


FORM OF ORDERSHEET

Court of _____

Misc. application No. 646/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19/09/2023	<p>The Misc. application in Service Appeal No. 1061/2023 submitted today by Mr. Turab Shah through Muhammad Usman Khan Turlandi Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ . Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

①

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

MISC. Appli. no. 646/2023

In Service Appeal No. 1061/2023.

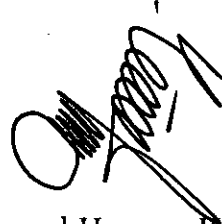
Kashif.....Versus..... SMBR, Khyber Pakhtunkhwa & others.

INDEX

S.No.	DESCRIPTION OF DOCUMENTS	ANNEX	P.NO.
1.	Application for setting-aside Ex-Parte proceedings with Affidavit.		1-3
2.	Copy of the Order-Sheet dated 31-08-2023.	"A"	4-4/A
3.	Copy of the Postal Address/Envelop.	"B"	5-6
4.	Copy of the Order-Sheet dated 14-09-2023.	"C"	7

PETITIONER

Through;



Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated; 18/09/2023.

OFFICE: Flat # C-1 Haji Murad Plaza, Opp: Bank of Punjab, Dalazak Road, Peshawar.
Cell# 0333-9153699 *** 0300-5895841

②

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

In Ref: to CM No. 646 /2023
In
Service Appeal No. 1061/2023.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7657

Dated 19/09/23

Kashif Kanungo, Naib Tehsildar (OPS) Bannu.**Appellant.**

Versus

- (1) The Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- (2) The Commissioner, Bannu Division Bannu.
- (3) Turab Shah, Kanungo (BPS-11), Naib Tehsildar (OPS) Naurang.

.....**Respondents.**

Subject: Application on behalf of private respondent No. 3 for setting-aside the Ex-Parte proceedings etc. initiated/conducted against him vide order-sheet dated 31-08-2023.

Respectfully Sheweth:

- 1) That the titled Service Appeal is pending adjudication before this august Tribunal whereas the applicant has been arrayed as the private respondent No. 3 against whom ex-parte proceeding was initiated/carried out vide order-sheet dated 31-08-2023.
- 2) That the applicant as per his Domicile, NADRA and Revenue record, is the permanent bonafide resident of village/Tehsil Kakki (District Bannu) and presently posted as Kanungo (BPS-11), **Naib Tehsildar (OPS) Bannu** whereas his present posting as such, has been challenged by the Appellant through the titled Service Appeal.
- 3) That admittedly, as per contents of the appeal, below official address of the Applicant/Respondent No. 3 was wrongly given in the heading of Appeal and accordingly notice was also sent via wrong address to the Applicant as under:
"To, Turab Shah Kanungo (BPS-11)
Naib Tehsildar (OPS) **Naurang**
0335-9393535"
{Copy of the Envelop is appended herewith for ready reference please.}
- 4) That the Mobile contact number given above on the envelop was also wrong and did not belong to the applicant rather it was/is the contact number of the Appellant himself and by putting wrong postal address and wrong contact #, the Applicant/Respondent No. 3 was not served

③

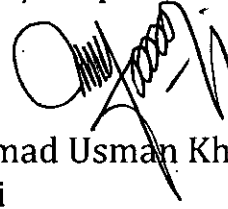
upon well within time by the postal authority though his interest was involved.

- 5) That in such scenario, the absence of the Applicant/Respondent No. 3 on the preceding dates of hearing was neither deliberate nor intentional rather due to lack of proper service upon him and the moment when got knowledge/information, he rushed and put his appearance vide order-sheet dated 14-09-2023 but a fine of Rs. Ten thousand was illogically imposed. {Copy of the Order-Sheet dated 14-09-2023 is annexure "C"}.

In view of the facts, circumstances and submissions aforesaid and on acceptance of this application, the Ex-Parte proceeding coupled with the imposition of fine of Rs. 10,000/- may be set-aside and the case may be decided on its own merits in order to meet the ends of justice.

Applicant/Respondent No. 3

Through



Muhammad Usman Khan
Turlandi
Advocate Supreme Court.


Dated: 18/09/2023.

AFFIDAVIT.

I, the Applicant/Respondent No. 3 (Turab Shah), do hereby solemnly affirm and declare on oath that contents of the Application for setting-aside the Ex-Parte proceedings are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

IDENTIFIED BY:

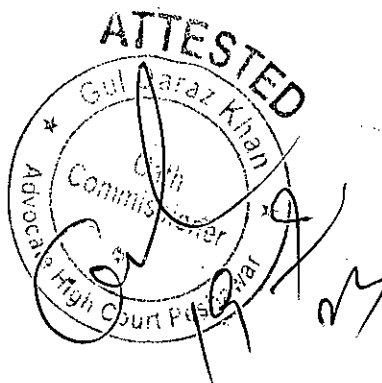
DEPONENT



Respondents No.03 (Turab Shah) _____

Contact No. 0333-9733099 **** 03120349199

Muhammad Usman Khan
Turlandi
Advocate Peshawar.



(4)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1061 /2023

Mr Kashif Kanungo,
Naib Tehsildar (OPS)
Bannu.

..... Appellant

VERSUS

- 1- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
- 2- The commissioner Bannu Division Bannu.
- 3- Mr. Turab Shah Kanungo Bps-11 Naib Tehsildar (OPS) Naurang.

..... RESPONDENTS

.....
APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE TRANSFER ORDER DATED 09/03/2023, AND 24/03/2023 WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED AND AGAINST REJECTION ORDER DATED 27/04/2023 WITHOUT SHOWING ANY REASON.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 09/03/2023, 24/03/2023 and 27/04/2023 MAY BE SET ASIDE BEING, PASSED PREMATURELY AND VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY AND POLITICALLY MOTIVATED. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT

.....

23rd Aug. 2023

1. Appellant alongwith his counsel present. Mr. Muhammad

Jan, District Attorney for the official respondents No.1 & 2 present.

2. The private respondent No.3 was not found present on 23rd June, 2023 but he was not placed ex-parte, therefore, it is deemed appropriate to issue notice to private respondent No.3 through TCS, the expenses of which be deposited by the appellant. To come up for arguments on 31.08.2023 before D.B. P.P given to the parties.

Respondent No.3 was put on notice by: Meharris

SCANNED
K-1 ST
Peshawar

Mutazem Shah

(Salah-Ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

31st Aug. 2023

1. Junior to counsel for the petitioner present. Mr. Fazal Shah

Mohmand, Additional Advocate General for the official respondents present. Nobody is present on behalf of private respondent No.3, hence, placed ex-parte.

2. Lawyers are on strike, therefore, case is adjourned. To come up for arguments on 07.09.2023 before D.B. P.P given to the parties.

SCANNED
K-1 ST
Peshawar

Mutazem Shah

(Salah-Ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

ATTESTED

EXAMINER
Hyber Pakhtunkhwa
Service Tribunal
Peshawar

⑤ "B"

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

No. 725

Appeal No. 1061 of 20 23
Kashif Appellant/Petitioner

SMBR Versus Peshawar Respondent

Respondent No. (3)

Notice to: —

Turab Shah Kanungo BPS-U Naib Tehsil/dar
(OPS) Naurang.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa 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 hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 31/08/2023 at 8.00 A.M. If you wish to urge anything against the 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 aforementioned, the appeal/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.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 28th

Day of Aug 20 23

For Arguments
[Signature]

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

14th Sept. 2023

1. Learned counsel for the appellant was present alongwith learned District Attorney in the early hours of the Court. Respondents were twice summoned through TCS.
2. Case was called in the early hours but the private respondent No.3 did not turn up. The private respondent then turned up after 10:30 AM and in the meanwhile, case was heard by the Tribunal. Request is made on behalf of the counsel for private respondent No.3 to adjourn the matter as he has newly been engaged.
3. In view of the above circumstances, it is adjourned on payment of cost of Rs. 10,000/- to be paid on behalf of private respondent No.3, with last chance to argue this appeal in the next week. To come up for arguments on 20.09.2023 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Muhammad Shah

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar