


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 485/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	12.07.2023	<p>The application for setting aside ex-parte proceedings against respondents no.8&9 resubmitted today by Mr. Abdullah Qazi Advocate. It is fixed for hearing before Single Bench at Peshawar on</p> <p>Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The Misc. application in appeal no. 657/2023 submitted by Abdullah Qazi Advocate today i.e. 06.7.2023 is incomplete on the following scores which is returned to the counsel for completion and resubmission within 15 days.

- 1- Application is not in proper format.
- 2- Wakalat nama in favour of applicant is not attached with the application:

No. 1871 /S.T,

DL 7/7 /2023.

Three spare sets

A. in.

REGISTRAR
KHYBER PAKHTUNKWA
SERVICE TRIBUNAL
PESHAWAR

Abdullah Qazi Adv.
High Court Pesh.

En.

*resubmitted after doing as
needed.*

AM/
11/7/2023

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Misc. Application no. 485/2023

Service Appeal No. 657 /2023

Jan Alam S/o Latif Shah, Senior Clerk, Paramedical
Institute of Technology, D.I.Khan.

.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar.
3. Director General (Health), Provincial Health Service Academy, Khyber Pakhtunkhwa, Peshawar.
4. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
5. Principal, Paramedical Institute of Technology, D.I.Khan.
6. Principal, Public Health School, D.I.Khan.
7. Khurshid Ali S/o Firdos Khan, presently serving as Office Assistant PIMT Swat.
8. Faridullah S/o Khalil-ur-Rehman, presently serving as Office Assistant PIMT Swat.
9. Rehmat Ali S/o Taj Muhammad, presently serving as Office Assistant (Acting Charge) PHSA Peshawar.
10. Gul Benaf Shah S/o Mian Gul Bahar Shah, presently serving as Office Assistant PGCN Peshawar.
11. Principal, Nursing College, District D.I.Khan.

.....RESPONDENTS

APPLICATION FOR SETTING ASIDE
EX-PARTE PROCEEDINGS AGAINST
RESPONDENTS NO. 8 & 9.

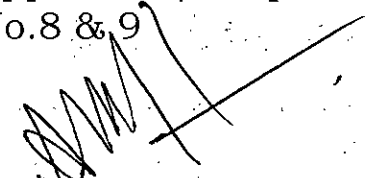
Respectfully Sheweth:

1. That the above mentioned case is pending before this Hon'ble Court which is fixed for dated 18.09.2023.
2. That on 19.06.2023 the case was fixed for attendance, reply at camp court D.I.Khan and while proceeding to D.I.Khan the vehicle of applicant/respondent went out of order and then the applicant/respondent could not reach at the time of hearing of the appeal and when reached the court applicant/respondent came to know that they had been placed and proceeded ex-parte.
3. That the absence of the respondents was neither willful nor intentional but due to the above reasons.
4. That important and valuable rights of the applicant/defendant is attached with the instant suit, and if the ex-parte proceedings are not set aside will suffer irreparable loss.
5. That as per the apex court judgment the cases be decided on merits and technicalities should be avoided.
6. That the application is well within time.
7. That any other ground will be taken at the time of arguments with the permission of this Hon'ble Tribunal.

It is, therefore, very humbly prayed that on acceptance of this application, ex-parte proceedings against defendant No.8 & 9 may kindly be set aside.

Applicants/Respondents
No.8 & 9

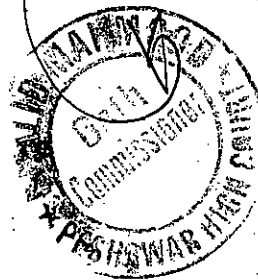
Through


ABDULLAH QAZI
Advocate High Court
Peshawar

Dated: **06.07.2023**

AFFIDAVIT

It is stated on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 657 of 2023

Khyber Pakhtunkhwa
Service

Entry No. 4212

Date 10/3/2023

Jan Alam, son of Latif Shah, Senior Clerk, Paramedical Institute of Technology, D.I.Khan

APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Health Department, Peshawar.
3. Director General (Health), Provincial Health Service Academy, Khyber Pakhtunkhwa, Peshawar.
4. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
5. Principal, Paramedical Institute of Technology, D.I.Khan.
6. Principal, Public Health School, D.I.Khan.
7. Khurshid Ali son of Firdos Khan, presently serving as office Assistant, PIMT Swat.
8. Faridullah son of Khalil-ur-Rehman, presently serving as Office Assistant PIMT Swat.
9. Rehmat Ali son of Taj Muhammad, presently serving as Office Assistant (Acting Charge) PHSA, Peshawar.
10. Gul Benaf Shah son of Mian Gul Bahar Shah, presently serving as Office Assistant PGCN, Peshawar.

Principal Nursing College Distt Dlk RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE K.P.
SERVICE TRIBUNALS ACT, 1974, AGAINST OFFICE
ORDER BEARING No.23/PHSA/ADMIN/PROMOTION
CLASS-II/2020-21/2430 DATED 28.10.2020 ISSUED
BY THE RESPONDENT NO.3, WHEREBY RESPONDENTS**

Certified to be true copy No. 7 TO 10 HAVE BEEN PROMOTED TO THE POSTS OF

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

A. No. 657/2023, Jan Alan



19.06.2023

Appellant in person present. Mr. Farhaj Sikandar, District Attorney
alongwith Mr. Arif Mehmood on behalf of official (respondent
Mr. Hafiz Masood-Ur-Rehman on behalf of official (respondent No.
6) and Mr. Muhammad Riaz, Senior Clerk on behalf of official
(respondent No. 11) present. None present on behalf of private
respondents No. 7 to 10 despite proper notice, hence they are placed
ex-parte.

Reply/comments on behalf of respondents not submitted.
Representative of the respondents requested for time to submit
reply/comments. Adjourned. To come up for reply/comments on
18.09.2023 before S.B at camp court D.I.Khan. Parcha Peshi given to
the parties.

(Muhammad Akbar Khan)
Member (E)
Camp Court, D.I.Khan.

Certified to be true copy
ADIL RAZI
Member
Kyber Pakhtunkhwa
Service Tribunal
Peshawar

Kamranullah

Date of Presentation of Application 05/7/23
Number of Words 17
Copying Fee 5/-
10/-
Date 05/7/23
Date of Delivery of Copy 05/7/23

بعدالت حدیثی و شرعی سے متعلق اپنی طرف سے

S. Appeal No 657/2023.

حاجی عالم
بنام حکومت و غیرہ

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئینہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کیلئے عبداللہ صاحب مہر
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 5
ماہ جولائی 2023

واہ العباد

کے لئے منظور ہے۔

بمقام
attested
محمد علی صاحب مہر