

**BEFORE THE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

CM. No 1239/2024

in

Service Appeal No. 549/2024

1. Director E&Sē Dept. Peshawar
2. DEO (M) Swabi

.....(Applicants)

**VERSUS**

Abdul Rahman PET BPS-15,  
GHS Aladair, District Swabi


..... (Respondent)

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Date: 16-10-24

*Mal*

  
District Education Officer  
Male Swabi

**BEFORE THE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

CM. No 1239/2024

in

Service Appeal No.549/2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16920

Dated 17-10-24

1. Director E&SE Dept. Peshawar
2. DEO (M) Swabi

..... (Applicants)

**VERSUS**

Abdul Rahman PET BPS-15,  
GHS Aladair, District Swabi

..... (Respondent)

**APPLICATION FOR SETTING ASIDE PROCEEDING AGAINST THE ABOVE MENTIONED  
APPLICANT VIDE ORDER DATED 07.06.2024**

**Respectfully Sheweth:**

1. That the above titled appeal was fixed before the Honourable Tribunal on 07.06.2024 for submission of Written reply/ Para-wise comments.
2. That the Honourable Tribunal ordered against the above mentioned applicant as ex-parte on the right of applicant on filling the para-wise comments.
3. That feeling aggrieved the applicants seek right for setting aside ex-parte proceeding to file para-wise comments on the following grounds:

**GROUND:**

- A. That the valuable right of the department/ applicants is involved with the instant service appeal.

- B. That the application is within time and there is nothing dis-obedience on part of the applicants.
- C. That on the very same day on which the applicants were proceeded ex-parte, the para-wise comments were ready to file. The delay was caused due to proper submission of attested copies of the said comments.
- D. That there is no legal bar in acceptance of the application in hand.
- E. That according to the rules of natural justice no one can be condemned unheard.
- F. That the filing of para-wise comments is very necessary for the just and proper disposal of the above Service Appeal.

It is, therefore, most respectfully prayed that on acceptance of this application the ex-parte proceedings against the applicants may be set aside and right to file para-wise comments may kindly be restored please.

Dated: 17.10.2024



(MIDRAR ULLAH)  
DEO (M) SWABI  
E&SE DEPARTMENT KP.

**Affidavit**

I, Midrar Ullah, DEO (M) Swabi do hereby solemnly affirm and declare on oath that the contents of the application submitted by the respondents are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



District Education Officer  
Male Swabi



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

APPEAL No. 549 /2024



Mr. Abdur Rehman, PET BPS-15,  
GHS Aladhair, District Swabi

.....APPELLANT

**VERSUS**

1. The Director Elementary and Secondary Education Department,  
Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer, District Swabi

.....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. 01/03/2016 I.E. FROM THE DATE OF INITIAL/FIRST 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. 01/03/2016 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 SST (BPS-16) vide order dated 01/03/2016 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 PET (BPS-15), the respondent again advertised the post of PET (BPS-15), whereby the appellant

ATTESTED  
11/11/24  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

A. No. 549/24  
Abdur Rahman vs Govt

(4)



16.05.2024

1. Learned counsel for the appellant present.
2. Notice has not been issued to the respondent due to non-depositing of TCS expenses, therefore appellant is directed to deposit TCS expenses within three days. Thereafter notice be issued to the respondent for submission of reply/comments. Adjourned. To come up for reply/comments on 07.06.2024 before S/B. P.P given to the ~~pariva~~ learned counsel.


(Muhammad Akbar Khan)  
Member (E)

\*Kamran\*

7<sup>th</sup> June. 2024

1. Junior to counsel for the appellant and Mr. Arshad Azam, Assistant Advocate General present.
2. Despite service, nobody is present on behalf of the respondents nor reply has been submitted. Therefore, respondents are placed ex-parte. To come up for arguments on 11.09.2024 before D.B. P.P given to the appellant's junior counsel.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

Date of Presentation of Application 11-9-24  
Number of Words Page = 2  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Copy: Arshad  
Date of Completion of Copy 11-9-24  
Date of Delivery of Copy 11-9-24

5



11.09.2024

01. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Syed Alamzaib Shah, ADEO for the respondents present.

02. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Granted. To come up for arguments on 18.10.2024 before the D.B. Parcha Peshi given to the parties.

**ATTESTED**  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Fareeha Paul)  
Member (E)

(Aurangzeb Khattak)  
Member (J)

\*Fazle Subhan, P.S\*

Date of Presentation of Application	11-09-2024
Number of Words	1-P
Copying Fee	5/-
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