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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Misc. Application No. 348/2024

Diary No. 12640

Appeal No. 1727-23

Dated 08-05-24

1. Shams-ur-Rehman, Junior Clerk BPS-14 District & Session Judge Kurram
2. Muhamamd Younas, Junior Clerk BPS-14 District & Session Judge Kurram
3. Imran Khan, Junior Clerk BPS-14 District & Session Judge Kurram
4. Qaiser Abbas, Junior Clerk BPS-14 District & Session Judge Kurram
5. Muhammad Qasim, Junior Clerk BPS-14 District & Session Judge Kurram
6. Gul Zaman, Junior Clerk BPS-14 District & Session Judge Kurram
7. Fazal Haq, Khurshid Ali, Junior Clerk BPS-14 District & Session Judge Kurram

Versus

~~_____~~ *Omniaz Hussain*

APPLICATION FOR SETTING ASIDE EX-
PARTEE PROCEEDINGS AGAINST
RESPONDENT NO.6 TO 12 DATED
20.11.2023

RESPECTED SHEWETH:-

- 1) That the above titled service appeal is pending before this Hon'ble Services Tribunal Court which is fixed for i.e 27.05.2024 before D.B.
- 2) That the respondent No.6 to 12 neither received any notice / summon of this Hon'ble Tribunal, respondents could not be served properly.

- 3) That the respondent No.6 to 12 got knowledge about instant appeal through official respondents on 25.04.2024 that the next date fixed for the instant appeal is 30.04.2024.
- 4) That after getting knowledge from official respondents regarding the instant service appeal the petitioners / respondents No.6 to 12 appear before this Hon'ble Court on 30.04.2024, whereby the petitioners came to know that ex-parte proceeding has been initiated against the petitioners/respondent No.6 to 12 on 20.11.2023. (Copy of order sheet dated 20.11.2023 is attached).
- 5) That from the date of knowledge the instant application is within time.

It is therefore, most humbly prayed that the case may kindly be decided on merit of given full opportunity of hearing and the ex-parte proceeding may kindly be set aside.

Dated: __/05/2023

Gul Zaman

Respondent No.6 to 12

Through

Kabirullah Khattak

& *Roeeda Khan*

Advocates High Court Peshawar.

AFFIDAVIT

I, Gul Zaman Junior Clerk BPS-14 power of attorney (Respondent No.6 to 12), do solemnly hereby affirm and declare on oath that the contents of this application are correct and nothing has been concealed or misstated from this Hon'ble Tribunal.



Gul Zaman

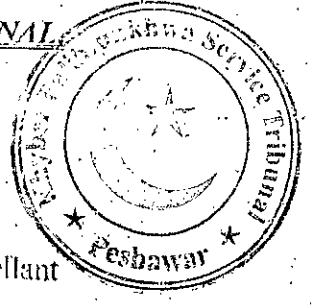
DEPONENT.

24

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SA No: 1727 /2023



Intiaz Hussain son of Sajjad Hussain
Junior Clerk BPS-11 District Judiciary Kurram
R/o Chinar Kaley, Alizai Lower, Kurram District Appellant

Versus

- 1) Departmental Promotion Committee, District Judiciary through its Chairman, District and Sessions Judge, Kurram District.
- 2) Ijaz-ul-Haq Awan/ Member DPC/ Additional District and Sessions Judge, Lower Kurram.
- 3) Sayed Fazal Wadood/ Member DPC/ Additional District and Sessions Judge, Orakzai.
- 4) Muhammad Aaqib/ Member DPC/ Senior Civil Judge, Kurram.
- 5) Reporting Officer/ Additional District and Sessions Judge, Kurram District (Mr.Sultan Hussain (retd)
- 6) Shams-ur-Rehman, Junior Clerk BPS-14
- 7) Muhammad Younas, Junior Clerk BPS-14
- 8) Imran Khan, Junior Clerk BPS-14
- 9) Qaiser Abbas, Junior Clerk BPS-14
- 10) Muhammad Qasim, Junior Clerk BPS-14
- 11) Gul Zaman, Junior Clerk BPS-14
- 12) Fazal Haq, Khurshid Ali, Junior Clerk BPS-14..... Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE DECISION OF
DEPARTMENTAL PROMOTION COMMITTEE/
RESPONDENTS DATED 21.05.2022 WHEREBY
THE APPELLANT WAS DEFERRED FROM
PROMOTION WITHOUT ANY REASON OR
JUSTIFICATION.

Respectfully submitted;

1. That the petitioner being bonafide resident and fully qualified was duly appointed as Junior Clerk in BPS-11 vide office order of respondent No.1 dated 16.05.2019. (Copy of the appointment order is annexure A)

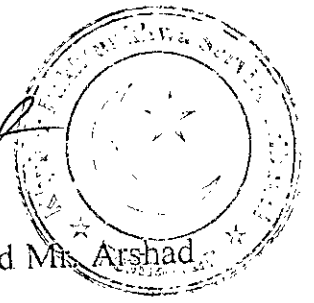
ATTESTED

06/05/24

A. No. 1727/2023

(4)

Imtiaz Hussain vs Govt



30th Apr. 2024

1. Learned counsel for the appellant and Mr. Arshad Azam, Assistant Advocate General present.
2. Despite last chance and imposition of cost, reply of official respondent is still awaited and nobody is present on behalf of official respondent, hence, placed ex-parte. To come up for arguments on 27.05.2024 before D.B. P.P given to appellant's counsel.

(Kalim Arshad Khan)
Chairman

*Mutazem Shah *

Date of Presentation of Application 06-05-24
 Number of pages = 6
 Copies 30/-
 Urgent ✓
 Total 35/-
 Name Shahzad
 Date of 06-05-24
 Date of Delivery 06-05-24

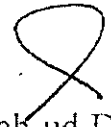
Certified to be true copy

 06/5/24
 Mr. Arshad
 Assistant Advocate General

13.02.2024

Appellant in person present. Mr. Muhammad Jan, District Attorney for official respondents present and requested that he is going to contact the respondents and that the reply/comments shall be submitted on the next date. Absolute last opportunity granted. To come up for written reply/comments on 05.03.2024 before the S.B. Parcha Peshi given to the parties.

RECEIVED
13.02.24
SCANNED


(Salah-ud-Din)
Member (J)

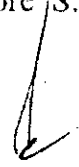
Naem Amin

05.03.2023

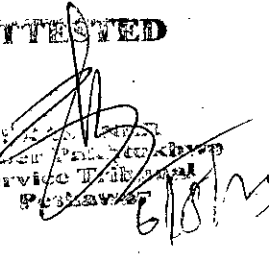
1. Appellant in person present. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of reply/comments. Last opportunity is extended subject to cost of Rs. 2000/-. Adjourned. To come up for reply/comments as well as preliminary hearing on 30.04.2024 before S.B. P.P given to the parties.

ATTESTED


(Muhammad Akbar Khan)
Member (E)

Kamranullah


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(6)

21st Dec, 2023

1. Appellant in person present. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of reply/comments. To come up for reply/comments on 11.01.2024 before S.B. P.P given to the parties

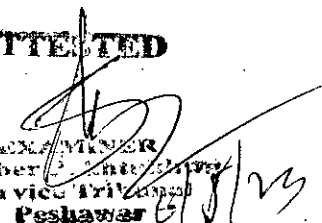
(Muhammad Akbar Khan)
Member (E)

kamranullah


11.01.2024 1. Appellant in person present. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of reply/comments. Last opportunity is granted. To come up for reply/comments on 13.02.2024 before S.B. P.P given to the parties

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

kamranullah


(Muhammad Akbar Khan)
Member (E)

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05th Oct. 2023

01. Learned counsel for the appellant present and heard.

02. Point raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to the respondents through TCS the expenses of which shall be deposited by the appellant within 03 days.

SCANNED
KPST
Peshawar

To come up for reply/comments on 20.11.2023 before the S.B. Parcha Peshi given to learned counsel for the appellant.

(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

20.11.2023 1. Learned counsel for the appellant present. Mr. Asad Ali Khan learned Assistant Advocate General for official respondents present. Nobody present on behalf private respondents No. 6 to 12, hence placed *ex-parte*.

2. Written reply on behalf of respondents not submitted. Learned Assistant Advocate General sought time for submission of written reply. To come up for written reply/comments on 21.12.2023 before S.B. P.P given to the parties.

ATTESTED

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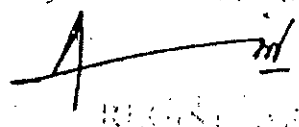
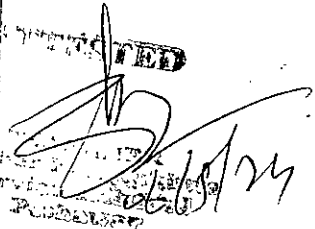

(Rashida Bano)

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FORM OF ORDER SHEET

Court of _____

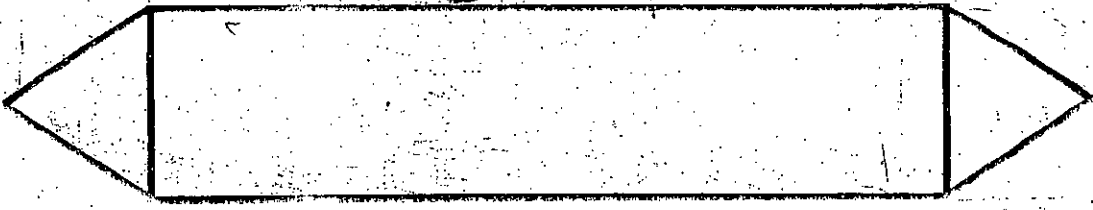
Appeal No. 1727/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1		
1-	22/08/2023	<p>The appeal of Mr Intiaz Hussain is re-submitted to lay by Mr. Jehangir Khan Mohmand Advocate. It is fixed for preliminary hearing before Single Bench on _____ 28-08-2023.</p> <p>By the order of Chairman</p> 
28 th Aug, 2023		<p>1. Learned counsel for the appellant present.</p> <p>2. Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Adjourned. To come up for preliminary hearing on 05.10.2023 before S.B. P.P given to the learned counsel for the appellant.</p>   <p>(Kalim Arshad Khan) Chairman</p>

SCANNED KPST Peshawar

SCANNED KPST Peshawar

Adnan Shah



2024 منجانب
No 6-5012 بنام

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام **سجاد** کیلئے لیکچرر ایف ڈی کے لئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز ایف ڈی کے لئے صاحب کو راضی نامہ کرنے کے تقرر ثالث و فیصلہ پر حلف دینے جو اب ذہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی بربادگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ ہوں گے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 8 1 8 20

المقام **سجاد** و اب الیہ
Acceptance
مقام **سجاد**