

BEFORE THE SERVICE TRIBUNAL PESHAWAR

RESTORATION APPLICATION NO.831/2023 IN

SERVICE APPEAL NO.1539/2008 IN EXECUTION

NO.489/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10940

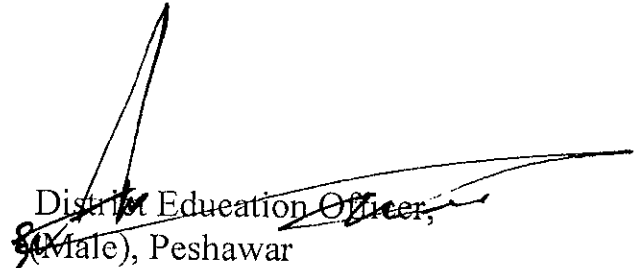
Dated 1-2-2024

Maqsad Hayat

Vs Govt: of KPK & Others

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District Education Officer,
(Male), Peshawar

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RESTORATION APPLICATION NO. 831/2023 IN SERVICE APPEAL NO.1539 /2008
IN EXECUTION PETITION NO.489/2023

Maqsad Hayat Vs Secretary (E&SE) KP & others

REPLY TO APPLICATION FOR RESTORATION OF THE ABOVE MENTIONED
EXECUTION PETITION.

Respectfully Sherweth:

The Respondent, submit below:


1. That the above caption case is pending for adjudication before this Hon'ble Service Tribunal is fixed on 01-02-2024.
2. That para No.2 in incorrect, misleading and against the facts. That the judgment was passed on 26-05-2009 while the appellant filed execution petition in 2023. During course of arguments on dated 3rd November 2023, this honorable Service Tribunal was gracious to gave time to the appellant to appraise this Forum "1. learned counsel for the petitioner present. Mr.Asad Ali Khan, Assisatant Advocate General alongwith Mr.Arshad Ali ,ADEO for the respondents present Petition.) which was implemented in time by the respondent department. 2. The order sought to be executed, was passed on 26-05-2009, The learned counsel for the petitioner when confronted with the situation as to how the judgment/decree passed much more than three years earlier, could be executed ? He sought some time to assist the Tribunal Adjourned to 13-11-2023 for further proceedings before S.B.P.P given to the parties."

it is further submitted that the above mentioned Execution Petition was fixed for hearing on 13th November 2023 before this Hon'ble Service Tribunal but on the date fixed neither the Petitioner nor his counsel was present in this Tribunal, so This Hon'ble Service Tribunal passed the order: "Nobody is present on behalf of petitioner Mr.Habib Anwar,Additional Advocate General for the respondents present.2.This matter was called time and again but nobody put appearance on behalf of the petitioner before the Tribunal till its rising, therefore , the petition in hand is dismissed in default, Consign.3. Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 13th day of November,2023."

(Copy of order sheet dated 3rd November,2023 & 13th November,2023 are attached)

3. That para No.3 is incorrect, misleading and against the facts. Petitioner could not justify/appraised this Hon'ble Service Tribunal on the question of Limitation therefore, this Hon'ble Service Tribunal dismissed the execution petition of the petitioner.
4. That para No.4 is incorrect, misleading and against the facts. Besides the learned counsel of petitioner, petitioner was also willful absent from this Hon'ble Service Tribunal therefore, this Hon'ble Service Tribunal dismissed the execution petition of the petitioner.
5. That para No.5 is incorrect, misleading and against the facts. Detail reply has been given in the above para.

It is therefore; requested that Execution Petition being badly time bared therefore the same may be dismissed with cost.


 District Education Officer
 (Male) Peshawar
Sajid Akhtar

3rd Nov. 2023

E.P. No. 489/2023
Mazhad Hayat vs Govt

1. Learned counsel for the petitioner present. Mr. Asad Khan,
Assistant Advocate General alongwith Mr. Arshad Ali, ADAG for the
respondents present.



2. The order sought to be executed, was passed on 26.05.2009.
The learned counsel for the petitioner when confronted with the
situation as to how the judgment/order/decree passed much more than
three years earlier, could be executed? He sought some time to assist
the Tribunal.

3. Adjourned to 13.11.2023 for further proceedings before S.B.P.P
given to the parties.

(Kalim Arshad Khan)
Chairman

SCANNED
E-FILET
PESHAWAR

Mutazem Shah

E.P No.489/2023

ORDER

13th Nov. 2023

1. Nobody is present on behalf of petitioner. Mr. Habib Anwar,
Additional Advocate General for the respondents present.
2. This matter was called time and again but nobody put appearance on
behalf of the petitioner before the Tribunal till its rising, therefore, the
petition in hand is dismissed in default. Consign.
3. *Pronounced in open Court at Peshawar and given under my hand and
seal of the Tribunal on this 13th day of November, 2023.*

(Kalim Arshad Khan)
Chairman

Mutazem Shah

Certified to be true copy

EXAMINER
Kyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

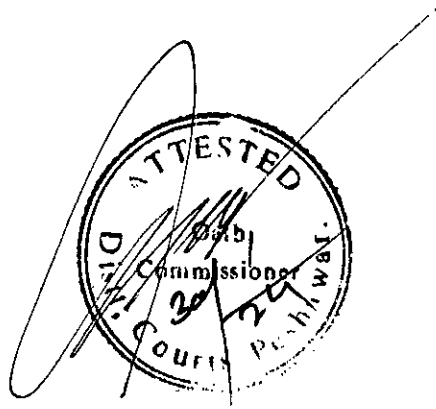
Service Appeal No;1539/2008 RA No;831/2023

Titled Maqsad Hayat Vs Education Department

Affidavit

I, Sajid Ahktar Iqbal DEO (Male) Peshawar do hereby solemnly affirm and declare on oath that the contents of the reply on behalf of respondents is correct to the best of my knowledge and nothing has been concealed from this Hon,ble court.it is further stated that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off/lost.


Identify by



DEPONENT
Sajid Ahktar Iqbal

AUTHORITY LETTER

Mr. Arshad Ali, ADEO (Litigation) office of the District Education Officer (Male) Peshawar is hereby authorized to submit this reply in E.P No.489/2023 in service appeal No.1539/2008 R/A No.831/2023 titled Maqsad Hayat VS Govt: of KPK & others on behalf of the Education Department (E &SE) KP Peshawar.


District Education Officer
(Male) Peshawar