

FORM OF ORDERSHEET

Court of _____

Misc. application No. 393/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	20/06/2023	<p>The Misc. application in appeal no. 940/2022 submitted today by Mr. Assistant Director LG&RDD Karak for setting aside ex-parte order against respondent no.1 to 3. It is fixed for hearing before Division Bench at Peshawar on _____. Original file be requisitioned.</p> <p style="text-align: right;">REGISTRAR</p>

①

IN THE PROVINCIAL SERVICES TRIBUNAL PESHAWAR

C.M. No 393 /2023

In

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6109

Appeal No. 940/2022

Dated 20-6-2023

Arshad Ul Haq S/O Kimya Gul Naib Qasid Office Of The Assistant Director Local
Government And Rural Development Department Karak.

Versus

1. Secretary Local Government and Rural Development KPK Peshawar .
2. Director General Local Government and Rural Development Department Kpk
Peshawar.
3. Assistant Director Local Government and Rural Development Department
Karak.

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNALS ACT, 1974.

APPLICATION FOR SETTING ASIDE ORDER DATED 03.02.2023

AND RESTORATION RIGHTS OF DEFEND/ CONTEST THE APPEAL

ON BEHALF OF RESPONDENTS/APPLICANTS

Respectfully Sheweth:

1. That the above captioned appeal is pending adjudication before this
Honorable Tribunal and fixed for argument on 20.06.2023.
2. That one Mr. Habib Nawaz on behalf of respondent did not appear on
behalf of respondents consequently this honorable tribunal proceeded the
respondent ex- parte and stuck the right of defence vide order dated
03.02.2023
3. That the nonappearance of the said department representative was not
intentional but due to office exigencies and now he is transferred for the
office of respondent No. 3..

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4. That the respondents have sufficient material against the said appeal and prima facie believed to be successful in dismissal of the appeal.
 5. That valuable rights of respondents departments and public exchequer are involved and if the appeal is not decided on merits the respondents will suffer loss.
 6. That under the dictums of higher as well as apex courts adjudication upon merits is always favoured so that no one should be condemned unheard.
 7. That it is settled principal of law, settled by the superior courts that technicalities should not interfered in the interest of justice and lis be decided on merit.
 8. That delay if any may also be condoned in the interest of justice and opportunity may be given for deciding the *lis* on merits.

Under the circumstances as stated above, it is respectfully prayed that this Hon'ble Tribunal may graciously be set aside order dated 03.02.2023 and right to defend/contest the appeal may be restored by permission to file parawise comments in the interest of justice.

Applicants/ Respondents No. 1 to 3
Through respondent No. 3

*Assistant Director
Local Govt. & Rural Dev. Deptt.
Karak*

Assistant Director
Local Govt. & Rural Development
Department Distt: Karak

IN THE PROVINCIAL SERVICES TRIBUNAL PESHAWAR

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C.M. No. _____/2023

IN

Appeal No. 940/2022

Irshad-ul-Haq

Versus

Government of Khyber Pakhtunkhwa etc


APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA]
SERVICE TRIBUNALS ACT, 1974.

APPLICATION FOR SETTING ASIDE ORDER DATED 03.02.2023
AND RESTORATION RIGHT OF DEFEND/CONTEST THE APPEAL
ON BEHALF OF RESPONDENTS / APPLICANTS

AFFIDAVIT

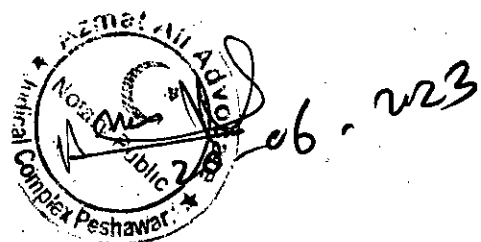
I, Umar Farooq Assistant Director LG & RDD, Karak BPS-17 do hereby solemnly affirm and declare on oath that all the contents of accompanying application is true and correct to the best of my knowledge and belief as per office record and nothing is lie and nothing has been concealed from this Hon'able Tribunal.

Deponent


Umar Farooq
Assistant Director LG & RDD
Karak BPS-17

ATTESTED

Identification
Identify by Advocate General
KPK Services Tribunal Peshawar



A. No. 840/22

Asst. Adv. - Harar / Kerasak

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17.11.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Habib Nawaz, Assistant Director for the respondents present.



Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come for reply/comments on 19.12.2022 before S.B.

SCANNED KP&T Peshawar

For n/a & attendance not made

(Mian Muhammad) Member (E)

Directorate General LG & RDD
 Diary No 9179 Dated 12/05/2023
 DG [Signature]
 Director Admin
 DD _____
 AD _____
 Section _____

[Handwritten signature and scribbles]

19.12.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 03.02.2023 before S.B.

SCANNED KP&T Peshawar

Certified to be true copy (Mian Muhammad) Member (E)

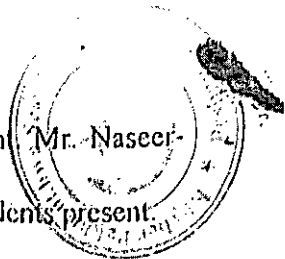
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Khyber Pakhtunkhwa
Government Tribunal
Peshawar

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A. No. 840/22

3rd Feb. 2023

Clerk of learned counsel for the appellant present Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present



On 17.11.2022 one Habib Nawaz, Assistant Director for the respondents was present and has sought time for reply. But on the next date i.e. on 19.12.2022 nobody did put appearance on behalf of the respondents. It seems that the respondents are not interested in contesting this appeal, therefore, they are placed ex-parte and their right to defense is struck of. To come up for arguments on 11.05.2023 before

S.B.

(Handwritten signature)

(Kalim Arshad Khan)
Chairman

Certified true copy
(Signature)
K
S. B. Khan
Secretary
Peshawar

Date of Presentation of Application 11/5/23
Number of Words 27
Copying Fee 15/-
Urgent 15/-
Total 15/-
Name of
Date of
Date of Delivery of Copy 11/5/23