

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD**

C.M. No. 584/2024

Service Appeal No: 21 /2024 clubbed with Service Appeals 18/24

**Government of Khyber Pakhtunkhwa through Chief, Secretary &
Others.....Appellants**

VERSUS

Mst Nazia Mushtaq.....Respondents

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Dated: ____/06/2024


District Education Officer (F)

Abbottabad

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD

C. M. No 584/2024

Service Appeal No: 21 /2024 clubbed with Service Appeals 18/24

Government of Khyber Pakhtunkhwa through Chief Secretary &
Others.....Appellants/

Respondents = 4, 5, 6

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13615

Dated 20-06-2024

Mst Nazia Mushtaq.....Respondents/

Appellant

**APPLICATION FOR SETTING ASIDE EX-PARTY AGAINST THE
ORDER DATED 29-5-2024 IN CASE TITLED JAVARIA ASHRAF VS GOVT:
KPK ETC WITH CLUBBED WITH CONNECTED SA NO. 18- TO 52.54,
120.238 TO 242 REGARDING (FORGO PROMOTION) PASSED BY THIS
HONORABLE CHARIMAN, KPK, STC, PESHAWAR DUE TO NON
SUBMISSION OF REPLY ON BEHALF OF RESPONDENTS, 4, 5
THROUGH RESPONDENT NO. 6.**

Respectfully Sheweth:

Application on behalf of respondents 3, 4 through respondent No. 6 is as under.

1. That the case was filed by appellant before the, KPK, Service Tribunal, Peshawar, to respondents on, notice received to the respondents on 13-03-2024, while the instant case was fixed on, 8-4-2024, 22-04-2024, respectively. (Photocopy of order sheets are annexed as Annexure "A").
2. That in the case Service Appeals was submitted for signature of respondents 2,3, while objections raised by the respondent due to the that correction was made regarding "Law & human right & Parliamentary affairs instead of "Law & Justice" stamp of signature of respondent No. 3, respondent No. 6 seeking advice that the correction was made in the Service Appeal by the Honorable Tribunal, after filling of correction application. (Photocopy of

letters of objection for the refusal of signature of respondent No. 3 & 6 is annexed as Annexure "B").

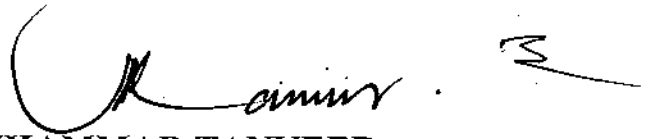
3. That the legal representative of the respondents No, 4,5, 6 in the light of direction of this honorable court for filling of reply on behalf of respondent No. 4,5 & 6, appear before the Honorable Tribunal on 21-5-2024, but objections (regarding better copies) was raised by the filling branch of this honorable Tribunal, while the instant case was fixed on 22-05-2024, legal representative appeared along with reply/comments number of 168 files before along with AAG Service Tribunal KPk, Peshawar, appeared before this honorable Tribunal on 22-05-2024, and requested that time may kindly by given for the better copies numbers (168 files), learned Chairman of Honorable Service Tribunal KPK Peshawar granted 3 day time for the annexure of better copies and submitted before the Honorable court, legal representative annexed the better copies and re-submitted before this on honorable court on 27-05-2024 (excluded Saturday & Sunday) well with in time, but scanning branch refuse to file the instant case due to fine 5000/- (five thousand rupees per case, aggregate value Rs. 210000/-) should submitted before the court for filling of comments. **(Photocopy of attendance certificates are annexed as Annexure "C")**.
4. That on 22-5-2024, the instant appeals were fixed for 29-05-2024 at camp court Abbottabad, reply/comments already submitted in (Scanning branch before this honorable Tribunal on 27-05-2024.
5. That in the light of order dated 22-05-2024, legal representative follow the directions of this Honorable Tribunal well within time re-file the instant comments/reply on 27-05-2024 before the date fixed on 29-05-2024, but due to huge fine/cost, the instant comments was yet to be not filled. More so legal representative along with A.AG, Service Tribunal, KPK, appeared on 22-5-2024, 29-5-2024, on both dates before this honorable tribunal, but on 29-5-2024, the defense of respondent for submission of comments/reply were exparte, **(Copy of attested order sheets are annexed as Annexure "D")**.
6. That instant application for setting-aside in well within time, respondent suffer huge lose, if this honorable court does not accept the plea of respondents.

