


FORM OF ORDERSHEET

Court of _____

Misc. application No. 121 /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 222/2022 submitted today by respondents no. 1 to 3 through D.E.O District Orakzai. 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 KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

CM No 121 /2024 in Service Appeal No: 222/2022

- 1. The Secretary E&SE, Khyber Pakhtunkhwa, Peshawar.**
- 2. The Director E&SE Khyber Pakhtunkhwa, Peshawar.**
- 3. District Education Officer District Orakzai.....Applicants.**

VERSUS

**Mr. Meher Dil Khan, Senior Clerk (BPS-14), O/O District Education Office,
District Orakzai.....Respondent**

INDEX SHEET

S/#	Description of Documents	Annexure	Pages No.
1	Application for setting aside the Ex-Parte order dated 06-11-29023 passed by this Honorable Service Tribunal against the Respondents No. 1-3 on account of non-submission of reply in the titled case.		1
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3	Copy of the order sheet dated 06-11-2023	A	3
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(Samina Altaf)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.

(Applicant No: 1-3)



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

CM No 121 /2024 in Service Appeal No: 222/2022

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No: 10983

Dated: 02-02-2024

1. The Secretary E&SE, Khyber Pakhtunkhwa, Peshawar.
2. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer District Orakzai.....Applicants.

VERSUS

**Mr. Meher Dil Khan, Senior Clerk (BPS-14), O/O District Education Office,
District Orakzai.....Respondent.**

**APPLICATION FOR SETTING ASIDE THE EX-PARTE ORDER DATED
06-11-2023 PASSED BY THIS HONORABLE SERVICE TRIBUNAL AGAINST
THE RESPONDENTS NO. 1-3 ON ACCOUNT OF NON-SUBMISSION OF REPLY
IN THE TITLED CASE.**

Respectfully Sheweth: -

The Respondents No. 1-3 submit as under: -

1. That the titled appeal is pending adjudication before this Honorable Tribunal & was fixed for reply on 06-11-2023 for submission of joint para wise comments on behalf of the Respondents No. 1 to 3.
2. That when the titled case came up for hearing, the Legal Representative concerned was submitting the said reply before this Honorable Tribunal, however, it was returned on account of non-depositing of the fine/cost to the tune of Rs. 15000/- & as a result thereof, the Respondents were placed Ex-Parte in the titled appeal vide order dated 06-11-2023.
3. That non-submission of the required reply before this Honorable Tribunal was not intentional rather the delay in submission of the said reply was due to the official correspondence with the quarter concerned for obtaining record & counter signature of the Respondents.
4. That the instant application is within legal sphere & this Honorable Tribunal has got jurisdiction to honor the instant application being within time limitation having no legal bar on behalf of the Respondents No. 1-3.
5. That Law favors to decide the matter/cases on merits of the case instead on technical grounds.

Therefore, it is most humbly prayed that this Honorable Tribunal may kindly be pleased to re-call & withdraw the order dated 06-11-2023 & the Respondents may be allowed for submission of the said reply in the interest of justice please.


(Samina Aktaf)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar

(Applicant No: 1-3)

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

CM No /2024 in Service Appeal No: 222/2022

- 1. The Secretary E&SE, Khyber Pakhtunkhwa, Peshawar.
- 2. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 3. District Education Officer District Orakzai.....Applicants.

VERSUS

**Mr. Meher Dil Khan, Senior Clerk (BPS-14), O/O District Education Office,
District Orakzai.....Respondent**

AFFIDAVIT

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm & declare on oath that the contents of the instant application are true & correct to the best of my knowledge & belief.

Samina Altaf
DEPONENT
(Samina Altaf)
DIRECTOR
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
SA (Applicant No: 1-3)

ATTESTED

ATTESTED
 (Official Seal with handwritten signature and date 2-2-2024)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 222 /2022 Diary No. 264

Dated 10-02-2022

Mr. Meher Dil Khan, Senior Clerk (BPS-14),
O/O District Education Office, District Orakzai.

.....**APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director E&S Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District Orakzai.
- 4- Mr. Hashmat Khan, Assistant (BPS-16), O/O DEO (F) Hangu.
- 5- Mr. Muhammad Siraj, Assistant (BPS-16), O/O DEO (M) Hangu.
- 6- Mr. Muhammad Nasir, Assistant (BPS-16), O/O SDEO (F) Primary Hangu.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS WHEREBY JUNIORS TO THE APPELLANT HAS BEEN PROMOTED TO THE POST OF ASSISTANT (BPS-16) AND THE APPELLANT HAS NOT BEEN CONSIDERED FOR PROMOTION AT PAR WITH HIS JUNIOR COLLEAGUES IN UTTER VIOLATION OF LAW & RULES AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITH IN THE STIPULATED PERIOD OF NINETY DAYS.

Filed to-day
10/02/2022
Registrar

PRAYER:

That on acceptance of this appeal the impugned action and inaction of the respondents whereby juniors to the appellant have been promoted to the post of senior clerk (BPS-14) and assistant (BPS-16) respectively may kindly be declared as illegal and unlawful and may also please be set aside and the appellant be promoted to the post of senior clerk (BPS-14) and assistant (BPS-16) respectively w-e-f when his other junior colleagues were promoted with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

6th Nov, 2023

1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General presents.

2. Written reply on behalf of private respondents No. 4 to 6 have been submitted, which is found placed on file. No one is present on behalf of official respondents No. 1 to 3 nor their written reply 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 21.02.2024 before D.B. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

*Adnan Shah *



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(10-1)

**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director Litigation-II of this Directorate for submission of CM application in **Service Appeal No. 222/2022 case titled Meher Dil Khan Vs Government of Khyber Pakhtunkhwa & others** fixed for hearing on 21-02-2024, hence, an authority letter is hereby issued in favor of the above-named officer.


(Samina Altaf)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar

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