

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 250/2024

Mr. Gohar HayatAppellant.

VERSUS

District Education Officer (Male) Kohat & Others.....Respondents.

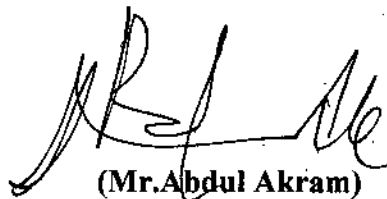
Subject:- **APPLICATION FOR DELETION THE NAME OF RESPONDENT (SECRETARY ELEMENTARY & SECONDARY EDUCATION DEPARTMENT) FROM THE PANEL OF RESPONDENT.**

Respectfully sheweth,

The respondent No. 01 most humbly submits as under:-

1. That as per the Khyber Pakhtunkhwa Service Tribunal letter dated 02-02-2024, "un-necessary parties are also arrayed as respondents, whereas, Rule-6(4) of the Rules requires that the competent authority, whose order is challenged, shall be shown as respondent No. 01".
2. That in the subject Service Appeal the applicant is Ex-Lab Assistant (BPS-07) which comes under the competency of District Education Officer.
3. That the appellant aggrieved from the **impugned Notification dated 26-10-2023 and the appellant order dated 13-11-2023 which has been passed by District Education Officer (Male) District Kohat and Director E&SE, respectively.**
4. That Civil Servant (BPS-16) and below comes under the competency of Director Elementary & Secondary Education and District Education Officer concerned.
5. That the Secretary Elementary & Secondary Education is unnecessary party in the instant Service Appeal.

Prayer:- **In view of the above, it is humbly requested that the Secretary Elementary & Secondary Education may kindly be deleted from the panel of respondent please.**



(Mr. Abdul Akram)

Additional Secretary (G), E&SED

On behalf of

Secretary, E&SED.

(Respondent No. 01)

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 250 /2024

Gohar Hayat S/o Shoukat Hayat Ex-Lab Assistant
Govt. Higher Secondary School Surgul Kohat.

...Appellant

VERSUS

1. Secretary to Govt. Elementary & Secondary Education KPK Peshawar.
2. The Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) District Kohat.

....Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED 21.10.2023 WHEREBY THE APPELLANT
WAS AWARDED MAJOR PENALTY OF
REMOVAL AGAINST WHICH THE APPELLANT
FILED DEPARTMENTAL APPEAL WHICH WAS
REJECTED ON 13.11.2023 ON NO GOOD
GROUND..

Prayer:-

ON ACCEPTANCE OF THIS APPEAL
THE BOTH THE IMPUGNED ORDERS
DATED 21.10.2023 & 13.11.2023 MAY
KINDLY BE SET ASIDE AND THE
APPELLANT MAY KINDLY BE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

Dated Peshawar, the 29-04-2024

NOTIFICATION

NO.SO(Lit-II)/E&SED/1-5/2021. The undersigned (Masood Ahmad, Secretary Elementary & Secondary Education Department) is pleased to authorize Mr. Abdul Akram, Additional Secretary General, Elementary & Secondary Education Department to sign parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc on my behalf for submission before various courts of law/tribunals in the best public interest.

(MASOOD AHMAD)

SECRETARY

Elementary & Secondary Education
Department, Khyber Pakhtunkhwa

Ends: No. _____

Dated _____

Copy forwarded to the:-

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department.
4. Registrar Peshawar High Court Peshawar (with one each spare copy for the Honorable Judges).
5. Registrar Service Tribunal Peshawar (with one each spare copy for the Honorable Chairman/Members)
6. All Section Officers (Litigation) E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (General) E&SE Department.
9. PAs to Deputy Secretary (Legal-I&II) E&SE Department.

*Attested
Masood
10/4/2024*

[Signature]
(SAJID ULLAH)
SECTION OFFICER (Lit-II)

03.04.2024

Learned counsel for the appellant present and requested for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 15.05.2024 before S.B. P.P given to learned counsel for the appellant.

(Muhammad Akbar Khan)
Member (E)

Kaleemullah

15.05.2024 1. Learned counsel for the appellant present and argued that vide impugned order dated 21.10.2023 appellant was removed from service by the respondent without conducting regular inquiry and providing chance of hearing which is against the rules on the subject. Appellant filed departmental appeal which was rejected vide order dated 13.11.2023 which was communicated to the appellant on 18.12.2023, hence the instant service filed under section 4 of Khyber Pakhtunkhwa Service Tribunal on 18.01.2024. Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections. Appellant is directed to submit security fee within seven days, thereafter, notices be issued to the respondents for submission of written reply. Respondents be summoned through TCS the expenses of which be deposited by the appellant within seven days. To come up for written reply/comments on 13.06.2024 before S.B. P.P given to learned counsel for the appellant.

(Rashida Bano)
Member (J)
Camp Court, Swat

Kaleemullah