

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 1729/2023**

1. Government of Khyber Pakhtunkhwa, through Secretary Revenue and Estate Department.
2. Government of Khyber Pakhtunkhwa, through Secretary Establishment Department.
3. Government of Khyber Pakhtunkhwa, through Secretary Finance Department.
4. Government of Khyber Pakhtunkhwa, through Secretary Law Department ----- **Appellant.**

**Versus**

Muhammad Ishaq (Assistant BS-16) Deputy General Secretary, Employees Welfare Association, Board of Revenue ..... **Respondent**

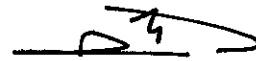
**INDEX**

S.No	Description of Documents	Annexure	Page No.
1.	Affidavit		01
2.	Restoration Application	A	02
3.	First page of service appeal	B	03
4.	Authority Letter	--	04

**Dated   /11/2023**

**RESPONDENT**

**Through**



**Ikram Ullah Khan  
Senior Member Board of Revenue  
Respondent No. 01.**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1729/2023.**

Muhammad Ishaq (Assistant BS-16) Deputy General Secretary, Employees Welfare Association, Board of Revenue .....**Responder**;

**VERSUS**

Senior Member, Board of Revenue and others.....**Respondents**

**AFFIDAVIT**

I, Ikram Ullah Khan, Secretary to Government of Khyber Pakhtunkhwa Revenue and Estate Department, do hereby solemnly affirm and declare on oath that the contents of the accompanying restoration application for right of filing of para-wise comments in the subject service appeal noted above, are true and found correct and noting has been concealed from the Honorable Service Tribunal. Hence, it is further stated on oath that the answering respondents have been placed ex-parte and struck off their right of defense.



**30 JULY 2023**

DEPONENT

**Ikram Ullah Khan  
Senior Member Board of Revenue  
Respondent No. 01.**

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

**Service Appeal No. 1729/2023**

1. Government of Khyber Pakhtunkhwa, through Secretary Revenue and Estate Department.
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4. Government of Khyber Pakhtunkhwa, through Secretary Law Department ----- **Appellant.**

**Versus**

Muhammad Ishaq (Assistant BS-16) Deputy General Secretary, Employees Welfare Association, Board of Revenue ..... **Respondent**

**APPLICATION FOR SETTING ASIDE EX-PARTE PROCEEDING DATED 03.11.2023 AND RESTORING RIGHT OF FILING PARA WISE COMMENTS.**

**Respectfully Sheweth.**


1. That the above titled appeal was fixed before the Honorable Tribunal on 03-11-2023 for submission of written reply/ Para-wise Comments.
2. That the Honorable Tribunal ordered against the respondents as ex-parte alongwith striking out the right of respondents on account of non-filing the Para-wise Comments.
3. That feeling aggrieved the respondents seek right for restoration to file Para-wise Comments on the following grounds inter alia.

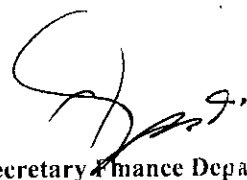
**Grounds:**

1. That the valuable rights of the department/respondents are involved with the instant Service Appeal.
2. That the application is within time and there is nothing dis-obedience on the part of respondents.
3. That on the very same day on which the respondents were proceeded ex-parte, the Para-wise Comments were ready to file but the delay was caused due to proper submission of attested copies and vetting of the said comments.
4. That there is no legal bar in acceptance of the application in hand.
5. That the delay was not intentional but due to the above reason respondents will show punctuality in future.
6. That according to the rules of natural justice no one can be condemned un-heard.
7. That the filing of Para-Wise comments is very necessary for the just and proper disposal of the above Service Appeal.

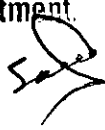
It is therefore, most humbly requested that on acceptance of this application the ex-parte proceedings against the respondents may be set aside & right to file Para-Wise Comments may kindly be restored Please.

  
Secretary Revenue  
& Estate Department  
Respondent No. 01

  
Secretary Establishment Department  
Civil Secretariat KPK Peshawar  
Respondent No. 02  
Establishment & Administration  
Department.

  
Secretary Finance Department  
Civil Secretariat KPK Peshawar  
Respondent No. 03

Secretary to Govt. of Khyber Pakhtunkhwa  
Revenue & Estate Department

  
Secretary Law Department  
Civil Secretariat KPK Peshawar  
Respondent No. 04  
Law and Human Rights Department  
Govt. of Khyber Pakhtunkhwa

**SECRETARY**  
Govt. of Khyber Pakhtunkhwa  
Finance Department

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 1729/2023

S.No. Date of order proceedings Order or other proceedings with signature of judge

1 2

3

1- 22/08/2023

**SCANNED  
KPST  
Peshawar**

The appeal of Mr. Muhammad Ishaq is submitted today by Mr. Malik Shahbaz Khan. It is fixed for preliminary hearing before Single Bench at Peshawar on 29-08-2023.

By the order of Chairman

  
REGISTRAR

29<sup>th</sup> Aug. 2023

1. Junior to counsel for the appellant present.
2. He made a request for adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 09.10.2023 before S.B. P.P given to the junior counsel for appellant.

(Kalim Arshad Khan)  
Chairman


\*Mutazem Shah\*

09.10.2023

Learned counsel for the appellants present.



Let pre-admission notice be issued to the respondents through TCS for submission of reply/comments and to come up for preliminary hearing on 03.11.2023 before the S.B. Appellant shall deposit expenses of TCS with seven days. Parcha Peshi given to learned counsel for the appellant.

  
(Salah-Ud-Din)  
Member (J)

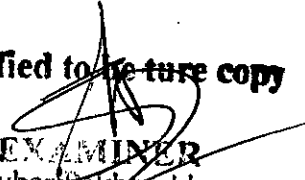
\*Naeem Amin\*

3<sup>rd</sup> Nov. 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General present.

2. Despite service, the respondents are absent, hence, they are placed ex-parte. Mr. Haroon ur Rasheed Turk & others had moved an application for impleadment. The appellant is put on notice. To come up for arguments on 15.11.2023 before S.B. P.P given to the parties.

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 02-11-23  
Number of ~~Words~~ pages  
Copying Fee 10/-  
Urgent \_\_\_\_\_  
Total 16/-  
Name of Copyist \_\_\_\_\_  
Date of Completion 08-11-23  
Date of Delivery of Copy 08-11-23

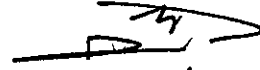
SCANNED  
KPS  
Peshawar

Muzam Shah

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**REVENUE AND ESTATE DEPARTMENT**

**AUTHORITY LETTER**

Mr. Ghulam Shabir Ahmad, Assistant Secretary, Litigation-II (BS-17) Board of Revenue, is hereby authorized to attend and submit restoration application for filing of parawise comments to restore right of defense before the Khyber Pakhtunkhwa Service Tribunal against the ex-parte decision in Service Appeal No. 1729/2023 filed by Muhammad Ishaq (Assistant BS-16) Deputy General Secretary, Employees Welfare Association, Board of Revenue Peshawar.



**Ikram Ullah Khan**  
**Senior Member Board of Revenue**  
**Respondent No. 01, 02**