


FORM OF ORDERSHEET

Court of _____

Misc. application No. 271/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	01/04/2024	<p>The Misc. application in Appeal No. 245/2023 submitted today by respondent no.5 through Akram Jan Advocate. It is fixed for hearing before touring Division Bench at A.Abad on 22.04.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p style="text-align: right;"> REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

Appeal No. 245/2023.

MISC. Appli. No. 271/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12014

Dated 01-04-2024

Abdul Haleem Khan

S/O Abdur Razaq Khan

Assistant Public Prosecutor (BPS-17), Office of the District Prosecutor,
Chitral Lowerl.

VERSUS

Haras Khan S/O Khalid Khan Assistant Public Prosecutor (BPS-17), Office
of the District Prosecutor, Abbottabad

Subject:

**APPLICATION FOR SET ASIDE EX-PARTY
PROCEEDING DATED 20.06.2023 ON BEHALF OF
APPLICANT/RESPONDENT NO. 05.**


Respected sheweth:

1. That the above titled appeal was pending for adjudication before this honourable court and has been proceeded ex-party against the applicant/defendant No. 05 on dated 20-06-2023 due to non-appearing.
2. That the applicant/respondent No. 05 was never aware of the present appeal which has been instituted in this honourable Tribunal, the respondent No. 05 received telephonic information from a friend about the appeal someday before the hearing dated 22-01-2024, that the applicant/respondent No. 05 had never received any summon or notice in respect of the appeal because the applicant/respondent No. 05 is working as Assistant Public Prosecutor at District Chitral Lower which is far away from this honourable Tribunal.
3. That non appearance of the respondent No.5 is not intentional but due to on aware about the subject appeal.
4. That the instant application is well within time.

22-04-2024

5. That it is required by law and demand of justice to set aside ex-parte proceeding in the best interest of justice.

It is therefore, most humbly prayed that on acceptance of this application the ex-parte order dated 20-06-2023 may very graciously be set aside and the applicant/Respondent No.5 may kindly be allowed to join the proceeding.


HIL 

Applicant/Respondent No. 05

Abdul Haleem Khan
Assistant Public Prosecutor
Chitral Lower

Dated: _____

Through


Akram Jan
Advocate Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

Appeal No. 245/2023.

Abdul Haleem Khan

VERSUS

Haras Khan

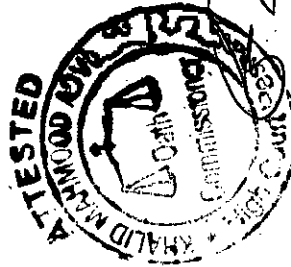
AFFIDAVIT:

I, Abdul Haleem Khan S/o Abdur Razaq Khan R/O Parwak Upper Chitral Applicant do hereby verify and declare on Oath that all the contents of the **Subject Application; are true and correct to the best of my knowledge and belief.**

Hik Abdul K

Deponent

C.N.I.C No.15202-9152551-7



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**IN THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**



Haras Khan s/o Khalid Khan Assistant Public Prosecutor (BPS-17) Office of District Public, Abbottabad.

.....APPELLANT

VERSUS

29/80
16-1-2023

1. Director General Prosecution Khyber Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department Peshawar.
3. Govt. Of Khyber Pakhtunkhwa through Chief Secretary KPK, Peshawar
4. Inran Hussain Assistant Public Prosecutor (BPS-17), office of the District Public Prosecutor Nowshera.
5. Abdul Haleem Khan Assistant Public Prosecutor (BPS-17), office of the District Public Prosecutor Chitral Lower.
6. Sameen Khan Assistant Public Prosecutor (BPS-17), office of the District Public Prosecutor Charsada
7. Khalid Hussain Assistant Public Prosecutor (BPS-17), office of the District Public Prosecutor Mardan
8. Mudassar Hussain Assistant Public Prosecutor (17), Office of District Public Prosecutor D.J.Khan.
9. Naid Wali Assistant Public Prosecutor on Deputation on Law Department on 03.10.2019. *Se. A.*
10. Muhammad Shahab Alam Shah Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor D.I Khan
11. Hidayat Ullah Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Chitral Lower.
12. Nisar Ahmed Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Orakzai.
13. Ashraf Ali Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor, Shangla.
14. Muhammad Inran Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Peshawar.
15. Muhammad Javed Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Malakand.

TESTED
[Signature]
EX-MINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Muhammad Bilal Khan Assistant Public Prosecutor (BPS-17), Office of District Public Prosecutor Kohat.

...RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT FOR CORRECTION OF FINAL SENIORITY LIST NOTIFIED VIDE NOTIFICATION No.SO(PROSECUTION)/HD/ SENIORITY LIST APPs/1-27/2022/DATED 01.09.2022

Respectfully Sheweth;-

FACTS:

1. That, the date of entry of appellant in Prosecution Service is 05.11.2016 as Assistant Public Prosecutor (BPS-17). (Copy of appointment letter is annexed as annexure "A").
2. That date of entry into Prosecution Service of respondents No 4 to 16 as Assistant Public Prosecutor (BPS-17) is year 2017 and 2018 respectively.
3. That appellant is senior to respondents No.4 to 16 as appellant joined Service in year 2016 whereas respondents joined Prosecution Service in year 2017 and year 2018.
4. That respondent No.2 vide Notification No.SO(Prosecution)/HD/SeniORITY List APPs/1-27/2022/ dated 01.09.2022 notified Final SeniORITY List wherein

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

27.04.2023

Appeal No. 245/2023
Haras Khan vs Govt

Appellant in person present. Mr. Asif Mehmood,

Senior Public Prosecutor alongwith Mr. Asad Ali Khan,

Assistant Advocate General for official respondents No. 1

to 3 present. None present on behalf of private respondents

No. 4 to 16.



Representative of official respondents No. 1 to 3

seeks time for submission of reply/comments. Notice be

issued to private respondents and to come up for reply as

well as preliminary hearing on 20.06.2023 before the S.B

at Camp Court Abbottabad. Parcha peshi given to the

parties.

SCANNED
KIST
Peshawar

Naeem Amin

(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

20th June, 2023

1. Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Asim Mehmood, Senior Public Prosecutor for official respondents No. 1 to 3 present. Private respondent No. 12 in person present. Despite service, nobody present on behalf of private respondents No. 4 to 11 and 13 to 16, hence, placed ex-parte.

2. Written reply on behalf of official respondents No. 1 to 3 have already been submitted which is found placed on file. Private respondent No. 12 seeks time for submission of written reply. Last chance is given. Adjourned. To come up for written reply as well preliminary hearing on 25.06.2023 before S.P at camp court, Abbottabad. P.P given to the parties.

Certified to be true copy

Kaleemullah

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Rashida Bano)
Member (J)
Camp Court, Abbottabad

