

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

In the matter of

CM No. 1179 /2024

In SERVICE APPEAL No. 1232/2024

Shehnaz Begum

VS

Mst. Farhat Yasmin

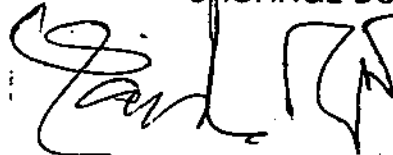
CM APPLICATION FOR SET ASIDE OF EX-PARTE PROCEEDINGS
AGAINST THE PRIVATE RESPONDENT NO. 03 (SHEHNAZ BEGUM).

INDEX

S#	Description of the Documents	Annex	Pages
1	Application for set aside proceeding		1-2
2	Affidavit		3
3	<i>Order</i>	A	4-6

Dated:-08.01.2024

Answering Respondent/
Private Respondent.3/
Shehnaz Begum



AMAAD NASIR KUNDI
Advocate High Court
Peshawar

Mailing Address: **Kundi Law Associates**, Office.No. 4, 2nd Floor, Juma Khan Plaza, Near FATA Secretariat, Opposite Super CNG Gas Zone, Warsak Road Peshawar.

Cell No. 0346-7865039

BC-09-0795

Email: amaadkundi786@gmail.com

1

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

CM No. 1179 /2024

In SERVICE APPEAL No. 1232/2024

Khyber Pakhtunkhwa
Service Tribunal

Shehnaz Begum SDEO (F) Takht-e- Nasrati, District Karak.

Diary No. 16701

Dated 14-10-24

VERSUS

Mst. Farhat Yasmin SDEO (F) at the Disposal of Directorate
Elementary and Secondary Education, Peshawar.

**APPEAL UNDER SECTION 3 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974**

**CM APPLICATION FOR SET ASIDE OF EX-PARTE PROCEEDINGS
AGAINST THE PRIVATE RESPONDENT NO. 03 (SHEHNAZ BEGUM).**

R/SHEWETH:

- 1- That the above mentioned appeal has been filed by the appellant before this august service Tribunal and which is fixed for hearing on 24/10/2024.
- 2- That the appellant / private Respondent No. 3 has not been properly served under the law and thus, she was placed Ex-parte vide Order dated 05.09.2024. The Tribunal has been commenced Ex-parte proceedings which are illegal and unlawful and thus, the same is liable to be set aside.
- 3- That the absence of Appellant / Private Respondent No.3 is not voluntarily, deliberately and intentionally as she was not received any notice from either side. This is the fundamental right of Appellant/ Respondent under the Constitution in terms of Article 10-A which is require to be fulfilled. Be that as it may, also violation of famous maxim of "Audi Alteram Partem" hence, the tribunal is under legal duty in order to extend such legal right.
- 4- That the private respondent will be directly affected if so pass any adverse order. The fundamental rights of appellant have been involved in the matter in hand and the proceeding is at initial stage, hence, the instant application.

It is therefore, most humbly prayed that on acceptance of this application the Ex-parte proceedings may kindly be set aside and she may be given an opportunity of fair trial under the law and Constitution.

Dated: 08.10.2024

Through:

 **APPLICANT**

AMAAD NASIR KUNDI
Advocate High Court, Peshawar

03

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

CM No. 1179 /2024
In SERVICE APPEAL No. 1232/2024

Shehnaz Begum
Mst. Farhat Yasmin

VS

Farhat Yasmin
Education DEPT.

**CM APPLICATION FOR SET ASIDE OF EX-PARTE PROCEEDINGS
AGAINST THE PRIVATE RESPONDENT NO. 03 (SHEHNAZ
BEGUM).**

AFFIDAVIT

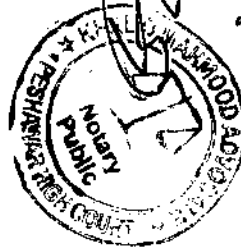
That, I Shehnaz Begum SDEO (F) do hereby solemnly affirms on oath and declare on oath that the contents of accompanying CM Application are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Shehnaz Begum
Deponent

Acknowledged by:

Counsel

Amjad Nasir Kundi
Amjad Nasir Kundi



IN THE COURT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1232 /2024

Mst Farhat Yasmeen SDEO (F) at the Disposal of Directorate Elementary & Secondary Education, Peshawar
.....Appellant

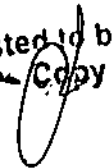
VERSUS

1. Govt. of KPK through Chief Secretary, Civil Secretariat Peshawar
2. Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Shehnaz Begum SDEO (F) Takht-e-Nasrati, District Karak.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 16.05.2024 PASSED BY RESPONDENT NO.02, WHEREBY APPELLANT WAS ILLEGALLY TRANSFERRED FROM THE POST OF SDEO (F) TAKHT-E-NASRATI, DISTRICT

Attested to be True
Copy




SA 1232/2024

05.09.2024

01. Junior to counsel for the appellant present. Mr. Arshad Azam, Assistant AG alongwith Mehran, Assistant for the respondents present. Nemo for private respondent No. 4 despite proper service, hence placed ex-parte.

02. Departmental representative requested for further time to submit reply/comments. Granted. To come up for reply/comments on 19.09.2024 before the S.B. PP given to the parties.



(Fareeha Paul)
Member(E)

Fazle subhan P.S

19.09.2024

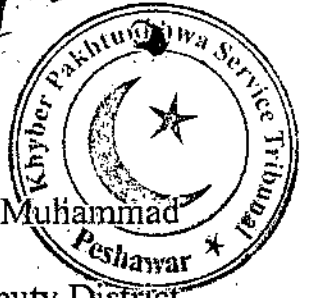
01. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Mr. Mehran, Assistant for the respondents present. Preliminary arguments heard.

02. Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections by the other side. The appellant is directed to deposit Security fees within 10 days. Reply/comments on behalf of respondents have already been submitted. To come up for arguments on 03.10.2024 before D.B. P.P given to the parties.


(Muhammad Akbar Khan)
Member (E)

1232/2024

46



03rd Oct, 2024

Learned counsel for the appellant present. Mr. Muhammad

Shah, Focal Person and Mr. Asif Masood Ali Shah, Deputy District

Attorney for official respondents and Mr. Aamad Nasir Kundi;

Advocate for private respondent No. 4 present.

During the course of arguments, it was found that the appellant and private respondent No. 4 have been engaged in litigation since long over their posting/transfer and this is the second round of litigation on the same issue. Therefore, respondents No. 2 and 3 are directed to produce the entire posting/transfer record of both the appellant and private respondent No. 4, since their appointments, in order to reach the just conclusion. To come up for record and arguments on 11/10/2024 before the D.B. Parcha Peshi given to the parties.

ATTESTED
EX. JUDGES
Khyber Pakhtunkhwa Service Tribunal
Peshawar

07-10-24

(Fareeha Paul)
Member (Executive)

(Aurangzeb Khattak)
Member (Judicial)

Nacem Amin

Date of Presentation of Application	07-10-2024
Number of Words	1-1
Copying Fee	5/-
Stamp Fee	5/-
Other Charges	10/-
Date of Receipt of Application	07-10-2024
Date of Disposal of Case	07-10-2024