

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

CM no. 2024

in

Appeal no. 732/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15464

Dated 05.09.24

SAJJAD ALI

VERSUS

GOVT OF KHYBER PAKHTUNKHWA AND OTHERS

APPLICATION UNDER ORDER 9 RULE 7, CPC FOR SETTING ASIDE

EX-PARTE ORDER DATED 05-07-2024 ON BEHALF OF THE

RESPONDENTS NO. 05 TO 27

RESPECTFULLY SHEWETH,

That the applicants are law abiding citizen and are private respondents in the above titled appeal

1. That the above titled appeal is pending before this Hon'ble Tribunal and is fixed for today i.e. 05-09-2024

2. That the applicants were proceeded ex-parte by this Hon'ble Tribunal vide its order dated 05-07-2024. Copy of order dated 05-07-2024 is attached as Annexure-A
3. That the applicants were not in the knowledge of the hearing and the non appearance of the applicants are not intentional nor deliberate.
4. That it will in the interest of justice if the applicants/ private respondents no. 05-27 may so kindly be allowed to proceed with the appeal and the order dated 05-07-2024 may so kindly be set-aside.

It is therefore, humbly prayed that on acceptance of this application, the order dated 05-07-2024 may so kindly be set aside.



Applicants / Respondents No. 05-27

Through



Babar Khan Durrani

Advocate High Court

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

CM no. _____ 2024

in

Appeal no. 732/2024

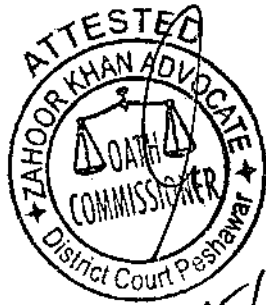
SAJJAD ALI

V E R S U S

GOVT OF KHYBER PAKHTUNKHWA AND OTHERS

Affidavit

I, Waseem Ullah Khan, associate Professor BS-19, Govt College of Commerce No. 02, Ring Road, Peshawar do hereby affirm on oath that the contents of the above application are true and correct to the best of my knowledge and beliefs and nothing has been concealed from this Hon'ble Court.



05/09/2024

A handwritten signature in black ink, appearing to be "Waseem Ullah Khan".

Deponent

(1)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No 732/2024

Sajjad Ali,
Associate Professor Maths,
Government College of Management Sciences Peshawar.

Appellant



VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Director General, Commerce Education & Management Sciences, Khyber Pakhtunkhwa Rano Ghari, Peshawar.
3. Secretary Higher Education, Libraries and Archives Department, Government of Khyber Pakhtunkhwa.
4. Amlin Ullah, Associate Professor, Government College of Management Sciences, Peshawar.
5. Mrs. Rakhshanda Younis, Associate Professor B-19, Government College of Management Sciences Haripur.
6. Muhammad Nazir Shah, Associate Professor B-19, Government College of Management Sciences, Jallozai.
7. Muhammad Tahir, Associate Professor B-19 Government College of Management Sciences Abbottabad
8. Muhammad Yasir, Associate Professor B-19, Government College of Management Sciences Mansehra
9. Wilayat Shah, Associate Professor B-19, Government College of Management Sciences Hangu
10. Naik Muhammad, Associate Professor B-19, Government College of Management Sciences Bunir
11. Bahadar Khan, Associate Professor B-19, Government College of Management Sciences Thana
12. Humayun Akhtar, Associate Professor B-19, Government College of Management Sciences Bannu
13. Sahhi Yar Khan, Associate Professor B-19, Govt Commerce College No.2 Nowshera
14. Hussain Ullah, Associate Professor B-19, Government College of Management Sciences Chitral
15. Waseem Ullah Khan, Associate Professor B-19, Government College of Commerce No. 2, ring road, Peshawar.
16. Shakil Ahmad, Associate Professor B-19, Government College of Management Sciences, Mardan.
17. Munawar Khan, Associate Professor B-19, Directorate General of Commerce Peshawar
18. Farukh Sultan, Associate Professor B-19, Govt. College of Management Sciences, Charsadda.

