

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

CM No. 931 /2024 in Service Appeals No: 679 & ~~680~~/2024

1. The Secretary E&SE Department Khyber Pakhtunkhwa Peshawar
2. The Director E&SE Department Khyber Pakhtunkhwa Peshawar & others..... Appellants


**VERSUS**

Mst: Afsheen Mumtaz W/O Ayaz Hussain, Senior Instructor Physical Education, GGHSS, Khyber Colony Peshawar & (1) other..... Respondents.

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SAMINA ALTAF  
DIRECTOR

  
AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.

1

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

CM No. 931 /2024 in Service Appeals No: 679 & ~~680~~/2024 Diary No. 15179

Dated 26/8/24

1. The Secretary E&SE Department Khyber Pakhtunkhwa Peshawar
2. The Director E&SE Department Khyber Pakhtunkhwa Peshawar & others..... Appellants

**VERSUS**

Mst: Afsheen Mumtaz W/O Ayaz Hussain, Senior Instructor Physical Education, GGHS, Khyber Colony Peshawar & (1) other..... Respondents.

**APPLICATION FOR SETTING ASIDE THE EX-PARTEE  
ORDER DATED 25-07-2024 PASSED BY THIS  
HONORABLE TRIBUNAL AGAINST THE  
RESPONDENTS NO. 1 & 2 IN THE TITLED APPEALS.**

**Respectfully Sheweth: -**

The Applicants submit as under: -

1. That the tilted appeal is pending adjudication before this Honorable Tribunal on behalf of the appellants now Respondents in the titled application for setting aside the Ex-ParTEE order dated 25-07-2024 against the applicants by this Honorable Tribunal on account of non-submission of reply /comments on the date fixed.
2. That non-submission of required reply by the applicants was not intentional rather it was due to the official correspondence on account of obtaining signature of the other Respondent under the prescribed official rule of business.
3. That the impugned order dated 25-07-2024 has been passed by this Honorable Tribunal on technical grounds, whereas, as per directions of the apex court of law, disposal of the like nature cases be made on merits instead on technical grounds for meeting the ends of justice.
4. That the titled application is within time limitation having no legal bar in entertaining the same on behalf of the Applicants by this Honorable Tribunal, rather it would be in the interest of justice & equity to allow the instant application in the interest of justice.
5. That valuable legal rights are attached with the titled matter of the Applicants & if the order dated 25-07-2024 has not been re-called/set aside, then the Department shall suffer huge financial losses.

Therefore, in view of the fore-made submissions, it is most humbly prayed that on the acceptance of this application, the Honorable Tribunal may very graciously be pleased to re-call/set aside the impugned order dated 25-07-2024 in favor of the Applicants (Respondents in the main appeals) in the interest of justice please.

Dated: \_\_\_/\_\_\_/2024

SAMINA ALTAF  
DIRECTOR



AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.

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**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

CM No. \_\_\_\_\_/2024 in Service Appeals No: 679 & 680/2024

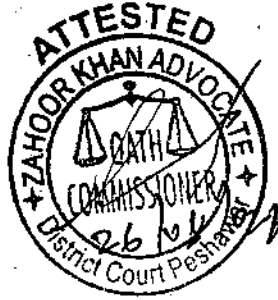
1. The Secretary E&SE Department Khyber Pakhtunkhwa Peshawar
2. The Director E&SE Department Khyber Pakhtunkhwa Peshawar & others..... Appellants



**VERSUS**

Mst: Afsheen Mumtaz W/O Ayaz Hussain, Senior Instructor Physical Education, GGHSS, Khyber Colony Peshawar & (1) other..... Respondents.

**AFFIDAVIT**

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm & declare on oath that the contents of the instant application for setting aside the Ex-Parte order dated 25-07-2204 of this Honorable Tribunal in the titled appeal on behalf of the Respondents No. 1 to 2 are true & correct to the best of my knowledge & belief & nothing has been concealed from the ambit of this Honorable Tribunal.



SAMINA ALTAF  
DIRECTOR  
  
AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  



25<sup>th</sup> July, 2024

1. Junior to counsel for the appellant and Mr. Muhammad Jan, District Attorney present.

2. On the previous date, Mr. Rizwanullah, AD was present on behalf of official respondents and had sought time to submit reply/comments, but the same has not been filed. Therefore, official respondents are placed ex-parte. To come up for ex-parte arguments on 31.10.2024 before D.B. P.P. given to the appellant's junior counsel.

*Arshad*  
*A*

\*Mutazem Shah\*

  
(Kalim Arshad Khan)  
Chairman

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**S.A No. 679 /2024

Afsheen Mumtaz W/O Ayaz Hussain,  
Senior Instructor, Physical Education,  
GGHSS, Khyber Colony, Peshawar . . . . . Appellant

VERSUS

1. Director, Elementary and  
Secondary Education, KP,  
Peshawar.
2. Secretary, Government of KP,  
Elementary & Secondary  
Education Department,  
Peshawar.
3. Mst. Raheela Bano, Senior Instructor,  
Physical Education, Govt. Girls Higher  
Secondary School No. 05 Qasaban  
D. I. Khan. (S. No: 10)
4. Mst. Abida Parveen, Senior Instructor,  
Physical Education, Govt. Girls Higher  
Secondary School No. 02 Manshera. (13)
5. Mst. Rubina Shaheen, Senior Instructor,  
Physical Education, Govt. Girls Higher  
Secondary School No. 02 Baran. (14)
6. Mst. Parveen Akhtar, Senior Instructor,  
Physical Education, Govt. Girls Higher  
Secondary School Akora Khattha,  
Nowshera. (S. No. 16)
7. Mst. Sughra Afandi, Senior Instructor,  
Physical Education, Regional Professional  
Development Centre Charsadda. (S. No. 18)

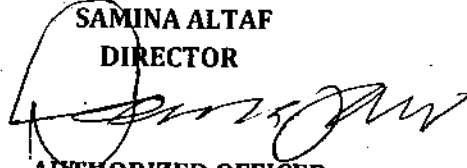


**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.**

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**AUTHORITY LETTER**

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director Litigation-II of this Directorate for submission of CM application in Service Appeals No. 679 & 680/2024 case titled Mst: Afsheen Mumtaz & (1) other Vs Government of Khyber Pakhtunkhwa & others, hence, an authority letter is hereby issued in favor of the above-named officer.

**SAMINA ALTAF  
DIRECTOR**  


**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.**



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

**NOTIFICATION**

I, Samina Altaf, Director Elementary & Secondary Education Department Khyber Peshawar do hereby authorize, Mr. Abdus Sammad, Deputy Director (Legal) Directorate of Elementary & Secondary Education to sign parawise comments, replies, implementation report, objection petitions, civil miscellaneous application etc on my behalf for onward submission before the courts of law/tribunals as the case may be, with immediate effect in the interest of public service.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst. No. 2633-L13 /F.No. AD(Lit-II)/E&SED/Office Correspondence/Vol-II/2024

Dated Peshawar the 26/07/2024.

Copy of the above is forwarded for information & n/action to the:

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department Khyber Pakhtunkhwa.
4. Learned Registrar High Court Peshawar (with one each spare copy for the Honorable Judges).
5. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar (with one each spare copy for the Honorable Chairman/Members).
6. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
7. All District Education Officer (Male/Female) Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar.
9. PA to Additional Secretary (General) E&SE Khyber Pakhtunkhwa, Peshawar.
10. PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
11. Master File.

Attested  
P

*Samina Altaf*  
(SAMINA ALTAF)  
DIRECTOR

Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar