


# FORM OF ORDERSHEET

Court of \_\_\_\_\_

Misc. application No. 344/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30/05/2023	<p>The Misc. application in appeal no. 1006/2016 submitted today by Mr. Akhtar Ilyas Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>02-06-2023</u>. Original file be requisitioned.</p> <p style="text-align: right;"> REGISTRAR</p>

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

In Re:

*MISC. Application no. 344/2023*

S. A No. 1006/2016

Engineer Nasir Zaman

Versus

Govt. of Khyber Pakhtunkhwa and others

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2.	Copy of Order dated 03.05.2023	A	4-7

Respondents No. 13 to 15

Through

*Akhtar Ilyas*

**Akhtar Ilyas**

Advocate High Court.

TF-287, Deans Trade Centre,  
Peshawar Cantt.

Cell # 0345-9147612

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**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

*Misc. Application No. 344/2023*

In Re:

S. A No. 1006/2016

Khyber Pakhtunkhwa  
Service Tribunal

5675

Dated 30/5/2023

Engineer Nasir Zaman Khan S/o Muhammad Zaman Khan,  
Section Officer Technical (BPS-17) Public Health Engineering  
Department, Khyber Pakhtunkhwa, Peshawar.

..... Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary,  
Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Public  
Health Engineering Department, Khyber Road, Peshawar.
3. Chairman, Khyber Pakhtunkhwa Public Service  
Commission, Fort Road, Peshawar Cantt.
4. Secretary Khyber Pakhtunkhwa Public Service  
Commission, Fort Road, Peshawar Cantt.
5. Ijaz ul Haq, SDO (BPS-17) Public Health Engineering  
Department, Dir Upper,
6. Noor Ullah, SDO (BPS-17) Public Health Engineering  
Department, District Mohmand (FATA),
7. Faisal Numan, SDO (BPS-17) Public Health Engineering  
Department, Charsadda.
8. Rizwan Ullah, Section Officer (Technical) BPS-17, Public  
Health Engineering Department, Khyber Pakhtunkhwa,  
Peshawar.
9. Arsalan Khan, SDO (BPS-17) Public Health Engineering  
Department, D.I.Khan
10. Arshad Iqbal, SDO (BPS-17) Public Health Engineering  
Department, Dargai Malakand.

11. Jamshed Hussain Bangash, SDO (BPS-17) Public Health Engineering Department, FATA FR Kohat.
12. Sardar Sameer Asmat Gandapur, SDO (BPS-17) Public Health Engineering Department, Shangla.
13. Miss Taskeen Ahmed, SDO (BPS-17) Public Health Engineering Department, Abbottabad.
14. Miss Sania Mehtab, SDO (BPS-17) Public Health Engineering Department, Peshawar.
15. Miss Faiza Sana, SDO (BPS-17) Public Health Engineering Department, Mardan.

... Respondents

**Application for setting aside ex.parte proceedings initiated against respondents No. 13 to 15 vide Order dated 03.05.2023.**

**Sheweth:**

1. That the titled service appeal is pending disposal in this Hon'ble Court and is fixed for 31.05.2023.
2. That on the date fixed i.e 03.05.2023, the counsel for respondents No. 13 to 15 was present in the Tribunal and marked the attendance with the reader of this Hon'ble Court as well as attended other appeals in SB, but due to rush of work and sheer inadvertence, he was unable to attend the Court and was proceeded ex.parte.
3. That the absence was not willful but due to sheer inadvertence.

- 4. That this Hon'ble Tribunal has ample power to set aside the ex.parte proceedings.
- 5. That valuable rights of the respondents No. 13 to 15 are involved in the instant matter.

**It is, therefore, prayed that the ex.parte proceedings initiated against the respondents No. 13 to 15 may kindly be set aside and the case be decided on merits.**

Respondents No. 13 to 15

Through

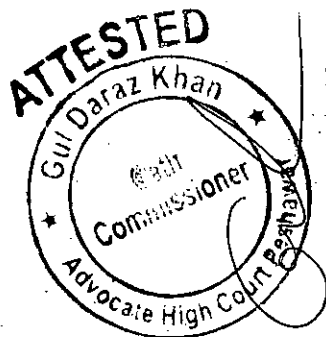
*Akhtar Ilyas*

**Akhtar Ilyas**  
 Advocate High Court.  
 TF-287, Deans Trade Centre,  
 Peshawar Cantt.  
 Cell # 0345-9147612

**AFFIDAVIT**

It is affirm and declare on Oath that the contents of accompanying Application are true and correct and nothing has been concealed from this Hon'ble Court.

*Akhtar Ilyas*  
 Deponent



*S/M*  
*[Signature]*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR



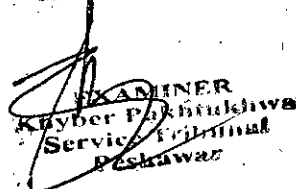
Service Appeal No. 1006 /2016

→ Engineer Nasir Zaman Khan s/o Muhammad Zaman Khan, Section Officer Technical, (BPS-17) Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.....Appellant.

