal No. 1385/2023**

*MISC. APPL. 995/2023*

**MST. TAWHEED WIFE OF SAFDAR ALI R/O VILLAGE AMWAWAR,  
TEHSIL GAGRA, DISTRICT BUNER.....APPELLANT**

**Khyber Pakhtunkhwa  
Service Tribunal**

**VERSUS**

Diary No. *10054*

Dated *22-12-2023*

**MST. SHEEMA D/O BAHROZ KHAN R/O VILLAGE AMNAWAR, TEHSIL  
GAGRA DISTRICT BUNER.....RESPONDENT**

**SERVICE APPEAL**

**APPLICATION FOR SETTING ASIDE EX PARTE ORDER  
OF THIS HONORABLE TRIBUNAL ON DATED 08-11-  
2023 AGAINST PRIVATE RESPONDENT MST.  
TAWHEED.**

***Respectfully Sheweth may please be this honorable court.***

- 1. That the above titled case is pending for adjudication before this Honorable Tribunal and next date is 02-10-2024.*
- 2. That on 08-11-2023 the Honorable Tribunal passed ex parte order against private Respondent Mst. Tawheed. (Relevant order sheet and 1<sup>st</sup> page of appeal are attached As Annexure "A").*
- 3. That absence of Mst. Tawheed was not intuitional but was due to on avoidable circumstance.*
- 4. That it is admitting legal preposition that no one should condemn unheard and it is also against the principle of natural justice.*

5. That the Respondent / Mst. Tawheed has strong case to prove his version and ready to negate the version of the appellant.
6. That the law favors adjudication of the case on merits rather than knocking out any of the party technically, as the most valuable rights of the Respondent are involved in the matter therefore it is in the interest of justice that the ex parte order dated: 08-11-2023 may be set aside and the case may be decided on merits after giving an opportunity to the Respondent.

It is therefore humbly prayed that on acceptance of this application the order dated 08-11-2023 may kindly be set aside and the applicant / respondent Mst. Tawheed may kindly be awarded an opportunity to defend his case.

Dated: 21-12-2023

Applicant / Respondent

THROUGH

  
Israr Ahmad

ADVOCATE HIGH COURT,

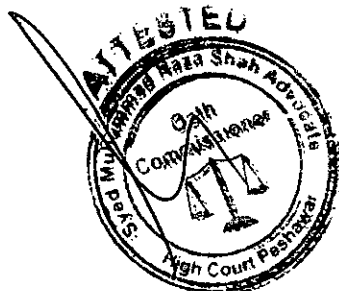
AFFIDAVIT:

SOLEMNLY AFFIRMED AND DECLARE ON OATH THAT ALL THE CONTENTS OF THE ABOVE APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED FROM THIS HONORABLE COURT.

  
DEPONENT.

SAFDAR ALI (attorney)

CNIC NO : 15101-0428054-7



(1)

**IN THE HON'BLE SERVICE TRIBUNAL KHYBER**  
**PUKHTONKHTWA PESHAWAR**



Service Appeal No. 1385/2023.

Miss, Sheema D/O Bahroz Khan Village Amnawar Tehsil Gagra  
District Buner / T.T Govt; Girs. Higher Secondary School  
Shalbondai Tehsil Gagrfa District Buner.

**"APPELLANT"**

**VERSUS**

1. DISTRICT EDUCATION OFFICER (FEMALE) E & S  
DISTRICT BUNER.
2. MST. RUKHSANA RAHIM EX D.E.O FEMALE BUNER  
DISTRICT.
3. DIRECTOR EDUCATION E & S EDUCATION K.P  
PESHAWAR.
4. SECRETARY EDUCATION E & S DEPARTMENT K.P  
PESHAWAR.
5. DISTRICT ACCOUNTS OFFICER BUNER.
6. CHIEF SECRETARY K.P PESHAWAR.
7. MISS, MAJIDA GOVT; GIRLS HIGH SCHOOL TOPAI  
TEHSIL CHAGEZAI DISTRICT BUNER.
8. PRINCIPAL GGHS SCHOOL SHALBONDAI TEHSIL GAGRA  
DISTRICT BUNER.

**"RESPONDENTS"**

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**SERVICE APPEAL UNDER S. 4, OF THE SERVICE**  
**TRIBUNAL ACT 1974, AGAINST THE TRANSFER ORDER**  
**IMPUGNED, END; NO.2065, TACTFULLY SHOWN ON**  
**DATED 26/12/2022, ACTUALLY ISSUED BY THE**

08.11.2023

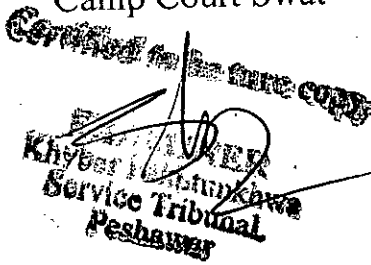


Learned counsel for the appellant present. Mr. Nisar Ahmed, Superintendent and Mr. Amir Badshah, Assistant Accounts Officer alongwith Mr. Asad Ali Khan, Assistant Advocate General for official respondents present. Private respondent No. 7 was summoned through TCS, however none present on her behalf, hence placed ex-parte. Representatives of official respondents sought time for submission of reply/comments. Last opportunity granted. To come up for reply/comments on behalf of official respondents on 06.12.2023 before the D.B at Camp Court Swat. In case the respondents failed to submit reply/comments on or before the date fixed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/-. Parcha Peshi given to the parties.

(Fareeha Paul)  
Member (E)  
Camp Court Swat

(Salah-ud-Din)  
Member (J)  
Camp Court Swat

\*Naeem Amin\*



Date of Presentation of Application 20/12/23  
Number of Words 27  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Copyist Shahzad  
Date of Completion of Copy 20/12/23  
Date of Delivery of Copy 20/12/23