

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL

PESHAWAR.

C.M. No. 281/2024
Service Appeal No: 170/2024

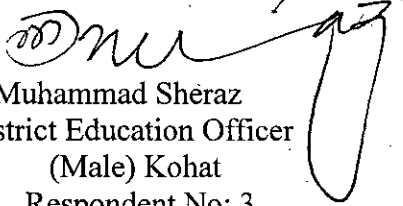
DISTRICT EDUCATION OFFICER (MALE) KOHAT Appellant

VERSUS

Fazal Ur Rehman, Senior Clerk District Kohat Respondent

INDEX

S/#	Description of document	Annexure	Pages No.
1	Application	-	1
2	Affidavit	-	2
3	Attested Copy of order sheet dated 29.03.2024	A	3-4
4	Photo copy of letter No: 1588 dated 11.03.2024	-	5
5	Photo copy mail registrar receipt	-	6


Muhammad Sheraz
District Education Officer
(Male) Kohat
Respondent No: 3

①

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL

PESHAWAR.

C. M. No. 281/2024

Service Appeal No: 170/2024

DISTRICT EDUCATION OFFICER (MALE) KOHAT Appellant

VERSUS

Fazal Ur Rehman, Senior Clerk District Kohat Respondent

SUBJECT APPLICATION ON BEHALF OF RESPONDENT N: 3 FOR SETTING ASIDE EX-PARTE PROCEEDING INCLUDING ORDER DATED 29.03.2024.

Khyber Pakhtunkhwa
Service Tribunal

Respectfully Sheweth

Diary No. 12151

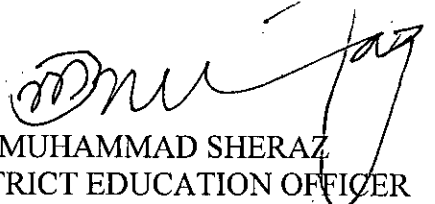
Dated 05-04-2024

The Respondent No: 3 Submits as under:-

1. That the Service Appeal subject cited above is subjudice before the Hon'able Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. That the next date for hearing before the Hon'able Service Tribunal Khyber Pakhtunkhwa is 18.04.2024.
3. That on dated 29.03.2024 an Ex-parte proceeding was initiated against respondent No: 3 Copy of order sheet received on 01.04.2024 is annexed as (Annexure A).
4. That the No appearance of respondent No: 3 is not deliberate neither willful but due to extreme burden of other cases on behalf of respondent No: 3 reached to the Hon'able Service Tribunal Khyber Pakhtunkhwa however, he was already proceeded ex-parte
5. That if the instant application is not allowed. The respondent No: 3 will suffer irreparable loss
6. That the application is within time & does not attract the doctrine of laches.
7. That other material facts would be agitated at the relevant time with the gracious permission of this Hon'able Tribunal

PRAYER

In the light of above material fact. It is humbly prayed that instant application may graciously be accepted and the ex-parte proceeding already initiated against the respondent No: 3 may kindly be set-aside


MUHAMMAD SHERAZ
DISTRICT EDUCATION OFFICER
(MALE) KOHAT
Respondent No: 3

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 170/2024

DISTRICT EDUCATION OFFICER (MALE) KOHAT Appellant

VERSUS

Fazal Ur Rehman, Senior Clerk District Kohat Respondent

AFFIDAVIT

I, Muhammad Sheraz District Education Officer (Male) Kohat Tehsil Kohat do hereby solemnly affirm and declare on oath that the contents of the accompanying Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed withheld from this Honourable court.

Deponent



Muhammad Sheraz

Muhammad Sheraz
District Education Officer
(Male) Kohat
Respondent No: 3



①

BEFORE THE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 170 /2024

Fazal Rehman S/O Jabbar Khan R/O Jungle Khel Tehsil and District Kohat
presently posted as Senior Clerk District Education Officer Male Kohat
..... (Appellant)

VERSUS

1. Secretary to Government of Khyber Pakhtoon Khwa,
Elementary and Secondary Education Deptt:
2. Director Elementary and Secondary Education
Khyber Pakhtoon Khwa Peshawar
3. District Education Officer
(Male) Kohat
4. Muhammad Tahir Senior Clerk,
District Education Officer (Male) Kohat..... (Respondent)

APPEAL UNDER SECTION 04 OF THE KHYBER PAKHTOON
KHWA, SERVICE TRIBUNMAL ACT 1974, AGAINST THE
IMPUGNED ORDER, PASSED BY THE RESPONDANT NO. 2 VIDE
DATED 22-09-2023, WHEREBY APPEALANT WAS TRANSFERRED
AND ADJUSTWED IN THE OFFICE OF DISTRICT EDUCATION
OFFICER (MALE) KOHAT IN PLACE OF MR. SAJJAD AHMAD
SENIOR CLER (WHO HAS PROCEEDED ON LEAVE) WHILE THE
RESPONDANT NO.4 RETAINED IN HIS ORIGINAL POST, SO
THE IMPUNGED ORDER AS MENTIONED ABOVE IS AGAINST
LAW AND I SLIA BLE TO BE SET ASIDE.

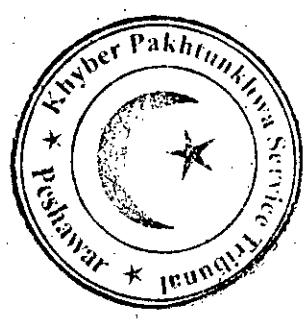
TESTED
01-4-24
EXAMINER
Khyber Pakhtoon
Service Tribunal
Peshawar
Prayer:

On acceptance of this service appeal, the impugned order as mentioned above, may kindly be set-aside, and the appellant may, please be ordered to adjust and posted in his original post rather than leave post, of Senior Clerk in the office of District Education Officer Male Kohat and retain the order dated 11-04-2023.

Appeal No. 170/2024
Fazal-ur-Rahman vs Govt

1

29th Mar. 2024



1. Learned counsel for the appellant and Mr. Arshad Azam, Assistant Advocate General present. Counsel for private respondent No.4 present. Nobody is present for respondent No.3, hence, placed ex-parte.
2. Despite last chance reply on behalf of private respondent No.4 is still awaited. Learned counsel for the said respondent requested for time to submit reply. Granted but on payment of cost of Rs.5000/- to be paid by the respondent No.4. To come up for reply/comments on 18.04.2024 before S.B. P.P given to the parties.

7

Certified to be true copy

Mutazem Shah

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 01-04-24
Number of Words 2P
Copying Fee 10/-
Urgent SP
Total 20/-
Name of Copyist Shahzad
Date of Completion of Copy 01-04-24
Date of Delivery of Copy 01-04-24

5

Most urgent being a court matter

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

No 1587 /S.A No: 170/2024 Litigation

Dated Kohat the 11/3/2024

To

The Deputy Director (Litigation)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Subject

PARAWISE REPLY IN SERVICE APPEAL NO 170/2024 TITLED FAZAL REHMAN VS SECRETARY ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR DEO(M) KOHAT ETC

Memo:-

Reference service Appeal No: 170/2024 titled Fazal Rehman Vs Govt of Khyber Pakhtunkhwa through Secretary E&SE Department and others.

The Service appeal filed by the above Senior Clerk namely Mr. Fazal Rehman against the transfer of Mr. Muhammad Tahir Senior Clerk, the official concerned is working in BPS-14(Provincial cadre) under the control of Directorate Elementary & Secondary Education. In this regard your good office is the competent authority, hence your kind honor is requested to kindly submit the Parawise reply in the above cited case please. The undersigned will rely on your reply.

It is further added that Mr. Waheed Gul ADEO Litigation appeared in 1st hearing on dated 05.03.2024 with the consultation of Mr. Rizwan AD Lit: of you good office and after hearing, apprised Mr. Rizwan regarding the case.

Next date for submission of reply is 18.03.2024.

o/c
A
DISTRICT EDUCATION OFFICER
(MALE) KOHAT
11/3/2024

Endst No 1588 /

Copy of the above is submitted for information to the:-
I. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

o/c
A
DISTRICT EDUCATION OFFICER
(MALE) KOHAT
11/3/2024

Waleed Safdar
Superintendent BPS 17
DEO (Male) Kohat

01097

Insurance Notice: see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgment is due.

Rs. Ps.

60
55

Received a registered
letter addressed to

Date Stamp

Name of Receiving Officer _____
Write here "letter", "postcard", "packet" or "parce"
with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____
RGL124821488 Weight _____ Grams

Name and
address
of sender

12 / 3 / 24

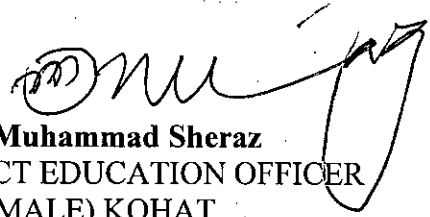
Waleed Safdar
Superintendent BPS 17
DEO (Male) Kohat

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

AUTHORITY LETTER

Certified that Mr. Abdul Qayyum ADEO office of the District Education Officer (Male) Kohat is hereby authorized to attend the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar in connection with Service 170/2024 titled Fazal Rehman Vs Govt of Khyber Pakhtunkhwa on behalf of the undersigned.

He is also authorized to submit application for set aside the ex-party decision.



Muhammad Sheraz
DISTRICT EDUCATION OFFICER
(MALE) KOHAT