FORMOF ORDERSHEET

Court of	
	1 151
Misc application No.	/127/ 2022

S.No.

	proceedings	
1	2	3
1.	13/07/2023	The Misc. application in appeal no. 1093/2022
		submitted by Registrar E.P Tribunal for setting as de ex-
	,	parte order against respondent no.1 & 2. It is fixed for
		hearing before Single Bench at Peshawar on 14/07/2023 . Original file be requisitioned.
	•	

Order or other proceedings with signature of judge

REGISTRAR

The Misc. application in appeal no. 1093/2022 submitted by Registrar Khyber Pakhtunkhwa Environmental protection Tribunal, Peshawar today i.e. 12.7.2023 is incomplete on the following scores which is returned to the applicant for completion and resubmission within 15 days.

- 1- Application is not in proper format.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Title page of the main appeal is not attached with the application.

No. 1908 /S.T.

Dt. 13/7 /2023.

REGISTRAR KHYBER PAKHTUNKWA SERVICE TRIBUNAL

PESHAWAR

Registrar KP E.P.Tribunal Peshawar.

نبك

objections removed and file vasub-itted.

13.7.23

Member Copy

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M N	lo. 487	/2023	in	Service Appeal No. 1093/2022
				AQ, RESIDENT OF MOHALA FRICT SWAT, EX-NAIB QASID (BPS-03
	·			Appellant
			VERS	US ·
1) 2)				ECTION TRIBUNAL, KPK PEHAWAR. AL PROTECTION TRIBUNAL,
				Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1:.	Application for setting aside exparte		1-3
	proceedings and striking of defence		
2.	Copy of the Pakistan Post Receipts	"A"	4-9
	and Mail tracking status	-	
3.	Copy of the attested order sheets	"B"	10-14
4.	Affidavit		15

Applicants
Through Registrar (Respondent No.2)
Khyber Pakhtunkhwa
Environmental Protection Tribunal,
Peshawar

Dated: 12/57/2023

Member Copy

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M No.	/2023		·
Service Appeal N	o. <u>1093/2022</u>		
Hameed Ullah			
T.	•		Appellant
		VERSUS	
Chairman, Enviro	onmental Protection Tri	bunal etc.	
			Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Application for setting aside exparte proceedings and striking of defence	·	1-3
2.	Copy of the Pakistan Post Receipts and Mail tracking status	"A"	4-9
3.	Copy of the attested order sheets	"B"	10-14
4.	Affidavit		15

Applicants

Through Registrar (Respondent No.2)
Khyber Pakhtunkhwa
Environmental Protection Tribunal,

Peshawar

Dated: 1 / 5 7 / 2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M.No/2023	*
In .	production of the second
Service Appeal No. 1093/2022	
Hameed Ullah	•
	Appellant
VERSUS	
·	
Chairman, Environmental Protection Tribunal etc.	,
	Respondents

APPLICATION FOR SETTING ASIDE EX-PARTE PROCEEDINGS AND TO ALLOW THE APPLICANTS TO DEFEND THEIR CASE AND ALSO TO FILE REPLY/COMMENTS.

Respectfully Sheweth:

- 1. That the subject titled appeal is pending before this Worthy Tribunal and has been fixed for arguments on 04-10-2023 before the D.B at Camp Tribunal, Swat.
- 2. That in the late hours of 05-07-2023, it was brought in the knowledge of Registrar that the defence of the respondents (the instant Applicants) has been struck off in subject appeal which is pending adjudication before this Worthy Tribunal.
- 3. That the applicants (the Worthy Chairman, KP Environmental Protection Tribunal, Peshawar & Registrar KP Environmental Protection Tribunal, Peshawar) obtained the complete record of the subject appeal/case and the order sheets, perusal of which reveal that the applicants are the respondents in the said appeal, however, to the utmost surprise of the applicants neither any notice/summon has ever been received nor any verbal communication received from the Worthy Tribunal or anybody else but for one time telephonic communication made by the District Attorney namely Mr. Muhammad Jan on 05-07-2023 but by then the defence of the applicants was already struck off.
- 4. That it is pertinent to note that when on the first & last occasion, i.e., 11-10-2022, fresh

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M.No. 487 /2023	In	Service Appeal No. 1093/2022
Hameed Ullah Son Of Muhammad Ishaq, District Swat, Ex-Naib Qasid (Bps-03	Residen	t Of Mohala Rahatabad Mangora Tehsil Babuzai
,		Appellan
•	VERS	US
 Chairman, Environmental Protection Acting Registrar, Environmental Protection 		
		Respondents

APPLICATION FOR SETTING ASIDE EX-PARTE PROCEEDINGS AND TO ALLOW THE APPLICANTS TO DEFEND THEIR CASE AND ALSO TO FILE REPLY/COMMENTS.

Respectfully Sheweth:

- 1. That the subject titled appeal is pending before this Worthy Tribunal and has been fixed for arguments on 04-10-2023 before the D.B at Camp Tribunal, Swat.
- 2. That in the late hours of 05-07-2023, it was brought in the knowledge of Registrar that the defence of the respondents (the instant Applicants) has been struck off in subject appeal which is pending adjudication before this Worthy Tribunal.
- 3. That the applicants (the Worthy Chairman, KP Environmental Protection Tribunal, Peshawar & Registrar KP Environmental Protection Tribunal, Peshawar) obtained the complete record of the subject appeal/case and the order sheets, perusal of which reveal that the applicants are the respondents in the said appeal, however, to the utmost surprise of the applicants neither any notice/summon has ever been received nor any verbal communication received from the Worthy Tribunal or anybody else but for one time telephonic communication made by the District Attorney namely Mr. Muhammad Jan on 05-07-2023 but by then the defence of the applicants was already struck off.
- 4. That it is pertinent to note that when on the first & last occasion, i.e., 11-10-2022, fresh notices were issued to the applicants for submission of comments/reply, no mention has been made in the respective order sheets whether the notices issued were infact received

been made in the respective order sheets whether the notices issued were infact received by the applicants or not. For fair assistance the applicants tracked the status of the notice/summons issued by this Worthy Tribunal through post office receipts bearing tracking no. RGL 105288803 & RGL 105288804 and which confirms the contention of the applicants that no notice/summons were ever received by them or any staff of KP Environmental Protection Tribunal.

(Copy of the Pakistan Post Receipts and Mail tracking status is attached herewith as Annexure "A")

5. That on 17-11-2022, 19-12-2022, 05-04-2023, 24-05-2023 and 07-06-2023 respective learned Additional Advocate Generals (AAGs) undertook before the Worthy Tribunal to contact the applicants for submission of reply/comments, however, there is no mention in the respective order sheets recorded by this Worthy Tribunal whether the respective AAG had made a contact with the applicants about the pendency of the said appeal as the order sheets are silent about any communication to the applicants.

(Copy of the attested order sheets is attached herewith as Annexure "B")

- 6. That from the order sheets recorded by this Tribunal in the subject appeal it is apparent that notices/summons were not received by the applicants. In essence, the service was incomplete and not according to the law.
- 7. That it is stated with great dismay and which is also beyond the comprehension of the applicants that despite the fact that the respective learned AAGs has undertaken, which is obvious from the order sheets recorded by this Worthy Tribunal, to contact the applicants, however, neither any copy of the appeal was provided or handed over to the applicants by the respective learned AAGs nor any date of hearing for attendance/submission of reply/comment was intimated to the applicants which is a serious lapse of their undertaking as well as breach of their official duty for reasons better known to them.
- 8. That the subject appeal pertains to a heinous crime committed within the premises of Tribunal/Tribunal and therefore for a fair and just conclusion of the subject appeal it is crucial that the ex-parte proceedings as well as the right for submission of reply/comments of the applicants/petitioners which has been struck off vide order dated 05-07-2023 recorded by this Worthy Tribunal is set aside and the position of the

+ - J + - 4 - - - - winting hafare the order dated 05 07_2003

That the applicants did not intentionally avoid their respective appearance/attendance as 9.

well as submission of reply/comments before this Worthy Tribunal and rather it is

glaringly obvious in light of the order sheets recorded by this Worthy Tribunal that the

problem lies somewhere else.

That Superior Tribunals have always held that matters should be decided on merits and 10.

not on technicalities.

That the applicants have been condemned unheard and if they are not able to appear and 11.

defend themselves through submission of reply/comments, it is submitted with respect

that a grave injustice is likely to be committed.

That this application is well within time and it is in the light of the communication made 12.

by the AAG on 05-07-2023 that the applicants approached this Worthy Tribunal and

obtained copy of the appeal/case record so as to submit the instant application and

therefore there is no legal bar in hearing this application and deciding the same in favour

of the applicants in view of the facts and record already available on judicial file and

also annexed with this application.

Prayer:

It is, therefore, respectfully prayed that on acceptance of the instant application

the ex-parte proceeding(s) may kindly be set aside and the applicants may kindly be

allowed to defend their case and to file reply/para wise comments.

Through Registrar (Respondent No.2)

Khyber Pakhtunkhwa

Environmental Protection Tribunal,

Peshawar¹

Dated: 12/07/2023





ep.gov.pk/track.asp









Pakistan Post **EMTTS - Express Mail Track &** Trace System Delivery & Information at lightning speed



Internation.

Torre Control Printing Control Printing Control Printing Control Control Printing Control Cont

Pakistan Post moves 7 steps upwards in World Postal Ranking by

Result of your query

Article Tracking No.

Booking Office .

Ag 165258504 3 market

Delivery Office:

Article Track Detail

November 15, 2022

8 29 PM

Dypatch from DMO Peshawar to delivery office pesh dmo in (85giD:8AG29922180)

Percived at Peshawar0MO

November 16, 2022

7.22 AM

Peshawar GPO Pestumar

Dispatch from DIAD Peshawar to delivery office Peshawar GPO (BugiD BAG29911311)

MissSent, next action. Miss Sent.

Disputch from DMO Peshawar to decivery office Haystabad 1 (BagiD-BAG29922315)

November 25, 2022

4 34 PM

7.23 PM

Peshawar

Dispatch from DMO Peshawar to delivery office pesh dmo in (Bag10-BAG29923705)

November 26, 2022

6.47 AM 4:3PM

Pethanai Pestuwar Disparch from DMO Peshawar in nelivery office Peshawar GPO (Bagiti/BAG29912167) Dispatch from DMO Peshawar to delicery office pesh dmo in (8-giD.8AG29923794)

November 28, 2022

Dispatch from DMO Peshawar to delivery office Huyatabad 1 (BagtD, BAG2991 2313)

December 01, 2022 715 894

Pestvewar

Dispaint from distinct mad office Peshawar to district mail office Labore (BagiD:BAG29924363)

December 02, 2022

7 40 AM : 14 PM Lahore Lahore

Dispatch from district mad office Labora to district mail office Pessuwar (BagiD BAG30398035)

Departm from DMO Lahore to delivery office Lahore DMO/Out (BagiD BAG30599038)

December 05, 2022

Departs from DMO Pestawar to delivery office Pestawar GPO (BagiD:BAG29912866)













EMTTS - Express Mail Track & Trace System Delivery & Information at lightning speed





1116 型线 清報 Atomilia. Mith Ct. Calculate Postage | Location Report | Complaints | News & Events | Tender

Regular/

istal Sector is based on four pillars i.e. Reliability, Reach, Relevance and Resilience. In 2022, Pakistan Post has achieve

Result of your query

Article Tracking No:

Rg[105288803

Booking Office:

Pesnawar

Delivery Office:

pesh dmo in

Article Track Detail

November 15, 2022

8:29 PM 8:29 PM Peshawar

Dispatch from DMO Peshawar to delivery office pesh dmo in (BagiD:BAG29922180)

Received at PeshawarDMO Peshawar

November 16, 2022

7:22 AM

Pashawar

Dispatch from DMO Peshawar to delivery office Peshawar GPO (BagID:BAG29911311)

12.44 PM

Peshawar GPO

MissSent, next action: Miss Sent

7:23 PM

Peshawar

Dispatch from DMO Peshawar to delivery office Hayatabad 1 (BagiD:BAG29922315)

November 26, 2022

4-13 PM

Peshawar

Dispatch from DMO Peshawar to delivery office pesh dmo in (BagiD:BAG29923794)

November 28, 2022

7:34 AM

Dispatch from DMO Peshawar to delivery office Peshawar GPO (BagID:BAG29912287)

December 01, 2022

7:14 PM

Peshawar

Dispatch from district mail office Peshawar to district mail office Lahore (BagID:BAG29924363)

December 02, 2022

7:40 AM

Lahore

Dispatch from DMO Lahore to delivery office Lahore DMO/Out (BagID:BAG30599038)

7:38 PM

Lahore

Dispatch from district mail office Lahore to district mall office Peshawar (BagiD:BAG30396035)

December 05, 2022

8:15 AM

Peshawar

Dispatch from DMO Peshawar to delivery office Peshawar GPO (BagiD:BAG29912867)



Customer Services Customer's Guide Customer Care Centers Our Website Chents Stemap





GS&PD-2/664-RST-30,000 Forms-1-11-2022/PHC Jobs/Form A&B Ser. Trib

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. UDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

Appeal No. 1093 Honeedullah

Chairman Environmental Protection

Respondent No....(1)

Choirman Environmental Protection Tribunal ICFK Perhawar.

WHEREAS an appeal/petition under the provision of the Khyber Fakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are herebyinformed that the said appeal/petition is fixed for hearing before the Tribunal on all 1.11.2022 appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementlaned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal pesition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you side this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of...

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Always quote Case No. While making any correspondence.

