

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1277/2023

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

Appellants

VERSUS

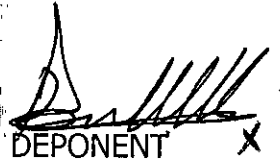
1. Naeem Ullah S/O Haji Aqal Jan R/O Village and Post Office Hurmaz, Tehsil Mir Ali North Waziristan Agency (Vale Man, BPS-01)

Respondent

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*Next date 24/4/23
DB Peshawar*


DEPONENT X

*Baharullah (chief north)
PHED Peshawar
cell no- 0331-5600357*

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Appellants

VERSUS

1. Naeem Ullah S/O Haji Aqal Jan R/O Village and Post Office Hurmaz, Tehsil Mir Ali North Waziristan Agency (Vale Man, BPS-01)

Khyber Pakhtunkhwa
Service Tribunal

Respondent No. 11803


Dated 19-03-2024

APPLICATION ON BEHALF OF RESPONDENTS 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 26/02/2024.
2. That this Hon'ble Tribunal initiated EX-parte proceeding against the present applicants/respondents on 13/11/2023.
3. That absence of the applicant/respondents was not willful and intentional but was due to misunderstanding of date of Hearing.
4. That valuable interest of the Respondents are involved in the titled case and if the ex-parte proceeding has not been set aside then the Applicants/Respondents will miserably suffer.
5. That the Applicants/Respondents 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 applicants/Respondents be allowed to file Parawise comments in the best interest of justice.



APPLICANTS/RESPONDENTS
Baharullah CE (North)
1 to 3

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GOVT. OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGINEERING DEPARTMENT

AUTHORITY LETTER.

No.SO(LIT)PHED/ST/40-103. Mr. Abid-Ur-Rehman, Budget Officer (North), PHE Department is hereby authorized to attend & Submit Application for setting aside EX-Parte Proceeding dated 13/11/2023 in S.A No.1277/2023 titled "Naeem Ullah Versus Secretary PHE Department and others" on behalf of respondents 1 to 3.


CHIEF ENGINEER (NORTH)
PHE DEPARTMENT

x

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.1277/2023

- 1. Secretary, Public Health Engineering Department.
- 2. Chief Engineer Public Health Engineering North Khyber Pakhtunkhwa Peshawar.
- 3. XEN Engineer Public Health Engineering Division Kohat.
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.....

Appellants

VERSUS

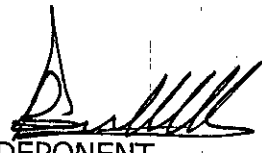
- 1. Naeem Ullah S/O Haji Aqal Jan R/O Village and Post Office Hurmaz, Tehsil Mir Ali North Waziristan Agency (Vale Man, BPS-01)

.....

Respondent

AFFIDAVIT

I, Mr. BaharUllah, Chief Engineer (North), Government of Khyber Pakhtunkhwa Public Health Engineering Department Peshawar do hereby affirm and declare on oath that the contents of the Application in Service Appeal No. 1277/2023 titled "Naeem 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.

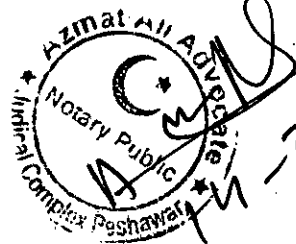


DEPONENT

CNIC No. 17301-2293451-9

Cell # 0331-5600357

ATTESTED



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

S.A.No.....1277...../2023

Naeem Ullah S/O Haji Aqal Jan R/O village and post office hurmaz, Tehsil Mir
Ali North Waziristan Agency. (Valve man . BPS 01)

..... 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

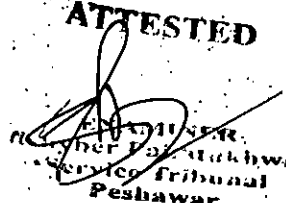
It is therefore, most humbly prayed that on acceptance of this service appeal, respondents no 1 to 4 may kindly be directed to release the salaries of the appellant along with arrears of pay w.e.f. February 2016 till onwards.

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.

.....

Section Officer (Lit)
PHE Department
Peshawar.

ATTESTED

Section Officer (Lit)
PHE Department
Peshawar

06th Oct. 2023

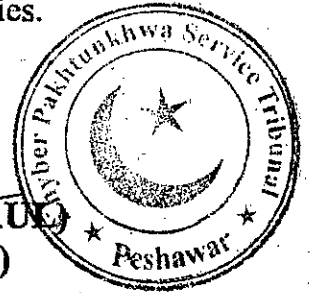
51

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.

SCANNED
KPST
PESHAWAR

(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.

SC
13/11/23

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman

Adnan Shah

Date of Presentation of Application 13-11-23

Number 1-D

Copying Fee 5/-

Urgent

Total 5/-

Name of Copyist

Date of Completion 12-1-24

Date of Delivery of Copy 27-2-24

Section Officer M
PHE Department
Peshawar