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135- (41)

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

CMA No 181/2024
In
Service Appeal No. 1462/2022

- ① Govt. of Khyber Pakhtunkhwa
Through Chief Secretary Applicants/ Respondents
- ② Secretary, H.E.D, Peshawar
- ③ Director, H.E, Peshawar. Versus

Salabat Khan..... Respondent/ Appellant

Subject: Application for setting aside ex-parte proceedings.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1679

Respectfully Sheweth:

Date 14-10-24

01. That the instant case is pending before this honorable tribunal.
02. That on 03/05/2024, two cases titled Shakeel Arshad SA No.3193/2021 and Salabat Khan SA No.1462/2022 were fixed before divisional bench and single bench respectively (cause list attached as annex-A).
03. That in case titled Shakeel Arshad record was sought from applicants/respondents vide order dated 28/02/2024 and departmental representative was busy to photocopy the record for submission in honorable tribunal (Annex-B).
04. That in the meanwhile, the case titled Salabat Khan was called and the honorable tribunal vide order dated 03/05/2024 ex-parte the applicants/respondents due to non-presence of departmental representative (Annex-C).
05. That non presence of the departmental representative was not intentional as he was busy in arranging record for another case fixed before divisional bench as directed by tribunal.
06. That this honorable tribunal have jurisdiction to entertain the instant application.
07. That the respondents/ applicants may be allowed to defend the instant case and submit written reply.

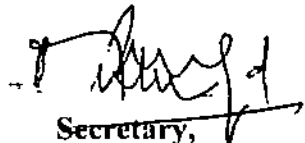
Prayer:

It is humbly prayed that the instant application may be allowed and applicants/ respondents may be allowed to defend the instant case and submits written reply.




Chief Secretary,
Govt. Khyber Pakhtunkhwa
Applicant/Respondent No. 1

NADEEM ASLAM CHAUDHRY



Secretary,
Higher, Department Education
Khyber Pakhtunkhwa
Applicant/Respondent No. 2

CAPI(A) KAMRAM AHMAD AFREEDI



Mureedullah Shah
Director,
Higher Education Department,
Khyber Pakhtunkhwa
Applicant/Respondent No. 3



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

CMA No. 1181/2024

IN

SA # 1462/2022

Salabat Khan..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Chief Secretary

and others, Respondents/Applicants

AFFIDAVIT

I, Fareedullah Shah, Director, Higher Education, Khyber Pakhtunkhwa, do hereby declare and affirm on oath that the contents of Civil Miscellaneous Application are correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Identified by:

[Signature]
Dependent
CNIC No. 1101-456092-7
Mobile No. 03339151399
[Signature]



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
RANO GHARI, NEW CHAMKANI CHOWK, PESHAWAR**

Tel # 091-2650024 Fax # 091-2260181

E-mail:-dhekpkesh@gmail.com [Facebook.com/dhekpkesh](https://www.facebook.com/dhekpkesh) [Twitter.com/dhekpkesh](https://twitter.com/dhekpkesh)

AUTHORITY LETTER

Mr. Sohrab, Lecturer in Law (BPS-17), Govt Degree College, Mathra, Peshawar is hereby authorised to submit CM Application in SA#1462/2022 titled Salabat Khan vs Govt of KPK on behalf of the respondents.

Director,
Higher Education Department
Khyber Pakhtunkhwa Peshawar

Director Higher Education
Khyber Pakhtunkhwa
Khyber Road Peshawar

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1462 /2022



Salabat Khan S/o Noor Muhammad Khan
R/o Sada Khel Wazir P/o Domel, District Bannu.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Higher Education, Civil Secretariat, Peshawar.
3. Director Higher Education, Peshawar.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER/NOTIFICATION NO.SO(C-
II)/HED/12-6/2022/SALABAT KHAN DATED 17th
MAY, 2022 BY THE RESPONDENT NO. 01,
WHEREBY THE APPELLANT HAS BEEN
REMOVED FROM THE SERVICE/POST OF
LECTURER (BPS-17).

ATTENDED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
14-10-2024

PRAYER IN APPEAL

ON ACCEPTANCE OF INSTANT APPEAL THE
IMPUGNED ORDER/NOTIFICATION NO.SO(C-
II)/HED/12-6/2022/SALABAT KHAN DATED 17th
MAY, 2022 OF THE RESPONDENTS MAY

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Annex-B (44)
(132)

3193/21
Shakeel Arshad vs Govt

28.02.2024

Counsel for the appellant and Mr. Muhammad Jan,
District Attorney alongwith Sohrab Khan, Law Officer for the
respondents present.

