

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

C.M. No. 638/2024
Service Appeal No. 984/2023

1. The Secretary of (E & SE) Education, Kyber Pakhtunkhwa,
 2. The Director of (E & SE) Education Khyber Pakhtunkhwa.
 3. The District Education Officer (Female) Mardan.
- (Petitioners)

Versus

Khan Bacha S/O Sher Hasan R/O Bagh-e-Irum Tehsil & District,
Mardan.

(Respondent)

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Respondent

25-6-24
District Education Officer
(Female) Mardan

04-09-24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

C. M. No. 638/2024
Service Appeal No. 984/2023

Khyber Pakhtunkhwa
Service Tribunal

No. 13793

1. The Secretary of (E & SE) Education, Kyber Pakhtunkhwa,
2. The Director of (E & SE) Education Khyber Pakhtunkhwa.
3. The District Education Officer (Female) Mardan.

(Petitioners)

Versus

Khan Bacha S/O Sher Hasan R/O Bagh-e-Irum Tehsil & District,
Mardan.

(Respondent)

APPLICATION FOR SETTING ASIDE EX PARTE

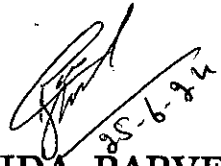
Respectfully Sheweth,

1. **That** the appeal as cited in the title above is pending in the Honorable Service Tribunal Peshawar.
2. **That** the respondents was proceeded ex parte vide order dated 11/06/2024 which was first hearing in the reply.

(Copy of Order is as Annexure A)

3. **That** the non-submitted reply on behalf of the respondents before the Service Tribunal was not intentional but due to huge pendency of suits and. The Service Tribunal has not given an opportunity to the respondent department and passed ex parte order dated 11/6/2024.
4. **That** the valuable rights of the respondents are involved in the present service appeal.
5. **That** law favors adjudication on merit and on mere technicalities.
6. **That** if the ex parte order dated 11/6/2024 is not set aside the respondent would suffer irreparable loss and injury.
7. **That** it is the interest of justice that a lis be disposed of on merits after hearing both the parties.

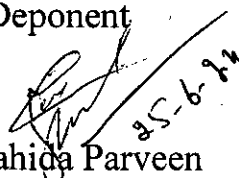
It is therefore, respectfully prayed that the Honorable Tribunal may be pleased to set aside the ex parte order date 11/06/204. Any other relief which this honorable Tribunal may deem fit is further prayed. It is further prayed that the operation of ex parte order may be put in abeyance till the disposal of the present application.


25-6-24
SHAHIDA PARVEEN
District Education officer
(Female) Mardan
(Respondent No 1,2 &3)

AFFIDAVIT

I, **Shahida Parveen DEO (Female)** Mardan do hereby solemnly affirm and declare that the contents of application submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court. It is further stated on oath that the application of the answering respondents have not been struck off.



Deponent

25-6-24
Shahida Parveen
DEO (Female) Mardan

Before The Service Tribunal, Peshawar

Service Appeal No. 984 /2023



Khan Bacha S/O Sher Hasan R/O Bagh-e-Irum Tehsil & District Mardan.

.....Appellant

Versus

The Government of KPK through,

1. The Secretary Education Civil Secretariat Peshawar, K.P.K .
2. Director Education GT Road Peshawar near Hastnaghri Peshawar.
3. District Education Officer (Female) Mardan near PRC Mardan.

.....Respondants

Appeal under section 4 of The service Tribunal Act, 1974 against the orders of the DEO (F) by not enlisting appellant in the seniority list along with all back service benefits where in appellant was appointed vide order 8720-29 dated 09/08/2010 and then adjusted / reappointed vide endst no 3471/G dated 05/04/2018. That the appellant filed departmental appeal before DEO (F) on 23/12/2022 which is still pending without disposal.

Prayer in Appeal:-

That the appellant may please be placed and given back service benefits like Seniority increments etc in light of appointment order Endst 8720-29 dated 09/08/2010 and seniority may please be ordered in accordance with merit as appellant was appointed in the year 2010.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 984/2023
Khan Bacha vs Govt



13.05.2024

1. Appellant in person present and produce copy of service list which is placed on file.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Petitioner is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 11.06.2024 before S.B. P.P given to the appellant.

(Muhammad Akbar Khan)
Member (E)

kamran

11th June , 2024

1. Nobody is present on behalf of the appellant. Mr. Arshad Azam, Assistant Advocate General present.
2. Despite service through TCS, neither respondents are present before the Tribunal nor reply has been submitted, therefore, they are placed ex-parte. The appeal is admitted to full hearing. Appellant is directed to deposit security fee within 10. To come up for ex-parte arguments on 04.09.2024 before the D. Parcha Peshi given to the parties.

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 11-6-24
 Number of Words Page 2
 Copying Fee 10/-
 Urgent 10/-
 Total 15/-
 Name of Copyist Shahzad
 Date of Completion of Copy 11-6-24
 Date of Delivery of Copy 25-6-24

Naeem Amin

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar