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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No.1866/2022

Misc. Appli. no. 399/2024

Khyber Pakhtunkhwa
Service Tribunal

1. The Secretary Education (E&SE), Govt: of Khyber Pakhtunkhwa; Peshawar.
2. Director Education (E&SE), Govt: of Khyber Pakhtunkhwa; Peshawar.
3. District Education Officer (F), District North Waziristan, Miranshah.

Diary No. 12953

Dated 24-05-2024

Appellant.

VERSUS

1. **Mst: NighatShaheen Ex-PST** , R/O Porana Bazar Karak P/O Tehsil District Karak

Respondent.

APPLICATION FOR SETTING ASIDE THE ORDER DATED:18/04/2024 ON BEHALF OF THE APPELLANT NO.1 to 3 WHEREBY THE APPELLANT WERE PLACED EXPARTE AND REMISSION OF FINE.

RESPECTFULLY SHEWTH

1. That the above cite case is pending in the honorable tribunal and is fixed for hearing On 24/05/2024.
2. That the appellant No.3 received the summon along with service appeal for submission of reply on 18.04.2024 through whatsapp from worthy (E&SED) Secretariat.
3. That the absence of the representative of the appellant was not intentional or willful but due to displacement of office location and bifurcation from Deo (m) office neither receive summon nor any information about the case.
4. That the cost/fine Rs.6000 imposed by the honorable tribunal dated 23/02/2024 may be remitted.
5. That no prejudice will be cost to the respondent if order dated 18/04/2024, Set aside rather it would afford an opportunity for the appellants to put forth their side of facts before this honorable tribunal, So that this honorable tribunal may reach at the just and proper decision of the case.
6. That The present petition is well within limitation.

It is therefore, Humbly prayed that the Ex-Parte order dated 18/04/2024 may kindly be set aside and remit the fine in the interest of justice.

(Appellants Through)

(AniqaHumaTouqeer)

Aniqa Huma
DISTRICT EDUCATION OFFICER (F)
NORTH WAZIRISTAN DISTRICT

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Appeal No.1866/2022

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-----**Appellant.**

VERSUS

Mst: NighatShaheen Ex-PST , R/O Porana Bazar Karak P/O Tehsil District Karak

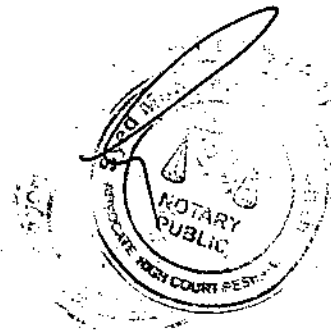
-----**Respondent.**

AFFIDAVIT

I, **AniqaHumaTouqeer** DEO(F) North Waziristan do solemnly affirm and declare that the Content of the Application on behalf of the appellants are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Services Tribunal.

DEPONENT

AniqaHuma



(3)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1866 of 2022



Mst Nighat Shaheen Ex-PST R/o Porana Bazar Karak P.o Tehsil
District Karak.

..... Appellant

VERSUS

- 1) Government of KPK through Secretary Education Khyber Pakhtunkhwa KPK Peshawar.
- 2) Director Education KPK Peshawar.
- 3) District Education Officer North Waziristan.

..... Respondents

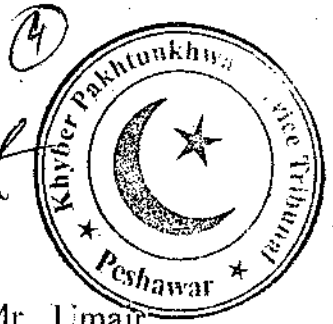
APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, FOR THE ADJUSTMENT/ALLOWING THE APPELLANT FOR PERFORMING HER DUTY WITH RESPONDENT DEPARTMENT AS THE APPELLANT HAS BEEN RESTRAINED ILLEGALLY AND WITHOUT ANY REASON FOR PERFORMING HER DUTY AGAINST WHICH THE APPELLANT FILED A DEPARTMENTAL APPEAL 23/08/2022 WHICH HAS NOT BEEN DECIDED WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Prayer:

On acceptance of the instant service appeal the appellant may kindly be treated accordance to law and rules by adjusting/allowing her to perform her duty with respondent Department alongwith all back benefits.

TESTED
[Signature]
23/8/22
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 1866/2022
MSF. Nighet Shaheen vs Govt



18th April, 2024 1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General present.

2. Despite numerous opportunities and imposition of cost, reply has not been submitted by the respondents nor anybody is present on behalf of the respondents, therefore, they are placed ex-parte. To come up for preliminary hearing on 24.05.2024 before S.B. P.P given to the parties.

ATTESTED

(Kalim Arshad Khan)
Chairman

Aiman Shah, P.A.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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