Respondents are directed to produce the proceedings
taken against the appellant under Rule 9 of the Khyber
Pakhtunkhwa Government Servants (E&D) including service of
notice on home address of the appellant and publication of
notice in newspaper before the next date positively. To come up
for arguments on 03.05.2024 before the D.B. PP given to the
parties.

(Fareeha Paul)
Member(E)

(Rashida Banc)
Member (J)

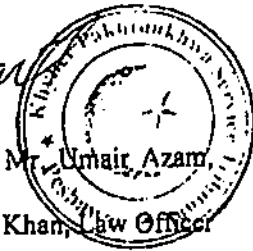
Fazie S... P.S

A. No. 1462/2022

Sohrab Khan vs Govt

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01.04.2024 01. Junior to counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Mr. Sohrab Khan, Law Officer for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents requested for further time to submit reply/comments. Another opportunity is granted to the respondents to submit reply/comments on the next date positively. To come up for reply/comments on 03.05.2024 before S.B. P.P given to the parties.

GOVERNMENT OF PUNJAB
SECRETARY
(PUNJAB)

(Muhammad Akbar Khan)
Member (E)

2nd May. 2024 1. Junior to counsel for the appellant and Mr. Arshad Azam, Assistant Advocate General present.

2. On the previous date, Mr. Sohrab Khan, Lecturer was present and had sought adjournment for submission of reply. Today, nobody is present on behalf of respondents nor they have submit reply/comments, therefore, they are placed ex-parte. To come up for arguments on 09.07.2024 before D.B. P.P given to the appellant's junior counsel.

Muazzam Shah

ATTESTED
Secretary
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman

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 Annex-A
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ARGUMENTS - TRANSFER

S.NO	APPEAL	TITLE	CASE NATURE	NEXT DATE
1	1961/2023	MUHAMMAD HAUMATI --VS-- FISHERIES	TRANSFER	Dismissed
2	439/2024	HABIB ULLAH --VS-- INFORMATION	TRANSFER	16/5

ARGUMENTS - UANNU

S.NO	APPEAL	TITLE	CASE NATURE	NEXT DATE
1	503/2017	ZAIR GUL --VS-- E&SE	PROMOTION	Allowed
2	978/2019	TAJ ALI KHAN --VS-- E&SE	TERMINATION	Dismissed

ARGUMENTS - SWAT

S.NO	APPEAL	TITLE	CASE NATURE	NEXT DATE
1	105/2019	DR. MUHAMMAD NAWAZ --VS-- FOREST	REMOVAL	6/5 Swat
2	557/2022	DR. UMAR ISLAM --VS-- HEALTH	PROMOTION	6/6 Swat.

ARGUMENTS - OTHER

S.NO	APPEAL	TITLE	CASE NATURE	NEXT DATE
1	211/2019	ALI KHAN --VS-- POLICE	PROMOTION	Allowed
2	660/2019	HABIB-UR-REHMAN --VS-- POLICE	PROMOTION	Allowed
3	3193/2020	SHAKEEL ARSHAD --VS-- E&SE		28/5
4	15899/2020	ZARWALI KHAN --VS-- POLICE	SENIORITY	4/6
5	7673/2021	SAEED UR REHMAN --VS-- SPORTS	WITHHOLDING PROMOTION	05/6
6	47/2022	FALAK NIAZ --VS-- ESTABLISHMENT	PROMOTION	09/7
7	221/2022	HUSSAIN AKBAR --VS-- ESTABLISHMENT	QUOTA IN PMS	9/7
8	932/2022	ANAR ZAMAN --VS-- POLICE	C. RETIREMENT	09/7
9	1216/2022	BIBI ASMA --VS-- COMMERCE EDUCATION	DISMISSAL	28/5
10	1419/2022	IMTIAZ MUHAMMAD (3) --VS-- P.H E	RULLS	7/5
11	2427/2023	RAQEEB --VS-- POLICE	DISMISSAL	09/7

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LIST OF SII - I CASES FIXED BEFORE MR. KALIM AKSHAD KHAN, CHAIRMAN
 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
 3/5/2024 (FRIDAY)

PRELIMINARY HEARING

S.NO	APPEAL	TITLE	CASE NATURE	NEXT DATE
1	336/2024	KHAI MUHAMMAD -VS-HEALTH	PROMOTION	10/6
2	337/2024	AJMAL SAIDI (I) -VS--POLICE	DISMISSAL	09/7
3	339/2024	NOOR DIN -VS--EST	PROMOTION	30/5

DIS

REPLY

S.NO	APPEAL	TITLE	CASE NATURE	NEXT DATE
1	162/2022	SALBAT KHAN -VS--HIGHER EDUCATION	REMOVE	09/7
2	184/2024	FAZAL ARBAR -VS--POLICE	PROMOTION	09/7

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