

CM. 28/7/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No. 1405/2023

1. Najam Hussain Abbasi, Superintendent, District Jail, Mansehra.

..... (Applicant/Respondent No.5)

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 12189

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

Dated 15/4/24

.....(Appellant)

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

Respectfully Sheweth:-


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

GROUND


- a. 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.
- b. That the application is within time and there is no legal impediment in allowing the instant application.
- c. That the application is bona fide and this august tribunal has got ample power to allow the instant application.
- d. That it is well established principle of law that the matter shall be decided on merits.

Prayer:

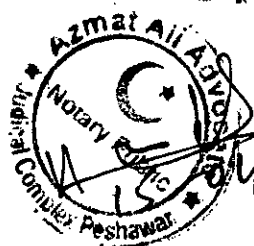
It is therefore most humbly prayed that the application be allowed to meet the ends of justice.


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)

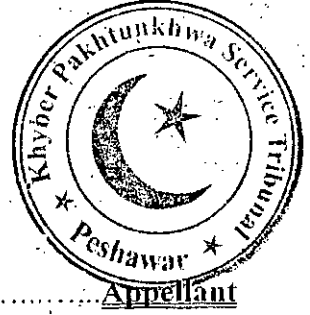
ATTESTED



2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1405 /2023



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

Appellant

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-18 OFFICERS CIRCULATED VIDE LETTER DATED 29.12.2022 WHEREBY THE APPELLANT HAS BEEN PLACED AT SERAIL NO.7 INSTEAD OF SERIAL NO.4 AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL APPEAL BUT THE SAME WAS NOT RESPONDED.

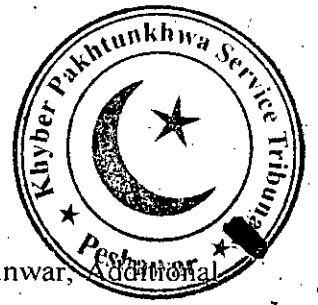
PRAYER:

On acceptance of the instant appeal, the impugned Seniority List dated 29.12.2022 of BPS-18 Officers may graciously be modified by placing the appellant senior to the Respondents No.3-5 being junior.

Certified to be true copy
15/4/24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appal No. 1405/2023

Sahibzada M. Qaiser vs Govt



28.02.2024 1. Clerk to counsel for the appellant present. Mr. Habib Anwar, 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

Date of Presentation of Application 15-4-24
Number of Words Page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copy Shahid
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar