

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Service Appeal 1074/2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15481

Dated 05.09.24

Mr. Abdur Rehman

..... (Applicant )

**VERSUS**

E&SE Department & Faiz Ur Rehman Junior Clerk SDEO (F) Charsadda

..... (Respondent No. <sup>03</sup> ~~1~~)

**APPLICATION FOR SETTING ASIDE EX-PARTE  
ORDER DATED 19.08.2024 AND RESTORING RIGHT OF  
FILING PARA WISE COMMENTS.**

**Respectfully Sheweth:**

1. That the above titled appeal is pending before the Honourable Tribunal and fixed for today dated 05.09.2024.
2. That on the last date of hearing, the applicant/respondent No. 3 has been proceeded against ex-parte.
3. That the applicant/respondent No 3 was not served and he came to know of the proceedings on 05.09.2024, hence the applicant seeks setting aside of above order on the following grounds.


*Handwritten signature and date:*  
Faiz  
05.09.24

**Grounds:**

- A) That the valuable right of the applicant/respondent No 3 is involved with the instant Service appeal.
- B) That the application is within time and there is nothing disobedience on the part of applicant/respondent No 3.
- C) That there is no legal bar in acceptance of the application in hand.
- D) That according to the rules of natural justice no one can be condemned un-heard.

It is, therefore, most respectfully prayed that on acceptance of this application the ex-parte proceedings order dated 19.08.2024 against the applicant/respondent No 3 may be set aside & right to file Para-Wise Comments may kindly be restored please.

Dated 05.09.2024

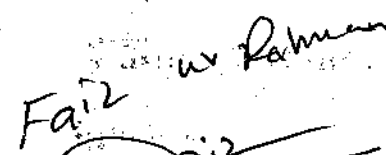
  
Applicant/Respondent No 3  
In Person

**AFFIDAVIT**

I, E&SE Department & Faiz Ur Rehman Junior Clerk SDEO (F) Charsadda do hereby affirm and declare on oath that the contents of this Comments is true and correct to the best of my knowledge and belief nothing has been concealed from this Hon'ble Service Tribunal.

Dated 05.09.2024



  
Deponent  
Respondent No. 3

05 SEP 2024

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

APPEAL NO. 1074 /2024

Mr. Abdur Rehman, Junior Clerk (BPS-11),  
O/O Sub Divisional Education Officer, District Charsadda.



..... APPELLANT

**VERSUS**

- 1- The Director, Elementary & Secondary Education Officer, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (Female), Charsadda.
- 3- Mr. Faiz Ur Rehman, Junior Clerk (BPS-11), O/O SDEO (Female), Charsadda.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER ENDST: NO. 4125-32 DATED 08.04.2024 WHEREBY THE POSTING ORDER AT O/O THE SDEO (F), CHARSADDA HAS BEEN WITHDRAWN AND AGAINST THE SUBSEQUENT ORDERS DATED 24.04.2024 AND 30.04.2024 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**


That on acceptance of this appeal the impugned order endst: No. 4125-32 dated 08.04.2024 and subsequent orders dated 24.04.2024 and 30/04/2024 may very kindly be set aside and be posted the appellant against his original post at Office of the Sub Divisional Education Officer (Female), Charsadda. Any other relief which this august Tribunal deems fit that may also be awarded in favor of appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present writ petition are as under:**

- 1- That the appellant is the employee of Elementary & Secondary Education Department and was serving as Junior Clerk (BPS-11) at Office of the Sub Divisional Education Officer (Female), Charsadda quite efficiently and upto the entire satisfaction of his superiors.
- 2- That the appellant while performing his duty as Junior Clerk (BPS-11) at Office of the Sub Divisional Education Officer (Female) Charsadda

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



AMERICAN TRAVEL  
NEW YORK  
1950

A. No. 1074/2024

Abdur Rahman vs Govt



02.08.2024

Learned counsel for the appellant present and argued that vide impugned order dated 08.04.2024 the transfer/posting order of the appellant was withdrawn. He further argued that appellant was removed from service vide order dated 08.11.2023 against which appellant filed departmental appeal which was accepted vide order dated 28.03.2024, therefore, appellant was posted against the post after reinstatement vide order dated 08.04.2024. Appellant assumed the charge of post on the same date. One Faiz Ur Rehman was also relieved from the said post by DEO (F), Charsadda on 08.04.2024 i.e on same date. He further argued that vide impugned order shown to be issued on 08.04.2024 by back dating it infact it was issued after performance of duties for four days by the appellant. Points raised need consideration. Appeal in hand is admitted for regular hearing subject to all just and legal objections. Appellant is directed to deposit security fee within seven days, thereafter, notices be issued to the respondents for submission of written reply. Respondents be summoned through TCS the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 19.08.2024 before S.B. P.P given to learned counsel for the appellant.

SCANNED  
KPST  
Peshawar

19.08.2024

\*Kaleemullah

SCANNED  
KPST  
Peshawar

1. Clerk to counsel for the appellant present. (Rashida Bano) Member (J) Mr. Arshad Azam, Assistant Advocate General for official respondents present. Nemo for private respondents No. 3, hence placed ex-party.

2. Reply/comments on behalf of official respondents not submitted. Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Granted. To come up for reply/comments on 05.09.2024 before S.B. P.P given to the parties.

ATTESTED  
05/9/24  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Muhammad Akbar Khan)  
Member (E)

\*Kamranullah\*



Date of Presentation of Application 05/9/24  
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