


# FORM OF ORDERSHEET

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

Misc. application No. 348/2023

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. 2005/2022 submitted today by Mr. Zahid Waqar Khan Advocate. It is fixed for hearing before Single Bench at Peshawar on <u>02-06-2023</u>. Original file be requisitioned.</p> <p style="text-align: right;"> REGISTRAR</p>

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

MISC- Application no. 348/2023  
**Appeal No.2005/2022**

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 5725  
Dated 30/5/2023

Mr. Muhammad Uzair Ali, Management Cadre BPS-19, Posted as  
District Education Officer (M), District Khyber.

.....Appellant

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. The Secretary Establishment Department, Khyber Pakhtunkhwa Peshawar.
4. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
5. The Secretary Khyber Pakhtunkhwa Public Service Commission.
6. Mr. Jaffar Mansoor Abbasi, (DEO BS-19) presently at the disposal of Directorate of E&SE Khyber Pakhtunkhwa Peshawar.
7. Mst. Samina Altaf, DEO (F) (BPS-19), presently posted as Chairperson Board of Intermediate and Secondary Education, Kohat.

.....Respondents

**APPLICATION FOR SETTING ASIDE EX-PARTEE  
PROCEEDINGS AGAINST RESPONDENT NO 6 DATED**

**05/05/2023**

**Respected Sheweth:-**

1. That the above titled case was pending before this Hon'ble Service Tribunal which was fixed for today 30/05/2023.
2. That the respondent no 6 neither received any notice/summon of this Hon'ble Tribunal, respondent no 6 could not be served properly.
3. That the respondent no 6 got knowledge about instant appeal through his colleague that the next date fixed for the instant appeal is 30/05/2023.
4. On appearing today before Hon'ble Service Tribunal the petitioner / respondent no 6 came to know that EX-Partee proceeding has been passed on 05/05/2023 against the petitioner / respondent no 6.

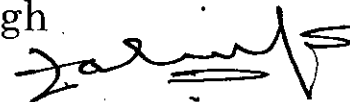
5) That the application is within time.

*It is therefore, humbly prayed that case should be decided on merit of given full opportunity of hearing and the ex-parte proceeding may kindly be set aside.*

Dated: 03/05/2023

  
Respondent No.6

Through

  
Zahid Waqar Khan  
Advocate High Court  
Abbottabad

**AFFIDAVIT**

I, Jaffar Mansoor Abbasi (Respondent No.6), do solemnly hereby affirm and declare on oath that the contents of this application are correct and nothing has been concealed or misstated from this Hon'ble Tribunal.

  
DEPONENT.



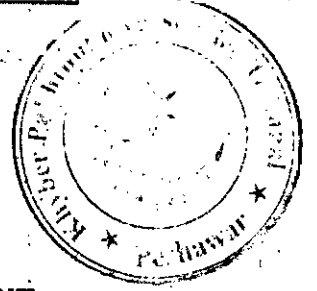
30 MAY 2023

-1- 3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 2005/2022

Mr. Muhammad Uzair Ali, Management Cadre Officer (BPS-19),  
Posted as District Education Officer (M), District Khyber.



..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 5- The Secretary Khyber Pakhtunkhwa Public Service Commission.
- 6- Mr. Jafar Mansoor Abbasi, (DEO BS-19) presently at the Disposal of the Directorate of E&SE, Khyber Pakhtunkhwa, Peshawar.
- 7- Mst. Samina Altaf, DEO (F) (BPS-19), presently posted as Chairperson Board of Intermediate & Secondary Education, Kohat.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED FINAL SENIORITY LIST DATED 12.10.2021 ISSUED ON 31.03.2022 WHEREBY THE JUNIOR COLLEAGUES OF THE APPELLANT HAVE BEEN PLACED/SHOWN SENIOR TO THE APPELLANT AND AGAINST THE INACTION OF THE RESPONDENT BY NOT DECIDING THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

**That on acceptance of this appeal the impugned final seniority list dated 12.10.2021 issued on 31.03.2022 may kindly be modified/rectified to the extent of the appellant and private respondents and the appellant may kindly be placed at right position in the impugned seniority list as per Rule 17(1)(a) of the Appointment, Promotion and Transfer Rules, 1989 i.e. be placed senior to the private respondents in the impugned seniority list. Any other remedy which this August Tribunal deems fit, may also be awarded in favor of the appellant.**

Certificate  
Signature copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Appeal No. 2005/2022  
M. Waqar Khan vs Govt



05.05.2023

Appellant alongwith his counsel present. Mr. Asad Ali Khan,

Assistant Advocate General alongwith Mr. Faheem Khan Assistant on behalf of official respondent No. 2 & 4, Mr. Azhar Khan, Section Officer on behalf of respondent No. 3, Mr. Mehtab Gul, Law Officer on behalf of official respondent No. 5 present. None present on behalf of private respondents No. 6 & 7, despite issuance of proper notice, hence they are proceeded ex-parte.

Reply/comments on behalf of official respondents not submitted. Representative of official respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 30.05.2023 before S.B. Parcha/Peshi given to the parties.

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Muhammad Akbar Khan)  
Member (E)

\*Kamranullah\*

Date of Presentation of Application 30/5/23  
 Number of Words Page 2  
 Copying Fee 10/-  
 Urgent Yes  
 Total 15/-  
 Name of \_\_\_\_\_  
 Date of Clipping and Copy 30/5/23  
 Date of Delivery of Copy 30/5/23

Case

KPK BAR Council

No. 10-1222

وکالت نامہ

Before the KPK Service Tribunal Peshawar

Muhammad Uzair Ali vs Govt of KPK & omm

Respondent No.6

Service Appeal No. 2005/2022

Application for  
Restoration باعث تحریر نامہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی جواب دی کل کاروائی متعلقہ آن مقام

Tahid Waqar Advocate

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے والی نامہ و تقرر ثالث و فیصلہ بر خلاف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ الخوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔ لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

30/5/23 المرقوم:

بمقام:

Ascribed by me

دکتر فونوٹوٹیک (ایٹ بار)

(Tahid Waqar Adv)

cell # 0314 50 36372

JAFFAR MANSOOR A338861

RESPONDENT No.6