

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 1389/2023

Number of Pages 4749  
Service Tribunal  
Dary No. 4749  
Dated 5/4/2023

Ijaz Nasir ..... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary, Industries & Commerce  
Khyber Pakhtunkhwa, Peshawar. .... (Respondent)

**APPLICATION FOR SETTING ASIDE THE ORDER DATED 15.02.2023**

**WHEREIN THE RESPONDENT NO # 2 & 3 WERE PLACED EX-PARTE**

**AND THE RIGHT TO REPLY/COMMENTS WAS STRUCK OFF**

**Respectfully sheweth:-**

1. That the above titled Appeal is pending adjudication before this Honourable Tribunal which is now fixed for 17.05.2023.
2. That on previous date of hearing i.e. 15.02.2023 the Respondent No # 2 & 3 were placed ex-parte and their right to reply was struck off.
3. That the case was fixed for filing written reply/comments on previous date of hearing i.e. 15.02.2023 but the Respondents # 2 & 3 could not submit/file reply on the date fixed.
4. That the delay in filing reply on behalf of Respondents # 2 & 3 was not willful / intentional but due to some misunderstanding the reply was not submitted in time.
5. That when the case was placed ex-parte and the right to reply was struck off on 15.02.2023, the representative of the Respondents somehow could not convey the same to Respondents and it was assumed that the last chance for submission of written reply has been given on 22.03.2023.

6. That the Department was trying to solve the dispute between the parties, i.e. Appellant and Respondent No 4, but unfortunately, the issue could not resolve outside the court.
7. That the submission of Para wise comments also got late due to the fact that the comments were pending for the signature of Secretary Industries & Commerce (Respondent No. 2) as the new Secretary Industries & Commerce had not taken charge .
8. That the Respondents would not only submit written reply/comments as per the direction of Court but will also be vigilant to the proceedings and the direction of the Honourable Tribunal.
9. That the valuable rights of the Appellants/Respondents are involved, if they were not allowed to defend them properly, they would receive irreparable loss.

Therefore in view of above, it is humbly requested that the ex-parte proceedings initiated against the Respondents # 2 & 3 may please be set aside and the Respondents # 2 & 3 may also be allowed to file written reply/comments.

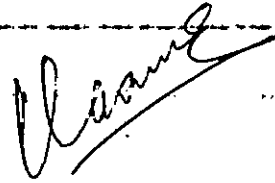


**AD Litigation  
Directorate General  
of Industries & Commerce  
Khyber Pakhtunkhwa  
Peshawar**

**Assistant Director Litigation  
Directorate General of  
Industries & Commerce  
Khyber Pakhtunkhwa, Peshawar**

AFFIDAVIT

I, **Muhammad Mansoor, Assistant Director Litigation (BPS-17)** in Directorate General of Industries & Commerce, Khyber Pakhtunkhwa do hereby affirm on behalf of **Respondents No. 2 & 3** that the contents of the accompanying **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



**DEPONENT**

Muhammad Mansoor  
Assistant Director (Lit)  
CNIC: 17301-3240835-5  
CELL: 0332-9228808

**Assistant Director Litigation**  
**Directorate General of**  
**Industries & Commerce**  
**Khyber Pakhtunkhwa, Peshawar**

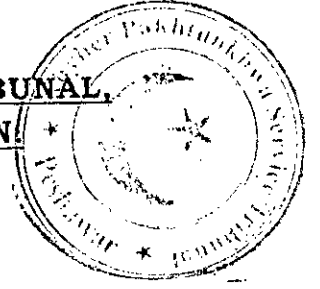


05 APR 2023

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR, CAMP COURT AT DERA ISMAIL KHAN.**

Service Appeal No. 1389 /2022



Ijaz Nasir S/o Abdul Razzaq Resident of Mohallah  
Qasaban, Tehsil & District Tank.

.....( Appellant)

**VERSUS**


1. Government of Khyber Pakhtunkhwa, through Secretary Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Industries & Commerce Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Director Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
4. Hikmat Ullah son of Asmat Ullah Resident of Taju Khel, Pai, District Tank.

.....(Respondents)

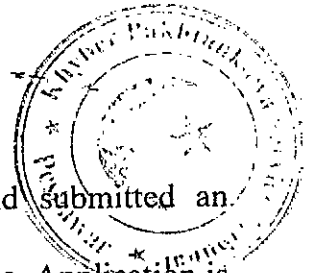
**SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER ENDORSEMENT NO. 4061-66/1/33-DI-ADMN DATED 16/04/2021 ISSUED BY RESPONDENT NO. 3, VIDE WHICH APPELLANT WAS TRANSFERRED FROM THE CONSUMER COURT TANK TO THE OFFICE OF ASSISTANT DIRECTOR C.P.C SOUTH WAZIRISTAN DISTRICT & RESPONDENT NO. 4 WAS APPOINTED AS NAIB QASID BPS-03 AT CONSUMER COURT TANK VIDE ORDER NO. 4083-86/1/98-D-I-ADMN DATED 19/04/2021.**

**PRAYER:-**

**ON ACCEPTANCE OF INSTANT APPEAL, BOTH THE IMPUGNED ORDERS DATED 16/04/2021 & 19/04/2021 IBID MAY KINDLY BE SET SIDE AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO RESTORE THE APPELLANT TO HIS PREVIOUS POSITION AS NAIB QASID BPS-03, CONSUMER COURT TANK. ANY OTHER REMEDY DEEMED APPROPRIATE IN THE GIVEN CIRCUMSTANCES MAY ALSO BE GRANTED TO THE APPELLANT.**

Certified to be true copy  
BY   
Officer  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Appeal No. 1389/2022  
Ijaz Nasir vs Govt



20<sup>th</sup> Jan, 2023

Learned counsel for the appellant present and submitted an

application for extension of time to deposit security fees. Application is allowed. He may do so within seven days. Thereafter notice be issued to the respondents for submission of reply/comments. The expense of which be deposited by the appellant. Adjourned. To come up for reply/comments on 15.02.2023 before S.B at camp court D.I Khan.

Rs-100/-  
Appellant Deposited  
Security & Process Fee

A. J. 07/2/23

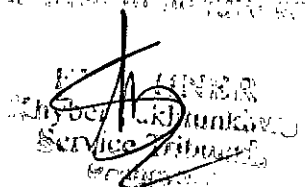
SCANNED  
KPST  
Peshawar

(Kalim Arshad Khan)  
Chairman  
Camp Court D.I Khan

15<sup>th</sup> Feb, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Tahir, Registrar Consumer Court Tank for respondents present.

Representative of the respondents did not submit written reply/comments. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is seven days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply stands struck off. To come up for arguments on 22.03.2023 at camp court D.I.Khan.



(Handwritten signature)

Date of Presentation of Application 05-04-23 (Kalim Arshad Khan)  
Number of Pages Page 2 Chairman  
Copying Fee 10/- Camp Court D.I.Khan  
Urgent 5/-  
Total 15/-  
Date of Completion 05-04-23  
Date of Delivery of 05-04-23