


FORM OF ORDERSHEET

Court of _____

Misc. application No. 120 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02/02/2024	<p>The Misc. application in Service appeal 1860/2023 submitted today by respondents no. 1 to 3 through D.E.O Female Battagram. It is fixed hearing before Division Bench at Peshawar on _____. Original file be requisitioned. Parcha Peshi is given to the representative of the police department.</p> <p style="text-align: right;"> REGISTRAR</p>

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

C.M. No. 120/2024

Service Appeal No. 1860/2023

1. The Secretary
Elementary and Secondary Education,
Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
2. The Director
Elementary and Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
3. The district Education Officer (F)
District Battagram

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10979

Dated 02-02-2024

..... Respondents

Versus

Muhammad Asad Khan, Computer Operator (BPS-16),
DEO (F) Office, Battagram

..... Appellant

**Application for setting aside ex-party proceeding
dated 26-10-2023 and restoring the right of filing
para-wise comments.**

Respectfully Sheweth

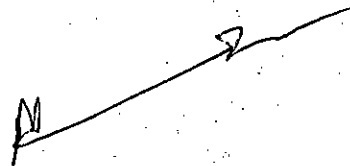
1. That the above cited appeal was fixed before this Honorable Tribunal on 26-10-2023 for submission of written reply.
2. That the honorable tribunal has ordered against the respondents as ex-parte. (Copy attached)
3. Feeling aggrieved the respondents seek restoration of the right of filing para-wise comments on the following grounds.

Grounds:

1. The valuable rights of the department/respondents are involved with the service appeal.
2. The application is within time.
3. There is nothing disobedient on the part of respondents.
4. The delay was caused due to the through proper channel vetting of comments and submission of the attested copies.

5. There is no legal bar in acceptance of the application in hand.
6. The delay was not intentional but due to the above-mentioned reason.
7. The respondents will show punctuality and will be careful in future.
8. According to the rule of natural justice no can be condemned un-heard.
9. Filling of comments is necessary for the proper disposal of the above service appeal.

It is therefore, most humbly requested that on acceptance of this application the ex-party proceedings against the respondents may be set aside and right to file para-wise comments may kindly be restored.



REHANA YASMIN
District Education Officer (Female)
Battagram.
(Respondent No. 1 to 3)

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Appeal NO. 1860/2023

Muhammad Asad Khan (Computer Operator).....Appellant

Versus

**Government of Khyber Pakhtunkhwa through Secretary (E&SED)
Peshawar and others**

..... Respondents.

AFFIDAVIT

I Rehana Yasmeen DEO (Female) Battagram do hereby solemnly affirm and declare that contents of the accompanying para wise comments are correct to the best of my knowledge and belief, and nothing has been concealed therein from this honorable court.



DEPONENT

REHANA YASMEEN
District Education Officer (F)
Battagram.



2/2/24

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



Service Appeal No. 1860/2023

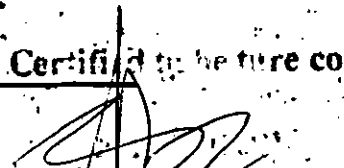
Muhammad Asad Khan, Computer Operator (BPS-16),
DEO (F) Office Battagram.....Appellant

VERSUS

1. The Secretary
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar
2. The Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar
3. The District Education Officer (F)
District BattagramRespondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ACTION OF
THE RESPONDENTS BY NOT RELEASING THE
SALARIES OF THE APPELLANT FROM THE
MONTH OF JANUARY 2023. TILL DATE AND
AGAINST THE IMPUGNED ACTION, BY NOT
TAKING ACTION ON THE DEPARTMENTAL
APPEAL OF THE APPELLANT WITHIN THE
STIPULATED PERIOD OF NINETY DAYS.**

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

26th July, 2023



1. Learned counsel for appellant present and heard. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Despite notices, neither anybody on behalf of the respondents is present nor written reply on their behalf has been submitted, therefore, they are placed ex-parte. The appeal is admitted to regular hearing. The appellant is directed to deposit security fees within 10 days. To come up for arguments on 12.02.2024 before D.B. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

Adnan Shah

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 02-02-24

Number of Words 2 pages

Copying Fee 10/-

Urgent 5/-

Total 15/-

Name of Counsel

Date of Issuance 02-02-24

Date of Delivery of 02-02-24