

● **BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

C.M. No. 572 /2024

In

Service Appeal No. 613/2024

**AsmaFazal**

**V E R S U S**

**Nadia Rasheed**

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Applicant/ Respondent No 4,

Through,

  
**MUHAMMAD KAMRAN IHSANULLAH**

Advocate, Peshawar

Dated: 14.06.2024

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

C.M. No. <sup>572</sup> ~~65~~ /2024

In

Service Appeal No. 613/2024

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 13572

Dated 14-06-2024

①

*Noted*

**Asma Fazal** (certified teacher BPS-15, Govt High School, Khait Sahrisi,  
D/o Fazl-ur-Rehman, Mansehra)

R/o house at Street 16, Phulgulaab road, near Ayub Medical  
Complex, Abottabad

\_\_\_\_\_ (Applicant)

**VERSUS**

**Nadia Rasheed**  
(certified teacher BPS-15, Girls Middle School, Ganyal  
district Mansehra) \_\_\_\_\_ (Respondent)

*Noted*

APPLICATION FOR SETTING ASIDE EX-PARTE PROCEEDING on  
behalf of the Applicant/ Respondent No. 4, namely ASMA FAZAL,  
passed by this Hon'able Court vide Order Dated 30.05.2024, whereby  
the Applicant/ Respondent No. 4 was proceeded Ex-Parte.

Respectfully Sheweth;

1. That the above-mentioned case is pending for adjudication before this Hon'ble Court and is fixed for 01.07.2024.
2. That defendant No. 4 was proceeded Ex-Parte by this hon'ble court vide order dated 30.05.2024.

- 3. That it is pertinent to mention here that the Respondent No 4 is a responsible citizen but she was not duly served notice or summons by the Hon'ble Court, because of which she did not appear before this Court on the dates fixed.
- 4. That the case should be decided on merits not technicalities.
- 5. That the non-appearance is neither willful nor intentional. Rather now too, she got to know from another employee about the present appeal. After which she approached the court and was informed that she has been placed Ex-parte. Hence the present application.

It is therefore, most humbly requested that the instant application may kindly be accepted and the ex-parte proceedings initiated against Respondent No. 4, and may kindly be set aside so that the case may be decided on merit.

*[Handwritten Signature]*

Applicant/ Respondent No 4,

Through,

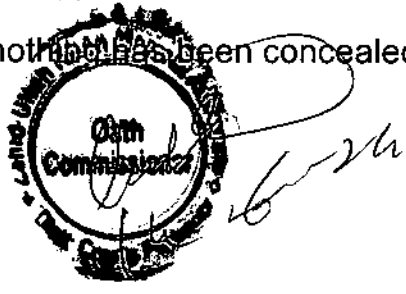
*[Handwritten Signature]*

**MUHAMMAD KAMRAN IHSANULLAH**  
Advocate, Peshawar

Dated: 14.06.2024

AFFIDAVIT

I, AsmaFazal, D/o Fazl-Ur-Rehman certified teacher (BPS-15) Govt High School, Mansehra, do hereby solemnly affirm and declare on Oath that the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



*[Handwritten Signature]*  
**DEPONENT**

(H) (3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No 613/2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12358

Dated 23/4/24

Nadia Rasheed, Certified Teacher (BPS-15), Govt. Girls Middle School,  
Gharyal, District Mansehra.

.....Appellant

**V E R S U S**

1. Director, Elementary & Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Female), Mansehra.
3. Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
4. Asma Fazal, Certified Teacher (BPS-15), Govt. Girls High School, Khait Sahrish, District Mansehra.



.....Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE OFFICE ORDER DATED 27-03-2024 WHEREBY ON ACCEPTANCE OF DEPARTMENTAL APPEAL OF RESPONDENT NO 4, OFFICE ORDER ISSUED VIDE ENDST. NO 1321-25 DATED 22-09-2023 HAS BEEN WITHDRAWN.**

**PRAYER:-**

On acceptance of this appeal the impugned Office Order dated 27-03-2024, may kindly be set aside and the appellant may kindly be allowed to perform her duties at Govt. Girls Middle School, Gharyal, District Mansehra

**Respectfully Submitted:-**

1. That the appellant was initially appointed as Certified Teacher (BPS-15) in July 2021 and was posted to Govt. Girls High School Shamdhara and since appointment the appellant performed her duties with honesty and full devotion and to the entire satisfaction of her high ups.
2. That the appellant was transferred to Govt. Girls Middle School, Gharyal, Mansehra vide Office Order dated 22-09-2023 which was withheld vide Office Order of even date and was restored vide Office Order dated 28-09-2023. (Copies of Office Orders dated 22-09-2023, Office Order dated 28-09-2023 & Charge Report is enclosed as Annexure A, B & C).
3. That respondent No 4 was transferred from Govt. Girls High School Kaith Sarash to Govt. Girls Middle School, Gharyal, District Mansehra, illegally by respondent No 3 vide Office

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Apkal No. 613/2024  
Nadia Rasheed vs Govt

17.05.2024

1. Learned counsel for the appellant present. Mr. Umair Azam

learned Assistant Advocate General alongwith Muhammad Shah,

SCT for the respondents present.



SCANNED  
Peshawar

Learned counsel for the appellant submitted an application for deletion the name of respondent (Secretary Elementary & Secondary Education Department) from the panel of respondents being neither competent nor appellate authority in the instant service appeal. Therefore, Secretary Elementary & Secondary Education is deleted from the panel of respondents. Office is directed to make entry in the memo of appeal with red ink. Written reply not submitted. Representative of respondent sought time for submission of written reply. Adjourned. To come up for written reply/comments on 30.05.2024 before S.B. P.P given to parties.

(Rashida Bano)  
Member (J)

Kalcomultali

30.05.2024

01. Counsel for the appellant present. Mr. Arshad Azam, Assistant A.G for the official respondents present. Nemo for private respondent No. 4 despite proper service, hence placed ex-parte.




02. Reply/comments on behalf of the respondents not received. Learned AAG requested for adjournment in order to contact the official respondents. Last opportunity is granted. To come up for reply/comments on 13.06.2024 before the S.B. PP given to the parties.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Fareeha Paul)  
Member(E)

Date of Presentation of Application 19/6/24  
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| 44580                                  | پشاور بار ایسوسی ایشن، خیبر پختونخوا  |
| ایڈوکیٹ: محمد کامران احسان اللہ        | PESHAWAR BAR ASSOCIATION  |
| بار کونسل ایسوسی ایشن نمبر: BC-21-3771 |    |
| رابطہ نمبر: 0346-906680                |   |
|  |  |

بعدالت جناب: خیبر پختونخوا سروس ٹرانسپونل -

|                         |                       |
|-------------------------|-----------------------|
| مخائب: Respondent No. 4 | دعویٰ: Service Appeal |
| Nadia Rasheed           | علت نمبر: -           |
| بنام                    | موزی: -               |
| Director & others       | جرم: -                |
|                         | تھانہ: -              |

### باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام لیسٹور کے لیے محمد کامران ایڈوکیٹ کا ایشم نیازر ایڈوکیٹ کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقررات ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ پالنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ برداشت منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا کوئی تارج پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 14/06/2024  
PESHAWAR BAR ASSOCIATION  
HYBER PAKHTOON

المقام لیسٹور

مقام لیسٹور کے لیے منظور ہے۔

Accepted by  
Asma

Asma

Asma Fazal  
% Fazl-un-Rehman