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary to government of Khyber Pakhtunkhwa, Public Health Engineering Department, Khyber Road Peshawar.
3. Chairman, Khyber Pakhtunkhwa Public Service Commission, Fort Road, Peshawar Cantt
4. Secretary, Khyber Pakhtunkhwa Public Service Commission, Fort Road, Peshawar Cantt.
5. Ijaz-ul-Haq, SDO, (BPS-17) Public Health Engineering Department, Dir Upper
6. Noor Ullah, SDO, (BPS-17) Public Health Engineering Department, FATA, Mohmand Agency.
7. Faisal Numan, SDO, (BPS-17) Public Health Engineering Department, Charadla.
8. Rizwan Ullah, Section Officer Technical, (BPS-17) Public Health Engineering Department, Khyber Pakhtunkhwa, Peshawar.
9. Arsalan Khan, SDO, (BPS-17) Public Health Engineering Department, D.I.Khan
10. Arshad Iqbal, SDO, (BPS-17) Public Health Engineering Department, Dargai Malakand Agency.
11. Jamshaid Hussain Bangash, SDO, (BPS-17) Public Health Engineering Department, FATA, FR Kohat.
12. Sardar Sameer Asmat Gandapur, SDO, (BPS-17) Public Health Engineering Department, Shangla.
13. Miss Taskeen Ahmed, SDO, (BPS-17) Public Health Engineering Department, Abbottabad.

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

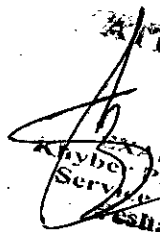
14. Miss Sania Mehtab, Planning Officer (BPS-17) Public Health Engineering Department, Peshawar.

15. Miss Faiza Sana, SDO, (BPS-17) Public Health Engineering Department, Mar an ..... Respondents.

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974.**

**Respectfully Sheweth,**

1. That petitioner in furtherance of Advertisement No. 01/2012 & 04/2012 dated 28.02.2012 and 28.09.2012 applied to the post of Assistant Engineer/SDO (BPS-17) in Public Health Engineering Department. (Copies of Advertisements are attached as Annexure-A & A-1)
2. That Public Service Commission after scrutiny of the documents, conducted single written test for both the advertisements and petitioner qualified the test by securing 78 marks out of 100.
3. That thereafter the appellant along with other successful candidates appeared in interview on 02.12.2013 and 12.12.2013 against both the advertisements and consequently petitioner passed/qualified the prescribed interview and he was recommended to be successful in 2<sup>nd</sup> Advertisement (04/2012) vide letter dated 10.01.2014. (Copy of letter is attached as Annexure-B, B-1, B-2 & B-3)
4. That after issuance of transfer/posting order by the department on 21.04.2014 and completion of code formalities; petitioner joined the service as Assistant Design Engineer/SDO (BPS-17) office of the Chief Engineer (South) PHED and submitted his Arrival Report on 21.04.2014. (Copy of transfer/posting order & Charge Assumption Report is attached as Annexure-C & D)

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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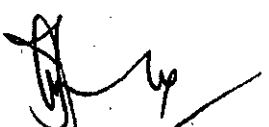
24<sup>th</sup> Nov. 2022 01. Counsel for the applicant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present. Arguments on restoration application heard.


02. Instant application, submitted on 29.07.2022 is for restoration of Service Appeal No. 1006/2016, which was dismissed in default on 25.07.2022. It shows that the application is well within time.


03. Considering contention of learned counsel for the appellant and in the interest of justice application is allowed and the instant appeal is restored to its original number. Notices be issued to the respondents. To come up for arguments on 24.01.2023 before the D.B.

*Out of this trial respondents were not notified*

SCANNED  
Peshawar

  
(FAREHA PAUL)  
Member(E)

  
(ROZINA REHMAN)  
Member(J)

ATTESTED  
  
EXAMINER  
Khayber Pakhtunkhwa  
Service Tribunal  
Peshawar

24.01.2023

Proper D.B is not available, therefore the case is adjourned to 03.05.2023 for the same as before.

  
Reader



03<sup>rd</sup> May, 2023

1. Learned counsel for the appellant present! Mr. Asif Masood Ali Khan, Deputy District Attorney alongwith Mr. Mehtab Gul, Law Officer for official respondents present.
2. In the early hours of the court, junior of the learned counsel for private respondents had put appearance and requested that senior counsel would come and argue this appeal but till 02:45 PM neither learned senior counsel for the private respondents nor any of the private respondents put appearance, therefore, private respondents are placed ex-parte. Let it be adjourned for final arguments on 31.05.2023 before the D.B giving last opportunity to the appellant and the official respondents to argue this appeal on the said date. The matter is of 2016. Parcha Peshi is given to the parties.

(Salah-ud-Din)  
Member (J)

(Kalim Arshad Khan)  
Chairman

\*Nacem Amin\*

Certified to be true copy  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 30/5/23  
 Number of Words Page 4  
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 Date of Delivery of Copy 30/5/23