

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 2505/2023

Ihsan Ullah Wazir

V/S

M. Arif Forester NWF Division
Bannu.

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Application	-----	01-02
2.	Copy of order sheet	---A---	03

Hu
PRIVATE RESPONDENT NO 5

IHSAN ULLAH WAZIR

THROUGH:-

Asif
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.

Tran
(S. NOMAN ALI BUKHARI)
PESHAWAR HIGH COURT

Hilal
(HILAL ZUBAIR)
ADVOCATE

Room No.FR-08, 4th Floor,
Bilour Plaza Peshawar Cantt:
Cell # 0312-9103240

25-03-2024

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR,

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 2505/2023

Diary No. 11882

1. Ihsan Ullah Wazir Forester North Waziristan, Forest Division Bannu
2. Ihsan Ullah Dawar Forester North Waziristan, Forest Division Bannu.

Dated 25.03.2024

APPELLANTS

VERSUS

1. Muhammad Arif Forester North Waziristan Forest Division Bannu Township, Southern Circle Bannu.

RESPONDENTS.

.....
**APPLICATION UNDER ORDER-9 RULE-13 CPC, FOR
SETTING ASIDE THE EX-PARTE PROCEEDINGS
DATED 13.12.2023 AGAINST THE PRIVATE
RESPONDENT NO. 5/APPLICANT IN ABOVE
MENTIONED APPEAL.**

.....

RESPECTFULLY SHEWETH:

1. That the above mentioned appeal which is pending before this august Tribunal and fixed for 25.03.2024.
2. That previously the case was admitted for regular hearing and next date was given as 13.12.2023 for which the notices were issued to the private respondents for the date fixed but the notices was not served upon the private respondents in time which the private respondents could not attended the Court on 13.12.2023 and for that reason the ex-parte order was passed against the respondents No. 05 and next date was given as 25.01.2024.
3. That on 25.01.2024 when the private respondent No. 5/applicant along with his counsel appeared before this august Tribunal for submission of Vakalat nama wherein in it came in the knowledge of the respondent No. 5/applicant along with the counsel that on 13.12.2023, an order of proceedings was passed against him. **Copy of order sheet dated 13.12.2023 is attached as Annex-A.**

4. That the absence was not intentional but due to late receiving of notices.
5. That the application is in time from the date of knowledge.
6. That if ex-parte proceeding are not set-aside, then the applicant will not be able to defend his valuable service rights.

It is, therefore, most humbly prayed that on acceptance of this application the order of ex-parte proceeding against the applicant/private respondent No. 05 may kindly be set-aside in interest of justice and enabling the applicant to defend his rights. Any other remedy which this august Court deems fit and appropriate that may also be awarded in the favour of the private respondent No. 05/Applicant.



PRIVATE RESPONDENT NO. 5

IHSAN ULLAH WAZIR

THROUGH:-



**(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.**



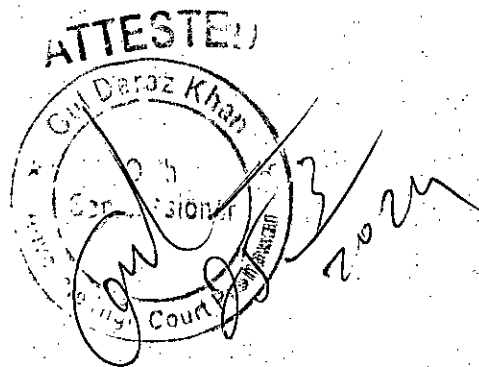
**(S. NOMAN ALI BUKHARI)
PESHAWAR HIGH COURT**



**(HILAL ZUBAIR)
ADVOCATE**

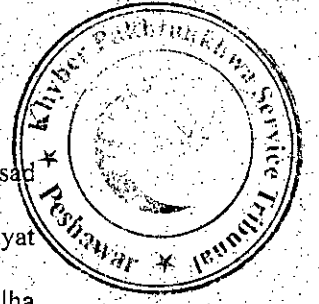
AFFIDAVIT

It is affirmed and declared that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.




DEPONENT

13th Dec. 2023




1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Hayat Ali DFO for official respondents present. Mr. Talha Advocate present on behalf of private respondent No.4 present. Nobody is present on behalf of private respondents No.5 to 7, hence, placed ex-parte.
2. Reply on behalf of respondents is still awaited. Representative of the official respondents requested for time to submit reply/comments. While Mr. Talha Advocate submitted memo of appearance on behalf of private respondent No.4, stated that the said respondent was busy in a training workshop and requested for time to submit reply. Request accepted. To come up for reply/comments on 25.01.2024 before S.B. P.P given to the parties.

Muazem Shah


ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(Kalim Arshad Khan)
Chairman

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF Service Tribunal Peshawar

M. Asif Yousafzai, Zau gulla Jan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Ihsan ullah wazir (Respondent 544) (Respondent)
(Defendant)

I/We, Ihsan ullah wazir (Respondent 544)

Do hereby appoint and constitute M. Asif Yousafzai, Advocate Supreme Court of Pakistan & Syed Noman Ali Bukhari, Advocate High Court & Hilal Zubair Advocate to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to, deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

Dated _____/2023

Husna

(CLIENT)

ACCEPTED

Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.
(BC No. 10-7327)

S. Noman Ali Bukhari
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

Hilal Zubair
&
HILAL ZUBAIR
Advocate

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

Cell No. 0302-5548451

0333-9103240

0306-5109438

0310-9503909