

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 544/2024

CM 936/24

Govt: of Kyber Pakhtunkhwa & others.....Respondents.

VERSUS

Mr. Bacha Khan.....Appellant.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 544/2024

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Deponent

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

CM 936/24

Service Appeal No # 544/2024

Secretary E&SE Department & Other..... Respondents

Versus

Mr. Bacha Khan Appellant

**APPLICATION FOR SETTING ASIDE EX-PARTY PROCEEDING DATED 14.06.2024-
AND RESTORING RIGHT OF FILING PARA-WISE COMMENTS.**

Respectfully Sheweth,

1. That the above titled appeal was fixed before this Honorable Tribunal on 14-06-2024 for submission of written reply and the Honorable Tribunal has ordered against the respondents as ex-parte alongwith struck off the Right of respondents for non-filing of para-wise comments.
2. That feeling aggrieved the respondents seeks restoration of the right of filing para-wise comments on the following grounds inter alia.

Grounds:

- 1 That the valuable rights of the department/respondents are involved with the instant Service Appeal.
- 2 That the application is within time and there is nothing dis-obedience on the part of respondents.
- 3 That on the very same day on which the respondents were proceeded ex-parte the appellant not submitted the TCS expense and the correct address were not provided (Annex A).
- 4 That there is no legal bar in acceptance of the application in hand.
- 5 That the delay was not intentional but due to non-submission of TCS expense by the appellant.
- 6 That the filing of para-wise comments is very necessary for the just and proper disposal of the above service appeal.

It is therefore, most humbly requested that an acceptance of this application the ex-party proceedings against the respondents may kindly be set aside & the para-wise comments may kindly be accepted, please.

(Faiz Alam)

Additional Secretary (Estab)
E&SE Department
on behalf of
SECRETARY E&SED
(Respondent No. 01&02)

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 544/2024

Mr. Bacha Khan..... Appellant

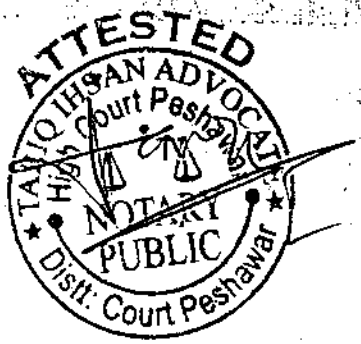
VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Fiaz Alam**, Additional Secretary (General), Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have been placed ex-parte and their defense been struck off on 14.06.2024



(Signature)
(Fiaz Alam)
Additional Secretary (Estab)
E&SE Department
on behalf of
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 01&02)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in **Service Appeal # 544/2024 Case Titled Bacha Khan vs Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar & Others.**

(Fiaz Alam)

**Additional Secretary (Estab)
E&SE Department
on behalf of
SECRETARY E&SED
(Respondent No. 01&02)**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

Dated Peshawar, the 27-08-2024.

NOTIFICATION

NO.SO(Lit-II)/E&SED/1-5/2021. I, Mr. Masood Ahmad, Secretary Elementary & Secondary Education Department is pleased to authorize Mr. Fiaz Alam, Additional Secretary (Establishment) Elementary & Secondary Education Department to sign parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc on my behalf for submission before various courts of law/tribunals in the best public interest.

**(MASOOD AHMAD)
SECRETARY TO THE
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst: of even No. & date.

Copy forwarded to the:-

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department.
4. Registrar Peshawar High Court Peshawar (with one each Spare copy for the Honorable Judges).
5. Registrar Service Tribunal Peshawar (with one each Spare copy for the Honorable Chairman/Members).
6. All Section Officers (Litigation) E&SE Department.
7. PS to Secretary, E&SE Department.
8. PA to Additional Secretary (General) E&SE Department.
9. PA to Deputy Secretary (Legal-I&II) E&SE Department.

*Alfjeed
Muz
30/8/2024*

SECTION OFFICER (Lit-II)

(4)

(1)

BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 544 -P/2024

Mr. Bacha Khan, SS English (BPS-17)
GHSS Ghalani, under transfer to GMHSS Ghazi Baig
District Mohmand

..... APPELLANT

V E R S U S

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
3. Irfan Ullah S.S (BPS-17) GMHSS Ghazi Baig District Mohmand under transfer GHSS Ghalani

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST BOTH THE IMPUGNED ORDER DATED 11/12/2023, WHEREBY THE PRIVATE RESPONDENT WAS POSTED AGAINST THE POST OF APPELLANT AND AGAINST THE ORDER DATED 13/12/2023, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED AND POSTED AGAINST THE POST OF PRIVATE RESPONDENT AND AGAINST THE INACTION OF THE RESPONDENT BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STIPULATED PERIOD OF 90 DAYS.

PRAYER:-

That on acceptance of the instant Service Appeal, both the impugned orders dated 11/12/2023 & 13/12/2023 may kindly be set aside and the appellant may not be transfer from the post of SS English (BPS-17) GHSS

14th June, 2024

TCS Expenses
Not Submitted
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1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the official respondents No. 1 and 2 present.

2. Written reply/comments on behalf of the official respondents have not been submitted, therefore, they are placed ex-parte. Notice to private respondent No.3 was issued but not delivered due to incorrect address. Learned counsel for the appellant is directed to provide correct address of private respondent No.3 and deposit the expenses of TCS for issuance of fresh notice or deposit the expenses of publication through newspaper. To come up for written reply/comments of private respondent No.3 on 02.07.2024 before S.B. P.P given to the learned counsel for the appellant and learned AAG.

(Kalim Arshad Khan)
Chairman

Adnan Shuh, P.A.