

C.M No 286/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of
Service Appeal No. 1404/2023
2. Najam Hussain Abbasi, Superintendent, District Jail, Mansehra.

..... (Applicant/Respondent No.5) **Khyber Pakhtunkhwa Service Tribunal**

VERSUS

Diary No. 12188

Mr. Sahibzada Muhammad Qaiser AIG Prisons, (RPO) Peshawar
..... (Appellant)

Dated 15/4/24

SUBJECT: Application on behalf of Respondent No.5 for setting aside the Ex-parte proceedings due to non-appearance.

Respectfully Sheweth:-

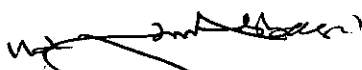
4. That the above mentioned case is pending before this august court which is fixed for to-day.
5. That this august court was pleased to initiate the ex-parte proceeding against the applicant/defendant due to non-appearance.
6. That the applicant/defendant No.10 approaches this august court for setting aside ex-parte proceeding on the following grounds.

GROUND


- e. That the applicant/respondent attended the honorable tribunal on previous date i.e. 28-02-2024 but erroneously was marked absent and declared ex-parte.
- f. That the application is within time and there is no legal impediment in allowing the instant application.
- g. That the application is bona fide and this august tribunal has got ample power to allow the instant application.
- h. That it is well established principle of law that the matter shall be decided on merits.

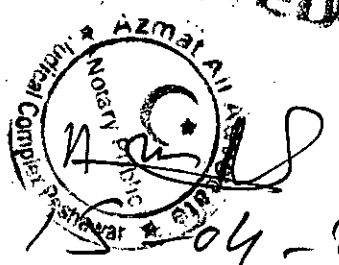
Prayer:

It is therefore most humbly prayed that the application be allowed to meet the ends of justice.


NAJAM HUSSAIN ABBASI
SUPERINTENDENT DISTRICT JAIL
(APPLICANT/RESPONDENT # 05)

I, Najam Hussain Abbasi, Superintendent District Jail, Mansehra do hereby solemnly affirm and declare that the content are true and correct to the best of my knowledge.

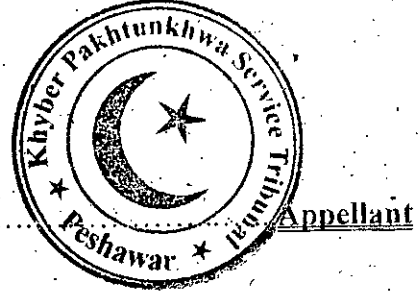

NAJAM HUSSAIN ABBASI
SUPERINTENDENT DISTRICT JAIL
(APPLICANT/RESPONDENT # 05)

ATTESTED

15-04-2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 1406 /2023

Sahibzada Muhammad Qaiser,
S/o Sahibzada Muhammad Faridoon,
R/o Village Kota Tehsil & District Swabi presently,
AIG Prisons, RPO, Peshawar.....



VERSUS

1. The Inspector of Prisons Khyber Pakhtunkhwa
Civil Secretariat, Peshawar.
2. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department,
Civil Secretariat, Peshawar.
3. Mr. Umair Khan,
AIG/Superintendents District Jail/Deputy
Commandant.
4. Mr. Amin Shoaib,
AIG/Superintendents District Jail/Deputy
Commandant.
5. Mr. Najam Hussain Abbasi,
AIG/Superintendents District Jail/Deputy
Commandant,
Respondents No.3-5 through Respondent No.1.....Respondents

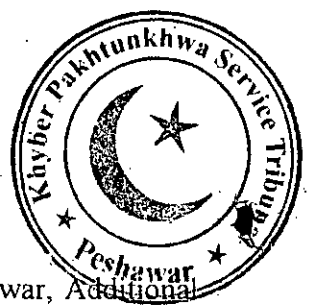
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED FINAL SENIORITY LIST OF BPS-17 OFFICERS NOTIFIED VIDE NOTIFICATION DATED 17.05.2021 COMMUNICATED TO THE APPELLANT ON 18.01.2023 VIDE WHICH RESPONDENT NO.3-4 BEING JUNIORS TO THE APPELLANT WERE PLACED SENIOR TO THE APPELLANT IN VIOLATION OF THE LAW AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL APPEAL BUT THE SAME WAS NOT RESPONDED.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

15-4-24

Appeal No. 1404/2023
Sahibzada M. Qaisar vs Govt



28.02.2024. 1. Clerk to counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General for official respondents present. Private respondent No. 4 in person present. None present on behalf of private respondents No. 3 & 5, hence they are placed ex-parte.

2. Reply/comments on behalf of official respondents have already been submitted. Reply/comments on behalf of private respondent No. 4 are still awaited. Private respondent No. 4 seeks time to submit reply/comments. Granted. To come up for reply/comments of private respondent No. 4 on 15.04.2024 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

Kamranullah

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15-4-24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar