

FORM OF ORDERSHEET

Court of \_\_\_\_\_

Misc. application No. 248/2024

Order or other proceedings with signature of judge

3

1/03/2024

The Misc. application in Appeal No. 1274/2024 submitted today by respondents no. 1 to 5 through Mr. Baharullah Chief Engineer PHE Department Peshawar. It is fixed for hearing before the Division Bench at Peshawar on \_\_\_\_\_. Original file be requisitioned. Parcha Peshi is given to the representative of the department.

  
REGISTRAR

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1274/2023**

*MISE Appl. no 248/24*

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**

Rafi Ullah S/O Mir Nawaz R/O Village and Post Office Masha Mansoor Tehsil & District Lakki Marwat (Dafadar BPS 0 2 Kohat)

.....  
Respondent

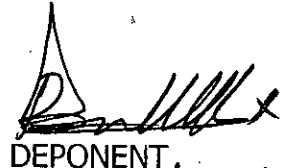
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*24-04-2024*

*D.B*

*Peshawar*



DEPONENT

*Bahauddin (Chief North)*

*PHED Peshawar*

*Cell No-0331-5600357*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1274/2023** *Misc. Appli. No. 248/24*

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, **Pakhtunkhwa Service Tribunal**
5. Accountant General Office KPK Peshawar.

.....

Appellants, *Diary No. 11800*

**VERSUS**

Dated *19-03-2024*

Rafi Ullah S/O Mir Nawaz R/O Village and Post Office Masha Mansoor Tehsil & District Lakki Marwat (Dafadar BPS 0 2 Kohat)

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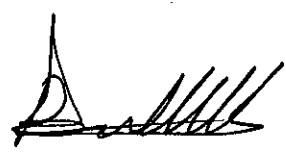
Respondent

**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

+

2

**GOVT. OF KHYBER PAKHTUNKHWA**  
**PUBLIC HEALTH ENGINEERING DEPARTMENT**

**AUTHORITY LETTER**

**No.SO(LIT)PHED/ST/40-102:** Mr. Abid-Ur-Rehman, Budget Officer (North), PHE Department is hereby authorized to attend and submit Application for setting aside EX-Parte Proceeding dated 13/11/2023 in S.A No.1274/2023 titled "Rafi Ullah Versus Secretary PHE Department and others" on behalf of respondents 1 to 3.



**CHIEF ENGINEER (NORTH)**  
**PHE DEPARTMENT**

**Service Appeal No.1274/2023**

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**

Rafi Ullah S/O Mir Nawaz R/O Village and Post Office Masha Mansoor Tehsil & District Lakki Marwat (Dafadar BPS 0 2 Kohat)

.....

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. 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.

DEPONENT

CNIC No. 17301 2293451-9

Cell # 0331-5600357

**ATTESTED**



14-11-23



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

S.A.No. 1274 /2023

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

VERSUS

..... Appellant

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.*

.....  
**ATTESTED**

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

06<sup>th</sup> Oct. 2023

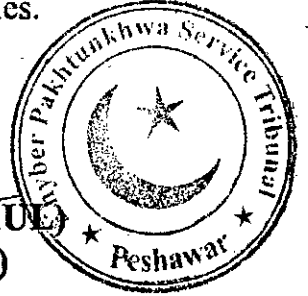
01. Junior to learned counsel for the appellant present. Mr. Asif Masood Ali Shah, IDDA alongwith Riaz Gul, Admn. Officer and Irfanullah, Superintendent for the respondents present.

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

\*Fazle Subhan, PS\*

(FAREEHA PAUL)  
Member (E)



13<sup>th</sup> 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.

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

\*Adnan Shah \*

(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application 13-11-23  
Number of 1-0  
Copying Fee 5/-  
Urgent —  
Total 5/-  
Name of Copyist —  
Date of Completion 12-1-24  
Date of Delivery of Copy 27-2-24