7. That other point shall be agitated by this permission of court at the time of arguments.

GROUND:

- a. That order dated 22/5/2024 & 29/5/2024, by this Honorable Tribunal is against the Rule 19(2) & (3) of the NWFP/KPK, Service Tribunal Rules 1974, both the legal representative & A.A.G, KPK, present on the date fixed on 22/5/2024, & 29/5/2024, at Peshawar and camp court Abbottabad.
- b. That due to order dated 22/5/2024, passed by this Honorable Tribunal to the extent of huge amount cost/fine, in the instant Service Appeals, reply of respondents does not filled, in fact reply is ready for filling, therefore respondents did not lapse time for filling of reply/comments on his part.
- c. That respondent appear along with A.A.G, Service Tribunal KPK, appeared each and every date, on 21/5/2024, reply of respondent ready for file but due to objection raised by filling branch of this Honorable Tribunal reply did not filed, therefore it is not respondents fault.
- d. That legal representative appear along with reply after removing of objections regarding better copies of "annexures" on 27/5/2024, before the filling branch in compliance of order dated 22/5/2024, for filling of reply, but again filling branch refuse to file the same due to the reason, first subject to payment of huge cast/fine.
- e. That legal representative hardly take 21 rims to prepare the reply, legal representative of respondents to meet the fair and travelling expensive in his pockets, and did not enjoy TA, DA, years and years, due to financial hard-ship head of law charges of the legal branch is too much low, which does not meet the expenses of huge fine/cost. It is very hardship to pay the huge fine/cost first for filling of comments/reply of respondents.
- f. That before 22/5/2024 time spend for twice objection raised for signature of respondent No. 3 &, and correction of nomenclature "law, human rights, Parliamentary affairs" instead of "Law of Justice", in Service Appeals as well as comments.
- g. That the instant application well with in time, having sufficient reason, valuable right of Government. Therefore the instant application kindly be accepted and restore with minor cost.

Therefore, humbly Prayed that the instant application for setting aside of respondent No. 4,5,6, may graciously be accepted, and restore the defense of respondents for filling of comments/reply, or any other remedy which this honorable Tribunal deem fit under the given circumstances of instant comments/reply.



**MUHAMMAD TANVEER
DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD**

(APPELLANT NO: 6) / Respondents = 4, 5, 6

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR CAMP COURT ABBOTTABD**

Service Appeal No: 21 /2024 clubbed with Service Appeals 18/24

**Government of Khyber Pakhtunkhwa through Chief Secretary &
Others.....Appellants**

VERSUS

Mst Nazia Mushtaq.....Respondents

AFFIDAVIT

I, Muhammad Tanveer District Education Officer (Female) Abbottabad stated on oath that the contents of Para wise *application* are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Mushtaq
DEPONENT

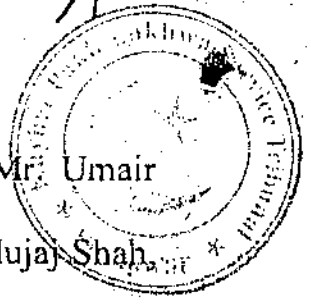


12/6/2024

7

Amer

"A"



08.04.2024

Clerk to counsel for the appellant present. Mr. Umair

Azam, Additional Advocate General alongwith Mr. Hujaj Shah,

PSI for official respondents present and seeks further time for submission of reply/comments. Granted. To come up for

reply/comments on 22.04.2024 before S.B. The restraint order dated 24.01.2024 is extended till the date fixed P.P given to the parties.

SCANNED
KPST
Peshawar

(Muhammad Akbar Khan)
Member (E)

kamran

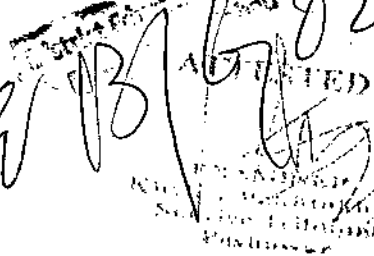
22.04.2024

01. Clerk of counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General alongwith Miss. Dilshad Begum, DEO for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents stated that reply/comments has been submitted for signature of the respondents and sought some time. Granted as a last opportunity. To come up for reply/comments on 22.05.2024 before S.B. P.P given to the parties.

