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**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR**

Misc Application No: \_\_\_\_\_/2023.

In Appeal No: 1184/2022.



Mr. Fida Hussain, Patwari (BPS-09),  
District Kurram.

.....Applicant

**Versus**

1. Govt of KP through Senior Member Board of Revenue (SMBR), Peshawar.
2. The Commissioner Kohat Division at Kohat.
3. The Deputy Commissioner, District Kurram.
4. Jannat Khan S/O Nadir Khan.

.....Respondents

**APPLICATION UNDER SECTION 07 OF THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL ACT, 1974 READ WITH SECTION 151, 152 AND**  
**ALL OTHER ENABLING PROVISION OF THE CIVIL PROCEDURE CODE,**  
**1908 FOR CORRECTION OF THE ORDER DATED 30.08.2023, WHEREIN**  
**INADVERTENTLY THE REQUEST OF FURTHER ARGUMENTS ON**  
**BEHALF OF APPELLANT WAS MARKED.**

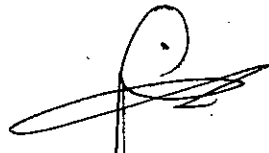
R/SHEWETH:

1. That the above-captioned appeal is pending adjudication before this Hon'ble court, which is fixed for 01.12.2023.
2. That on last date of hearing, inadvertently request on behalf of appellant/Petitioner was written in the order dated 30.08.2023, despite the fact that in the same order sheet it was mentioned that counsel is absent. **(Copy of the order is attached as Annex A)**

(2)

3. That if the impugned order is not corrected the appellant/petitioner will loss great inconvenience, therefore request for correction of the same.
4. That there is no legal bar on acceptance of instant application.
5. That any other ground raised at the time of arguments may kindly be allowed with prior permission of this Hon'ble court.

***It is, therefore, most humbly prayed that on acceptance of instant application, the order dated 30.08.2023 may kindly be corrected.***



Applicant

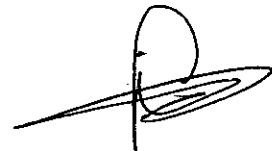
Through

**NOOR MUHAMMAD KHATTAK**

Advocate Supreme Court of Pakistan

**AFFIDAVIT:**

Mr. Fida Hussain, Patwari (BPS-09), District Kurram, do hereby solemnly affirm that the contents of this application are true and correct and nothing has been concealed from this Hon'ble court.



**DEPONENT**

21303-8351494-3

**ATTESTED**

Azmat Ali Adil  
Notary Public  
Muzaffargarh Complex, Pasrur

09-09-2023

'A' (3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 1184 /2022

Mr. Fida Hussain, Patwari (BPS-09),  
District Kurrum.

..... APPELLANT



**VERSUS**

- 1- Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue, Peshawar.
  - 2- The Commissioner Kohat Division at Kohat.
  - 3- The Deputy Commissioner, District Kurrum.
  - 4- Jannat Khan S/O Nadir Khan,
  - 5- Muhammad Amin Khan S/O Baaz Khan,
  - 6- Ashiq Ali S/O Ghulam Ali,
  - 7- Alamgir Khan S/O Sardar Khan
  - 8- Asghar Hussain S/O Mukhtar Ali,
  - 9- Syed Mumtaz Ali Shah S/O Said Muhammad Akbar.
- (All private respondents are *Patwaris* at District Kurrum)

.....RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SENIORITY LIST DATED 18.01.2022 COMMUNICATED VIDE ORDER SHEET DATED 19.01.2022 WHEREBY JUNIORS TO THE APPELLANT HAVE BEEN PLACED SENIOR AND AGAINST THE INACTION OF THE RESPONDENT NO. 3 BY NOT IMPLEMENTING THE APPELLATE ORDER DATED 18.05.2022 IN LETTER AND SPIRIT.**

**PRAYER:**

That on acceptance of this appeal the impugned seniority list dated 18.01.2022 may kindly be set aside/modified to the extent of appellant and private respondents, and the appellant be placed senior to the private respondents with all back and consequential benefits. Any other remedy which this august Service Tribunal deems fit may also be awarded in favor of the appellant.

**RESPECTFULLY SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**


- 1- That the appellant after qualifying the Patwar examination was properly enlisted in the Patwar register on 24.09.1995 and after fulfillment of all the codal formalities was appointed as Patwari in the respondent department vide order 21.07.1996.


**ACCEPTED**  
*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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- 25<sup>th</sup> Aug. 2023
1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Ghulam Shabir, Assistant Secretary for official respondents No.1 to 3 present. Private respondent No.4 present through counsel.
  2. Arguments heard. To come up for order and consideration on 30.08.2023 before D.B. P.P given to the parties.


SCANNED  
KFST  
Peshawar  
\*Mutazem Shah \*

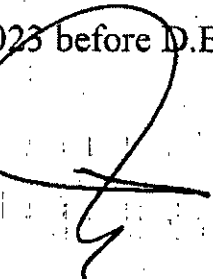
  
(Salah-Ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

- 30<sup>th</sup> Aug. 2023
1. Clerk of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith M/S Noor Saeed Superintendent and Ghulam Shabir Assistant Secretary for the official respondents No.1 to 3, present. Private respondent No.4 present through counsel.
  2. Learned counsel for the appellant requested that he wants to address further arguments on certain points, however, learned counsel for the appellant is not available, therefore, case is adjourned. To come up for re-arguments on 01.12.2023 before D.B. P.P given to the parties.

Certified to be true copy  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
\*Mutazem Shah \*

  
(Salah-Ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman