

Before The Service Tribunal, Peshawar

Amendment in Service Appeal No.984/2023 only to the extent of Prayer.

Khyber Pakhtunkhwa
Service Tribunal

Khan Bacha S/O Sher Hasan R/O Bagh-e-Irum Tehsil & District Mardan. Diary No. 12009
Dated 01-04-2024

.....Appellant

Versus

The Government of KPK through,

1. The Secretary Education Civil Secretariat Peshawar, K.P.K.
2. Director Education GT Road Peshawar near Hastnaghri Peshawar.
3. District Education Officer (Female) Mardan near PRC Mardan.

..... Respondants

Amended service Appeal under section 4 of The service Tribunal Act, 1974 against the orders of the DEO (F) by not enlisting appellant in the seniority list along with all back service benefits where in appellant was appointed vide order 8720-29 dated 09/08/2010 and then adjusted / reappointed vide endst no 3471/G dated 05/04/2018. That the appellant filed departmental appeal before DEO (F) on 23/12/2022 which is still pending without disposal.

Prayer in Appeal:-

That the appellant may please be placed and given back service benefits like seniority increments etc in light of the appointment order endst no 3471/G dated 05/04/2018 and seniority may please be ordered in accordance with the merit as appellant was appointed. Any other remedy which this honorable Tribunal deems proper may also be awarded to the appellant.

05-04-24
Peshawar

Respectfully Sir,

Appellant submits as under

1. That the Appellant was appointed in the year 2010 as class-IV and was posted to GPS Azam killi.
2. That the appellant's appointment order was malafidely withdrawn on the ground of adjustment.
3. That the appellant was adjusted vide endst no 3471/G dated 05/04/2018.
4. That the respondents issued seniority list where in appellant was not placed according to the appointment order endst no 8720-29 dated 09/08/2010.
5. That Appellant was aggrieved from the order of respondent no 3 moved an application in shape of departmental appeal before DEO (F).
6. That the appellant's appeal is yet to be decided while the same was filed on 23/12/2023 hence the present service appeal.
7. That the impugned order is illegal, unjustified and against the principles of naturel justice. Hence, the same is liable to be set-aside on the following amongst many other grounds:-

Grounds:-

- A. That the respondents had no authority to place present appellant in the list junior while he is senior, Hence, the respondents has acted beyond its authority, by recommending the juniors to appellant in service and managed them senior in the list.
- B. That the impugned order passed is not maintainable as the list is not prepared under the relevant rules.
- C. That the whole of the proceedings were carried-out in utter disregard to the relevant rules.
- D. That the Appellant is not provided the right of defense, under the law and he is condemned unheard.
- E. That Appellant seeks leave of this Honorable Tribunal to claim further grounds also.

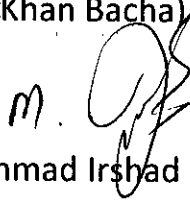
It is prayed that on acceptances of this Appeal, the impugned order may be set aside and the Appellant may be ordered in the seniority in accordance with the appointment orders with back service benefits. Any other remedy which this honorable Tribunal deems proper and fit may also be awarded to the appellant.

Date:- 27.03.2024

Appellant

(Khan Bacha)

Through:-

M. 
Muhammad Irshad

Advocate High Court

at Mardan

Affidavit:-

I, Khan Bacha / the Appellant do hereby state on
Solemn affirmation that the contents of this Appeal
Are true and correct to the best of my knowledge
And belief.

Deponent:

(Khan Bacha)



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