

FORM OF ORDERSHEET

Court of _____

Misc. application No. 61 /2024

S.No. Date of order proceedings

2

3

1

11/01/2024

Order or other proceedings with signature of judge

The Misc. application in Service appeal 1085/2023 submitted today by Mr. Muhammad Younis Appellant. It is fixed hearing before Worthy Chairman at Peshawar on _____ . Original file be requisitioned. Parcha Peshi is given to the applicant.


REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. APPLICATION NO. 61 / 2023 in

SERVICE APPEAL NO. 1085 / 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10039

Dated 21-12-2023

MUHAMMAD YOUNIS

Ex-Chief Engineer PHE Department, Peshawar. --- **APPELLANT**

VERSUS

1. **GOVT OF KHYBER PAKHTUNKHWA** through Chief Secretary, Peshawar.
2. **CHIEF SECRETARY**, Khyber Pakhtunkhwa Peshawar.
3. Chief Minister Khyber Pakhtunkhwa, through Principal Secretary to C.M, Peshawar.
4. Provincial Selection Board, through Secretary Establishment Deptt: Khyber Pakhtunkhwa Peshawar.
5. Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
6. Secretary Finance Department Khyber Pakhtunkhwa Peshawar.
7. Section Officer (Estt) PHE Department Peshawar.

----- **(RESPONDENTS)**

APPLICATION FOR;

- i. ALLOW HEARING OF THE ABOVE TITLE APPEAL FOR PLACING BEFORE MEMEBERS JUDICIAL BENCH.
- ii. ALLOW FOR FIXING A DATE OF ACCELERATED / EARLY HEARING ON PRIORITY BASIS IN THE TITLE APPEAL.

Respectfully Sheweth:

1. That the above titled Appeal No. 1085/2023 was heard by the hon'able Chairman Khyber Pakhtunkhwa Service Tribunal on 15.11.2023 and **necessary directions were passed in the Order dated 15.11.2023.**
2. That the Appellant **in compliance with** this Service Tribunal Order dated 15.11.2023 in S.A # 1085/2023 has been filed "**AMENDED MEMO OF APPEAL** out of Writ Petition # 2341/2022 transmitted by the Peshawar High Court vide Judgment dated 02.05.2023".

SCANNED
KPST
Peshawar
22/12/23

3. That the Peshawar High Court Peshawar has transferred the Writ Petition No. 2341/2022 vide Judgment dated 02.05.2023 to the Khyber Pakhtunkhwa Service Tribunal. **Para-6 of the PHC Judgment dated 02.05.2023 is self-explanatory, that the case is mature for hearing as respondents have filed Reply.** And the Para-6 is hereby reproduced as following:-

“In the instant case, since the petitioner has duly submitted his representation /departmental appeal, similarly, the case is otherwise ripe as the requisite comments have already been submitted by the respondents; as such, we, instead of dismissing the instant writ petition, transmit it to the Khyber Pakhtunkhwa Service Tribunal to treat it as service appeal and to decide the same in accordance with law. Office shall retain copies of the memo of this writ petition for the purpose of record.”

4. That the above titled Appeal was fixed for Preliminary Hearing on date 18.12.2023 before a Single Member (Executive) Bench. And the above titled Appeal has been adjourned for next date on 31.01.2024.
5. That the PRAYER /SUBMISSIONS of the above titled Appeal are self-explanatory and MEMBERS (EXECUTIVE) of this Service Tribunal are very much OBJECTIONABLE for hearing the above titled Appeal.
6. That the Appellant has been retired from govt service vide Public Health Engg: Department Notification dated 25.04.2023. And till date the Appellant has neither submitted application & documents for Pension nor received regular pension benefits till to-date although lapsed of 20 months. And the only reason is that the instant Appeal / Petition is pending in the court of law for an early decision on merit.

Chaudhary

7. That the Appellant is constrained to file this APPLICATION before this Service Tribunal for Fixing of above Title Appeal before MEMBERS (JUDICIAL) BENCH and to fix the Appeal to an accelerated & early date instead the date already fixed for 31.01.2024.

PRAYER /SUBMISSIONS:

In light of the herein-above mentioned facts it is, therefore, humbly prayed that on acceptance of this Application in the above titled Appeal # 1085/2023, the hon'able Chairman of Khyber Pakhtunkhwa Service Tribunal Peshawar may be pleased to allow for the submissions as following:

- i. ALLOW HEARING IN THE ABOVE TITLE APPEAL FOR PLACING BEFORE MEMEBERS (JUDICIAL) BENCH.
- ii. ALLOW FOR FIXING A DATE OF ACCELERATED / EARLY HEARING ON PRIORITY BASIS IN THE TITLE APPEAL, most suitably in the first week of January, 2024 for a decision on merit in the interest of justice.



Muhammad Younis
APPELLANT
(Muhammad Younis)
Date: 20 / 12 / 2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPLICATION NO. _____ / 2023 in

SERVICE APPEAL NO. 1085 / 2023

MUHAMMAD YOUNIS

Ex-Chief Engineer PHE Department, Peshawar. --- **(APPELLANT)**

VERSUS

GOVT OF KHYBER PAKHTUNKHWA through Chief Secretary, Peshawar
and others. **(Respondents)**

AFFIDAVIT:

I, Muhammad Younas S/o Moin-ud-Din (the Appellant) resident of Nowshera, do hereby solemnly affirm and declare on Oath that the contents of the **captioned application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Service Tribunal.

Muhammad Younas

DEPONENT

N.I.C # 11101-0433164-9

Identified by;
Date: 20 / 12 / 2022

