

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 157/2024 *MISC APPLIC No 400 / 2024*

Government of KPK, Secretary PHE Department & Others.

----- Appellant

Versus

Engr: Muhammad Ishaq,
Planning Officer-II, Public Health Engineering Department.

----- Respondents

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DEPONENT

CNIC No.17301-8464231-9

Cell # 0300-5501880

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.157/2024 Misc Appli No. 400 / 2024

1. Secretary, Public Health Engineering Department, Peshawar.
2. Section Officer (Establishment), Public Health Engineering Department, Peshawar.
3. Section Officer (Finance), Public Health Engineering Department, Peshawar.
4. Chief Engineer (Center), Public Health Engineering Department Peshawar.
5. Chief Engineer (South), Public Health Engineering Department Peshawar.

.....

Appellants
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 13008

Engr: Muhammad Ishaq,
Planning Officer-II, Public Health Engineering Department.

Dated 27-05-2024

.....

Respondent

APPLICATION ON BEHALF OF RESPONDENTS FOR SETTING ASIDE EX-PARTE PROCEEDINGS DATED 17/04/2024.

RESPECTFULLY SHEWETH,

1. That the titled Service Appeal is pending for adjudication before this Hon'ble Tribunal which is fixed for further proceeding on 10/06/2024.
2. That this Hon'ble Tribunal initiated EX-parte proceeding against the present applicants/respondents on 17/04/2024. Annexure-A
3. That on previous due date the representative of respondents was present before this Hon'ble tribunal and submitted the reply under diary No.12226 dated 17.04.2024 at 11:05 A.M which was returned to respondents due to non-appearance before this Hon'ble tribunal (diary No. is Annexure-B).
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 may kindly be set aside and the applicants/respondents be allowed to file para-wise comments in the best interest of justice.



APPLICANTS/RESPONDENTS

1, 2, 4 & 5
Secretary to Govt. of
Khyber Pakhtunkhwa
P.H.E. Department
Shahid Sohail Khan



2

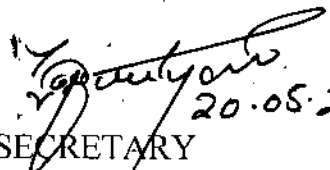
GOVERNMENT OF KHYBER PAKHTUNKHWA

PUBLIC HEALTH ENGG: DEPARTMENT

(Civil Secretariat, Technical Block, Police Line Road, Peshawar)

AUTHORITY LETTER.

No.SO(LIT)PHED/ST/109/2024. Mr. Muhammad Irfan Anjum, Superintendent, PHE Department Peshawar is hereby authorized to attend & Submit Joint Parawise Comments in the Khyber Pakhtunkhwa Service Tribunal in S.A No.157/2024 titled "Eng: Muhammad Ishaq Vs: Govt of KPK Secretary PHE Peshawar and others" on behalf of the Secretary Public Health Engineering Department.


20.05.2024
SECRETARY
PHE DEPARTMENT
KHYBER PAKHTUNKHWA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 157/2024

Government of KPK, Secretary PHE Department & Others.

----- Appellant

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Engr: Muhammad Ishaq,
Planning Officer-II, Public Health Engineering Department.

----- Respondents

AFFIDAVIT

I, Mr. Shahid Sohail Khan, Secretary, Government of Khyber Pakhtunkhwa Public Health Engineering Department Peshawar do hereby affirm and declare on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Service Tribunal Peshawar.

[Handwritten Signature]

DEPONENT
CNIC No. 17301-8464231-9
Cell # 0300-5501880



[Handwritten Signature]
22-5-24

Amir A

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 157/2024

Engr. Muhammad Ishaq, Planning Officer-II, Public Health Engineer Department.

..... Appellant.

VERSUS

1. The Secretary Public Health Engineering Department.
2. Section Officer Establishment Public Health Engineering Department.
3. Section Officer Finance Public Health Engineering Department.
4. Chief Engineer (Center) Public Health Engineering Department.
5. Chief Engineer (South) Public Health Engineering Department.
6. Syed Azam Shah, S.D.O, P.H.E, Department, Takht Bhai, Mardan.
7. Shehzad Khan, SDO, Batkhela, Malakand.
8. Attaullah, SDO Public Health Engineering Department, Matta-II Swat-II.
9. Mazhar Khan, SDO Public Health Engineering Department, Miran Shah, North Waziristan.
10. Zia Ur Rehman, SDO Public Health Engineering Department, Sub Division No-2, Nowsherea.
11. Wisal Khan, Assistant Director (Technical) Public Health Engineering Department.
12. Tariq Mehmood, SDO Public Health Engineering Department, Sub Division Jamrud, Khyber.
13. Muhammad Zubair Khan, SDO Public Health Engineering Department, Sub Division Lachi Kohat.
14. Atta ur Rehman, SDO Public Health Engineering Department, Sub Division, Chakdara Dir Lower.
15. Shahab Khan, SDO Public Health Engineering Department, Sub Division Khar Bajaur.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 157/2024

Dated 15/08/2024

..... Respondents

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDANTS NO. 1, 2, 4 & 5.

