

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15399

Dated 04.09.24

Misc: Application NO. _____/2024

In

Service Appeal No. 1229/2023

Uzair Khan Vs. Secretary, Health Department & others

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APPLICATION FOR AMENDMENT IN RELIEF FOR CLARITY

Respectfully Sheweth,

1. That the above titled appeal is pending for adjudication and fixed for hearing today i.e. on 4-09-2024.
2. That the relief as set out at end of the memorandum of appeal is short to describe the post for appellant's reinstatement, if appeal is allowed.
3. That if the relief sought by the appellant is not appropriately amended for the sake of its clarity, there is likelihood of multiplicity of proceedings, if the appeal is allowed.
4. That reason for the solicited amendment is apparent on the face of memorandum of appeal. In paragraph-2 of the said memorandum, it is clearly stated that the appellant was appointed as Junior Clerk (BPS-11). He annexed the appointment order with the appeal showing his appointment as Junior Clerk. However, he is shown to have been terminated from the post of EPA (Technician) vide order dated 25-10-2019 copy whereof is already annexed is with the appeal. Therefore, differentiation of the post on which he was appointed and of the post from which he is shown to



have been terminated is a necessary to be stated in facts of appeal and to mould the relief accordingly for just decision of the case.

5. That Rule 6((1)(d) of KP Service Tribunal Rules, 1974 speaks about setting out of the relief claimed clearly and this Hon'ble Tribunal is vested with additional powers under Rule 27 of ibid Rules to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal. The deficiency in pleadings as discussed herein before makes out a fit case for exercise of powers under said rule.
6. Further submissions will be made at the time of arguments.

It is respectfully prayed that solicited amendment in memorandum of appeal may graciously be allowed for the sake of justice and equity.

Applicant

Through


Ahmad Sultan Tareen

Mudassir Ali

Shabaz Khan
Advocates High Court.

AFFIDAVITE

I, Uzair Khan S/o Gohar Ali R/o Dag Kalay, Warsak Road, Peshawar, do solemnly affirmed and declare on oath that the contents of **Application** on behalf of respondent are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Court.


Deponent

WAKALATNAMA

(Power of Attorney)

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

.....Uzair Khan.....

(Petitioner)
(Plaintiff)
(Applicants)
(Appellant)
(Complainant)
(Decree Holder)


VERSUS

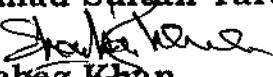
.....Govt of KPK.....

(Respondent)
(Defendants)
(Accused)
(Judgment Debtor)

I, the undersigned (Appellant) in the above noted (S.A 1229/23), do hereby appoint and constitute Ahmad Sultan Tareen & Shabaz Khan Advocates, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted.


Ahmad Sultan Tareen


Shabaz Khan

Advocates, Peshawar

Office No. TF-338-339, Deans Trade Center, Islamia Road,
near FC Chowk, Peshawar Cantt.

Cell # 0333-9434837

BC No.

CNIC: 162019157388-1

Mudassir Ali 


CLIENT

Uzair Khan S/o Gohar Ali
R/o Dag Kalay, Wassak
Road Peshawar.