

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

MISC- APPEAL- NO-277/2024
Service appeal No.1274/2023

Diary No. 12115

Dated 04-04-2024

Chief Engineer, Works and Service Merged Areas, Civil Secretariat, Peshawar.

Applicant

Rafi Ullah S/o Mir Nawaz R/O Village and Post office Masha Mansoor Tehsil & District Lakki Marwat (Dafadar BPS-02 Kohat)

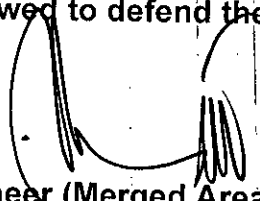
Respondent

Application On Behalf of Respondent No.04 for Setting Aside Ex- Parte Proceedings dated 13.11.2023.

Respectfully Sheweth,

1. That the titled Service appeal is pending for adjudication before this Hon'ble Tribunal which is fixed for further proceeding on 24.04.2024.
2. That this Hon'ble Tribunal initiated Ex-PARTE proceeding against the present applicant/ respondent on 13.11.2023.
3. That absence of the applicant/respondent was not willful and intentional but was due to misunderstanding of date hearing.
4. That the respondent No.04 has already submitted an application dated 07.09.2023 for deletion of respondent No.04 on the ground that C&W and Public Health Engineering Departments were bifurcated on 24.11.2009 whereas the recruitment/appointments were made by the Executive Engineer Public Health Engineering FATA Division Kohat and the C&W Department has no role in it.
5. That the applicant/respondent will attend this Hon'ble Tribunal regularly on each and every date in future.
6. That is well settled law to decide the case on merit and no one should be condemned unheard.
7. That the instant application is well within time and there is no legal bar to accept the present application.

It is, therefore, most humbly requested that on acceptance of this application Ex-Parte proceedings dated 13.11.2023 may kindly be set aside and the applicant/respondent be allowed to defend the case.


Chief Engineer (Merged Areas) W&SD
Now Chief Engineer (South-I) C&WD
(Applicant/Respondent No.04)

02-05-24
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service appeal No.1274/2023**

4. Chief Engineer, Works and Service Merged Areas, Civil Secretariat, Peshawar.

Applicant

Rafi Ullah S/o Mir Nawaz R/O Village and Post Office Masha Mansoor Tehsil & District Lakki Marwat (Dafadar BPS-02 Kohat).

Respondent

Affidavit

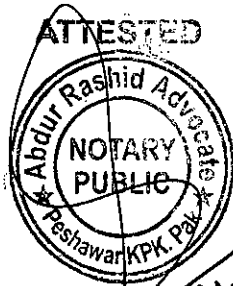
I Engr. Qudratullah Khan, Chief Engineer (South-I), Government of Khyber Pakhtunkhwa C&W Department Peshawar do hereby affirm and declare on oath that the contents of the application in Service Appeal No.1274/2023 titled "Rafi Ullah Versus Secretary Public Health Engineering Department & others" are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Service Tribunal Peshawar.



Chief Engineer (Merged Areas) W&SD
Now Chief Engineer (South-I) C&WD
(Applicant/Respondent No.04)

CNIC No.11201-0335334-9

Cell # 0333-9287145



4/4/2024

(5)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR.**

S.A.No...../2023

Rafi Ullah S/O Mir Nawaz R/O village and post office Masha Mansoor Tehsil &
District Lakki Marwat (Dafadar. BPS 02 kohat)

..... Appellant

VERSUS

1. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Chief Engineer Public Health Engineering North Khyber Pakhtunkhwa, Peshawar
3. XEN Public Health Engineering Division, Kohat.
4. Chief Engineer, Works and Services merged areas, Civil Secretariat, Peshawar.
5. Accountant General Office KPK Peshawar.

..... Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE
SERVICES TRIBUNAL ACT, 1974 FOR RELEASE
OF PAY/SALARIES OF THE APPELLANT.**

Prayer

It is therefore; most humbly prayed that on acceptance of this service appeal, respondents no 1 to 4 may kindly be directed to release the salaries of the appellant along with arrears of pay w.e.f June 2017 till onwards.

Secondly, to declare the act of respondents regarding stoppage of salaries of the appellant as null and void, unjustified, without lawful authority and ineffective upon the legal rights of the appellant, furthermore in the light of reported judgment 1997 PLS (CS) 666, legal action may kindly be taken against the concerned officer for stopping salaries of the appellant, by depriving him from his legal right.

Any other relief specifically not sought, which this Hon'ble Tribunal deems appropriate and to whom the appellant is entitled may kindly be granted.

.....

05th Oct. 2023

SCANNED
MOST
RELIABLY

01. Junior to learned counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Riaz Gul, Admn. Officer and Irfanullah, Superintendent for the respondents present.

02. Reply on behalf of the respondents not submitted. Representatives of the respondents requested for further time.. To come up for reply/comments as well as preliminary hearing on 13.11.2023 before the S.B. PP given to the parties.



(FAREEHA PAUL)
Member (E)

Fazle Subhan, PS

13th Nov, 2023

1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General presents.

2. Respondents who were present through Riaz Gul, Admin Officer and Irfanullah, Superintendent on the last two dates, are not in attendance, therefore, they are placed ex-parte nor they seem interested in filing of reply despite providing them opportunities, therefore, the appeal is admitted to full hearing. The appellant is directed to deposit security fees within 10 days. To come up for arguments on 26.02.2024 before D.B. P.P given to the parties.


(Kalim Arshad Khan)
Chairman

*Adnan Shah *



**OFFICE OF THE CHIEF ENGINEER (SOUTH-I)
COMMUNICATION & WORKS DEPARTMENT
PESHAWAR**

Khyber Pakhtunkhwa Peshawar
Phone No. 091-9211725/091-9223435/ fax No. 091-9210428

AUTHORITY LETTER.

Mr. Riaz Gul, Administrative Officer (BPS-17) of this office is hereby authorized to file reply to the service appeal No. 1274 of 2023 titled "Rafi Ullah vs Secretary Public Health & Others" in the Khyber Pakhtunkhwa Service Tribunal and to attend the Tribunal on my behalf on each court date.

o/c Engr. Shakir Habib
Chief Engineer (South-I)