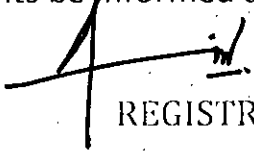


FORM OF ORDERSHEET

Court of _____

Misc. application No. 17/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	03/01/2024	<p>The Misc. application in appeal no. 6616/2021 submitted today by respondent no. 1 to 5 through Assistant Director Local Govt. Charsadda. It is fixed hearing before Division Bench at Peshawar on _____ Original file be requisitioned. Applicants be informed accordingly.</p> <p style="text-align: center;"> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.6616 / 2021

CM NO: 17/2024

1. Local Govt. and Rural Development Department Khyber Pakhtunkhwa through Secretary, Peshawar.
2. Local Government and Rural Development Department Khyber Pakhtunkhwa through Director General, Peshawar.
3. Director Admin/ HR, Local Government and Rural Development Department Khyber Pakhtunkhwa Peshawar.
4. Govt. of Khyber Pakhtunkhwa, through Advocate General Peshawar.
5. Assistant Director Local Government and Rural Development Department Khyber Pakhtunkhwa Charsadda.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10257

Date: 3-1-2024

..... Applicant/Respondents

V E R S U S

Waqar Ahmad s/o Pazir Gul R/O Amba Dher Mohallah Gharib Abad Shabqadar District
Charsadda.

..... Respondent/Appellant

**APPLICATION ON BEHALF OF RESPONDENTS NO. 1 TO 5 FOR SETTING ASIDE
EX-PARTE PROCEEDING INITIATED BY THIS HON'BLE COURT VIDE ORDER
DATED 01/01/2024**

Respectfully Sheweth.

The applicants/ Respondents No. 1 to 5 humbly submits as under: -

1. That above titled case is pending adjudication before this Hon'ble Tribunal which is fixed for 22/04/2024.
2. That on previous date of hearing, this Hon'ble Tribunal has issued order for proceeding them ex-parte vide order dated 01/01/2024.
3. That the applicants/ Respondents approach this Hon'ble Tribunal for setting aside the ex-parte proceedings on the following grounds: -

GROUND

- A. That attendance on behalf of Respondents was marked by Accountant Umar Hayat at the morning time in the titled case, wherein at the time of hearing the said official of the Respondents was directed for appearance of concerned officials.
- B. That absence of the Respondents concerned official was not intentional but due to some public urgency.
- C. That valuable rights of the Respondents are attached with the instant case.
- D. That in case the ex-parte proceedings are not set aside the Respondent will suffer irreparable loss.

- E. That instant application has been preferred within time.
- F. That precedents of the Superior Court enjoins for deciding case on merit.
- G. That the applicants / Respondents undertake for taking care in future.

It is therefore humbly prayed that on acceptance of instant application, the ex-parte proceedings initiated against the applicants/ Respondents No. 1 to 5 may kindly be set aside and the applicants may kindly be provided opportunity to contest their stance. Any other relief as deems justified by this Hon'ble Tribunal may also be granted in favour of the applicants/ Respondents in the interest of justice.

Through


Applicants/ Respondents

Assistant Director Local Government
(Respondent no. 5)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 6616/2021

Local Govt and Others

Versus

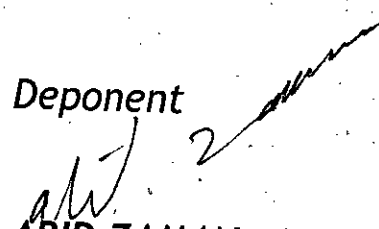
Waqar Ahmad

AFFIDAVIT:-

It is stated on oath that the contents of the instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Through

Deponent


ABID ZAMAN

Assistant Director LG & RDD

Charsadda



BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR



Service Appeal No. 6616 /2021

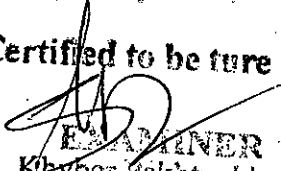
Waqar Ahmad S/o Pazir Gul R/o Amba Dher Mohallah
Gharib Abd Shabqadar District Charsadda.

..... **Appellant**

VERSUS

1. Local Govt and Rural Development Department
Khyber Pakhtunkhwa through Secretary,
Peshawar.
2. Local Government and Rural Development
Department Khyber Pakhtunkhwa Through
Director General, Peshawar.
3. Director Admin / HR, Local Government and
Rural Development Department Khyber
Pakhtunkhwa Peshawar.
4. Govt of Khyber Pakhtunkhwa, through Advocate
General Peshawar.
5. Assistant Director Local Government and Rural
Development Department Khyber Pakhtunkhwa
Charsadda
6. Asif Khan S/o Bashir Ahmad
7. Muhammad Wakeel S/o Muhammad Yosual

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

8. Muzammil Khan S/o Abdur Rehman

9. Ajmal Shah S/o Azam Khan

All are serving in Local Government and Rural
Development Department, Khyber Pakhtunkhwa
Charsadda

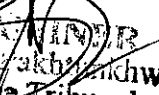
..... Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED NOTIFICATION DATED
24.11.2020, WHEREBY THE RESPONDENT NO 6 TO
9 HAVE ILLEGALLY BEEN PROMOTED AS ALL
THESE RESPONDENTS ARE NOT MEET WITH THE
REQUIRED QUALIFICATIONS AND THE NAME OF
THE APPELLANT HAS BEEN DROPPED AND EVEN
NOT CONSIDER FOR THE PROMOTION AS JUNIOR
VILLAGE COUNCIL SECRETARY, THESE ACTS OF
THE RESPONDENTS ARE ILLEGAL, UNLAWFUL,
WITHOUT LAWFUL AUTHORITY AND ARE LIABLE
TO BE DECLARED SO, AND ACCORDINGLY THE
OFFICIAL RESPONDENTS BE DIRECTED TO
PROMOTE THE APPELLANT FOR THE POST OF
JUNIOR VILLAGE COUNCIL SECRETARY W.E.F
24.11.2020.**

Respectfully Sheweth:

1. That the Appellant is peaceful and law abiding citizens of Pakistan and is entitled for all the legal

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

01.11.2023

A. No. 6616/2024
Wazir Ad vs Govt



Learned counsel for the appellant present. Mr. Asif

Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 5 present. Learned counsel for private respondents No. 6 to 9 also present.

Appellant requested for adjournment on the ground that his counsel is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 01.01.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

Naeem Amin

1st Jan. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney present.
2. Nobody is present on behalf of the respondents. Therefore, they are placed ex-parte. To come up for arguments on 22.04.2024 before D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(Kalim Arshad Khan)
Chairman

Mutazem Shah

Date of Presentation of Application 03-01-24

Number of Words 20

Copying Fee 15/2

Urgent 5/2

Total 20/

Name of Copyist _____

Date of Completion 03-01-24

Date of Delivery of Copy 03-01-24