

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

CM No. **930** /2024 in Service Appeal No: 7506/2021

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

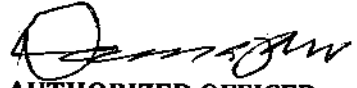
VERSUS

Mr. Farhat Ullah Ex-SST, S/O Sher Muhammad, R/O Akhtar Abad, Akbar Pura, P/O Khas, Tehsil & District Nowshera..... Respondents.

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2	Copy of the order dated 22-05-2024		3
3	Authority letter		4

**SAMINA ALTAF
DIRECTOR**


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

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

Khyber Pakhtunkhwa
Service Tribunal

CM No. 930 /2024 in Service Appeal No: 7506/2021

Diary No. 15119

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

Dated 22/8/24

VERSUS

Mr. Farhat Ullah Ex-SST, S/O Sher Muhammad, R/O Akhtar Abad, Akbar Pura, P/O Khas, Tehsil & District Nowshera..... Respondents.

**APPLICATION FOR SETTING ASIDE THE EX-PARTEE
ORDER DATED 22-05-2204 OF THIS HONORABLE
TRIBUNAL IN THE TITLED APPEAL ON BEHALF OF
THE RESPONDENTS NO. 1 TO 2.**

Respectfully Sheweth:

The Applicants submit as under:

1. That the tilted appeal is pending adjudication before this Honorable Tribunal filed by the appellant against the impugned order dated 08-03-2021, whereby, the 1st appointment order Dated 28-04-2017 against the SST of the appellant has been re-called vide order dated 08-03-2021.
2. That vide order dated 22-05-2024, this Honorable Tribunal has passed an Ex-Partee order against the Respondents on account of non-pursuance of the titled appeal by the Respondents. *Attached as Annex-A.*
3. That no notice & intimation regarding the hearing date has been received from this Honorable Tribunal by the Respondents under the relevant provision of KP Service Tribunal Act, 1974, hence resulted in the non-appearance on behalf of the Respondents on the date fixed (22-05-2024) which was not intentional.
4. That the impugned order dated 22-05-2024 has been passed on technical grounds in violation of the clear-cut directions in so many judgments of the apex court of law regarding disposal of the like nature cases on merits instead on technical grounds for meeting the ends of justice.
5. That the application in hand is within time limitation having no legal bar in entertaining the same on behalf of the Respondents, rather it would be in the interest of justice & equity.
6. That valuable legal rights are attached with the titled matter of the Respondents & if the order dated 22-05-2024 has not been re-called, 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 recall the impugned order dated 22-05-2024 in favor of the Respondents in the interest of justice please.

Dated: ___/___/2024

**SAMINA ALTAF
DIRECTOR**



AUTHORIZED OFFICER

ABDUS SAMAD

DEPUTY DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar

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

CM No. /2024 in Service Appeal No: 7506/2021

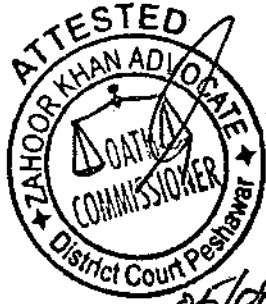
1. The Secretary E&SE Department Khyber Pakhtunkhwa Peshawar
2. The Director E&SE Department Khyber Pakhtunkhwa Peshawar.... Appellants

VERSUS


Mr. Farhat Ullah Ex-SST, S/O Sher Muhammad, R/O Akhtar Abad, Akbar Pura, P/O Khas, Tehsil & District Nowshera..... 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 22-05-2204 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.



DEPONENT
(SAMINA ALTAF)
DIRECTOR


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

3



A. No. 7586/M

Rasheedullah vs Govt

Due to public Holiday (Election)

The case is adjourned till 22/5/2024.

Reader.
Rafiq Ahmad

RECORDED
INDEXED
P. S. 08/02/2024

22nd May. 2024 1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General present.

2. Respondents No.3 & 4, being unnecessary parties, stand deleted from the panel of respondents. Office is directed to make necessary entries accordingly. Rest of the respondents are not present, therefore, they are placed ex-parte. To come up for arguments on 30.07.2024 before D.B. P.P given to the parties.

ATTESTED

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 16/7/23
Number of Pages 2
Copying Fee 10/-
Urgent 5/1
Total 15/-
Name of Copyist 8/1/23
Date of Completion of Copy 20/7/23
Date of Delivery of Copy 10/7/23

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR



APPEAL NO. 7506 /2021

Khyber Pakhtunkhwa Service Tribunal

Diary No. 7369

Dated 27/7/2021

Mr. Farhat Ullah Ex-SST S/o Sher Muhammad
R/o Akhtar Abad, Akbar Pura, P/o Khas
Tehsil & District Nowshera

(Appellant)

VERSUS

1. The Secretary to Govt: (E&SE) Deptt: Khyber Pakhtunkhwa Peshawar.
2. The Director (E&SE) Deptt: Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer (male), Nowshera.
4. Newport Institute of Communication And Economics through Registrar.

(Respondents)

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 08/03/2021, WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT WAS WITHDRAWN AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

Filed to-day
Registrar
27/7/2021

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 08/03/2021 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



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

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 Appeal No. 7506/2021 case titled Farhat Ullah, Ex-SST, District Nowshera 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**