

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

*C.M. No. 796/2024*

Service Appeal No. 2483/2023

**District Education Officer (M) District Khyber and others**

**\*\*\*\*\* VERSUS \*\*\*\*\***

**Muhammad Dostan, Ex AT BPS-16, GMS Qadam, District  
Khyber**

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**Dated: 29/07/2024**

***Applicant***

***Through***

***District Education Officer (M)***

***District Khyber and others***

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

**Service Appeal No. 2483/2023**

- 1. District Education officer (M) District Khyber
- 2. Director E&SE Department Khyber Pakhtunkhwa
- 3. District Account Officer .....Appellant

**VERSUS**

**MUHAMMAD DOSTAN EX-AT BPS-16 GMS QADAM**  
**DISTRICTKHYBER.....RESPONDENT.**

**SUBJECT:-APPLICATION FOR SETTING ASIDE EX-PARTE**  
**PROCEEDINGS AGAINST RESPONDENTS DISTRICT**  
**EDUCATION OFFICER (M) DISTRICT KHYBER & OTHERS**  
**VIDE ORDER DATED 15.05.2024.**

**RESPECTED SHEWETH:**

- 1. That the above titled service appeal is pending before this honorable service tribunal which is fixed for hearing 31.07.2024.
- 2. That applicants/respondents didn't receive any notice of this honorable tribunal, applicants/respondents were thus not serve properly, however, they were proceeded ex-parte vide order dated 15.05.2024.
- 3. Applicant/respondent came to know about the ex-parte order on 15.05.2024.
- 4. That the applicant/respondent were never serve and their valuable rights are involved.
- 5. That law as well as is dictates of the superior courts favor decision of cases on merit instead of technicalities.
- 6. That application as well within time.


Pray:

It is therefore, most humbly prayed that the case may kindly be decided on merit of given full opportunity of hearing and the ex-proceeding may kindly be set aside.


Dated: 29/07/2024

**Applicants/respondents**

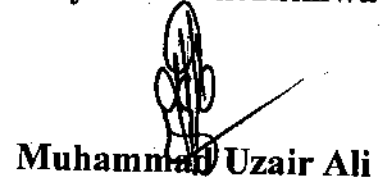
**Respondent No. 3**

  
(Fakhar Hussain)  
District account Officer  
District Khyber

**Respondent No.2**

  
(SAMINA ILTAF)  
Director of E&SE  
Khyber Pakhtunkhwa

**Respondent No. 1**

  
Muhammad Uzair Ali  
District Education Officer (m)  
District Khyber

**BEFORE THE HONORABLE SERVICE TRIBUNAL  
PESHAWAR.**

**Service Appeal No. 2483/2023**

**District Education officer (M) District Khyber & Others.....  
Applicants.**

**Versus**

**MUHAMMAD DOSTAN EX-AT BPS-16 GMS QADAM  
DISTRICTKHYBER.....RESPONDENT.**

**Affidavit**

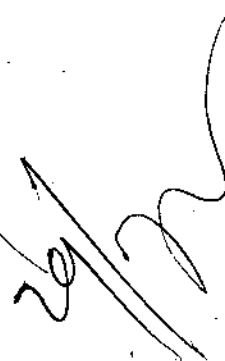
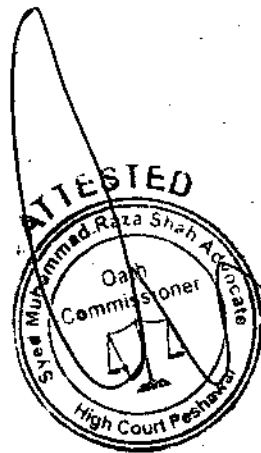
I, Muhammad Uzair Ali District Education Officer Khyber (M) do hereby solemnly affirm and declare on oath that the contents of this application is correct and nothing has been concealed from this honorable service tribunal.



**(Muhammad Uzair Ali)**

**District Education Officer (M)**

**Khyber at Jamrud M**



## Authority Letter

Mr. Munawar Khan focal Person of (Litigation) District education Officer Khyber is hereby authorized to submit application in the hon'able tribunal on the behalf of applicants/respondents.

  
(Muhammad Uzair Ali)

District Education Officer (M)

Khyber at Jamrud

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

Service Appeal No: 248/2023.

Muhammad Dostan, Ex-AT BPS-16, GMS Qadam Khyber .....Appellant.

VERSUS

1. District Education Officer (M) Khyber
2. Director E&SE Department, Khyber Pakhtunkhwa
3. District Accounts Officer Khyber
4. Secretary E&SE Department, Khyber Pakhtunkhwa ..... Respondents



**SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION BEARING ENDST NO. 11785-90/F. NO. 38 DATED 01-11-2023 OF THE RESPONDENT NO. 1, WHEREBY THE ACTUAL & CORRECT DATE OF BIRTH 01-07-1963 HAS WRONGLY BEEN MENTIONED AS 09-05-1963 WHICH IS INCORRECT & LIABLE TO BE RATIFY IN THE SERVICE BOOK OF THE APPELLANT.**


**ON THE ACCEPTANCE OF THIS APPEAL THE RESPONDENT NO. 1 BE DIRECTED TO CORRECT THE DATE OF BIRTH IOF THE APPELLANT AS 01-07-1963 INSTEAD OF 09-05-1963 IN THE SERVICE BOOK OF THE APPELLANT IN VIEW OF THE ORDER DATED 02-05-2023 & ENQUIRY REPORT DATED 06-05-2023 OF THE RESPONDENT DEPARTMENT**

Respectfully Sheweth:-

**ON FACTS:**

The appellant submits as under: -

1. That the appellant is a bona-fide resident of Hassan Ghari No. 2 Shami Road District Peshawar. *(Copy of the CNIC is Annex-A).*
2. That vide order dated 04-05-1987, the appellant was inducted in the Respondent Department against the AT post along with his adjustment at GMS Qadam Jamrood District Khyber. *Attached as Annex-B.*
3. That as per record, the date of birth of the appellant dated 01-07-1963 has correctly been written in the record of the District Accounts Officer, CNIC, Education Profile/Staff HRMIS of the Department & Payroll except in the service book, wherein, a wrong & tempered date of birth of the appellant dated 09-05-1963 has been written by the Department & *Copies whereof are attached as Annex-C, D & E.*
4. That aggrieved from the act of the Respondent No. 1 to the extent of making wrong entry of the date of birth of the appellant as 09-05-1963 instead of 01-07-1963, the appellant has filed an application to the Respondent No. 1 for the correction of the date of birth of the appellant from 09-05-1963 to 01-07-1963 in the service book which was resulted in the nomination of enquiry committee vide order dated 02-05-2023 comprising of the Principal GHS Hasham Abad & ADEO Primary of District Khyber who submitted their report on dated 06-05-2023 with recommendations for the correction of date of birth of the appellant in his service book from 09-05-1963 to 01-07-1963 which was denied by the Respondent No. 1 without any legal justification *Copies of the order dated 02-05-2023 & enquiry report are Annex-F & G.*

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

A. No. 2483/2023  
M. Dostan vs Govt

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15<sup>th</sup> May. 2024

1. Junior to counsel for the appellant present. Mr. Umair Azam, Additional Advocate General present. Nobody is present on behalf of the respondents.



2. The respondents were directed to be summoned through TCS but because the respondents No.1 & 3 are in District Khyber, where TCS is not available. The department as per general directions of the Chairman, issued notices through registered post and it is presumed that the registered post has been delivered. Therefore, respondents are placed ex-parte. To come up for ex-parte arguments on 31.07.2024 before D.B. P.P given to the appellant's junior counsel.



ATTESTED  
*Mutazem Shah*  
29/7/24

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

EX-4480A/19  
(Khyber Pakhtunkhwa)  
Services Division  
Peshawar

Date of Presentation of Application 29/7/24  
Number of Copies page 2  
Copying Fee 5/10/-  
Urgent 5/10/-  
Total 25/-  
Name of Copied S. Khan  
Date of Completion of Copy 29/7/24  
Date of Delivery of Copy 29/7/24