


FORM OF ORDERSHEET

Court of _____

Misc. application No. 147 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	16/02/2024	<p>The Misc application in Service appeal 245/2023 submitted today by respondent no. 12 through Zahoor Islam Advocate. It is fixed hearing before touring Single Bench at A.Abad on _____. Original file be requisitioned.</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
(ABBOTABAD BENCH)

Miscellaneous Application No. _____/2024

In Service Appeal No. 245/2023

**Nisar Ahmad, Assistant Public Prosecutor, (BPS-17) Office District Orakzai
Private No. 12 ----- Appellant**


VERSUS

**Haris khan S/o Khalid Khan Assistant Public Prosecutor, (BPS-17) Office of District
Pubic, Abbottabad.**

1. Director General Prosecution Khyber Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Home & Tribal Affairs Department Peshawar.
3. Govt of Khyber Pakhtunkhwa, Through Chief KPK, Peshawar, & 12 others ----- **Respondents**

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1	Memo of Civil Miscellaneous Application along with Affidavit	01
2	Copy of order sheet dated 11-12-2023	02-03
3	Receipt of submitted reply/comments	04

Applicant/Respondent NO.12
Through
**Zahoor Islam Advocate,**
Peshawar

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
(ABBOTBAD BENCH)

Miscellaneous Application No. 147 /2024
In Service Appeal No. 245/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11174

Dated 16-02-2024

Nisar Ahmad, Assistant Public Prosecutor, (BPS-17) Office District Orakzai
Private No. 12 ----- Appellant

VERSUS

Haris khan S/o Khalid Khan Assistant Public Prosecutor, (BPS-17) Office of District
Pubic, Abbottabad.

1. Director General Prosecution Khyber Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa, Home & Tribal Affairs Department Peshawar.
3. Govt of Khyber Pakhtunkhwa, Through Chief KPK, Peshawar, & 12 others ----- Respondents

APPLICATION FOR SETTING ASIDE EX PARTY PROCEEDINGS ON BEHALF OF
APPLICANT/PRIVATE RESPONDENT NO 12 (NISAR AHMAD)

Respectfully Sheweth,

The applicant submits as under: -

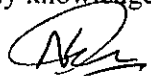
1. That the titled service appeal is pending before this Honorable tribunal and is fixed for today.
2. That the appellant was placed ex party on the last proceedings i.e. 11-12-2023
(Copy of order sheet is annexed A).
3. That the non-appearance was not deliberate, as the applicant posted as Assistant Public Prosecutor, Tehsil Courts Kalaya District Orakzai, despite of the fact that the applicant submitted reply/comments on 17-11-2023 (copy of receipt are annexed B).
4. That the valuable rights of the applicant are involved in the present appeal.
5. That ex party proceeding are not sitting aside, the applicant will suffer irreparable loss.

It is therefore, most humbly prayed that ex party proceedings, may kindly be set aside, for the ends of justice.

Applicant/Respondent NO.12
Through
Zahoor Islam Advocate, Peshawar

AFFIDAVIT:

The contents of instant application/petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


Deponent



16 FEB 2024



IN THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

Appeal No. 245/2023

Haras Khan s/o Khalid Khan Assistant Public Prosecutor (BPS-17) Office of District Public, Abbottabad.

.....APPELLANT

VERSUS

29/80
16-1-2023

1. Director General Prosecution Khyber Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department Peshawar.
3. Govt. Of Khyber Pakhtunkhwa through Chief Secretary KPK, Peshawar
4. Imran Hussain Assistant Public Prosecutor (BPS-17), office of the District Public Prosecutor Nowshera.
5. Abdul Haleem Khan Assistant Public Prosecutor (BPS-17), office of the District Public Prosecutor Chitral Lower.
6. Sameen Khan Assistant Public Prosecutor (BPS-17), office of the District Public Prosecutor Charsada
7. Khalid Hussain Assistant Public Prosecutor (BPS-17), office of the District Public Prosecutor Mardan
8. Mudassar Hussain Assistant Public Prosecutor (17), Office of District Public Prosecutor D.I.Khan.
9. Naid Wali Assistant Public Prosecutor on Deputation on Law Department on 03.10.2019. *Per.*
10. Muhammad Shahab Alam Shah Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor D.I Khan
11. Hidayat Ullah Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Chitral Lower.
12. Nisar Ahmed Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Orakzai.
13. Ashraf Ali Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor, Shangla.
- Muhammad Imran Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Peshawar.
- Muhammad Javed Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Malakand.

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11.12.2023.

Learned counsel for the appellant present.

Mr. Habib Anwar, Additional Advocate General for official respondents present. None present on behalf of private respondent No. 12, hence placed ex-parte.

Learned counsel for the appellant submitted an application for impleadment of Khyber Pakhtunkhwa Public Service Commission through its Chairman as respondent in the instant appeal. Copy of same is handed over to learned Additional Advocate General, who sought time for submission of reply. Adjourned. To come up for reply/comments as well as arguments on the application on 22.01.2024 before the S.B. at Camp Court Abbottabad. Parcha Peshi given to the parties.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Naeem Amin

(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

Date of Presentation of Application 16-01-24
Number of Words 27
Copying Fee 10/-
Urgent ✓
Total 18/-
Name of Copyist _____
Date of Completion of Copy 16-01-24
Date of Delivery of Copy 16-01-24

14 Annex-B

RAJYER PUKHTI NINWA
SERVICE TRIBUNAL

Inst No: 9205

Reply/Comments

20.5.2023

HPPAS BEAN

VS

1. ... 2000 ...
... (2019)

... 12/1/2020

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