

01st April, 2024 1. Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant submitted an application for addition/deletion of parties and necessary amendment in the body of appeal. The application is on the grounds that counsel of appellant added some irrelevant parties in the body of appeal, which needed to be deleted and following proper parties were needed to be added.

i. Executive Engineer, Irrigation Mardan Division Mardan.

ii. Superintendent of Engineer, irrigation Mardan, Irrigation Division Mardan.

That there were some defects in the body of appeal, which needed to be corrected/rectified through filing of amended appeal as valuable rights of applicant were attached with the instant appeal. That previously applicant request was acceded by this Hon'ble Tribunal by imposing a cost of Rs. 5000/- but the appeal was submitted without adding proper parties. Application is placed on file and notice of the same was given to Deputy District Attorney, who accepted the notice.

3. Admittedly, an application was earlier moved for amendment in the appeal, which was allowed on payment of cost of Rs. 5000/- but the appeal could not have been amended to bring it in conformity with desired relief nor the description of the parties was in accordance with rule-6 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974, but we cannot escape the fact that the parties could not be penalized for ill drafting etc and the decision on merit required providing ample opportunities of facilitation in the procedure to the parties. Yes in the

cases where the proceedings are delayed just because of the slackness of the parties, the parties at fault are penalized in the shape of imposition of reasonable cost. Therefore, on allowing this application we direct that the amended appeal be filed as prayed within a week subject to payment of Rs. 10000/- as cost. To come up on 07.05.2024 before the D.B. Parcha Peshi given to the parties.



(Rashida Bano)
Member (Judicial)



(Kalim Arshad Khan)
Chairman