


# FORM OF ORDERSHEET

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

Misc. application No. 71 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/01/2024	<p>The Misc. application in Service appeal 1475/2023 submitted today by respondents no. 1 to 6 through S.E Irrigation Department D.I.Khan. It is fixed hearing before touring Division Bench at D.I.Khan on _____</p> <p>Original file be requisitioned.</p> <p style="text-align: right;"> REGISTRAR</p>



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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10566

Dated 16-1-2024

Appeal No: 1475/2023

1. Government of Khyber Pakhtunkhwa through Secretary Irrigation, Peshawar.
2. Secretary Irrigation, Government of Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (South), Department of Irrigation, Government of Khyber Pakhtunkhwa Peshawar.
4. Chief Engineer (North), Department of Irrigation, Peshawar.
5. Superintending Engineer, (Head Quarter), Department of Irrigation, Peshawar.
6. Superintending Engineer, Department of Irrigation, Dera Ismail Khan.

.....RESPONDENTS

\*\*\*\*\*VERSUS\*\*\*\*\*

Shumal Khan, Head Vernacular Clerk, Posted at Irrigation office,  
Dera Ismail Khan.

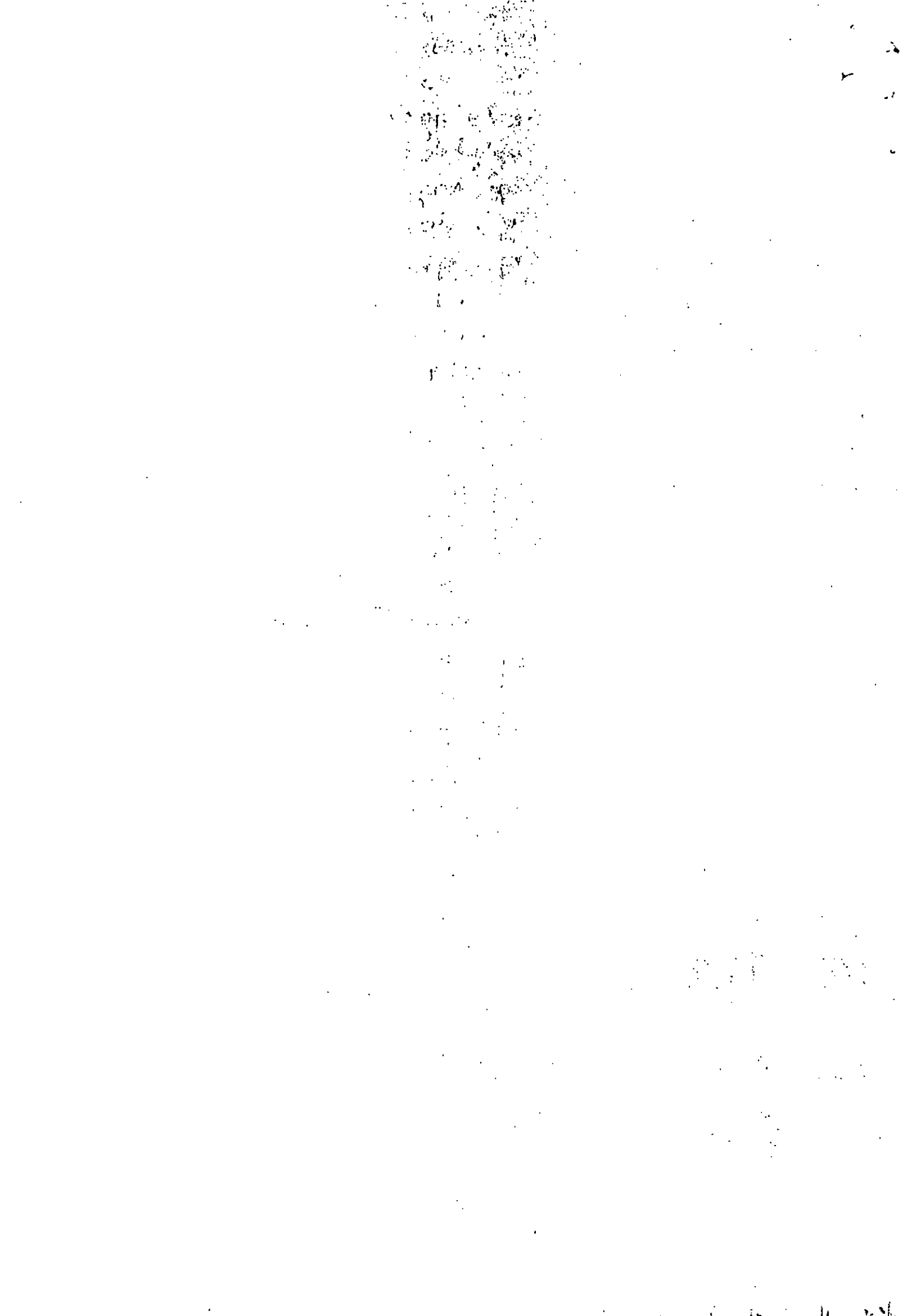
.....APPELLANTS

**APPLICATION FOR SET ASIDE OF EXPARTEE  
PROCEEDING INITIATED AGAINST THE RESPONDENT  
ON 18/12/2023.**

*Respectfully Sheweth:*

*That the applicant / respondent submits as under:*

1. That the above appeal is being heard by the Honorable Court, in which the date of appearance is fixed on 19/02/2024.
2. That on the last date of appearance, representative of Muhammad Aqeel Azhar, Superintending Engineer, Department of Irrigation, Dera Ismail Khan appeared before the Honorable Court on behalf of respondents. But he could not listen to the call in the above Titled Case and after



waiting for a long time, it come to his knowledge that the respondent proceeded exparte.

3. That there are valuable rights attached to the case of Respondent's Department in the above title while the above appeal is still at initial stage.

***It is, therefore, requested that the exparte proceeding may kindly set aside.***

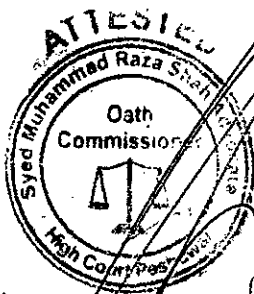
Dated. 15/01/2024.




**ENGR: MUHAMMAD AQEEL AZHAR,**  
Superintending Engineer  
Department of Irrigation, Dera Ismail Khan,  
D.I.Khan  
CNIC No.12101-0973340-9

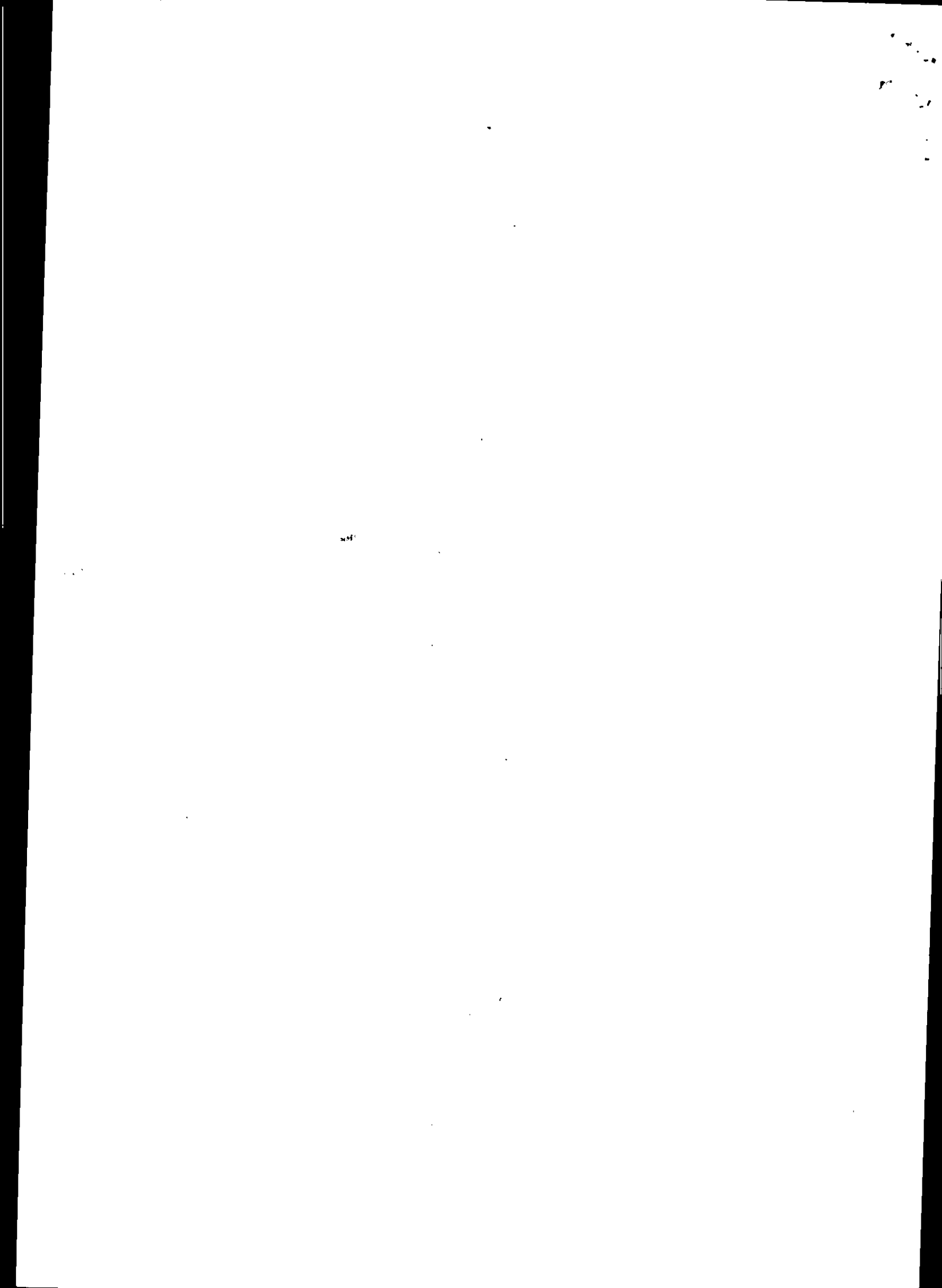
**AFFIDAVIT:**

***I, Engr: Muhammad Aqeel Azhar, Superintending Engineer, Department of Irrigation, Dera Ismail Khan, do hereby solemnly affirm and declare on Oath that all the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or mis-stated.***



  
Superintending Engineer  
D.I.Khan Irrigation Circle  
D.I.Khan  
DEPONENT  
CNIC No: 12101-9733409

12/01/2024



BEFORE THE KP SERVICE TRIBUNAL PESHAWAR  
CAMP AT D.I.KHAN.

Appeal no. <sup>1475</sup> of 2023

Shumal Khan, Head Vermicular Clerk Posted at Irrigation  
office Dera Ismail Khan.

VERSUS

- 1- Government of Khyber Pakhtunkhwa through Secretary  
Irrigation, Peshawar.
- 2- Secretary Irrigation, Government of KPK, Peshawar.
- 3- Chief Engineer, South, Department of Irrigation,  
Government of KPK, Peshawar.
- 4- Chief Engineer, North, Department of Irrigation, Peshawar.
- 5- Superintending Engineer (Head Quarter), Department of  
Irrigation, Peshawar.
- 6- Superintending Engineer, Department of Irrigation, Dera  
Ismail Khan.

*Annexure A*  
APPEAL UNDER SECTION 4 OF KP SERVICE TRIBUNAL  
ACT 1974 AGAINST ILLEGAL AND MALAFIDE  
SENIORITY LIST 31-12-2022 OF HVC/REVENUE  
INSPECTOR OF IRRIGATION DEPARTMENT.

Respectfully Sheweth;

The facts leading rise to present writ petition in brief are: -

1. That the appellant was appointed as Patwarl and after legal promotion, now working as  
Head Vermicular Clerk (BPS-10). Copy of order is annexure A.
2. That the department issued tentative seniority dated 31-12-2022, in which Revenue  
Inspectors are placed at Initial position and Head vernacular clerk were placed thereafter.  
The copy of Seniority list is Annexure B,

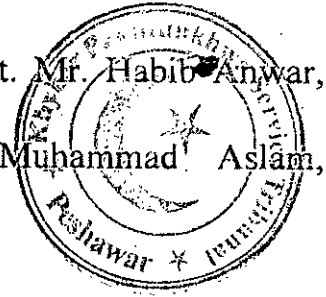




A. No. 1475

20<sup>th</sup> Nov. 2023

1. Junior to counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Muhammad Aslam, Superintendent for the respondents present.



2. Reply on behalf of the respondents not submitted. Learned AAG requested for time to submit reply/comments. Granted. To come up for reply/preliminary hearing on 18.12.2023 before S.B at Camp Court, D.I.Khan. P.P given to the parties.

(Kalim Arshad Khan)  
Chairman  
Camp Court, D.I.Khan

SCANNED  
KFST  
Peshawar

\*Mutazem Shah\*

18<sup>th</sup> Dec. 2023

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

2. On the last date, one Muhammad Aslam, Superintendent was present and had requested for time to submit reply. But today, nobody is present on behalf of the respondents nor their written replies have been submitted, hence, they are placed ex-parte. Because of non-serious attitude of the respondents, the Tribunal is compelled to admit this appeal to full hearing. Appellant is directed to deposit security fee within 10 days. To come up for arguments on 19.02.2024 before D.B at Camp Court, D.I.Khan. P.P given to the parties.

(Kalim Arshad Khan)  
Chairman  
Camp Court, D.I.Khan

Certified to be true copy  
BY  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

\*Adnan Shah\*

