

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

CM No. \_\_\_\_\_ /2024 in Service Appeal No: 2612-P/2023

1. District Education Officer (Male) Kohat
2. The Director E&SE Department Khyber Pakhtunkhwa Peshawar
3. Secretary E&SE Department Govt: of KP Peshawar.....Applicants


**VERSUS**

Waqar Ahmad S/O Sanobar Khan R/O Lachi Payan District Kohat .....Respondents.

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SAMINA ALTAF  
DIRECTOR

  
AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar (2)

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

CM No. \_\_\_\_\_ /2024 in Service Appeal No: 2612-P/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 18118

Date 20/11/24

1. District Education Officer (Male) Kohat
2. The Director E&SE Department Khyber Pakhtunkhwa Peshawar
3. Secretary E&SE Department Govt: of KP Peshawar.....Applicants

**VERSUS**

Waqar Ahmad S/O Sanobar Khan R/O Lachi Payan District Kohat .....Respondents.

**APPLICATION FOR SETASIDE IMPUGNED ORDER  
DATED 08.10.2024 IN WHICH EX PARTY  
PROCEEDINGS HAVE BEEN INITIATED AGAINST  
THE RESPONDENTS.**

Respectfully Sheweth

1. That the instant Service appeal is pending before the Hon'ble tribunal Khyber Pakhtunkhwa in which the next date of hearing is fixed dated 25.11.2024
2. That the Respondent Department received the notice in respect of above-mentioned Service appeal only without any copy of service appeal. (Copy of notice is annexed as annexure A)
3. That the Respondent Department representative appeared before the Hon'ble tribunal but the order of ex-party proceeding was issued.
4. That due to other high court cases the respondent Department representative was engaged there. Hence due to rush of work the representative of respondent department could not appeared before the tribunal on fixed time.
5. That the representative of Respondent Department appeared before the tribunal and inquire from judicial staff who during tribunal time informed that the ex-party proceedings has already been initiated.
6. That the late appearance is not deliberately nor willfully but due to above mentioned reasons the circumstances beyond the control.
7. That the respondent Department representative will appear on each and every date positively without any failure in future as well as the application well in time.

**PRAYER**

In the light of the above-mentioned fact & circumstances the application may graciously be allowed for the end of justice, as the respondent department will suffer irreparable loss.

Dated: \_\_\_\_/\_\_\_\_/2024

SAMINA ALTAF  
DIRECTOR



AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar

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

CM No. \_\_\_\_\_ /2024 in Service Appeal No: 2612-P/2023

1. District Education Officer (Male) Kohat
2. The Director E&SE Department Khyber Pakhtunkhwa Peshawar
3. Secretary E&SE Department Govt: of KP Peshawar.....Applicants

**VERSUS**

Waqar Ahmad S/O Sanobar Khan R/O Lachi Payan District Kohat .....Respondents.

**AFFIDAVIT**

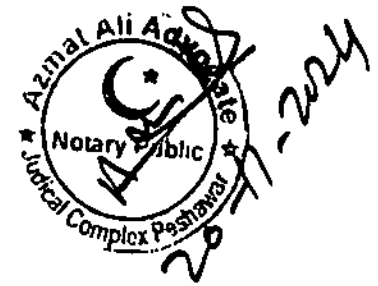
I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm & declare on oath that the contents of the instant application for setting aside the Ex-Parte order dated 08-10-2024 of this Honorable Tribunal in the titled appeal on behalf of the Respondents No. 1 to 3 are true & correct to the best of my knowledge & belief & nothing has been concealed from the ambit of this Honorable Tribunal.

**SAMINA ALTAF  
DIRECTOR**



**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar**

**ATTESTED**



3

EXPET Removal  
Reon-DEO Kohat

GS&PD.KP.SS-1/663-RST-15,000 Forms-1-11-2022/P4(ZVF/PHC Jos/Form A&B Ser. Tribuna.

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

APPEAL No. 2612 of 20 23

Sh Waqar Ahmad

Appellant/Petitioner

Versus

DEO Kohat

RESPONDENT(S)

Resp No 2

~~Notice to Appellant/Petitioner~~ Director (ESSE)

Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 8-10-24 at 9:00 AM

cop of Not Available

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Attested  
Dg/c

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.



Service Appeal No. 2612 -P/2023.

Waqar Ahmad S/o Sanobar Khan R/o Lachi payan District  
Kohat. EX-

.....Appellant.

VERSUS

1. District Education officer Kohat.
2. Director Elementary and Secondary Education KPK Peshawar.
3. Secretary of Elementary and Secondary Education KPK Peshawar.

.....Respondents.

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,  
READ WITH RELEVANT RULES, AGAINST THE  
IMPUGNED ORDER ENDST / NO 7740-44/A25 DATED  
06/02/2020, WHEREBY RESPONDENT NO 2 REMOVE  
THE APPELLANT FROM SERVICE WHICH IS  
UTTER VIOLATION OF LAW AND RULES, AND  
DEPARTMENTAL APPEAL DATED 05.07.2023 WAS  
NOT DECIDED.

PRAYER:

ON ACCEPTANCE OF THIS APPEAL, THE  
IMPUGNED ORDER DATED 06/02/2020 MAY BE SET  
ASIDE AND APPELLANT MAY KINDLY BE  
REINSTATE IN SERVICE ALONG WITH BACK  
BENEFITS.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

20-11-2024

(2) (5)

Respectfully Sheweth,

1. That the appellant is the permanent resident of Lachi Kohat and belongs to a respectable family.
2. That the appellant was appointed as a P.E.T (BPS-09) on 03/03/2004 through ENDST no 7740-44/A25 on vacant post as a P.E.T at G.H.S Malgin Kohat and took charged there.
3. That appellant joined the post and performed his duty to the entire satisfaction of their superior and there was no complaint what so ever against the appellant.
4. That the appellant then promoted to the post of S.P.E.T (BPS 16) through Endst No 1262 dated 21.02.2013 on already occupied seat at G.H.S.S Lachi Kohat.
5. That appellant and his father unluckily charged in a fabricated murder case on August 5<sup>th</sup> of 2019 and after a few days, the appellant's brother was killed by his enemy within the court's premises in Kohat.
6. That due to pressure, enmity, and challenging circumstances, the appellant relocated to Punjab for security. However, they vehemently pursued the appellant and his family, filing various cases due to his government job. But in the absence of appellant the respondents department removed the appellant in absentia without observing the legal formalities on 06.02.2020, which is against the law and rules.
7. That the appellant then surrender himself before the court and was honorably acquitted by the trial court on 17.06.2023.
8. That after acquittal appellant filed a departmental appeal on 05.07.2023 which was not responded by the respondents.
9. That the appellant being seriously aggrieved through order dated 06/02/2020 and by not giving reply of departmental appeal dated 05.07.2023, filing instant appeal before this honorable service tribunal on the following grounds inter alia.

GROUND.


1. That impugned order dated 06/02/2020 No; 7740-44/A25 regarding appellant is totally illegal and against the law, and is liable to be set aside.

(3)

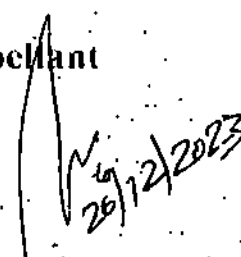
(6)

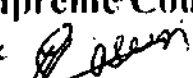
2. That the impugned order is based upon malafide, ill will and is liable to be set aside.
3. That the appellant was condemned unheard and the entire departmental proceeding were conducted ex-parte and no chance of hearing was given to the appellant nor the respondent properly served the appellant through local police station or through jail authority.
4. That no proper inquiry was conducted by the inquiry officer nor recorded the statement of any witnesses and the entire proceeding are in the violation of 10-A of the constitution of Pakistan.
5. That major penalty cannot be imposed upon civil servant without conducting the proper inquiry by giving showcause notice and by other legal formalities.
6. That mere absence is no ground for the removal of civil servant from long standing service.
7. That the major/ minor penalty cannot be imposed upon any civil servant without providing them any single opportunity of hearing as, I was at Punjab due to enmity.
8. That the respondents have badly failed to follow the service law before conviction, therefore the entire proceeding are void ab initio and are liable to be set aside.
9. That some other ground may be adduced during the course of arguments.