PRELIMINARY OBJECTIONS:

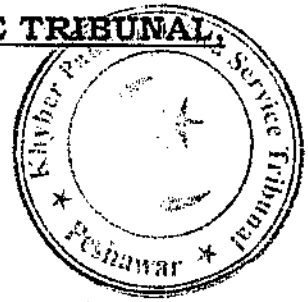
1. That the appellant has no cause of action / locus standi.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the present appeal in hand is not maintainable in its present form and also in the present circumstances of the issue.
4. That the present appeal is liable to be dismissed with cost for miss joinder / non joinder of necessary parties.
5. That the appellant has filed the instant appeal on malafide motives.
6. That the instant appeal is against the prevailing laws and rules.
7. That the appellant is estopped by his own conduct to file the present appeal.
8. That the instant appeal is badly time-barred.

RESPECTFULLY SHEWETH,

1. Pertains to record. Hence no comment.
2. Pertains to record. Hence no comment.
3. Incorrect and misconceived. Hence Denied.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.



Service Appeal No. 157 /2023

Engineer Muhammad Ishaq, Planning Officer-II, Public Health Engineering, Department.....(Appellant)

VERSUS

1. The Secretary Public Health Engineering Department.
2. Section Officer Establishment Public Health Engineering Department.
3. Section Officer Finance Public Health Engineering Department.
4. Chief Engineer (Center) Public Health Engineering Department.
5. Chief Engineer (South) Public Health Engineering Department.
6. Syed Azam Shah, S.D.O, P.H.E, Department, Takht Bhai, Mardan.
7. Shehzad Khan, SDO, Batkhela, Malakand.
8. Attaullah, S.D.O, Public Health Engineering Department, Matta-II, Sawat-II.
9. Mazhar Khan S.D.O, Public Health Engineering Department, Miran Shah, North Wazistan.
10. Zia-urRehman, S.D.O, Public Health Engineering Department, Sub Division No. 2, Nowshera.
11. Wisal Khan, Assistant Director (Technical) Public Health Engineering Department.
12. Tariq Mehmood Ahmad, S.D.O, Public Health Engineering Department, Sub Division Jamrud, Khyber.
13. Muhammad Zubair Khan, S.D.O, Public Health Engineering Department, Sub Division Lachi Kohat.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

157/2024, Engr. M. Ishaq vs Govt of Pk ^{Annex B} (7)

17 April, 2024 1. Appellant in person present. Mr. Umair Azam, Additional Advocate General present. Learned counsel for private respondents No. 6 to 10 and 12 to 15 present.

2. On the previous date, last chance was given to the respondents for submission of written reply/comments but today nobody is present on behalf of the official respondents No. 1 to 5 nor their written reply/comments have been submitted, hence, placed ex-parte. To come up for arguments on 10.06.2024 before D.B. P.P given to the parties.

Adnan Shah, P.A.

(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 18/4/24
Number of Vols 1 P
Copying Fee 5/-
Urgent 5/-
Total 5/-
Name of Copy 22/4/24
Date of Copy 22/4/24
Date of Delivery of Copy 22/4/24

Certified to be true copy
22/4/24
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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14. Atta Tur Rehman, S.D.O, Public Health Engineering Department, Sub Division, Chakdara, Dir Lower.
15. Shahab Khan, S.D.O, Public Health Engineering Department, Sub Division, Khar Bajaur.....(Respondents)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE FINAL SENIORITY LIST OF ASSISTANT/ SUB DIVISIONAL OFFICERS (BPS-17) OF PUBLIC HEALTH ENGINEERING DEPARTMENT, KHYBER PAKHTUNKHWA, STOOD ON 11/01, 2023, WHEREAS, NOTIFIED/ ISSUED THROUGH S.O. (ESTT)/ PHE/ B-77/2021, DATED 24/07/2023 AND AGAINST NOT CONSIDERING DEPARTMENTAL REPRESENTATION OF THE APPELLANT DATED 22/08/2023.

Respectfully Sheweth:

1. That appellant was initially inducted in the department in year 2013 as Sub-Engineer (BPS-12). (Appointment letter is attached as annexure "A").
2. That after completion of his B.Sc, Civil Engineering Degree, appellant's name was included in his seniority list of in service graduate Sub Engineers List, while, according to prevailing rules of P.H.E

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar