

**Service Appeal No. 7066/2021**

**C.M. No. 820/2024**

1. The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director General of Commerce Education & Management Sciences, Khyber Pakhtunkhwa, Rano Garhi, Peshawar.

.....Appellants

**VERSUS**

Hamid Mehmood, Ex-Associate Professor (BPS-19), Govt, College of Management Sciences, Parachinar District Kurram.

..... Respondent

**I N D E X**

S.NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1)	Title Page	-----	01
2)	Application		02
3)	Order sheet dated 21-12-2021	A	03
4)	Affidavit		04
5)	Authority Letter	----	05

  
Deponent

1

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

CM No.

C. M. No. 820/2024

Khyber Pakhtunkhwa Service Tribunal

Service Appeal No. 7066/2021

Diary No. 14672

Dated 31-07-2024

1. The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director General of Commerce Education & Management Sciences, Khyber Pakhtunkhwa, Rano Garhi, Peshawar.

.....Appellants

**VERSUS**

Hamid Mehmood, Ex-Associate Professor (BPS-19), Govt, College of Management Sciences, Parachinar District Kurram.

..... Respondent

**APPLICATION FOR SETTING ASIDE STRUCK OFF STATUS OF RIGHT FOR REPLY/COMMENTS SUBMISSION**

**Respectfully Sheweth:**

- a) That the subject case was fixed for hearing on 21-12-2021 before the chairman Khyber Pakhtunkhwa, Service Tribunal Peshawar and the respondents have not furnished reply/comments and seeks further time.
- b) That the representative of the department put appearance in the case but due to non-submission of the comments in the subject case struck off the right of submission of reply/comments and marked to DB for disposal.
- c) That in the cited case, precious rights are attached leave an opportunity for submission of reply may please be provided to the respondents.
- d) That if the opportunity of submission of reply was not granted to respondents, then the respondents would suffer irreparable loss.

**PRAYER**

It is therefore most humbly prayed that on the acceptance of the instant application on behalf of respondents i.e. Chief Secretary, Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar and Director General of Commerce Education & Management Sciences, Khyber Pakhtunkhwa, Rano Garhi, Peshawar, the right of submission of reply may please be provided in order to decide the case on merit please.

Respondent No. 03  
 Director General  
 Commerce Education & Management Sciences, Khyber Pakhtunkhwa Peshawar  
 UMAR ALI KHAN

**DIRECTOR GENERAL  
 COMMERCE EDUCATION &  
 MANAGEMENT SCIENCES  
 KHYBER PAKHTUNKHWA PESHAWAR**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7066/2021

1. The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
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.....Appellants

VERSUS

Hamid Mehmood, Ex-Associate Professor (BPS-19), Govt, College of Management Sciences, Parachinar District Kurram.

..... Respondent

AFFIDAVIT

I, Umar Ali Khan, Director General (BPS-20), Directorate General of Commerce Education and Management Sciences, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the parawise comments on behalf of Respondents are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'able Court.

Dated: 31/07/2024.

31 JUL 2024 D.   
 ATTESTED  
 Haliz Muhammad Sadiq Jurrani  
 Oath  
 Commissioner  
 Advocate High Court Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 7066 /2021



Mr. Hamid Mehmood, Ex-Associate Professor (BPS-19),  
Govt. College of Management Sciences,  
Parichinar, District Kurram..... **APPELLANT**

**VERSUS**

- 1- The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General of Commerce Education & Management Sciences, Khyber Pakhtunkhwa, Rano Garhi, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 19-02-2021 WHEREBY THE APPELLANT HAS BEEN DIRECTED TO DEPOSIT THE SALARIES DRAWN BY HIM W-E-F 01-03-2018 TO 29-08-2019 AND AGAINST NO ACTION ON TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 19-02-2021 may very kindly be set aside and the respondents may kindly be directed to release the pension along with ancillary emoluments to the appellant with all back benefits. Any other remedy which this august 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:*

**R/SHEWETH:**

1. That the appellant was appointed in the respondent department as Lecturer/ Instructor on 05-01-1989. Copy of the appointment order is attached as annexure ..... **A.**

That since his appointment the appellant has performed his duties with whole heartedly and with zeal and zest. That it is important to mention here that since his appointment up till now no complaint whatsoever has been made, by any one,

**ATTESTED**  
  
3/7/21

Appeal No. 7066/2021  
Hamid Mahmood vs Govt



21.12.2021

Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Salman, Asstt. for the respondents present.

The respondents have not furnished reply/ comments and seeks further time. Let the respondents be afforded with last opportunity with the warning that in case they fail to submit the written reply/comments on or before next date, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 08.03.2022 before the D.B.

*[Signature]*  
Chairman

B-3-22

Due to Retirement of the Hon.ble Chairman the case is adjourned to 29-6-22

*[Signature]*  
Reader

29.06.2022

Mr. Izaz Khan, junior of learned counsel for the appellant present. Mr. Salman, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 15.09.2022 before the D.B.

*[Signature]*  
ATTESTED  
(Rozina Rehman)  
Member (J)  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar  
31/7/22

*[Signature]*  
(Salah-ud-Din)  
Member (J)

Date of Presentation of Application 31-7-22

Number of Pages Page 2

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5

**DIRECTORATE GENERAL OF  
COMMERCE EDUCATION AND MANAGEMENT SCIENCES,  
KHYBER PAKHTUNKHWA, PESHAWAR.**

**AUTHORITY LETTER**

Mr. Naeem Ahmad, Assistant Director, (Litigation Section) Directorate General of Commerce Education & Management Sciences, Peshawar, is hereby authorized to submit application and Para-wise Comments in the Service Tribunal, Khyber Pakhtunkhwa, Peshawar **Service Appeal No. 7066/2021 titled Hamid Mehmood Vs Govt.** on behalf of official respondents.

  
**DIRECTOR (ADMN)**