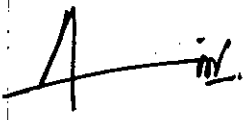


FORM OF ORDERSHEET

Court of _____

Misc. application No. 409/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22/06/2023	<p>The Misc. application in appeal no. 21/2023 submitted today by Mr. Amin ur Rehman Yousafzai Advocate for setting aside ex-parte order against respondent no.5 to 9. It is fixed for hearing before Single Bench at Peshawar on _____ . Original file be requisitioned.</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

MISC. APPL. NO. 409/23

In Re:

Service Appeal No. 21/2023

Engr. Saif ur Rehman, SDO Shabaqadar Irrigation Sub-Division, Charsadda **Appellant**

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Secretary Irrigation, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Govt. of KPK through its Chief Secretary, Civil Secretariat, Peshawar.
4. Departmental Promotion Committee through its Chairman, Irrigation Department Peshawar.
5. Engr. Inam Ullah Khan, Assistant Engineer Officer, Chief Engineer (North), Peshawar.
6. Engr. Shahid Ali Khan, SDO, Irrigation Sub Division, Saidu Sharif, Swat.
7. Engr. Rizwan, SDO, Canal Sub Division Paharpur, District D.I. Khan.
8. Engr. Javed Ullah Khan, SDO, Warsak Left Canal, Peshawar.
9. Engr. Wahajat Hussain, SDO, Irrigation Sub Division.. **Respondents**

Diary No. 6171

Dated 22-06-23

APPLICATION, FOR AND ON BEHALF OF PRIVATE RESPONDENTS NO.5 TO 9, FOR SETTING ASIDE EX-PARTE PROCEEDINGS, INITIATED VIDE ORDER DATED: 22.05.2023.

Respectfully Sheweth:

1. That the titled Appeal is pending adjudication before this Hon'ble Tribunal, wherein date 20.07.2023 is fixed for onward proceedings.
2. That the titled appeal was fixed for hearing on 22.05.2023, for attendance of applicants/private respondents No.5 to 9, however, they did not make good their attendance, due to unavoidable compelling circumstances, thus proceeded ex-parte, hence the instant application.
3. That absence of applicants/Private respondents No.5 to 9 is not deliberate rather occasioned inadvertently, hence deserves to be provided opportunity to defend themselves, moreover instant application is within time and there is no legal bar to allow the same and provide opportunity of hearing to applicants / private Respondents No.5 to 9, as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
4. That valuable rights' of applicant/private Respondents No.5 to 9 are involved into the matter and, if the subject relief has not been granted, they will suffer irreparable loss.
5. That any other ground, with the permission of this Hon'ble Tribunal will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant application, ex-parte proceedings, initiated against applicants/private Respondents No.5 to 9, vide order dated: 22.05.2023, may be set aside, so as to enable them to defend themselves in accordance with law and to secure the ends of justice.

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath, that the contents of instant **Application** are true and correct to the best of my knowledge & belief, and nothing has been kept concealed from this Hon'ble Tribunal.

Through

Applicants/ Private Respondents No.5 to 9

Amin ur Rehman Yusufzai

Khalid Khan Mohmand

Muaz Ashraf Khalil
Advocates, Peshawar

Deponent

Dated: 21.06.2023

ATTESTED
MOHAMMAD AKBAR KHAN MAJIDI
COMMISSIONER
Advocate High Court Peshawar

21/06/23

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No: 21/23

Engineer Saif ur Rahman SDO Shabqadar Irrigation Sub-Division Charsadda.

.....Petitioner

VERSUS

1. Chief, Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Secretary Irrigation, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Govt. of KPK through its Chief Secretary, Civil Secretariat, Peshawar.
4. Department Promotion Committee through its Chairman, Irrigation Department, Peshawar.
5. Engineer Inám Ullah Khan, Assistant Engineer, Officer, Chief Engineer (North), Peshawar.
6. Engineer Shahid Ali Khan, SDO, Irrigation, Sub-Division, Saidu Sharif, Swat.
7. Engineer Rizwan, SDO, Canal Sub-Division, Paharpur, District D.I. Khan.
8. Engineer Javed Ullah Khan, SDO, Warsak Left Canal, Peshawar.
9. Engineer Wajahat Hussain, SDO, Irrigation, Sub-Division _____

..... Respondents

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF
RESPONDENT NO. 2 DATED 26.08.2022 WHEREBY ANTEDATED PROMOTION
WAS GRANTED TO THE PRIVATE RESPONDENTS AND APPEAL OF THE
APPELLANT DATED 06.09.2022 WAS NOT CONSIDERED.

3

21/23


SA 07/23

03rd April, 2023

Counsel for the appellant present. Mr. Asad Ali Shah.
Asstt A.G. for the official respondents present. Nemo for
private respondents.

Reply/comments on behalf of the respondents not
submitted. Learned AAG requested for time to contact the
official respondents. Notices be issued to private respondents
through TCS. the expenses of which shall be deposited by the
appellant within 10 days. To come up for written
reply/comments of all the respondents on 22.05.2023 before
the S.B. Parcha Peshi given to the parties.


SCANNED
BY
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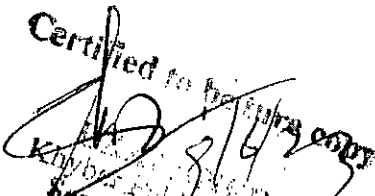

(Fareeha Paul)
Member(E)

22.05.2023

Clerk to counsel for the appellant present. Mr. Asad Ali Khan, Assistant
Advocate General alongwith Syed Maqbool Hussain, Superintendent for
official respondents No. 1 to 4 present. None present on behalf of private
respondents No. 5 to 9 despite issuance of proper notice through TCS, hence
they are placed ex-parte.

Reply/comments on behalf of official respondents No. 1 to 4 not
submitted. Representative of official respondents No. 1 to 4 requested for time
to submit reply/comments. Adjourned. To come up for reply/comments on
21.06.2023 before S.B. Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (E)

Certified to be a true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

