

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

**Service Appeal No: 38 /2024 clubbed with Service Appeals 18-A/2024**

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

**VERSUS**

**Mst Nelum Pari.....Respondents**

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**Dated: \_\_\_/06/2024**



**District Education Officer (F)**

**Abbottabad.**

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER  
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Others.....Appellants**

**VERSUS**

**Mst Nelum Pari.....Respondents**

**Khyber Pakhtunkhwa  
Service Tribunal**  
Diary No. 13685  
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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**Government of Khyber Pakhtunkhwa through Chief Secretary &  
Others.....Appellants**

**VERSUS**

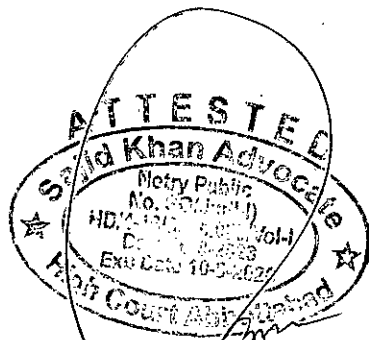
**Mst Nelum Pari.....Respondents**

**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

10/6/2024

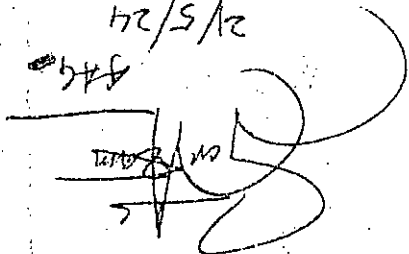
Director  
General  
Office

Attended

Additional Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar

21/5/24

8440



Mr Syed Hayat Shah L.O DBO (P)  
AID is appeared before the SIE vice  
Peshawar in connection with S.A No 18/24  
title Jawana Ashraf vs govt vice etc sp  
41 others on 21/5/2024 for filling of  
instant committee.

ALLIANCE CERTIFICATE

(4)

(Signature)

✓

22/5/2024

Attested

22/5/2024

performed on 22/5/2024

my Zahid Khan (DOB 18/08/2018) son of Ashraf us Saif  
attended in case S.A No 18/24, Javeria Ashraf us Saif  
KPK etc checked with (AD) officers before the KPK site

Attestate  
Certificate

9

6

Attendee Certificate

6

M. Syed Hujay Shah, L.O DEO (PAID)  
is appear before the SPC SIC perform in

connection to falling the Service appeal

Non 18/24 Jarama Ashraf vs govt upk etc

classified with (41) other's similar on 27/5/2024

Uroqum

27/5/2024

ASSISTANT  
COMMISSIONER  
IN CHARGE

10/5/2024  
Noted

**BEFORE THE SERVICE TRIBUNAL KPK**  
**PESHAWAR**

Case No. 10/02

Dated 11/1/24

Service Appeal No. 38 /2023/

Neelam Pari D/O Muhammad Javid (SPST), GGPS Paswal Mian 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,**

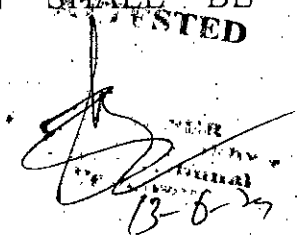
**WHEREIN, RESPONDENTS' DEPARTMENT HAVE**

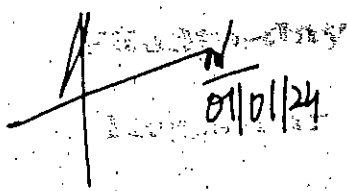
**MADE IT COMPULSORY FOR THE APPELLANT**

**TO GET PROMOTION TO THE NEXT RANK. AND**

**SHALL AVAIL HER PROMOTION, FAILING**

**WHICH, DISCIPLINARY ACTION SHALL BE**

**TESTED**  
  
13-6-23

  
01/01/24



S.A - 38 - 11/24

Govt vs Nelum Pouri

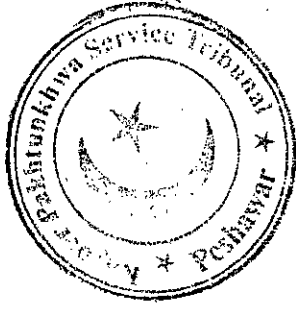
(7)

Ammon

B

22<sup>nd</sup> 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

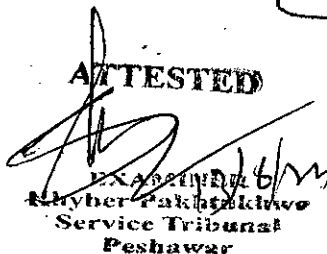
\*Amir Shah, P.S.\*

29<sup>th</sup> 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

  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah \*

Date of Presentation of 11-6-24  
Number of 8-f  
Copies 101-  
Urgent 101-  
Total 101-  
Name of 13-6-24  
Date of 20-6-24  
Date of Delivery of 20-6-24