

**BEFOR THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

C.M No. _____/2024

In

Service Appeal No.2319/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16250

Dated 02-10-24

1. Govt. of Khyber Pakhtunkhwa through Secretary, Industries, Commerce and Technical Education, Department, Khyber Pakhtunkhwa Peshawar.
2. Managing Director, KP-TEVTA House No.5-771, Old Bara Road, University Town, Peshawar.
3. Director HR, Khyber Pakhtunkhwa TEVTA, University Road, Peshawar . . . **APPELLANT**

VERSUS

Ahmad Syed, Assistant Professor (Mechanical) Retired,
Govt. College of Technology, Swat. **RESPONDENTS**

**APPLICATION FOR SETTING ASIDE EX-PARTE
PROCEEDINGS AGAINST RESPONDENT NO.2 & 3.**

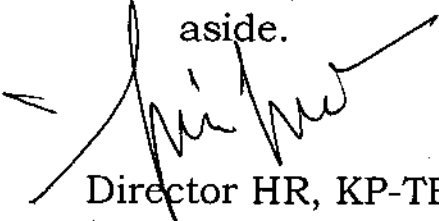
Respectfully Sheweth:

1. That the titled case is pending adjudication before this Hon'ble Tribunal, which is fixed for ex-parte arguments on 01.07.2024.
2. That on 02.09.2024, the case was fixed for submitting/production of the record.
3. That it is pertinent to mention here that the respondents No.2 & 3 have already submitted the requisite record at Peshawar, vide institution No. 14013 dated 05.07.2024.
4. That on last date of hearing i.e 02.09.2024, this Hon'ble Tribunal placed the respondents No.2 & 3 as

ex-parte, due to non-presence nor have produced the record, which they have already submitted on 05.07.2024 at Peshawar.

5. That the absence of the respondents or their representative was neither willful nor intentional but the representative attended the court early morning.
6. That important and valuable rights of the applicants/respondents No.2 & 3 are attached with the instant appeal, and if the ex-parte proceedings are not set aside will suffer irreparable loss.
7. That as per the apex court judgment the cases be decided on merits and technicalities should be avoided.
8. That the application is well within time.
9. That any other ground will be taken at the time of arguments with the permission of this Hon'ble Tribunal.

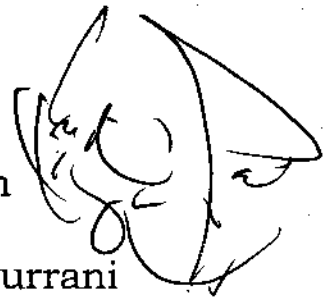
It is, therefore, very humbly prayed that on acceptance of this application, ex-parte proceedings against respondents No.2 & 3 may kindly be set aside.


 Director HR, KP-TEVTA
 (Munir Gul)
 Respondent No. 3
 (Also on-behalf of 1 & 2)

DIRECTOR
 (Admin & HR)

Khyber Pakhtunkhwa TEVTA

Respondent No.2&3

Through 

Ali Gohar Durrani
 Advocate ~~High~~ Court
 Supreme

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2024
In Service Appeal No.2319/2021

Ahmad Syed, Assistant Professor (Mechanical) Retired,
Govt. College of Technology, Swat. . . **APPELLANT**

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary, Industries, Commerce and Technical Education, Department, Khyber Pakhtunkhwa Peshawar.
2. Managing Director, KP-TEVTA House No.5-771, Old Bara Road, University Town, Peshawar.
3. Director HR, Khyber Pakhtunkhwa TEVTA, University Road, Peshawar. **RESPONDENTS**

AFFIDAVIT

I, Mr. Munir Gul, Director Admin & Finance of KP-TEVTA Head Office, Peshawar solemnly affirm and confirm that the requisite documents submitted in the instant case are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this august court.

DIRECTOR
(Admin & HR)
Khyber Pakhtunkhwa TEVTA
Munir Gul

CNIC: 15402-1410487-7
Mob: 03018813030

Identified by
Ali Gohar Durrani
Legal Counsel KP-TEVTA.



July, 2024

Learned counsel for the appellant present Mr. Muhammad Jan, District Attorney for the respondent No. 1 and Mr. Samiullah, Legal Advisor for respondents No. 2 & 3 present.

Requisite record mentioned in order sheet dated 04th March, 2024 has not been submitted by the respondents. Legal Advisor representing respondents No. 2 & 3 seeks further time for production of the said record. He is directed to submit the record mentioned in order sheet dated 04th March, 2024 positively before the next date of hearing at principal seat Peshawar. To come up for arguments on 02.09.2024 before the D.B at Camp Court, Swat. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (Executive)
Camp Court, Swat

(Aurangzeb Khattak)
Member (Judicial)
Camp Court, Swat

2nd Sep. 2024

1. Junior to counsel for the appellant and Mr. Muhammad Jan, District Attorney present.
2. There is no representative present on behalf of the respondents nor have they produced the record, directed to be produced on 04.03.2024. Respondents are, therefore, placed ex-parte. To come up for ex-parte arguments on 07.10.2024 before D.B at Camp Court, Swat. P.P given to the appellant's junior counsel.

(Rashida Bano)
Member (J)
Camp Court, Swat

(Kalim Arshad Khan)
Chairman
Camp Court, Swat

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 2319 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1507

Dated 20/11/2021

Ahmad Syed Assistant Promotion (Mechanical) Retired Govt,
College of Technology, Swat.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary Industries, Commerce and Technical Education, Department, Khyber Pakhtunkhwa Peshawar.
2. Managing Director, KP-TEVTA House no 5-771, Old Bara Road, University Town, Peshawar.
3. Director HR, Khyber Pakhtunkhwa TEVTA, University Road Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, whereas the appellant denied pro forma promotion, against which the departmental Appeal dated 21.09.2020, not responded even after lapse of statutory period of 90 days.

Prayer in Writ Petition:

On acceptance of this appeal the appellant may kindly be considered for pro-forma promotion to the post of Associate Professor BPS-19, the appellant may also be awarded all the arrears and back benefits as from dated when his junior was promoted i.e. 19.04.2019, or from the date of deferment, the inaction of the respondents by not promoting the appellant on pro forma basis to the post of Associate Professor BPS-19 is illegal, unlawful and without lawful authority, or any other remedy which this Hon;able Tribunal deem proper may also be allowed.

Filed to day
20/11/21
Registrar