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

Service Appeal No: 35 /2024 clubbed with Service Appeals 18-A/2024

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

VERSUS

Mst Attia Bibi.....Respondents

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Dated: _____/06/2024


District Education Officer (F)
Abbottabad.

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

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

VERSUS

Mst Attia Bibi.....Respondents

**Khyber Pakhtunkhwa
Service Tribunal**
Diary No. 13668
Dated 21/6/24

**APPLICATION FOR SUBMISSION OF REMETANCE OF COST
ACOMULATIVE EFFECT OF AS A HOLE ISNTEAD OF SEGRUGATE AS PER
CASE ON BEHALF OF RESPONDENTS, 4, 5 THROUGH RESPONDENT NO. 6.**

Respectfully Sheweth:

Application on behalf of respondents 4, 5 through respondent No. 6 is as under.


1. That the instant Service Appeals is fixed on 22/5/2024, the legal representative of respondent No, 4,5,6, appeared on 21/5/2024 for filling of comments/reply i-e (168 files) before the filling branch of this tribunal but the filling branch raised objection for better copies of annexure, very next day on 22/5/2024, legal representative along with AAG Service Tribunal appeared before Service Tribunal KPK, and requested to the Chairman, Service Tribunal, KPK, in the instant appeals to grant such a time to arrange better copies in (168 files), learned Tribunal granted three days for filling of comments/reply in compliance of order dated 22/5/2024, of this Tribunal. while legal representative of respondents No. 4,5,6, appeared on 27/5/2024, (exclusion of Saturday) before the filling branch of this Tribunal, refuse to file the comments/reply of respondents subject to pay cost/fine first. **(Photocopy of attendance certificate are annexed as Annexure "A").**
2. That legal representative appeared along with AAG, Service Tribunal , KPK, on the next date 29/5/2024 and requested the learned Chairman to remit the

huge cost/fine, so that reply may be submitted before the Tribunal, but the learned Tribunal proceeded ex parte against the respondents. (**Attested Copy of order dated 22/5/2024 annexed as Annexure "B"**).

GROUND:

- a. That order dated 22/5/2024, of this Honorable Tribunal is against the 35-A (2) CPC read with 43 (1) (d) CPC under Rule 7(2), KPK, Service Tribunal Rules 1974, give guide line that cost impose having accumulative effect rather than segregate in clubbed cases, and the amount of cost/fine shall not be acceded from the amount of Rs 25000/= while the impugned order dated 22/5/2024, exceed the limits and thus may kindly be remit rather then huge cost/fine.
- b. That respondents due to financial hardship, and low budget are not in financial position to pay the huge fine/cost, respondents may humbly requested to remit the huge fine/cost, so that reply/comments of respondents may kindly be submitted.
- c. That there are sufficient cause available regarding non-submission of reply/comments of respondents part, there are valuable rights rest in the case and huge loss to be respondents.
- d. That instant application may be treated as part and parsal of the application for setting aside ex parte. This application files well with in time.
- e. That others points shall be agitated at the time of arguments by the permission of this Honorable Tribunal.

Therefore, humbly Prayed that the instant application for remittance of cost/fine on behalf of respondents No 4,5, through respondent No. 6, may graciously be accepted, and remittance the cost amount accumulatively effect rather then segregate..

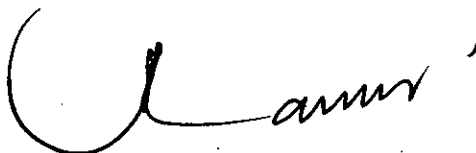

MUHAMMAD TANVEER
DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD
(APPELLANT NO: 6)

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 MUHAMMAD TANVEER
 DISTRICT EDUCATION OFFICER
 (FEMALE) ABBOTTABAD
 (APPELLANT NO: 6)



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Service Appeal No: 35 /2024 clubbed with Service Appeals 18-A/2024

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

VERSUS

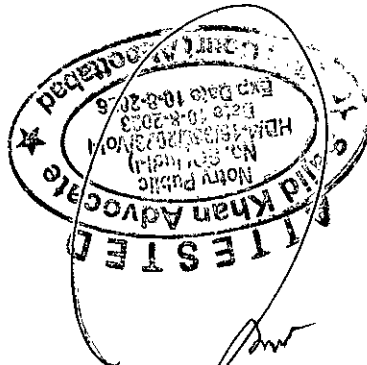
Mst Attia Bibi.....Respondents

**APPLICATION FOR SUBMISSION OF REMETANCE OF ACOMULATIVE
EFFECT OF COST AS A HOLE ISNTEAD OF SEGRUGATE COST PER CASE
ON BEHALF OF RESPONDENTS, 4, 5 THROUGH RESPONDENT NO. 6.**

AFFIDAVIT

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


DEPONENT



13/6/24

9

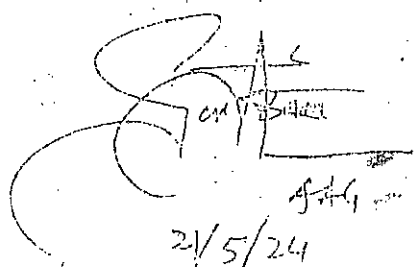
Am

ATTENDANCE CERTIFICATE "Am"

Mr Syed Hajeer Shah L.O DEO (F)

ATD is appeared before the STE repic

Peshawar in connection with S.A No:18/24
title Javeria Ashraf vs govt repic etc etc
41 others on 21/5/2024 for filling of
instant comments.


21/5/24
Javed Iqbal
Additional Director General
Khyber Pakhtunkhwa
Labour Tribunal Peshawar

Ali Iqbal
10/6/2024

(S)

Attendance Certificate

My Zahid Khan L.O DEO (F) AID appears & attend in case S.A No 18/24, Javeria Ashraf vs govt kpk etc cluttered with (4) other's before the kpk SFC Peshawar on 22/5/2024.

Mullazim
22/5/2024

Attested

10/6/2024

(18)

Attendance Certificate

(6)

Mr. Syed Hajjaj Shah, L-O DEO (F) A/D
is appear before the &pk sic peshawar in
connection of filling the Service appeal
No. 18/24 # Javeria Ashraf vs govt &pk etc
clubbed with (41) other's similar on 27/5/2024

R. Azam
27/5/2024
Assistant Secretary General
Khyber Pakhtunkhwa
Services Tribunal Peshawar

Allocated
for
10/5/2024

BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR

Diary No. 10095

Dated 11/24

Service Appeal No. 35 /2023

Attia Bibi D/O Kala Khan, (SPST) GGPS Darra Salhad. A. Mbad

...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
IMPOSED

01/01/24

13/01/23

S.A 35-A/24 @ Amara B
Govt vs Atira Bibi

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

Anam Shah, P.P

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.

ATTESTED

(Signature)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman

*Mutazem Shah *

Date of Presentation of Application 11-6-24
Number of Weeks P-2
Copying Fee 10/-
Urgent _____
Total 10/-
Name of C. _____
Date of C. 13-6-24
Date of Delivery of Copy 20-6-24