

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2023

IN

APPEAL NO.7361/2021

Khyber Pakhtunkhwa
Service Tribunal

Case No. 5271

Dated: 14/5/2023

Mr. Naheed Ullah Khan,

Assistant Bannu Public Library, Bannu.....APPELLANT

VERSUS

- 1- **Government of Khyber Pakhtunkhwa through Secretary Higher Education, Archives and Libraries Department, Khyber Pakhtunkhwa, Peshawar.**
- 2- **The Director Higher Education, Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar.**
- 3- **Naseem Sikandar, Assistant BPS-16), Maulana Muhammad Ishaq Library, Abbottabad.....RESPONDENS**

APPLICATION FOR SETTING ASIDE EX-PARTE DECISION
DATED 01.02.2023 ISSUED AGAINST THE PRIVATE
RESPONDENT NO.3 (Mst; NASEEM SIKANDAR)

R/SHEWETH:

- 1- That the above mentioned appeal is pending adjudication before this august Tribunal which is fixed for hearing on 12.05.2023.
- 2- That the above mentioned appeal was fixed for hearing on 01.02.2023 and the applicant/private respondnet No.3 appeared before this Hon'ble Tribunal on the same date, whereby she was directed to submit her reply but in the meantime the private respondent could not in the position to submit her reply, wherever, the private respondent No.3 was further directed to submit her reply before the date fixed i.e. 09.05.2023.
- 3- That as per directions of this Hon'ble Tribunal the applicant/private respondent No.3 submitted her reply in the institution branch of this august Tribunal but on the date of hearing i.e. 09.05.2023 it came into the knowledge of applicant that ex-parte proceedings has been initiated against her. *Copy attached.*
- 4- That valuable rights of the applicant are attached with the instant service appeal, and if the applicant could not allowed to defend herself in the present service appeal, she will face with irreparable loss.

It is, therefore, most humbly prayed that on acceptance of this application the ex-parte proceedings initiated against the applicant/private respondent No.3 may very kindly be set aside and the applicant be allowed to defend herself in the instant service appeal.

Dated: 10.05.2023.

PRIVATE RESPONDENT NO.3

THROUGH:


**MIR ZAMAN SAFI
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2023

IN
APPEAL NO.7361/2021

NAHEED ULLAH KHAN VS GOVT: OF KP & OTHERS

AFFIDAVIT

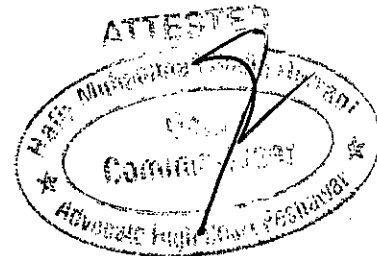
I, Naseem Sikandar, Assistant, Maulana Muhammad Ishaq Public Library, Abbottabad, do hereby solemnly affirm and declare on oath that the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Naseem Sikandar

NASEEM SIKANDAR
(P/Respondent No.3)

Mir Zaman Safi
Identified by:
Mir Zaman Safi,
Advocate

10 MAY 2023



BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No. 7361 /2021

Naheed Ullah Khan
Assistant Bannu Public Library,
Bannu



Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Higher Education Archives & Libraries Peshawar.
2. Director Archives & Libraries, besides MPA Hostels Peshawar Cantt.
3. Naseem Sikandar, Assistant BPS-16 Molana Muhammad Ishaq Library, Abbottabad.

APPEAL AGAINST THE IMPUGNED COMBINED SENIORITY LIST OF ASSISTANTS (BPS-16) RECORD ASSISTANT (BPS-16) AND SENIOR SCALE STENOGRAPHER (BPS-16), DIRECTORATE OF ARCHIVES & LIBRARIES AS IT STOOD ON 16-03-2021. COMMUNICATED VIDE LETTER DATED 17-03-2021. (Copies annexed "A & A1"), WHEREIN THE DEPARTMENTAL APPEAL OF THE APPELLANT DATED 13-04-2021 WAS NOT DECIDED TILL THE LAPS OF STATUTORY PERIOD OF LIMITATION. (Copy annexed "B")

"Prayer"

- (a) By accepting this appeal and setting aside the impugned seniority list dated 16-03-2021, communicated on 17-03-2021 and amending the same by placing the appellant at serial No. 09 of the said seniority list.
- (b) Any other relief deemed appropriate may also be granted in addition to the relief prayed above.

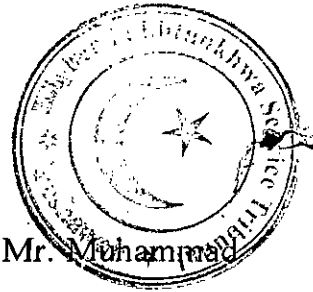
=====
Respectfully Sheweth,

1. The appellant being qualified and eligible was selected and appointed as Naib Qasid on 10-08-1991. He was graciously granted promotion vide different orders / notifications till his last promotion as Assistant (BPS-16) dated 10-04-2017. He is currently serving as Assistant (BPS-16), Bannu Library Bannu to the utmost satisfaction of his superiors. (Copy of promotion order annexed "C to C4")

That the worthy department has circulated a revised / updated combined seniority list of holders of post of Assistant (BPS-16), Record Assistant (BPS-16) and senior scale Stenographer (BPS-16), Directorate of Archives & Libraries as it stood on 16-03-2021, vide letter No. 430/3/52/DA dated 17-03-2021. (Copies annexed "A & A1")

3. That the appellant was arbitrarily placed at serial No. 10 of the impugned seniority list instead of his actual place of seniority at serial No. 09, wherein

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar



1st Feb, 2023

Junior of learned counsel for the appellant present. Mr. Muhammad

Adeel Butt, Additional Advocate General for official respondents No, 1
& 2 present.

Reply/comments on behalf of private respondent No. 3 are still
awaited. There is nobody on behalf of private respondent No. 3 nor
submit written reply/comments. The time provided in Rule-12 of the
Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filling reply is
seven days before the date fixed but despite providing opportunity
private respondent No. 3 not filed the comments, therefore, he is
proceeded ex-parte and their right to file reply/comments stands struck
off. To come up for arguments on 09.05.2023 before D.B.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

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Chairman
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 09/5/23
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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2023

Nahed Ullah Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KP & others

(RESPONDENT)
(DEFENDANT)

I/We Naseem Sillandar (P. Respondent No. 3)

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 10 / 05 / 2023

Naseem Sillandar

CLIENT

Mir Zaman Safi

ACCEPTED

MIR ZAMAN SAFI
ADVOCATE

OFFICE:

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Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0333-9991564
0317-9743003