

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Re:

Service Appeal No. 190/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10942

Dated 1-2-2024

NAZIR AHMAD

V/S

EDUCATION DEPTT

APPLICATION FOR RECONSTRUCTION OF FILE SERVICE APPEAL NO
190/2022 TITLED NAZIR AHMAD...VERSUS...EDUCATION
DEPARTMENT.

R/SHEWETH:

- 1- That the titled appeal was fixed for adjudication on 04/12/2023 before Honourable Service Tribunal, Camp Court Swat, and the respondents were directed to release to produce original record and Director Elementary was directed to appear in person along with record on 01/01/2024 before D.B at Principle Seat Peshawar. Copy of order sheet 04/12/2023 is attached as Annex A
- 2- That where after the appellant given PP and on the date fixed i.e. 01/01/2024 the appellant along with counsel present, but the titled appeal was not mentioned in the cause list, because the file is missing and after that the file till date not found till date.
- 3- That the instant file may kindly be reconstructed and may kindly be fixed for arguments.
- 4- That there is no legal bar on filing of the instant application.
- 5- That valuable rights of the applicant/appellant are involved and if the file of the instant appeal is not reconstruct, the appellant will face irreparable loss.

It is therefore, most humbly prayed that on acceptance of the instant application, the file of above mentioned appeal may kindly be reconstruct and be fixed for arguments.

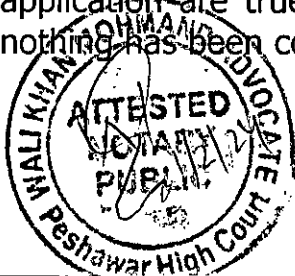

PETITIONER
NAZIR AHMAD

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I Mr. Nazir Ahmad, do hereby solemnly affirm 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

2

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

SERVICE APPEAL NO. 190/2022

5161
07/02/2022

Mr. Nazir Ahmad, SST (BPS -16),
GHS No. 3 SakhaKot, District Malakand.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Malakand.
- 4- Mr. Muhammad Islam, SST (BPS-16), GHS No.1 Thana, District Malakand.
- 5- Mr. Shakir Ullah, SST (BPS-16) GHS Kharki, District Malakand.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
INACTION OF THE RESPONDENTS BY NOT
ACTUALIZING/IMPLEMENTING THE PROMOTION ORDER
DATED 29.10.2021 OF THE APPELLANT TO THE POST OF SST
(BPS-16) AND AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE
STIPULATED PERIOD OF NINETY DAYS**

PRAYER:

That on acceptance of this service appeal the impugned inaction of the respondent No.3 by not actualizing/implementing the promotion order dated 29.10.2021 of the appellant to the post of SST (BPS-16) and promoting juniors to the appellant affecting the seniority of the appellant may very kindly be set aside and the respondents may please be directed to actualize/implement the promotion order dated 29.10.2021 to the extent of appellant promotion to the post of SST (BPS-16) with all back benefits including seniority. Any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.

15/2/2022

R/SHEWETH: submitted to day
ON FACTS: and filed.

Registrar
15/2/2022

Signature
Services

S.A 190/2022


02.10.2023


(3)
190/22 Nazim Ahmed
Learned counsel for the appellant present. Mr. Adnan Hussain, Superintendent alongwith Mr. Muhammad Jan, District Attorney for the respondents present.



Learned counsel for the appellant for adjournment on the ground that due to rush of work, he has not gone through the record of the instant appeal. Adjourned. To come up for arguments on 04.12.2023 before the D.B at Camp Court Swat. Parcha Peshi is given to the parties.

SCANNED
KPST
Peshawar



(Rashida Bano)
Member (J)
Camp Court Swat

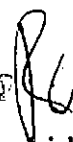

(Salah-ud-Din)
Member (J)
Camp Court Swat

Naeem Amin

04.12.2023 1. Learned counsel for the appellant present. Mr. Mohammad Jan learned Deputy District Attorney alongwith Faheem Khan, Assistant for the respondent respondents present.

2. Representative of respondents is directed to produce original record of revised seniority lists, working papers and substituted notification. Director Elementary and Secondary Education Department is directed to appear in person alongwith with record on 01.01.2024 before D.B at principal seat Peshawar. P.P given to the parties.


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)
Camp Court Swat

Certified to be true copy

Kaleem Ullah

Date of Presentation of Application 01-02-24

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