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

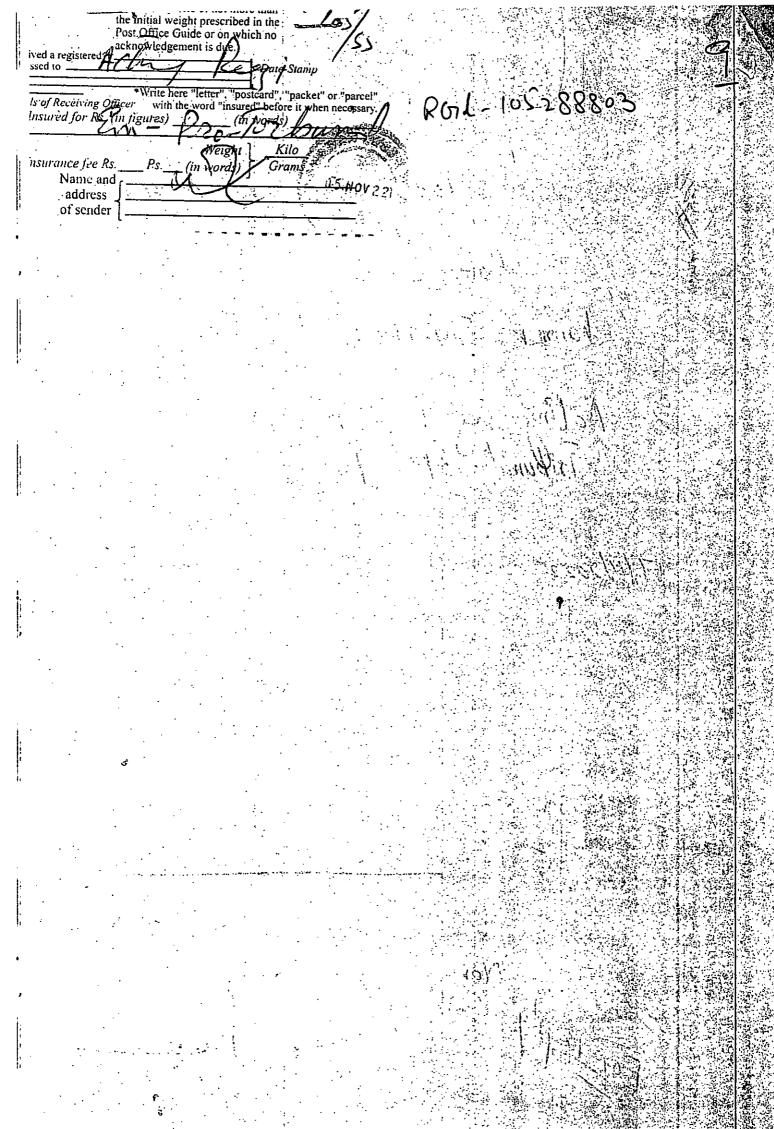
the initial weight prescribed in the initial weight prescribed in the initial weight prescribed in the post of the property of

66B33
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD. PESHAWAR. 38
Homeedullah Appellant/Petitioner
Versus 1 Pro Lection Respondent Respondent No. (2-)
Respondent No.
oncero. Acting Registrer, Environmental Protection
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa covince Service Tribunal Act, 1974, has been presented/registered for consideration, in e above case by the petitioner in this Court and notice has been ordered to issue. You are
reby informed that the said appeal/petition is fixed for hearing before the Tribunal n
e case may be postponed either in person or by authorised representative or by any lyocate, duly supported by your power of Attorney. You are, therefore, required to file in
is Court at least seven days before the date of hearing 4 copies of written statement ongwith any other documents upon which you rely. Please also take notice that in fault of your appearance on the date fixed and in the manner aforementioned, the
peal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Sec. 19.		Сору	of ap	peal is	attached	l. Co py o	f appoel he	is already	-boon-sent-t	o you vide th
off	ice	Notio	100				dated		*******	
				r my h	and and	the seal	of this Cou	ırt, at Pes	hawar this	1944
n's	igner (Me Langer (Me				No			2022	$\cdot T$	
ار نور	y 0		13.74. 14.13.		lu					:
				le					M	· · · · · · · · · · · · · · · · · · ·
d 1			102							•

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.





BEYOVE THE KHYBER PAKHUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No 1595 of 2022

• sustaV

1), Chairman Environmental Protection Tribunal, KPK Peshawar 2) Acting Registrar, Environmental Protection Tilbunal, KPK Peshawar Respondents

WRONG ILLEGAL, AGAINST THE LAW DISMISSAL DATED #31:01:2022 ARE INQUIRY AND ORDER OF THE HAS BEEN GIVEN SO PARE SO CALLED FILED ON 10.02.2022 AND NO REPLY DEPARTMENTAL PRESENTATION FROM SERVICE SAND THE THE APPELLANT AND DISMISSED AND MAJOR PENALTY IMPOSED UPON 31.01.2022 1S BASED ON MALATIDE THE SOSCALLED INQUIRY DATED ENVOIRUMENTAL DEPARTMENT AND ni disao aian sa cesaa ni APPELLANT, BEING DULY APPOINTED 1974 TO ATHE EFFECT THAT OF THE KHYBER PAKHTUNKHWA ACT SERVICE APPEAL UNDER SECTION 4

FORM OF ORDER SHEET

	Court	of
	Case No.	1093/2022
S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/07/2022	The appeal of Mr. Hameedullah presented today by Mr. Syed Asi Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
	14.7.22	This case is entrusted to Single Berich at Peshawar for preliminary hearing to be put there on 25-7-22. Notices be issued to appellant

CHAIRMAN

25.07.2022

Appellant present through counsel.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections with direction to appellant to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 11.10.2022 before S.B.

STITESTED

chyber tarkeuchwa Service Tribunal (Xozina Rehman) Member (1) 11.10.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

On previous date notices were not issued to respondents for submission of written reply. Let fresh notices be issued to respondents for submission of written reply for the date fixed. To come up for written reply/comments on 17.11.2022 before S.B.

(Fareeha Paul) Member (E)

17.11.2022 Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General 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 up for reply/comments on 19.12.2022 before S.B.

Peshawar

(Mian Muhammad) Member (E)

Pashawa

ESTED

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 15.02.2023 before S.B/.

(Mian Muhammad)

15.2-23 |carned Member 3. is on leave Therefore Case is adjurned to

5-4-23

of And Arth

Nemo for the appellant. Mr. Asad Ali Khan, Asstt. A.G. for the respondents present. ..

23/05/23

Reply/comments on behalf of the respondents not submitted. Learned AAG requested for time to contact the respondents for submission of reply. Granted, Previous date was adjourned through Reader Note, therefore, notices be issued to appellant and his counsel for the date fixed. To come up for written reply/comments on 24.05.2023 before the S.B. Parcha Peshi given to the learned AAG.

(Farcehà Paul) Member(E)

24th May, 2023

- 1. Clerk of counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.
- 2. Written reply/comments on behalf of respondents have not been submitted. Learned Additional Advocate General requested for time for submission of written reply. Last opportunity granted. Adjourned. To come up for written reply/comments on 07.06.2023 before S.B at camp court, Swat.

P.P given to the parties.

(Kalim Arshad Khan) Chairman

Kaleem Ullah

07.06.2023 Clerk to counsel for the appellant present. Mr. Fazal Shah.

Mohmand, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks further time to contact the respondents for submission of respondents of reply/comments. Last opportunity is granted to the respondents to submit reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. To come up for reply/comments on 04.07.2023 before S.B at camp court Swat. Parcha

Peshi given to the parties.

ATTESTED

Khyber Pakandaw Service Tribunas Peshawar (Muhammad Akbar Khan) Member (E) Camp Court, Swat 04.07.2023

Clerk of learned counsel for the appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

On previous date too, last chance was granted to respondents for submission of reply/comments with the observation that if they failed to submit reply/comment, their right to submit reply/comments shall be deemed as struck of. The respondents have failed to submit reply/comments, therefore, by virtue of previous order dated 07.06.2023 their right for submission of reply/comments stands struck of. To come up for arguments on 04.10.2023 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

Nacem Amin

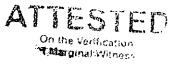
(Salah-Ud-Din) Member (J) Camp Court Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C .M.No.	/2023 in	Service Appeal No. 1093/2022
HAMEED ULLAH SON O RAHATABAD MANGORA	F MUHAMMA TEHSIL BABU	AD ISHAQ, RESIDENT OF MOHALA IZAI DISTRICT SWAT, EX-NAIB QASID (BPS-03)
		Appellant
; ; ;		VERSUS
		PROTECTION TRIBUNAL, KPK PEHAWAR. MENTAL PROTECTION TRIBUNAL, PESHAWAR.
		Respondents
:		

AFFIDAVIT

I, Naeem Ullah S/O Arsala Khan currently serving as Registrar do hereby solemnly affirm and declare on oath that the contents of the enclosed application are true and correct to best of my knowledge and belief and nothing has been canceled or suppressed from this Tribunal/Tribunal.





DEPONENT 12/1/3