Khyber Patarkhwa Service Tribunal Biary No. 4824

## BEFORE THE KP SERVICES TRIBUNAL, PESHAWAR

Service Appeal No:- 895/2022

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Versus

Govt: of KPK through Secretary

Board of Revenue etc .....Respondents

...... Petitioners

## APPLICATION FOR CONDONATION OF DELAY IF CAUSED.

## Respectfully Sheweth:-

- 1. That the above titled appeal is pending adjudication before this Honoruable Tribunal and is fixed for 12/04/2023.
- 2. That the respondent counsel submitted Wakalat Nama on dated 28/11/2022 and the case was adjourned for 05/01/2023.
  - 3. That on 05/01/2023 when the case was called the respondents No 5 & 6 alongwith the clerk of respondents No 5 & 6 counsel were present and appellant was not present, hence, the impugned order dated 05/01/2023 was passed by this Honourable Tribunal.
  - 4. That the clerk as well as the respondents No 5 & 6 communicated the counsel that appellant was absent and the appeal was dismissed.
  - 5. That the clerk of respondents No 5 & 6 counsel apply for the attested copy on the same day, but the order dated 05/01/2023 was not written down and the filed was with the Honourable Judge, but when lateron the clerk approach the office on each and every day in order to get the attested copy of said impugned order, but the same was delivered to the clerk on 10/01/2023.

- 6. That after perusal of the order dated 05/01/2023 the Honourable Tribunal passed ex-parte order and struck off the right of respondents No 5 & 6.
- 7. That the delay of the filing of obtaining the attested copy of the order dated 05/01/2023 was not intentional, but due to the reason mentioned above.
- 8. That the Apex Court always favors the cases to be decided on merit, instead of technicalities.
- 9. That any other grounds will be raised at the time of arguments with the prior permission of this Honourable Court.

It is, therefore, most humbly prayed that on acceptance of this application the delay, if any may kindly be condoned in the interest of justice.

Dated: - 11/04/2023

Petitioner/Appellant

Through:-

Muhammad Anwar Mohmand

Advocate, Peshawar.

## **AFFIDAVIT**

I, <u>Magsood Khan</u> (Respondent No 5) do hereby solemnly affirm and declare on oath that the contents of this accompanying <u>application</u> are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

**DEPONENT** 

Maclis