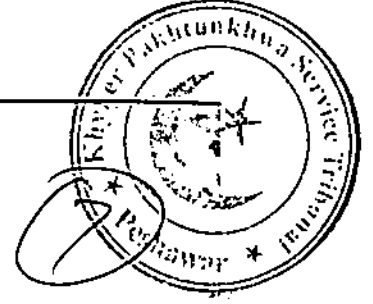
On acceptance of this appeal, the impugned order dated 06/02/2020 may be set aside and appellant may kindly be reinstate in service along with back benefits.

  
Through

Appellant

  
20/12/2023

Muhammad Amin Khattak Lachi  
Advocate Supreme Court  
&   
Muhammad Yaseen Hassankhelvi  
Advocate High Court.



- 09.09.2024
1. Appellant alongwith his counsel present.
  2. Costs of Rs. 2000/- have been deposited by the appellant, the receipt of which be placed on file.
  3. Let a pre admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within 07 days. Thereafter notice be issued to the respondents for submission of reply/comments. To come up for reply/comments as well as preliminary hearing on 08.10.2024 before S.D. P.P. given to learned counsel for the appellant.

(Muhammad Akbar Khan)  
Member (E)

ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
20-11-24





8<sup>th</sup> Oct, 2024

1. Learned for the appellant present. Mr. Arshad Azam, Assistant Advocate General present.

2. Written reply/comments on behalf of the respondents have not been submitted nor is there anybody present as representative, therefore, they are placed ex-parte. The appeal is admitted to full hearing subject to all just and legal objections. The appellant is directed to deposit security fee within 10 days. To come up for ex-parte arguments on 25.11.2024 before D.B. P.P given to the learned counsel for the appellant.

(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

Certified to be true copy  
E. S. JALIL  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar  
20-11-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. 837 Date 20-11-24

Name of Applicant: M. Kalim Khan

Number of Words/Para: 3-

Copying Fee: 15/-

Urgent/Ordinary: 5/-

Total: 20/-

Name & Sign of Clerk: 2000 km

Date of Completion: 20-11-2024

Date of Issuance: 20-11-2024



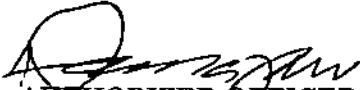
**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.**

9

**AUTHORITY LETTER**

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Behramand Khan, Assistant Director Litigation-II of this Directorate for submission of CM application in Service Appeal No. 2612/2024 case titled Waqar Ahmad District Kohat Vs Government of Khyber Pakhtunkhwa & others, hence, an authority letter is hereby issued in favor of the above-named officer.

**SAMINA ALTAF  
DIRECTOR**

  
**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar**



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

10

**NOTIFICATION**

I, Samina Altaf, Director Elementary & Secondary Education Department Khyber Peshawar do hereby authorize, Mr. Abdus Sammad, Deputy Director (Legal) Directorate of Elementary & Secondary Education to sign prarwise comments, replies, implementation report, objection petitions, civil miscellaneous application etc on my behalf for onward submission before the courts of law/tribunals as the case may be, with immediate effect in the interest of public service.

**DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

Endst. No. 9133-L13 /F.No. AD(Lit-II)/E&SED/Office Correspondence/Vol-II/2024  
Dated Peshawar the 26/07/2024.

Copy of the above is forwarded for information & n/action to the:

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department Khyber Pakhtunkhwa.
4. Learned Registrar High Court Peshawar (with one each spare copy for the Honorable Judges).
5. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar (with one each spare copy for the Honorable Chairman/Members).
6. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
7. All District Education Officer (Male/Female) Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar.
9. PA to Additional Secretary (General) E&SE Khyber Pakhtunkhwa, Peshawar.
10. PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
11. Master file.

  
**(SAMINA ALTAF)  
DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

*Attested  
D. J. U.*