

BEFORE THE HON'BLE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR

CM No. 642 /2024

IN

Service Appeal No. 430/2024

The Secretary to Govt. of KP,
Finance Department & others

.....

Appellant

Versus

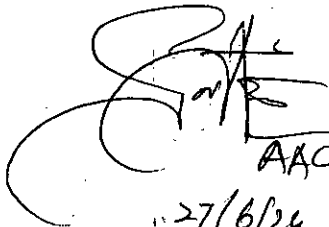
Ahmad Khan, Programmer (B-17)
Advocate General Office, KP

.....

Respondents

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AAG
27/6/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

C.M No. 642/2024

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 13818

Dated 27-06-2024

IN

Service Appeal No.430/2024

1. The Secretary to Govt. of KP, Finance Department, Civil Secretariat, Peshawar.
2. The Secretary to Govt. of KP, Law Parliamentary Affairs & Human Rights Department, Civil Secretariat, Peshawar.
3. The Advocate General, Khyber Pakhtunkhwa, Peshawar High Court, Peshawar.

Appellant

Versus

Ahmad Khan, Programmer (BPS-17), Advocate General office Khyber Pakhtunkhwa, Peshawar.

Respondent

**APPLICATION FOR SETTING ASIDE EX-PARTE PROCEEDINGS DATED
12/06/2024 IN THE ABOVE TITLED CASE.**

Respectfully Sheweth:-


1. That the above titled Service Appeal is pending for adjudication before this Hon'ble Tribunal which is fixed for further proceedings on 05/09/2024.
2. That beside the titled case, another Service Appeal No.617/2024 (Manzor Hussain vs Govt. of KP) was also pending before this Hon'ble Tribunal which was fixed for hearing on 12/06/2024. Applicant attended the Tribunal and was marked present vide Order Sheet dated 12/06/2024. **(Copy of Order Sheet dated 12/06/2024 is annexed as "A")**
3. That the titled case was also fixed for hearing on 12/06/2024 but at the time of calling of the titled case, the Applicant was engaged in Service Appeal No. 617/2024 and when came back to Court of Hon'ble Chairman, he was informed that ex-parte proceedings have been initiated. **(Copy of Order Sheet dated 12/06/2024 is annexed as "B")**
4. That absence of the Applicant was not willful and intentional but was due to the reasons mentioned above. Moreover, the Applicant/ Respondent will attend this Honorable Tribunal regularly.
5. That since huge Government interest is involved in the titled case and if the Applicant is not given proper opportunity of hearing, the Applicant/Government would suffer extreme irreparable loss.
6. That law favors adjudication of cases on merits rather than on technical grounds and there is no legal impediment on acceptance of the instant application.
7. That apart from the above mentioned submissions; the Counsel for the Applicant may kindly be allowed to raise additional grounds at the time of arguments with the permission of this Hon'ble Court.

It is, therefore, most humbly requested that on acceptance of this application, Ex-parte proceedings dated 12/06/2024 may kindly be set aside and the Applicant/Respondent be allowed to participate in the proceeding, in the best interest of justice. On behalf of Umair Azam Khan.


(Umair Azam Khan)

Additional Advocate General,
Services Tribunal

Khyber Pakhtunkhwa, Peshawar.

on behalf of Umair Azam Khan.


BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

Service Appeal 430/2024

The Advocate General, KP & Others.

Respondents

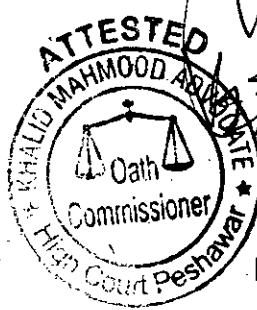
VERSUS

Ahmad Khan

Appellant

AFFIDAVIT

I, Umair Azam Khan, Additional Advocate General, Services Tribunal, Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal. on behalf of Umair Azam Khan.



(Umair Azam Khan)
Additional Advocate General,
Services Tribunal,
Khyber Pakhtunkhwa, Peshawar
CNIC # 17301-4884245-9
Mob # 0300-9827239

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No 430 / 2024



Ahmad Khan Programmer (BPS-17)
Advocate General's Office
Khyber Pakhtunkhwa, Peshawar

..... APPELLANT

VERSUS


1. The Secretary to Govt of Khyber Pakhtunkhwa Finance Department, Civil Secretariat Peshawar.
2. The Secretary to Govt of Khyber Pakhtunkhwa Law & Parliamentary Affairs and Human Rights Department, Civil Secretariat Peshawar.
3. The Advocate General, Khyber Pakhtunkhwa, Peshawar High Court Building Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED LETTER OF FINANCE DEPARTMENT VIDE NO. SO SOSR-IV/FD/1-6/2021/LAW DEPTT: DATED 01/02/2024 AND LAW DEPARTMENT LETTER NO SO (B&A) (LD) 15-2-/2023-24/ 2302 DATED 15/02/2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR INCREASING THE JUDICIAL AND UTILITY ALLOWANCES FROM 30% TO 100% WERE REGRETTED WITHOUT ANY JUSTIFICATION.

PRAYER:-

That on acceptance of this Service Appeal, the order of Finance Department vide letter No So SOSR-IV/FD/1-6/2021/Law Deptt: dated 01/02/2024 & Letter of Law Department bearing No SO (B&A) (LD) 15-2-/2023-24/ 2302 dated 15/02/2023 may be set-aside being discriminatory and violation of Article 2-A, 4, 9, 25 & 38(e) of the Constitution of Islamic Republic of Pakistan, 1973 and the appellant may kindly be allowed for increasing in judicial allowance as well as utility allowance from 30% to 100% with all back benefits. Any other remedy, which this Honourable Tribunal deem fit may also be granted in favour of the appellant.

ATTESTED
BY: 
OFFICER-IN-CHARGE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appel No. 430/2024
Ahmad Khan vs Govt

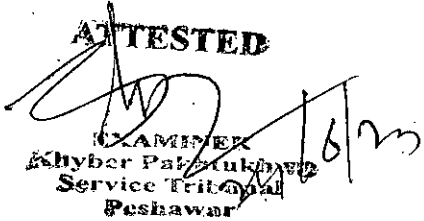
12th June, 2024

1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General present.
2. Despite service through TCS, neither respondents are present before the Tribunal nor reply has been submitted, therefore, they are placed ex-parte. Be placed before the D.B for ex-parte arguments on 05.09.2024. Parcha Peshi given to Additional Advocate General.



(Kalim Arshad Khan)
Chairman

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Naeem Amin

Date of Presentation of Application 24-6-24
Number of Words Page 2
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