ATTESTED

S. JAMAL
Secretary
Service Tribunal
Peshawar

2

19. Zarrar Zia Ud Din, Associate Professor B-19, Government College of Management Sciences Kohat
20. Gul Faiz Khan, Associate Professor B-19, Government College of Management Sciences Chitral
21. Kiramat Ullah Khan, Associate Professor B-19, Government College of Management Sciences Jamrud
22. Ikram Ud Din, Associate Professor B-19, Government College of Management Sciences KharBajaur
23. Shoukat Hayat Khan, Associate Professor B-19, Government College of Management Sciences Chitral
24. Tanveer Hussain Shah, Associate Professor B-19, Government Commerce College No. 2 Peshawar
25. Momin Khan, Associate Professor B-19, Government College of Management Sciences Sangota Swat
26. Gohar Rahman, Associate Professor B-19, Government College of Management Sciences Mardan
27. Yasir Muhammad Imran, Associate Professor B-19, Government College of Management Sciences D.I. Khan.

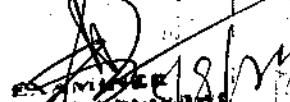
.....Respondents

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ORDER DATED 19-01-2024 (Copy annexed "A"), WHEREBY THE LETTER DATED 20-07-2022 (Copy annexed "B") ACCEPTING THE SENIORITY POSITION OF THE APPELLANT W.E.F THE DATE OF HIS INITIAL APPOINTMENT IN BPS-17 ON 15-05-2007 AND UPDATION / REVISION OF SENIORITY LIST OF ASSOCIATE PROFESSOR (BPS-18) WAS WITHDRAWN AND HIS DEPARTMENTAL APPEAL DATED 29-01-2024 (Copy annexed "C") WAS NOT DECIDED WITHIN THE STATUTORY PERIOD OF LIMITATION.

PRAYER IN APPEAL:

- (a) Directing the Respondent's No. 1 to 3 to set aside the impugned letter dated 19-01-2024, wherein the letter dated 20-07-2022 allowing seniority to the appellant w.e.f his initial date of appointment as Lecturer in BPS-17 on 15-05-2007 and acceptance of his request for updation / revision of seniority list of Assistant Professor (BPS-18) was withdrawn illegally, unlawfully and without any justification.
- (b) Further directing the respondent department to place the appellant at his proper place of seniority above the respondents No. 6 to 28 at serial No. 15 of the seniority list of Assistant Professors (BPS-18) and serial No. 72 of the list of Associate Professors of Government Colleges of Management Sciences / Commerce, Khyber Pakhtunkhwa.

ATTESTED


Secretary
Service Tribunal
Peshawar

SA 731/24



05.07.2024

01. Counsel for the appellant present. Azam, Asstt. AG alongwith Sohrab Khan, Law Officer for respondents No. 1 to 4 present. Nemo for private respondents No. 5 to 27, despite proper service, hence placed ex-parte.

02. Reply/comments on behalf of the official respondents not submitted. Representative of the respondents requested for some time. Granted. To come up for reply/comments on 31.07.2024 before the S.B. PP given to the parties.

SCANNED
KPST
Peshawar

(Farzana Paul)
Member(E)

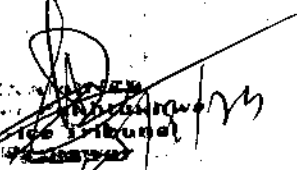
Fazle subhan P.S

31.07.2024

01. Counsel for the appellant present. Mr. Arshad Azam, Assistant AG alongwith Sohrab Khan, Law Officer for the official respondents present.

02. Reply/comments not submitted and request for further time was made. Granted. To come up for reply/comments on 05.09.2024 before the S.B. PP given to the parties.

TESTED


Fazle Subhan PS
Secretary
Service Tribunal

(Farzana Paul)
Member(I)

Fazle Subhan PS

Date of Presentation of Application 05/09/24
Number of Words Pages = 3
Copying Fee 5/-
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