

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 2483/2023

Mr. M.DostaanAppellant.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12200

Dated 16.04.24

VERSUS

Secretary to Govt of KPK Peshawar.....Respondents.

Subject:- **APPLICATION FOR DELETION THE NAME OF RESPONDENT
(SECRETARY ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT) FROM THE PANEL OF RESPONDENT**

Respectfully sheweth,

The respondent No. 04 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 Ex AT (BPS-16S) 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.


SECRETARY

Elementary & Secondary Education,
Department Khyber Pakhtunkhwa.
(Respondent No. 04)

16-04-24
Peshawar

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BEFORE THE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 283/2023.

Muhammad Dostan, Ex-AT BPS-16, GMS Qadam Khyber.....Appellant.

VERSUS

1. District Education Officer (M) Khyber
2. Director E&SE Department, Khyber Pakhtunkhwa
3. District Accounts Officer Khyber
4. Secretary E&SE Department, Khyber PakhtunkhwaRespondents

SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION BEARING ENDST NO. 11785-90/F. NO. 38 DATED 01-11-2023 OF THE RESPONDENT NO. 1, WHEREBY THE ACTUAL & CORRECT DATE OF BIRTH 01-07-1963 HAS WRONGLY BEEN MENTIONED AS 09-05-1963 WHICH IS INCORRECT & LIABLE TO BE RATIFY IN THE SERVICE BOOK OF THE APPELLANT.

ON THE ACCEPTANCE OF THIS APPEAL THE RESPONDENT NO. 1 BE DIRECTED TO CORRECT THE DATE OF BIRTH IOF THE APPELLANT AS 01-07-1963 INSTEAD OF 09-05-1963 IN THE SERVICE BOOK OF THE APPELLANT IN VIEW OF THE ORDER DATED 02-05-2023 & ENQUIRY REPORT DATED 06-05-2023 OF THE RESPONDENT DEPARTMENT

Respectfully Sheweth:-

ON FACTS:

The appellant submits as under: -

1. That the appellant is a bona-fide resident of Hassan Ghari No. 2 Shami Road District Peshawar. *(Copy of the CNIC is Annex-A).*
2. That vide order dated 04-05-1987, the appellant was inducted in the Respondent Department against the AT post along with his adjustment at GMS Qadam Jamrood District Khyber. *Attached as Annex-B.*
3. That as per record, the date of birth of the appellant dated 01-07-1963 has correctly been written in the record of the District Accounts Officer, CNIC, Education Profile/Staff HRMIS of the Department & Payroll except in the service book, wherein, a wrong & tempered date of birth of the appellant dated 09-05-1963 has been written by the Department & *Copies whereof are attached as Annex-C, D & E.*
4. That aggrieved from the act of the Respondent No. 1 to the extent of making wrong entry of the date of birth of the appellant as 09-05-1963 instead of 01-07-1963, the appellant has filed an application to the Respondent No. 1 for the correction of the date of birth of the appellant from 09-05-1963 to 01-07-1963 in the service book which was resulted in the nomination of enquiry committee vide order dated 02-05-2023 comprising of the Principal GHS Hasham Abad & ADEO Primary of District Khyber who submitted their report on dated 06-05-2023 with recommendations for the correction of date of birth of the appellant in his service book from 09-05-1963 to 01-07-1963 which was denied by the Respondent No. 1 without any legal justification.