

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

C.M No. /2024

In

Service Appeal No.635/2024

1. Miss; Nageena Begum, CT BPS-15,
GGHS Bagh Dushkhail , District Dir Lower.

.....**APPELLANT**

Versus

1. The Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer Female Dir Lower.

..... **RESPONDENTS**

Index:

S.No	Description	Annexure	Page
1	Civil Misc. Application		1-2
2	Affidavit		3
3	Authority Letter		4
4	Copy of the order sheet dated 03-06-2024	xl "A"	5



Deponent

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

C.M No. 9/9/2024

In

Service Appeal No.635/2024

Khyber Pakhtukhwa
Service Tribunal

Diary No. 15068

Dated 19/8/24

1. The Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer Female Dir Lower.

.....**APPELLANTS**

Versus

Miss; Nageena Begum, CT BPS-15, GGHS Bagh Dushkhail , District Dir Lower.

.....**RESPONDENT**

APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 03-06-2024.

Respectfully sheweth:

1. That the above titled application is pending adjudication before this Honorable Tribunal in which next date of hearing is fixed for 04-09-2024.
2. That this Honorable Tribunal directed the applicants for reply on 03-06-2024, thus due to late receiving of the appeal, official procedure, /practice and without any fault, the directions of this Honorable Court were not complied on the date fixed. Resultantly this Honorable tribunal placed the applicants (Respondents in the main appeal) as ex-parte vide order dated 03-06-2024. (Copy of the order sheet dated 03-06-2024 is attached)
3. That the applicants seeks permission to file reply in the captioned above service appeal in order to enable this Honorable Court for just and appropriate decision inter alia on the following grounds.

GROUND

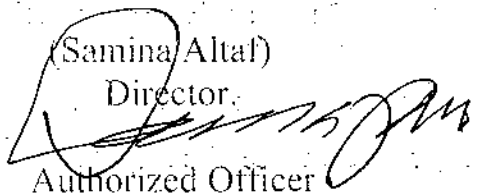
- A) That, it is settled principle of law that lis should be decided on merits and technicalities should be avoided in order to avoid any legal complications/miscarriage of justice.
- b) That, this Honorable Tribunal has ample power to allow the applicants to file reply for ends of justice.
- c) That, right of fair trial is the fundamental guaranteed constitutional right of the applicant as envisaged under article 10-A of the Constitution of Islamic Republic of Pakistan 1973.Hence on

this scores alone the impugned order is liable to be set aside consequently the applicant be allowed to file written reply.

d) That admittedly by awarding the permission of submitting reply, this Honorable Tribunal will be enable by just and appropriate conclusion. Above all there is no legal impediment on acceptance of this application rather the same is the demand of equity, law and smooth administration of justice.

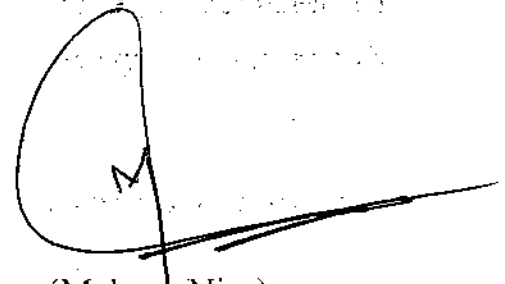
e) That the applicants will raise further grounds at the time of arguments with the prior permission of this Honorable Tribunal.

It is, therefore, humbly prayed that on acceptance of the above application, the ex-party proceedings against the applicant may be set aside and right to file-to-file para wise reply may kindly be restored. please.

(Samina Altaf)
Director

Authorized Officer

Abdus Samad

Elementary and Secondary Education
Peshawar Khyber Pakhtunkhwa Peshawar
Applicant No. 1



(Mehrun Nisa)
District Education Officer (F)
(Female) Dir Lower
Applicant No1, 2.

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

C.M No. /2024

In

Service Appeal No.635/2024

- 1. Miss; Nageena Begum, CT BPS-15,
GGHS Bagh Dushkhail , District Dir Lower.

.....**APPELLANT**

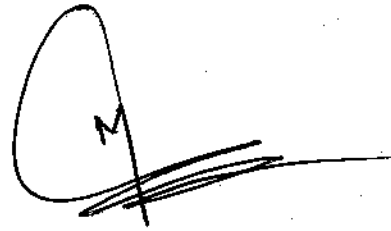
Versus

- 1. The Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. The District Education Officer Female Dir Lower.

.....**RESPONDENTS**

Affidavit

I , Mehrun Nisa, DEO(F) Dir Lower hereby solemnly affirm and declare that contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.



Deponent

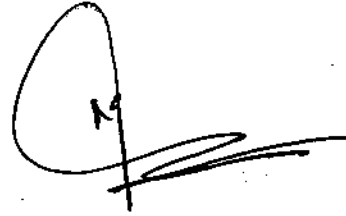
Mehrun Nisa



4

AUTHORITY LETTER

I, Mehrun Nisa, DEO(F) Dir Lower, do hereby authorized Mr. Muhammad Haroon Khan ADEO P&D o/o the DEO (F) Dir Lower to submit the instant application in Service Appeal No.635/2024, Title: Nageena Begum v/s Director, E&SE Peshawar and one other, hence an authority letter is hereby issued in favor of the above-named office.



District Education Officer
(Female) Dir Lower
Applicant No. 1,2

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 635 /2024

Miss. Nageena Begum, CT BPS-15,
GGHS Bagh Dushakhil, Dir Lower.



.....APPELLANT

VERSUS

1. The Director Elementary and Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (F), District Dir Lower.

.....RESPONDENT

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENT BY NOT GRANTING/ALLOWING PAY PROTECTION/FIXATION TO THE APPELLANT W.E.F. 5/03/2016 I.E. FROM THE DATE OF INITIAL APPOINTMENT AND AGAINST THE INACTION OF THE RESPONDED BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

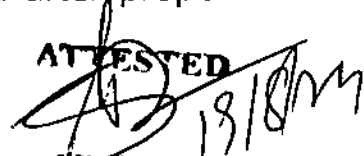
That on acceptance of this appeal the appellant may kindly be allowed/granted pay fixation w.e.f. 05/03/2016 i.e. from the date of initial/first appointment with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed as PST (BPS-12) vide order dated 05/03/2016 after fulfilling all the codal formalities, and since appointment the appellant performing his duty quiet efficiently and to the entire satisfaction of their high ups. Copy of appointment order is attached as Annexure..... **A**
- 2- That it is important to mention here that during service of the appellant on the post of PST (BPS-12), the respondent again advertised the post of PST (BPS-12), whereby the appellant applied to the same through proper channel and after proper

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

S.A No- 635/2024

Miss Nagina Begum vs Govt

(5)

03rd June, 2024



1. Learned counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General present.
2. Despite service through TCS, neither respondents are present nor reply has been submitted, therefore, they are placed ex-parte. This case pertains to Camp Court Swat, therefore, let it be fixed there. To come up for arguments on 04.09.2024 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

9

(Kalim Arshad Khan)
Chairman.

ATTESTED
 Nuzum Amin
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar
 19-8-24

Date of Presentation of Application 19-8-24
 Number of Words Pages = 2
 Copying Fee 10/-
 Urgent 5/-
 Total 15/-
 Name of Copyist Shahzad
 Date of Completion of 19-8-24
 Date of Delivery of 19-8-24

Attested to be true
Attested
 to be true