

①

C.M.# 1156/2024

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

Service Appeal No: 2618/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16543

Dated 09-10-24

Muhammad Akram Khattak, Deputy Ranger,
Wildlife, BPS-11, D.I.Khan.

.....**APPELLANT**

*******VERSUS*******

Sami Ullah Khan S/o Aman Ullah, Wildlife Watcher
BPS-07, Wildlife Division, D.I. Khan R/o VIP Colony,
Bannu Road, Dera Ismail Khan.

.....**RESPONDENTS**

**APPEAL FOR SETTING ASIDE EXPARTE DECREE
DATED 16/09/2024, PASSED BY THIS HON'BLE
COURT AND RESTORING RIGHT OF FILING
PARA WISE COMMENTS.**

Respectfully Sheweth:

- 1) That the above titled appeal was fixed before the Hon'ble Tribunal on 16/09/2024 for submission of Para Wise comments.

- 2) That the Honourable Tribunal ordered against the respondents No. 6 as ex-parte along with striking on the right of respondents on filing the Para wise comments.
- 3) That feeling aggrieved the respondents seek right for restoration to file Para-wise comment on the following grounds:

GROUND:

- A) That the valuable right of the department / respondents No. 6 are involved with the instant Service appeal.
- B) That the application is within time and there is nothing dis-obedience on the part of respondents.
- C) That on the very same day on which the respondents No. 6 were present and meet with the Reader and did not absent on the same day, the presence of the Respondent No. 6 in this Hon'ble Court, which is already present and saw in the CCTV cameras.
- D) That there is no legal bar in acceptance of the application in hand.
- E) That according to the rules of natural justice no one can be condemned un-heard.

F) That the filing to Para-Wise comments is very necessary for the just and proper disposal of the above Service Appeal.

It is, therefore, most respectfully prayed that on acceptance of this application, the ex-parte proceedings against the respondent No. 6 may be set aside & right to file Para-Wise Comments may kindly be restored please.

Dated: 09/10/2024

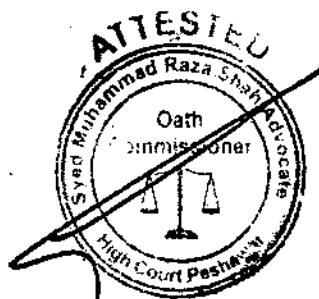
***Applicant / Respondent No. 6
Him Self (Muhammad Akram Khattak)
Deputy Ranger, Wildlife, D.I.Khan***

AFFIDAVIT:

I, ***Muhammad Akram Khattak, Deputy Ranger, Wildlife, BPS-11, D.I.Khan***, do hereby solemnly affirm on oath that the contents of the instant petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Tribunal.

DEPONENT

CNIC NO: 12101-0977603-1



09 OCT 2024

4

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Service appeal No 2618 of 2023

Sl. No. 9706

Dated 05-12-2023

Sami Ullah son of Aman Ullah, wildlife Watcher BPS-07, Wildlife
Division D.I.Khan. R/O VIP Colony, Bannu Road, Dera Ismail
Khan..... **Appellant**

VERSUS

- 1) The Government of Khyber Pakhtunkhwa through Secretary Climate Change, Forestry, Environment & Wildlife KPK Peshawar.
- 2) The Conservator Wildlife Southern Circle Bannu.
- 3) Division Forest Officer Wildlife Division D.I. Khan.
- 4) District Account Office D.I. Khan.
- 5) Asmat Ullah Deputy Ranger Wildlife BPS-11, D.I Khan.
- 6) Muhammad Akram Khattak Deputy Ranger Wildlife BPS-11, D.I Khan.

.....**Respondents**

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974 AGAINST
IMPUGNED ORDER 69/WL DATED 22.11.2022 ENDST: NO. 1340-44/WL PASSED BY
RESPONDENT NO. 03 WHEREBY RESPONDENTS NO. 05 AND 06 PROMOTED FROM
BPS-07 TO BPS-11 AND AGAINST THE IMPUGNED ORDER BEARING NO. 3375/WL
(SC) BU DATED 06.11.2023 PASSED BY RESPONDENT NO. 02 WHEREBY THE
DEPARTMENTAL REPRESENTATION OF APPELLANT WAS REJECTED, ARE WRONG,
ILLEGAL, ARBITRARY, FANCIFUL, PERVERSE, AGAINST THE LAW AND RULES,
AGAINST THE FUNDAMENTAL RIGHT OF THE APPELLANT, WITHOUT OBSERVING
PROMOTION LAW, RULES AND POLICY, WITHOUT LAWFUL AUTHORITY AND OF
HAVING NO LEGAL EFFECT UPON THE RIGHTS OF THE APPELLANT HENCE LIABLE
TO BE CANCELLED/ STRUCK DOWN.




SA 2618/2023

26.08.2024 01. Counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Khan Malook, DFO (Wildlife) for the respondents present.


02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents requested for further time. Granted. To come up for written reply/comments and preliminary hearing on 16.09.2024 before the S.B. PP given to the parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member(E)

Fazle Subhan, P.S

16.09.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General alongwith Mr. Javed Iqbal, Social Conservator for official respondents present. None present on behalf of private respondents No. 5 & 6, therefore, they are placed ex-parte.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
09-10-24

16.09.2024 2. Reply/comments on behalf of official respondents not submitted. Representative of official respondents requested for time to submit reply/comments. Granted. To come up for reply/comments as well as preliminary hearing on 09.10.2024 before S.B. P.P given to the parties.


(Muhammad Akbar Khan)
Member (E)

Kamranullah
16.09.2024

Khyber Pakhtunkhwa Service Tribunal, Peshawar
Application No. 9 Date 09-10-24
Name of Applicant M. IKRAM
Number of Words/Pages 1-P
Copying Fee 5/-
Urgent/Ordinary 5/-
Total 10/-
Name & Sign of Copyist Zeshan Qn
Date of Completion of Copy 09-10-24
Date of Delivery of Copy 09-10-24