

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

CM No. /2024
IN
Service Appeal 951/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11638

Dated 6/3/24

1. Saeed Shah Water Form Management on Farm District Mardan. Respondent no - 15
2. Aman Khan Water Form Management on Farm District Buner R u 17.
3. Ghulam Bilal Water Form Management on Farm District DI Khan. R u 18.
4. Muhammad Tufail Water Form Management on Farm District Karak. R 19.
5. Aftab Ahmad Water Form Management on Farm District DI Khan. R. 22.

(Applicants)

VERSUS

1. Wakeel Khan S/o Rustom Khan District Officer Water Form Management District Mohmand.
2. Secretary Agriculture Live Stock and Cooperative Department Civil Secretariat Peshawar.

(Respondents)

**APPLICATION FOR SETTING ASIDE PROCEEDING
AGAINST THE ABOVE MENIONED APPLICANTS VIDE
ORDER DATED 24.01.2024.**

Respectfully Sheweth:

1. That the above titled appeal was fixed before the Honourable Tribunal on 24.01.2024 for submission of Witten reply Para-wise comments.
2. That the Honourable Tribunal order against the above mention applicant as ex-parte on the right of applicants on filing the Para wise comments.
3. That feeling aggrieved the applicants seek right for setting aside ex party proceeding to file Para-wise comment on the following grounds:

Grounds:

- A) That the valuable right of the department/ applicants are involved with the instant Service appeal.
- B) That the application is within time and there is nothing disobedience on the part of applicants.
- C) That on the very same day on which the applicants were proceeded ex-parte, the Para-wise comments were ready to file the delay was caused due to proper submission of attested copies of the said comments.
- D) That there is no legal bar in acceptance of the application in hand.
- E) That according to the rules of natural justice no one can be condemned un-heard.
- F) That the filing to Para-Wise comments is very necessary for the just and proper disposal of the above Service Appeal.

It is, therefore, most respectfully prayed that on acceptance of this application the ex-parte proceedings against the applicants may be set aside & right to file Para-Wise Comments may kindly be restored please.

Dated 06.03.2024

Applicants

Through

**Syed Noman Ali Bukhari
Advocate High Court
Peshawar**

24.01.2024



Learned counsel for the appellant present. Mr. Rahat Shah, Deputy Director (Litigation) alongwith Mr. Asad Ali Khan, Assistant Advocate General for official respondents present. Private respondents No. 3, 4, 6, 8, 9, 12, 13 & 21 in person, while private respondent No. 32 through his counsel present. None present on behalf of remaining private respondents No. 7, 10, 11, 14 to 20, 22 to 31 and 33 to 45 despite issuance of proper notice, hence placed ex-parte.

Para-wise comments on behalf of official respondents have already been submitted, while private respondents No. 3, 4, 6, 8, 9, 12, 13, 21 & 32 requested for further time for submission of reply/comments. Adjourned. To come up for written reply/comments on behalf of private respondents No. 3, 4, 6, 8, 9, 12, 13, 21 & 32 on 06.03.2024 before the S.B. Parcha Peshi given to the parties.

(Salah-ud-Din)
Member (J)

Naem Amin

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

بعدالت

KP Service Tribunal

Appeal No 951/2022

مورخہ
مقدمہ
دعویٰ
جرم

2 مخمب
بنام
US
water farm neppure

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام سپر کیلئے مسیّد تعان علی علیہ العیوب کی کورس مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامہ کرنے و تقررات و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و ریپورٹ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظرتانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Appeal
Accepted
20/12/22

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ماہ

الرقوم

الع د گ و الع

کے لئے منظور ہے۔

مقام

Respondent No 618, 9, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24

Secretary, Section, Ameer, Cawker, Appeal, Allahabad