

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

C.M No. 655/2024

In

Service Appeal No.636/2024

1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Education Officer Male Dir Lower.

(Applicant)

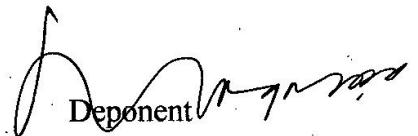
Versus

Liaqat Ali, Qari BPS-12 GHS Dherai Talash, District Dir Lower

(Respondents)

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Deponent



PROF. DR. ...
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BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

C.M No. 636/2024

Khyber Pakhtunkhwa
S.C. Tribunal
Case No. 12905
Date 02.07.24

In

Service Appeal No.636/2024

1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.

2. District Education Officer Male Dir Lower.

(Applicant)

Versus

Liaqat Ali, Qari BPS-12 GHS Dherai Talash, District Dir Lower

(Respondents)

APPLICATION FOR SETTING ASIDE EX-PARTY ORDER DATED 03-06-2024 AND
RESTORING RIGHT OF FILING JOINT PARA WISE REPLY

Respectfully sheweth:

1. That the above titled appeal is pending adjudication before this Honorabe Tribunal in which next date of hearing id fixed for 04-09-2024.
2. That this Honorable Tribunal directed the applicants for reply on 03-06-2024, thus due to late receiving of the appeal, official procedure./practice and without any fault, the directions of this Honorable Court was not complied on the date fixed. Resultantly this Honorable tribunal placed the applicants (Respondents in the main appeal) as ex-parte vide order dated 03-06-2024. (Copy of the order sheet dated 03-06-2024 is attached)
3. That the applicants seeks permission to file reply in the captioned above service appeal in order to enable this Honorable Court for just and appropriate decision inter alia o the following grounds.

GROUND

- A) That it is settled principle of law that lis should be decided on merits and technicalities should be avoided in order to avoid any legal complications/miscarriage of justice.
- b) That with utmost respect the impugned order is a harsh one and this Honorable Tribunal has ample power to allow the applicants to file reply for ends of justice.
- c) That right of fair trial is the fundamental guaranteed constitutional right of the applicant as envisaged under article 10-A of the Constitution of Islamic Republic of Pakistan 1973.Hnece on

BEFORE THE HONORABLE SERVICE SERVICE TRIBUNAL KHAYBER
PAKHTI KHAN PESHAWAR

Case No. 836/2024

Service Appeal No. 636/2024

1. Director, Elementary and Secondary Education, Khairpur Pakhtunkhwa Peshawar

2. District Education Officer, Muzir District

(Applicant)

Versus

1. Mr. Tanvir Abbas, District Officer, District Muzir (Respondent)

APPLICATION FOR SETTING ASIDE 1-PARTY ORDER DATED 03-06-2024 AND
RESTORING RIGHT OF FILING JOINT PAKHTI PESHAWAR

Respectfully sheweth:

1. That the above cited appeal is pending adjudication before this Honorable Tribunal in which next date of hearing is fixed for 04-09-2024;

2. That the Honorable Tribunal directed the applicants for reply on 03-06-2024, thus due to the recent on the appeal, official procedure, practice and without any fault the questions of this Honorable Tribunal was not complied on the date fixed. Resultantly this Honorable Tribunal placed the applicants (Respondents in the main appeal) as ex parte vide order dated 03-06-2024. Copy of the order sheet dated 03-06-2024 is attached;

3. That the applicants seeks permission to file reply in the captioned above service appeal in order to enable this Honorable Tribunal for just and appropriate decision inter alia on the following grounds

GROUND

(A) That it is settled principle of law that its should be decided on merits and technicalities should be avoided in order to avoid any legal complications/interchange of justice.

(B) That with utmost respect the impugned order is a harsh one and this Honorable Tribunal has ample power to allow the applicants to file reply for ends of justice.

(C) The right of fair trial is the essential part of the constitutional right of the applicant as envisaged under article 10-A of the Constitution of Islamic Republic of Pakistan 1973, hence on

this scores alone the impugned order is liable to be set aside consequently the applicant be allowed to file written reply.

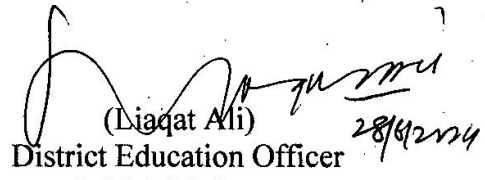
d) That admittedly by awarding the permission of submitting reply, this Honorable Tribunal will be enable by just and appropriate conclusion. Above all there is no legal impediment on acceptance of this application rather the same is the demand of equity, law and smooth administration of justice.

e) That the applicants will raise further grounds at the time of arguments with the prior permission of this Honorable Tribunal.

It is, therefore, humbly prayed that on acceptance of the above application , the ex-part proceedings against the applicant may be set aside and right to file to file para wise reply may kindly be restored, please..


(Samina Altaf)

Director
Elementary and Secondary Education
Peshawar Khyber Pakhtunkhwa Peshawar
Applicant No. 1


(Liaqat Ali) 28/12/24

District Education Officer
(Male) Dir Lower
Applicant No. 2

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

C.M.No. 838/2024

in

Service Appeal No.838/2024

1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar

2. District Education Officer, Mardan District

(Applicant)

Versus

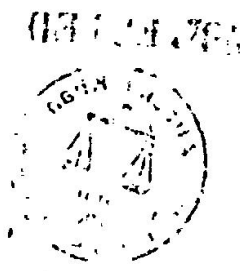
Liaqat Ali Qari BPS-12 (HS) Dherai Talash, District Dir Lower

(Respondents)

Affidavit


I, Liaqat Ali Qari (M) Dir Lower hereby solemnly affirm and declare that contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august court.

Deponent
Liaqat Ali



AUTHORITY LETTER

I, Liaqat Ali, District Education Officer Male Dir Lower, do hereby authorized Mr. Mr. Muhammad Shahab o/o the DEO (M) Dir Lower to submit the instant application in Service Appeal No.636/2024, Title: Liaqat Ali v/s Director, E&SE Peshawar and one other, hence an authority letter is hereby issued in favor of the above-named office.


District Education Officer
(Male) Dir Lower
Applicant No. 2

AUTHORITY LETTER

I, J. Iqbal Ali, District Education Officer Male Dir Lower, do hereby authorize Mr. Mr. Muhammad Shahid o/o the D.O (M) Dir Lower to submit the instant application in Service Appeal No. 38/2024. Title: J. Iqbal Ali vs Director, F&SI. However and one other hence an authority letter is hereby issued in favor of the above-named officer.

District Education Officer
(Male) Dir Lower
Application No. 3

03rd June, 2024

1. Learned counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General present.
2. Despite service through TCS, neither respondents are present nor reply has been submitted, therefore, they are placed ex-parte. This case pertains to Camp Court Swat, therefore, let it be fixed there. To come up for arguments on 04.09.2024 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.



(Kalim Arshad Khan)
Chairman

Noem Amu

attested
Shehal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 636 /2024

Mr. Haqmat Ali, PST BPS-12,
GHS Dherat Talash, Dir Lower.

.....APPELLANT

VERSUS

1. The Director Elementary and Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer, District Dir Lower.

.....RESPONDENT

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENT BY NOT GRANTING/ALLOWING PAY PROTECTION/FIXATION TO THE APPELLANT W.E.F.30/04/2014 I.E. FROM THE DATE OF INITIAL APPOINTMENT AND AGAINST THE INACTION OF THE RESPONDED BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f. 30/04/2014 i.e. from the date of initial/first appointment with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed as PST (BPS-12) vide order dated 30/04/2014 after fulfilling all the codal formalities, and since appointment the appellant performing his duty quiet efficiently and to the entire satisfaction of their high ups. Copy of appointment order is attached as Annexure..... **A**
- 2- That it is important to mention here that during service of the appellant on the post of PST (BPS-12), the respondent again advertised the post of PST (BPS-12), whereby the appellant