

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No.2351/2023

MR PARVEZ KHAN.....Appellant,
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 122701

Secretary to Govt of KPK Peshawar.....
Dated 18-04-2024
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 SPET (BPS-16) which comes under the competency of District Education Officer/Director Elementary & Secondary Education.
3. That it is pertinent to mention here that the Civil Servant (BPS-16) and below comes under the competency of Director Elementary & Secondary Education and District Education Officers.
4. That the Secretary Elementary & Secondary Education is unnecessary parte in all Service Appeal of BPS-16 & below and required deletion from the list of respondents.

Prayer:- In view of the above, it is humbly requested that the Secretary Elementary & Secondary Education being Proforma Respondent in cases of BPS-16 & below employee of Elementary & Secondary Education may kindly be deleted from the panel of respondents please.

18-04-2024


SECRETARY
Elementary & Secondary Education,
Department Khyber Pakhtunkhwa.
(Respondent No. 01)

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. _____/2023

Mr. Parvez Khan, SPET (BPS-16),
GHS Kohi, Tehsil Salarzo, District Bajaur.

.....**APPELLANT**

VERSUS

- 1- The Secretary (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&S) Education Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Bajaur.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ADJUSTMENT ORDER
DATED 18.07.2023 TO THE EXTENT OF APPELLANT
AT SERIAL NO. 13 OF SPET WHEREBY HE IS POSTED
IN TEHSIL SALARZO INSTEAD OF TEHSIL
UTMANKHEL IN UTTER VIOLATION OF THE
TRANSFER AND POSTING POLICY AND AGAINST THE
INACTION OF THE RESPONDENTS BY NOT DECIDING
THE DEPARTMENTAL APPEAL OF APPELLANT
WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

PRAYER:

That on acceptance of this appeal the impugned adjustment order dated 18.07.2023 to the extent of appellant at serial No. 13 of SPET may kindly be set aside and the respondents may please be directed to adjust the appellant at Tehsil Utmankhel in light of Clause-IX of the Transfer and Posting Policy of the provincial Government. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of respondent Department

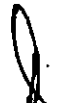
SPET

SA 2351/23

07th Feb. 2024

01. Junior to counsel for the appellant present. Mr. Muhammad Jan, Distinct Attorney for the respondents present.

02. Reply/comments on behalf of respondent No. 3 received through office, a copy whereof handed over to junior of learned counsel for the appellant. Learned District Attorney requested for time to contact respondents No. 1 and 2 for submission of reply. Granted. To come up for reply/comments of respondents No. 1 and 2 on 11.03.2024 before the S.B. P.P given to the parties.



(Farceha Paul)
Member(E)

Fazle subhan P.S

11.03.2024

Junior of learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Written reply on behalf of respondent No. 3 has already been received, while reply/comments on behalf of respondents No. 1 & 2 are still awaited. Learned Assistant Advocate General requested for further time for submission of reply/comments on behalf of respondents No. 1 & 2. Adjourned. Last opportunity given. To come up for reply/comments on behalf of respondents No. 1 & 2 on 18.04.2024 before the S.B. Pacha Peshi given to the parties.


(Salah-ud-Din)
Member (J)

Naeem Amin