

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152

E-Mail:dsjlakki@yahoo.com

No 2880 /DSJ/L.M

Dated 23 /07/2024

AUTHORITY LETTER.

Subject: **SUBMISSION OF JOINT APPLICATION FOR SETTING ASIDE THE ORDER DATED 22-05-2024 ON BEHALF OF THE APPELLANTS NO.01 AND 02 WHEREBY THE APPELLANTS WERE PLACED EX-PARTE.**

Mr.Taj Muhammad, Accountant (BPS-16) of this office is hereby deputed and authorized to submit the joint application alongwith supporting documents on behalf of the appellants No.01 and 02 in connection with subject purpose in the Service Appeal No.2460/2023 titled "Muhammad Suleman Yousaf.....Vs.....D&S.J, Lakki Marwat etc" before the Khyber Pakhtunkhwa Service Tribunal, Peshawar on 24-07-2024 as fixed in the said service appeal.

(Kashif Nadeem)

District & Sessions Judge,

Lakki Marwat.

Endst No: 2881-82 /DSJ/L.M,

Dated Lakki 23/07/2024.

Copy forwarded to

1. The Registrar Peshawar High Court Peshawar for information please.
2. Mr.Taj Muhammad, Accountant (BPS-16) of this office for compliance.

District & Sessions Judge,

Lakki Marwat.

District & Sessions Judge,

Lakki Marwat

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@Yahoo.com

No. 2877 /DS/L.M

Dated 23 /07/2024

To

**The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Subject: **“JOINT APPLICATION FOR SETTING ASIDE THE ORDER
DATED 22-05-2024 ON BEHALF OF THE APPELLANTS
NO.01 AND 02 WHEREBY THE APPELLANTS WERE
PLACED EX-PARTE”.**

Reference: **SERVICE APPEAL NO.2460/2023.**

1. District & Sessions Judge, Lakki Marwat.
2. The Registrar, Peshawar High Court, Peshawar.
(Appellants)


Vs

**Mr.Muhammad Suleman Yousaf, Ex-Junior Clerk (BPS-11)
(Respondent)**

Sir,

With reference to the order of Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 22-05-2024 passed in the subject service appeal, whereby the appellants were placed Ex-parte; I have the honour to submit the joint application alongwith enclosures (01+03 sets) regarding setting aside the order dated 22-05-2024 on behalf of the appellants No.01 & No.02 in the subject Service Appeal No.2460/2023 after vetting by the Peshawar High Court, Peshawar for onward submission to the Hon,ble tribunal please.

Yours Faithfully

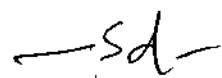

(KASHIF NADEEM)
District & Sessions Judge,
Lakki Marwat

Endst: No. — DSJ/L.M

Dated Lakki the — -07-2024

Copy forwarded for information to

1. The Registrar, Peshawar High Court, Peshawar along with copy of one fair set of the said application for information as directed, please.
2. The Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar for information.


District & Sessions Judge,
Lakki Marwat.

BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

**C. M. No. 774/2024
"Service Appeal No.2460/2023".**

1. District & Sessions Judge, Lakki Marwat.
 2. The Registrar, Peshawar High Court, Peshawar.
- (Petitioners)

Vs

**Mr. Muhammad Suleman Yousaf, Ex-Junior Clerk (BPS-11)
(Respondent)**

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**District & Session Judge
Lakki Marwat**

BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR.

C.M. No. 774/2024
SERVICE APPEAL NO. 2460/2023.

Khyber Pakhtunkhwa
Service Tribunal

Date: 14/6/

Date: 24-07-2024

1. District & Sessions Judge, Lakki Marwat.
2. The Registrar, Peshawar High Court, Peshawar.

(Petitioners)

Vs


Mr. Muhammad Suleman Yousaf, Ex-Junior Clerk (BPS-11)

(Respondent)

JOINT APPLICATION FOR SETTING ASIDE THE ORDER DATED
22-05-2024 ON BEHALF OF THE PETITIONERS NO.01 AND 02
WHEREBY THE APPELLANTS WERE PLACED EX-PARTE.

Respectfully Sheweth,

1. That the above cited case is pending before the Honorable Tribunal and is fixed for hearing on 24-07-2024.
2. That the Departmental Representative, namely Mr. Taj Muhammad B&AA, Lakki Marwat, was sanctioned Station leave for appearance before the Tribunal on 22/05/2024. (Copy of his application is annexed as annexure "A").
3. That the said Departmental Representative on the day of hearing went and attended the proceedings before the Services Tribunal till after rising of the Tribunal at 03:30 PM. (Copy of his attendance certificate is annexed herewith as annexure "B")
4. That, since on the day of hearing comments were to be submitted therefore, the requisite comments were submitted and scanned in the above mentioned service appeal on 22-05-2024 at 09:42 am in the institution branch of the Honorable Tribunal. (Copy of the receipt of comments is attached as annexure "C", whereas copy of the comments mentioning SCANNED is annexure "D")
5. That since the Departmental Representative was present before the Tribunal on the day of hearing, therefore, the absence of the representative of the appellants during calling of the appeal, was not intentional or willful, but due to some misunderstanding probably being busy in submission of comments as per SOPs in institution branch in the Honorable Tribunal.
6. That the representative of the appellants along with Additional Advocate General appeared before the tribunal, when informed of they being marked absent, submitted cogent reason of the absence of representative with excuse, but had already been marked absent. The Departmental representative filed an application for obtaining attested copies of the order sheet of the relevant date, duly signed by Registrar of the tribunal, which also reflects his timely presence before the



District & Sessions Judge
Lakki Marwat

Tribunal on the day of hearing. (Copy of the application for obtaining attested copies is annexure "E").


7. That, since the entire matter is the outcome of some miscommunication or misunderstanding, as is evident from all the reasons and proofs / annexures mentioned above, and no prejudice will be caused to the respondent, if order dated 22-05-2024, is set aside. Rather it would afford an opportunity for the appellants to put forth their side of the case, before this Honorable Tribunal, so, that this Honorable tribunal may reach at the just and proper decision of the case.
8. That the present petition is well within time.

It is therefore, humbly prayed that the ex-parte order dated 22-05-2024 may kindly be set aside in the interest of justice.

Petitioner No.01


(Kashif Nadeem)
District & Sessions Judge,
Lakki Marwat.
District & Session Judge
Lakki Marwat

Petitioner No.02


(Ikhtiar Khan)
Registrar,
Peshawar High Court,
Peshawar.

BEFORE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Reference: SERVICE APPEAL NO.2460/2023.

1. District & Sessions Judge, Lakki Marwat.
 2. The Registrar, Peshawar High Court, Peshawar.
- (Appellants)

Vs

Mr.Muhammad Suleman Yousaf, Ex-Junior Clerk (BPS-11)
(Respondent).

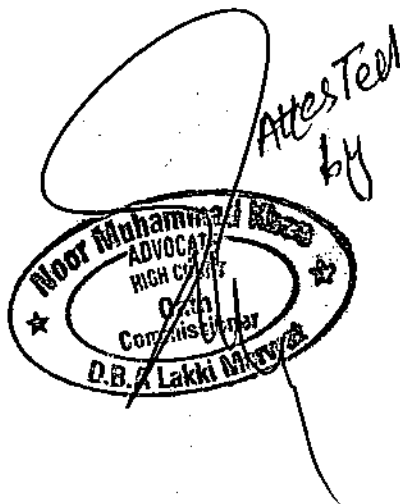
AFFIDAVIT

I, Kashif Nadeem, District & Sessions Judge, Lakki Marwat do hereby declare and affirm on Oath that the contents of application on behalf of appellants are true and correct to the best of my knowledge and belief, and nothing has intentionally or deliberately been concealed or with-held from this Hon'ble Tribunal.

Dated: 23/07/2024.

Deponent No. 01

Attested by



[Handwritten Signature]
District & Sessions Judge
Lakki Marwat.
~~District & Session Judge~~
~~Lakki Marwat~~

"A"

4

Office of the District & Sessions Judge, Lakki Marwat

FORM

(Application for Casual leave up to 4 days by (Staff))

Name of Officer/Official

Taj Muhammad

Designation with place of posting

Accountant to District & Sessions Judge

Leave sought for*

Station Leaves

Days for which Leave required
(For Casual / Station leave only)

No. of days	From	To
01	22-05-2024	22-05-2024

Purpose

Proceeding to Peshawar in connection with appearance in service appeal No.2460/2023 titled: Muhammad Suleman Yousaf Vs D&S.J,Lakki Marwat & others which is fixed before the S.B on 22-05-2024.

Signature of officer

Dated: 21/05/2024

FOR OFFICE USE

No. _____

Dated: _____

Leave Account
(for causal leave only)

Previous Balance	This Leave	Remaining Balance
	Station leave	

Superintendent to D&S.J

Order of the leave
Sanctioning Authority.

DISTRICT & SESSIONS JUDGE

ATTESTED

Examiner to
District & Session Judge
Lakki Marwat

"B"

(5)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

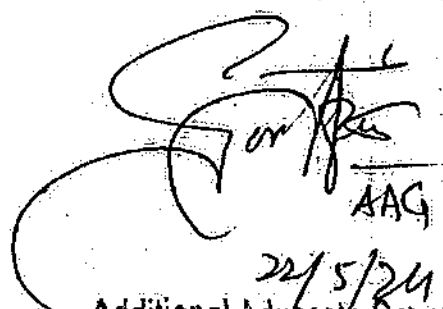
ATTENDANCE CERTIFICATE


This is to certify that Mr. Taj Muhammad, Accountant (BPS-16), Office of the District & Sessions Judge, Lakki Marwat attended this Tribunal Peshawar on 22/05/2024 in connection with appearance as departmental representative in service appeal No.2460/2023 titled "Muhammad Suleman Yousaf Vs District Judiciary" which was fixed before § .B on 22-05-2024 in this tribunal and the requisite comments in the said service appeal also submitted before the tribunal today on 22-05-2024.

