

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

Appeal No. 614/2024

C.M. NO. 825/2024

Mst. Qurat Ul Ain SST (T)

.....PETITIONER/RESPONDENT No.3

VERSUS

Director E&SE Khyber Pakhtunkhwa, Peshawar & others

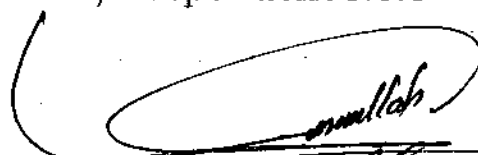
.....RESPONDENT/APPELLANT

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Ground of application for setting aside ex-parte along with affidavit		1-4
2.	Application for condonation of delay with affidavit		5-6
3.	Application for suspension of the letter (Source Form)		7-8
4.	Copy of order sheet dated 04.06.2024	A	9
5.	Copy of the order sheet dated 03.05.2024	A1	10
6.	Copy of the certificate of transfer of charge	B	11
7.	Copy of Letter No. 1002 dated 25.07.2024	C	12
8.	Copy of Source Form dated 29.07.2024	D	13
9.	Wakalatnama		14

Petitioner/Respondent No.3

Through


SHEIKH INAM ULLAH
Advocate High Court

①

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

Appeal No. 614/2024

C.M. No. 825/2024

Mst. Qurat Ul Ain SST (IT) W/o Qudrat Ullah Posted in
Government Girls High School Hassa DI Khan.

.....**PETITIONER/RESPONDENT NO.3**

VERSUS

1. Director E&SE Khyber Pakhtunkhwa, Peshawar
2. District Education Officer (F) DI Khan
3. Mst. Nida Afreen W/of Muhammad Adnan Sadozai R/o
Mohallah Gari Sadozai DI Khan.

.....**RESPONDENT/APPELLANT**

**APPLICATION UNDER RULE 19 OF SERVICE
TRIBUNAL RULES 1974 ON BEHALF OF
PETITIONER/RESPONDENT NO. 3 FOR SETTING
ASIDE THE EX-PARTE ORDER DATED 04/06/2024
AND GIVEN OPPORTUNITY TO THE APPLICANT
FOR HEARING AND SUBMISSION BEFORE THIS
HONOURABLE TRIBUNAL TO DEFEND HIS CASE.**

RESPECTFULLY SHEWETH

Petitioner/ Respondent No.3 humbly submits as under;

1. That the service appeal titled as "Nida Afreen...Vs...Director
Elementary & Secondary Education DI Khan etc" is pending
adjudication before this honourable Tribunal and is fixed
for 09/09/2024 for arguments.

2. That actually the appellate authority i.e. respondent No.1 accepted the departmental appeal of the applicant/Private respondent No. 3 on 28/02/2024 and being the matter in question is of transfer, the applicant was transferred to the Govt. Girls High School Hassa Dera Ismail Khan from GGHS Yarik vice notification No. 5348-51 dated 28/02/2024 by withdrawing the order of the respondent No. 2 District Education officer (F) Dera Ismail Khan dated 30/05/2023. It is also pertinent to mention here that the applicant was already on 14/04/2023 was transferred to the Govt. Girls High School Hassa, but the respondent. 2 withdrawn the same order on 30/05/2023.
3. That as the appellant of the above titled service appeal has questioned the order dated 28/02/2024 before this august Tribunal, wherein the Honourable Tribunal were pleased to pass the ex-parte order dated 04/06/2024, wherein the applicant along with others respondents were placed ex-parte on the ground of service through TCS and the case for fixed for arguments on 09/09/2024, hence, the instant application along with application for condonation of delay on the following grounds.

GROUND:

- a. That actually the appellant (Nida Afreen) was relieved on 07/03/2024 from GGHS Hassa Dera Ismail Khan and the applicant took the charge on 07/03/2024 and the applicant is performing duties in GGHS Hassa D.I.Khan constructively since 29/02/2024 and properly from 07/03/2024 after acting upon the order dated 28/02/

2024 but the appellant (Nida Afreen) in the instant appeal mala-fidely given the addresses of the applicant as SST (IT) GGHS Yarik D.I.Khan instead of GGHS Hassa D.I.Khan because the applicant was on duty in the GGHS Hassa, due to this reason the appellant was never served till date nor any information was given in respect of the above titled service appeal.

- b. That the respondent No. 2 sent a letter to the Headmistress GGHS Hassa on 25/07/2024 along with order sheets of this Honourable Tribunal and thus the applicant came into knowledge about the above titled service appeal along with ex-parte order through immediate boss. Hence, from the date of knowledge, the instant application is well within time, however, a separate application for condonation of delay is attached.
- c. That the applicant met with a road accident while travelling to her school i.e. GGHS Yarik on 29/03/2022 and got severe injured and up till now the applicant is not feeling well and this sole ground is also sufficient to set aside the ex-parte order and given opportunity of hearing.
- d. That no notice, summon were sent to the GGHS Hassa D.I.Khan nor received any summon notice through ordinary way or through TCS etc.
- e. That valuable rights of applicant are involved in the instant case, hence, the ex-parte order may kindly be cancelled for the sake of justice.



4

f. That this honourable court has got vast and ample powers to entertain the application in hand.

It is, therefore, humbly prayed that the ex-parte order dated 04/06/2024 may graciously be set aside and the private respondent#3 may kindly be allowed to defend her case in the larger interest of justice.

Dated: 31/07/2024

Humble Respondent#3

Qurat ✓
Qurat ul Ain
SST (IT),
GGHS Hassa
Dera Ismail Khan

Through Counsel

Sheikh Iftikhar ul Haq
Sheikh Iftikhar ul Haq
Advocate Supreme Court

sheikh INAMULLAH
sheikh INAMULLAH
Advocate High Court.

AFFIDAVIT:

I, **Qurat ul Ain**, do hereby, solemnly declared on that oath that the contents of instant application are true and correct and nothing has been concealed from this honourable Tribunal.



Qurat
Deponent

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 614/2024

Qurat Ul Ain

VERSUS

Director E&SE Khyber Pakhtunkhwa Peshawar etc

Subject: **APPLICATION FOR CONDONATION OF DELAY**

Respectfully Sheweth:-

The applicant most respectfully submits as under, that the application for setting aside ex parte order is well within time from the date of knowledge i.e. 25/07/2024 and if any delay occurred may kindly be condoned as follows;

1. That the above titled application for setting aside ex-parte order is being ^{with} before this Honourable Court and the instant application may kindly be considered as part and parcel of application.
2. That the respondent#2 sent a letter to the Headmistress GHS Hassa on 25/07/2024 along with order sheets of this Honourable Tribunal and thus the applicant came into knowledge about the above titled service appeal along with ex-parte order through immediate boss. Hence, from the date of knowledge, the instant application is well within time, however, if any delay is occurred the same is liable to be condoned.

- 3. That as fact in the instant case that applicant was serving in the GGHS Hassa Dera Ismail Khan since 29/02/2024, (08/03/2024 and the appellant Nida Afreen mala-fidely shown the wrong address of applicant as GGHS Yarik and due to this reason no service was occurred on the applicant, thus the applicant was not served and no summon was issued to the applicant on correct address of GGHS Hassa Dera Ismail Khan and thus nor received any notice/summon through any way by the applicant, however, any delay is occurred may kindly be condoned in the attending circumstances.
- 4. That this Honourable Tribunal has got vast and ample powers to accept the instant application.

It is humbly prayed that the delay (if any) may kindly be condored in the interest of justice.

[Signature]
Through Counsel

Applicant/Respondent No.3

[Signature]
SHEIKH INAM ULLAH
Advocate High Court

AFFIDAVIT

I, Qurat ul Ain, do hereby solemnly affirm on oath that contents of the above petition are true and correct to the best of my knowledge and belief.

DEPONENT *[Signature]*



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Civil Misc. Application No. ___/2024

In

Appeal No. 614/2024

Mst. Qurat Ul Ain SST (IT)

.....PETITIONER/RESPONDENT No.3

VERSUS

Director E&SE Khyber Pakhtunkhwa, Peshawar & others

.....RESPONDENT/APPELLANT

APPLICATION FOR SUSPENSION OF THE OPERATION OF THE LETTER SOURCE FROM ISSUED BY THE RESPONDENT NO.2 FOR ACTIVATION OF THE PAY OF RESPONDENT NO.3 TILL THE DECISION OF THE MAIN CASE.

Respectfully Sheweth

1. That the petition for setting aside the ex-parte proceeding is being filed before this Hon'ble Tribunal and the grounds of same may please be considered as an integral part of this petition.
2. That the petitioner has got a good prima facie case on law as well as on facts and there is every likelihood of the success of petition hence, balance of convenience tilts in favour of the applicant.
3. That the petitioner had assumed the charged on 07.03.2024 and the post has already been occupied by the petitioner as the impugned order was acted upon, even then the respondent No.2 issued pay activation letter of respondent No.3 to the District Accounts Officers DI Khan, due to which the pay of petitioner will be stopped; therefore, in case of non-suspension of pay activation letter source form, the petitioner will suffer an irreparable loss.

8

It is, therefore, humbly prayed that on acceptance of the present Civil Misc. Petition, the operation of pay activation letter (source form) may please be suspended and respondents may please be desisted from taking any action detrimental to post occupied by petitioner, till decision of Service Appeal, and in the meanwhile, status quo may graciously be ordered to be maintained.


Yours Humble Petitioner


(Mst. Qurat-ul-Ain)
Through Counsel

Dt. 05.08.2024


Sheikh Inamullah
Advocate High Court, D.I.Khan.

AFFIDAVIT I, the petitioner; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Misc. Application** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.


Identified by Counsel:
Sheikh Inamullah Adv


Deponent



Ann-A

(9)

20.05.2024 Clerk of counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney present.

Notice to respondents not issued due to non-deposit of TCS expenses. Appellant is directed to deposit TCS expenses within three days. Therefore, notice be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 04.06.2024 before S.B at principal seat Peshawar. P.P given to the parties.

SCANNED
KPST
Peshawar



(Rashida Bano)
Member (J)
Camp Court, D.I.Khan

4th June, 2024

1. Nobody is present on behalf of the appellant. Mr. Arshad Azam, Assistant Advocate General present.

2. Despite service through TCS, respondents are not before the Tribunal nor they have submitted reply/comments. Therefore, they are placed ex-parte. To come up for arguments on 09.09.2024 before D.B. P.P given to the learned AAG.



(Kalim Arshad Khan)
Chairman

Muta'lem Shah

ATTESTED

Annexure 'A/1' (16)

03-05-2024

Learned counsel for the appellant present and argued that the
~~impugned order was referred to S.B. at the camp court on 30.05.2023~~
 30.05.2023 upon which she submitted her arrival report on 31.05.2023
 and start performing her duties as SST-IT. He further argued that vide
 impugned order dated 23.02.2024 transfer order dated 30.05.2023 was
 withdrawn by this appellate authority which is against the rules and
 principle of justice. Points raised need consideration. Instant appeal is
 admitted for full hearing subject to all just and legal objections.
 Appellant is directed to deposit security fee within seven days,
 thereafter, notice be issued to the respondents for submission of written
 reply/comments. Respondents be summoned through TCS, the
 expenses of which be deposited by the appellant within a three days.
 To come up for written reply/comments, on 20.05.2024 before S.B at
 camp court, D.I.K. an. P.F. given to learned counsel for appellant.

2. Alongwith the appeal there is an application for suspension of
 operation of impugned order dated 28.02.2024 issued by the
 respondent No. 1 till the final decision of service appeal. Notice of this
 application be issued to the respondents. In the meanwhile, the
 operation of impugned order is suspended, if not already acted upon.

Handwritten notes:
 Attached to the
 27/5/24
 true copy
 [Signature]

(Rashtera Bano)
 Member (J)

ATTESTED

[Signature]

①

Annexure "B"

①①

- 27 -

Ann R 1/2

CERTIFICATE OF TRANSFER OF CHARGE

(1) Certified that we have on the fore/ afternoon of this day, respectively made over received Charged of the Office of Principal GGHS Hassa DIKhan Vide Director Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar Endst No.5348-51/A-17/within District Transfer/Vol/03 Dated 28-01-2024 Verified By DEO (F) DIKhan Vide Endst NO 3070-72 Dated 06-03-2024

(2) Particular cash and important secret and confidential document handed over are noted on the reverse

Signature of relieved

Government Servant

Designation-----

Station GGHS HASSA DERA ISMAIL KHAN

Madani
Principal
GGHS Hassa
Dera Ismail Khan

Signature of relieving

Government Servant: *B. A.*

Designation----- *SST*

Date

Madani
Principal
GGHS Hassa
Dera Ismail Khan

No. _____

Dated DIKhan The 07 / 03 / 2024

Copy to the:

1. Director Elementary & Secondary Education Khyber Pakhtun Khwa Peshawar.
2. District Education Officer (F) DIKhan.
3. District Accounts Officer DIKhan.
4. Official Concerned.

Attested to true copy
Qazi

ATTESTED

[Signature]

(1)

(12)

Annexure "C"



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

Ph: 0966-9280133

No. 1002-

Dated 25/07 /2024


To

The Principal
GGHS Hassa DIKhan:

Subject: IMPLEMENTATION OF HONORABLE SERVICE TRIBUNAL ORDER
Memo:

Reference this office letter No.7469 dated 10-07-2024 & your office letter No.249 dated 18-07-2024 of honorable court of service tribunal Peshawar.

The copy of Decision/order of Honorable Court of service tribunal Peshawar in respect of Nida Afreen SST (IT), BPS-16 duly verified is hereby submitted for compliance & report to the undersigned.

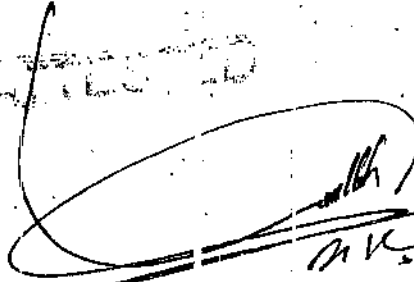

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

Encl No. _____

Copy to the:

1. Nida Afreen SST (IT) GGHS Hassa DIKhan.

Sd/-
DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN


Nida Afreen



AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

FORM PAY-02

OFFICE OF THE Principal GGHS: HANNA DICHAN

Date _____

FOR THE MONTH OF _____ 20__

Page No. _____

DDO Code (Cost Center) 6118 Description High

Personnel Number 20731681 Employee Name Nida Afsan

National ID Card Number _____

Grade (Pay Scale Group) 16 SST IT

Salary Status

Start Stop

Info Type	Field ID	GENERAL DATE CHANGE New Contents	CHANGE IN PAYMENTS / DEDUCTIONS				Effective Date	Remarks
			Wage Type	Amount				
				Rupees	Paise	Adj		
		pay active					pay active	

Printed By: ISHRAT ART PRESS

Prepared By _____

Audited/Checked By _____

Madum
Principal
GGHS H.
Dera Isman
22/07/24

Entered / Verified By _____

Received by
Ms A DA
[Signature]

[Signature]

"D"
Annex
13




پشاور بار ایسوسی ایشن، خیبر پختونخواہ 48776

ایڈریس: شیخ السامی ایڈووکیٹس

بار کونسل ایسوسی ایشن نمبر: 492-9-15

رابطہ نمبر: 0333 983 8007

PESHAWAR BAR ASSOCIATION

بعد الت جناب: سر محمد شریف خان خیبر پختونخواہ ہائیکورٹ

دعویٰ: کمری پیل (614/24)

مخانبہ: چیف جسٹس / سپرنٹنڈنٹ جج

علت نمبر: _____

مورخ: _____

جرم: _____

تھانہ: _____

مسماة قرن العین بنام ڈاکٹر مکملہ اہلسنیدی، نندیا سنڈری

ہیٹ تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لیسٹریٹ کیلئے شیخ السامی ایڈووکیٹس کے ذریعے پیش کیا گیا ہے۔

آں مقام لیسٹریٹ کے صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درج ذیل امور کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈلری کی طرفہ یا اپیل کی جملہ مذکی اور منسوخی، نیز دائر کرنے اپیل نظر ثانی و پیروی کرنے کا مختار ہوگا اور ہر صورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے آواز وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے ججائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ ساتھ اختیار منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ دینی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نہ ہو لکھ دیا تاکہ سندر ہے

المقوم: 518/20

العبد کسواہد العبد

مقام لیسٹریٹ

Accepte

Accepte