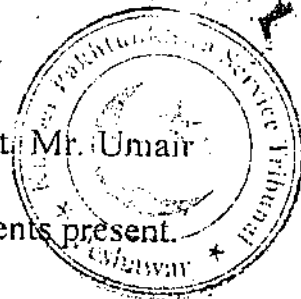
(Narecha Paul)
Member (E)

Abdullah



22.5.24

242/24 (8)



22nd May, 2024

1. Junior to counsel for the appellant present, Mr. Umair Azam, Additional Advocate General for the respondents present.

2. On the previous date, last opportunity was granted to the respondents for filing of written reply, but today no representative of the respondents is present nor they have submitted written reply, therefore, cost of Rs.5000/- is imposed upon the respondents to submit written reply/comments within three days. In case they failed to submit the same, they will be placed ex-parte. This case pertains to camp court Abbottabad, therefore, let it be fixed there. To come up for written reply/comments on 29.05.2024 before S.B at camp court Abbottabad. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

ATTESTED

Khalid Iqbal
Secretary
Islamabad Administrative Service Tribunal
Islamabad

"Adnan Shabbir, P.A."

Date of Presentation of Application

Number

Cost

Time

29.5.24

2-1
10/-
5/-
15/-

29.5.24
29.5.24

Attested

H. [Signature]
Dts/Act
Female Officer

13/06/24



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

MOST IMMEDIATE / COURT MATTER

NO.SO (Lit-II) E&SED/1-3/SA# 18/2024/Javeria
Dated Peshawar, the 25-04-2024

4044
29-4
24

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs & Human Rights Department.

Subject:

CONUNTERSIGNATURE OF PARAWISE COMMENTS

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. 440/AD/Lit-II dated 22-04-2024 received from Assistant Director (Litigation-II) Directorate Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar along with parawise comments **(in original) in Service Appeal No. 18/2024** case title **Mst. Javeria Ashraf (SPST) (BPS-14) vs Government of Khyber Pakhtunkhwa & others, (duly vetted by Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar)** signed by the Director Elementary & Secondary Education for signature of the Secretary Law, Parliamentary Affairs & Human Rights Department being **Respondent No. 03**.

After signature, the same may please be returned to this Department for further necessary action.

Yours faithfully,

[Signature]
SECTION OFFICER (LIT-II)

Encls: as above.
Endst: of even No. & date.

Copy is forwarded to:-

1. PS to Secretary E&SE Department.
2. PA to Additional Secretary (General) E&SE Department.
3. PA to Deputy Secretary (Legal-I) E&SE Department.
4. Master File.

attested

10/5/24

[Signature]
SECTION OFFICER (LIT-II)

29/4/24

[Signature]

(9) Hamed

10



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT.

6448-49

No.SO(Lit)/LJ/Misc/Signature of secretary in S.A No.18/2024/Javeria
Dated Peshawar the 07/05/2024

W.E

To

The Secretary to Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

SUBJECT: SIGNATURE OF AFFIDAVIT, PARAWISE COMMENTS &
AUTHORITY LETTER ON BEHALF OF RESPONDENTS
NO.2,3&4.

Dear Sir,

I am directed to refer to your letter No.SO(Lit-II)E&SED/1-3/SA/18/2024/
Javeria dated 25.01.2024 on the subject noted above and to return herewith the joint
parawise comments and authority letter with the request that designation of Secretary
Law Department may be corrected in the comments as well as in authority letter and
resubmit to this department after signing of Secretary Elementary & Secondary
Education Department for signature of Secretary Law Department. please.

Yours faithfully

ASSISTANT LAW OFFICER (LIT)

Encl: No. & Date Even.

Copy is forwarded to PS to Secretary Law, Law Department Khyber Pakhtunkhwa

ASSISTANT LAW OFFICER (LIT)

AH Steel
Dist: 2
Remarks: Attached

10/8/2024

11

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211126

Urgent IMMEDIATE / COURT MATTER

NO.SO (Lit-II) E&SED/1-3/2023
Dated Peshawar, 13-05-2024

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs & Human Rights Department.

Subject: CONUNTERSIGNATURE OF PARAWISE COMMENTS

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. 4051/AD/Lit-II dated 13-05-2024 received from Assistant Director (Litigation-II) Directorate Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar alongwith parawise comments (in original) in Service Appeal Nos. 18/2024 to 52/2024, 54/2024, 120/2024, 238/2024 to 243/2024 (duly vetted by Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar) signed by the Director Elementary & Secondary Education for signature of the Secretary Law, Parliamentary Affairs & Human Rights Department being Respondent No. 03.

After signature, the same may please be returned to this Department for further necessary action.

Yours faithfully,

SECTION OFFICER (LIT-II)

Encls: as above.

Encls: of even No. & date

Copy is forwarded to:-

1. PS to Secretary E&SE Department
2. PA to Additional Secretary (General E&SE Department)
3. PA to Deputy Secretary (Legal-I) E&SE Department.
4. Master File.