The said service appeal is adjourned for the next date 22 / 07 / 2024

Dated: 22/05/2024.

See / Place on file


AAG
22/5/24
Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar


District & Sessions Judge
Lakki Marwat
24/05/2024

ATTESTED

Examiner to
District & Sessions Judge
Lakki Marwat

"C"

6

**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL**

Inst No: 12915

Reply/Comments

2460/2023

MUHAMMAD SALMAN

VS

Judiciary

Advocate: No Advocate

22/05/2024 09:42:24

Hearing Date 22/5/2024

Hearing: Peshawar

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"D"

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DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge, Lakki Marwat

Phone#0969-538150 Fax# 0969-538152 E-Mail:dsjlakki@yahoo.com

No. 1999 /DS/LM

Dated 11 /05/2024

To

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

SCANNED
KPST
Peshawar

Subject: JOINT PARA-WISE COMMENTS ON BEHALF OF
RESPONDENTS NO.01 & 02 IN SERVICE APPEAL
NO.2460/2023

"Muhammad Suleman Yousaf, Ex-Junior Clerk (BPS-11), District Courts,
Lakki Marwat" (Appellant).

VS

1. District & Sessions Judge, Lakki Marwat.
2. The Registrar, Peshawar High Court, Peshawar. (Respondents).

Sir,

With reference to your office notice/letter dated 14-02-2024 on the subject noted above and in pursuance to the instructions contained in letter bearing No.3717/Admn, dated 07-05-2024 issued by the Hon'ble Peshawar High Court, Peshawar; I have the honour to submit the joint para-wise comments alongwith enclosures (01+03 sets) in the subject Service Appeal No.2460/2023 after vetting by the Peshawar High Court, Peshawar for submission before the Hon,ble tribunal as ordered please.

Yours Faithfully

(KASHIF NADEEM)
District & Sessions Judge,
Lakki Marwat

Endst: No. DSJ/LM
Copy forwarded for information to

Dated Lakki the -05-2024

1. The Registrar, Peshawar High Court, Peshawar with reference to his letter bearing No.3717/Admn dated 11-05-2024 along with copy of one fair set of the said comments for information as directed; please.
2. The Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Peshawar for information.

ATTESTED

Sd -
District & Sessions Judge,
Lakki Marwat.

Examiner to
District & Session Judge
Lakki Marwat

ایس دالت ریجنسٹرار صاحب چیئرمین پیپلز پبلسٹیٹیون انٹرنیشنل ٹریڈنگ کمپنی پشاور

درخواست برائے مصدقہ نقل

2460/2023

اپیل / ایگزیکوٹو / ریٹورنیشن نمبر

محمد سلمان یوسف بنام حکومت

تاریخ (نام)

منسلبہ نقل: فیصلہ کی کاپی / اپیل کی کاپی / آرڈر شیڈ کی کاپی / جواب دعویٰ / مکمل فائنل

1 / 22-5-2024

فیصلہ شدہ تاریخ

22-07-2024

غیر فیصلہ شدہ گزشتہ اور آنے والی تاریخ

DEJ Acct. محمد
L/Mirwat

درخواست گزار کا نام، عہدہ اور دستخط

22-5-2024

تاریخ درخواست

0300-5854209

سویٹل نمبر

Handwritten signature and notes

Handwritten signature and notes


Appeal No. 2460/2023
Mr. Salwan Yusuf is Grant



26.04.2024 01. Clerk of counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General alongwith Taj Muhammad, Accountant for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents requested for further time. Last opportunity is granted. To come up for reply/comments on 22.05.2024 before the S.B. PP given to the parties.


SCANNED
KPST
Peshawar


(Farceha Paul)
Member(I)

Fazle Subhan, P.S.

22nd May, 2024 1. None for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present.

2. On the previous date, last opportunity was granted to the respondents for filing of written reply, but today no representative of the respondents is present nor they submitted written reply, therefore, they are placed ex-parte. To come up for arguments on 24.07.2024 before D.B. P.P given to the parties.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(Kalim Arshad Khan)
Chairman

Date of Presentation of Application 29-5-24
Number of ~~Words~~ page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Co. Shreyansh
Date of Copy 29-5-24
Date of Delivery of Copy 29-5-24

①

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 2468 /2023



Muhammad Salman Yousaf, Ex-Junior Clerk,
District Court, Lakki Marwat.

(APPELLANT)

VERSUS

1. The District & Session Judge, Lakki Marwat.
2. The Registrar Peshawar High Court, Peshawar.

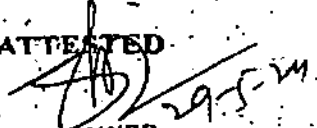
(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 22/08/2022 WHEREIN APPELLANT WAS COMPULSORY RETIRED FROM SERVICE WITH RETROSPECTIVE EFFECT AND AGAINST NOT DECIDING DEPARTMENTAL APPEAL IN THE APPEAL WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER DATED 22/08/2022 MAY KINDLY BE SET-ASIDE AND THE APPELLANT MAY BE RE-INSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar