

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 162/2024

Mr. Hashmat Ali Appellant.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 12202

Dated 16-04-2024

VERSUS

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-16) 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. 01)

*16-04-2024
Peshawar*

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

APPEAL No. 162/2024

Mr. Hashmat Ali Ex CT
GHS Pakha Ghulam, Peshawar..... **APPELLANT**

VERSUS

- 1- The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar
- 2- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer(Male), Education Department, Peshawar

..... **Respondents**

**APPEAL UNDER SECTION- 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ
WITH 12(2) CPC AGAINST THE IMPUGNED ORDER OF
DISMISSAL DATED 01/03/2011 AND INACTION OF THE
RESPONDENTS BY NOT REINSTATING THE APPELLANT AS
CT TEACHER (BPS-16) W.E.F. THE DATE OF DISMISSAL
FROM SERVICE I.E. 01/03/2011 WITH ALL BACK AND
CONSEQUENTIAL BENEFITS AND AGAINST NOT
RESPONDING TO THE DEPARTMENTAL APPEAL OF THE
APPELLANT DESPITE OF STIPULATED PERIOD**

PRAYER:

On acceptance of this appeal the impugned order dated 01/03/2011 may be set aside and the respondents may please be directed to reinstate the appellant as CT (BPS-16) with effect from the date of dismissal i.e. 01/03/2011 with all back and consequential benefits. Any other relief which this august tribunal may deems fit may also be awarded in favour of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant being a qualified person was appointed as PST(BPS-07) in Elementary & Secondary Education Department Khyber Pakhtunkhwa and was posted in Government Primary