10/5/2024

(12)



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

No. ALO(Lit)/SA/460/E&SE/2024/Imtiaz Bibi
Dated Peshawar the 16/05/2024

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

SUBJECT: COUNTER SIGNATURE OF PARAWISE COMMENTS IN
SERVICE APPEALS NO. 18-52,54,120,238-241/2024.

Dear Sir,

I am directed to refer to your letter No.SO(Lit-II)E&SED/1-3/2023, dated: 15.05.2024 on the subject noted above and to return herewith joint parawise comments in the subject cases received with the said letter with the request correct the stamp law and justice at the end of the comments, please.

Yours faithfully

ASSISTANT LAW OFFICER (Li)

Encls: No. & Date Even.

Copy is forwarded to the:

1. Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal for information and immediate necessary action, please.
2. PS to Secretary, Law Department.

ASSISTANT LAW OFFICER (Li)

Affixed

10/5/2024

(13)

Attendance

ATTENDANCE CERTIFICATE

Mr Syed Hajeer Shah L.O DEO (F)

ATD is appeared before the STE upic

Peshawar in connection with S.A No:18/24

title Javeria Ashraf vs govt upic etc etc

41 others on 21/5/2024 for filling of
instant comments.

21/5/24
Additional District General
Magistrate Peshawar
Justice Tribunal Peshawar

Attested

District Education Officer
Female-Abbottabad

10/5/2024

14

Attendance Certificate

Mr Zahid Khan L.O DEO (F) AID appears & attend in case S.A No 18/24, Janeria Ashraf vs govt kpk etc cluttered with (A) other's before the kpk STC, postman on 22/5/2024.

Signature
22/5/2024

Attested

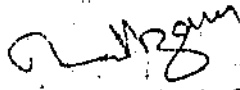
Female Subscribed

10/6/2024

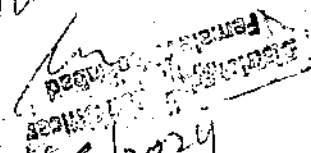
(15)

Attendance Certificate

Mr. Syed Hujjay Shah, L.O DEO (F) A.T.D
is appear before the Spk etc peshawar in
connection of filling the Service appeal
No 18/24 # Javeria Ashraf vs govt upk etc
clubbed with (41) others similar on 27/5/2024


27/5/2024
Assistant Director General
Khyber Pakhtunkhwa
Services

Attested


10/6/2024

BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1008

Date 1-1-2023

Service Appeal No. 21 /2023/

Nazia Mushtaq D/O Muhammad Mushtaq (SPST) GGPS Akhreele A Abad

...PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary Establishment Khyber Pakhtunkhwa, Peshawar.
3. Secretary Law & Justice, Khyber Pakhtunkhwa, Peshawar.
4. Secretary Elementary & Secondary Education, Peshawar.
5. Director Elementary & Secondary Education, Peshawar.
6. District Education Officer (Female), Abbottabad.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974 FOR
DECLARATION TO THE EFFECT THAT
IMPUGNED NOTIFICATION NO.
SO(POLICY)E&AD/1-312020, DATED 06/06/2023,
WHEREIN, RESPONDENTS' DEPARTMENT HAVE
MADE IT COMPULSORY FOR THE APPELLANT
TO GET PROMOTION TO THE NEXT RANK. AND
SHALL AVAIL HER PROMOTION, FAILING
WHICH, DISCIPLINARY ACTION SHALL BE

ATTESTED

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1/01/24

S-App No 21/24 Nazia Mustaq vs govt upk etc

22nd May, 2024

1. Junior to counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present.

Amir
D

2. On the previous date, last opportunity was granted to the respondents for filing of written reply, but today no representative of the respondents is present nor they have submitted written reply, therefore, cost of Rs.5000/- is imposed upon the respondents to submit written reply/comments within three days. In case they failed to submit the same, they will be placed ex-parte. This case pertains to camp court Abbottabad, therefore, let it be fixed there. To come up for written reply/comments on 29.05.2024 before S.B at camp court Abbottabad. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

Amir Shah, P.A.

29th May, 2024

1. Learned counsel for the appellant and Mr. Umair Azam, Additional Advocate General present.

2. Despite last chance and imposition of cost, reply on behalf of respondents has not been submitted nor anybody is present on behalf of respondents. Therefore, they are placed ex-parte. To come up for ex-parte arguments on 23.07.2024 before D.B at Camp Court, Abbottabad. P.P given to the appellant's counsel.

(Kalim Arshad Khan)
Chairman

Mutazem Shah



ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar