

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 109/2024

Khyber Pakhtunkhwa
Service Tribunal

Mr. Sher NawabAppellant

Case No. 12207

VERSUS

Dated 16-04-2024

Secretary to Govt of KPK Peshawar.....Respondents.

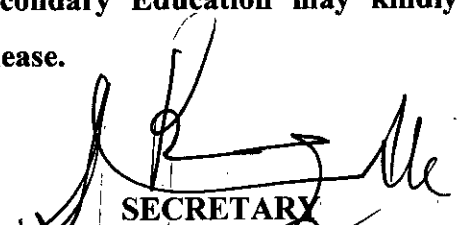
Subject:- **APPLICATION FOR DELETION THE NAME OF RESPONDENT
(SECRETARY ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT) FROM THE PANEL OF RESPONDENT**

Respectfully sheweth,

The respondent No. 01 most humbly submits as under:-

1. That as per the Khyber Pakhtunkhwa Service Tribunal letter dated 02-02-2024, "un-necessary parties are also arrayed as respondents, whereas, Rule-6(4) of the Rules requires that the competent authority whose order is challenged, shall be shown as respondent No. 01".
2. That in the subject Service Appeal the applicant is Ex CT (BPS-15) which comes under the competency of District Education Officer/Director Elementary & Secondary Education.
3. That it is pertinent to mention here that the Civil Servant (BPS-16) and below comes under the competency of Director Elementary & Secondary Education and District Education Officers.
4. That the Secretary Elementary & Secondary Education is unnecessary parte in all Service Appeal of BPS-16 & below and required deletion from the list of respondents.

Prayer:- In view of the above, it is humbly requested that the Secretary Elementary & Secondary Education being Proforma Respondent in cases of BPS-16 & below employee of Elementary & Secondary Education may kindly be deleted from the panel of respondents please.


SECRETARY
Elementary & Secondary Education,
Department Khyber Pakhtunkhwa.
(Respondent No. 02)

22-05-24
Pesh

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 109 /2024

Sher Nawab S/O Alam Khan R/O Shakray Baba, Katlang Tehsil and District
Mardan Appellant

VERSUS

1. Govt of KPK through Secretary Elementary and Secondary Education KP, Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Education KP, Civil Secretariat Peshawar.
3. Director of Elementary & Secondary Education KP at Directorate of E&SED Hashtangari Chowk, Near Qila Bala Hisar Peshawar.
4. District Education Officer (Male) Mardan Respondents

Appeal under Section 4 of Service Tribunal Act against the order dated 11.03.2017 passed by District Education Officer (Male) Mardan wherein appellant is removed from service w.e.f 08.09.2016 whereafter bail before arrest petition of the appellant is confirmed vide order dated 16.09.2023 and thereafter departmental appeal dated 16.09.2023 of the appellant duly diarized vide diary no 429 dated 16.09.2023 & 4989 dated 16.09.2023 remained un-responded despite lapse of 90x days which is illegal against law and facts without lawful authority, void ab initio and liable to be set aside.

Respected Sir,

Appellant humbly submits as under:

1. That appellant is a permanent resident of District Mardan (Copy of the CNIC & domicile of appellant is attached as Annexure A)
2. That appellant is equipped with qualification such as Matric, F.A, Certificate of Teaching (Copy of the academic documents is attached as Annexure B)
3. That appellant is appointed as Physical Education Teacher (BPS-09) vide appointment order dated 24.04.1993 (Copy of the appointment order dated 24.04.1993 is attached as Annexure C)
4. That appellant is adjusted as SV at GHS Garhi Kapura Mardan vide order dated 11.05.1993 (Copy of the adjustment order dated 11.05.1993 is attached as Annexure D)
5. That service of the appellant along with other employees is dispensed with/reversed vide order dated 13.02.1997 (Copy of the order dated 13.02.1997 is attached as Annexure E)