

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1085/2023**

*C.M. No. 1264/2024*

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. Chief Minister Khyber Pakhtunkhwa, through - Principal Secretary to C:M, Peshawar.
4. Provincial Selection Board, through Secretary Establishment Deptt: Khyber Pakhtunkhwa, Peshawar.
5. Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
6. Secretary Finance Department Khyber Pakhtunkhwa Peshawar.
7. Section Officer (Estt:) PHE Department Peshawar.

..... Appellants

**VERSUS**

Muhammad Younas Khattak,  
Ex-Chief Engineer PHE Department, Peshawar.

..... Respondent

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*[Signature]*  
DEPONENT

*[Signature]*  
Secretary to Govt. of Khyber Pakhtunkhwa,  
P.H.E. Department

-1/ (I)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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7. Section Officer (Estt:) PHE Department Peshawar.

.....  
**VERSUS**  
.....

Muhammad Younas Khattak,  
Ex-Chief Engineer PHE Department, Peshawar.

Appellants, Khyber Pakhtunkhwa  
Service Tribunal

Case No. 17019

Dated 23-10-24

.....  
Respondent

**APPLICATION ON BEHALF OF RESPONDENTS FOR SETTING ASIDE EX-PARTE PROCEEDINGS DATED 20/09/2024.**

**RESPECTFULLY SHEWETH,**

1. That the titled Service Appeal is pending for adjudication before this Hon'ble Tribunal which is fixed for further proceeding on 13/11/2024.
2. That this Hon'ble Tribunal initiated EX-parte proceeding against the present applicants/respondents on 20/09/2024.
3. That absence of the applicant/respondents was not willful and intentional but was due to misunderstanding of date of Hearing.
4. That valuable interest of the Respondents are involved in the titled case and if the ex-parte proceeding has not been set aside then the Applicants/Respondents will miserably suffer.
5. That the Applicants/Respondents will attend this Hon'ble Tribunal regularly on each and every date in future.
6. That is well settled law to decide the case on merit and no one should be Condemned unheard.
7. That the instant application is well within time and there is no legal bar to accept the present Application.

**It is, therefore, most humbly requested that on acceptance of this application EX-Parte proceedings dated 20/09/2024 may kindly be set aside and the applicants/Respondents be allowed to file Parawise comments in the best interest of justice.**

  
**APPLICANTS/RESPONDENTS**

Secretary PHE  
Khayum Hasan Khan

(2)

**GOVT. OF KHYBER PAKHTUNKHWA**  
**PUBLIC HEALTH ENGINEERING DEPARTMENT**

**AUTHORITY LETTER**

**No.SO(LIT)PHED/ST/40-111:** Rehmat Khan, Section Officer (Litigation), PHE Department is hereby authorized to attend and submit Ex-parte Proceeding Application in S.A No.1085/2023 titled "Secretary PHE Department and others Versus Muhammad Younas Khattak" on behalf of respondents 1,2,5 & 7.

  
SECRETARY GOVT. OF KPK  
PHE DEPARTMENT

*Khayum Hasan Khan*  
Secretary to Govt: of  
Khyber Pakhtunkhwa.  
P.H.E. Department

(3)

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

**Service Appeal No.1085/2023**

The Secretary, Public Health Engineering Department & others

Appellant

.....  
**VERSUS**

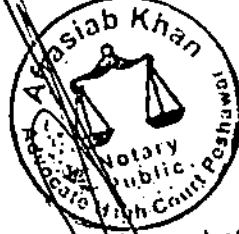
Muhammad Younas Khattak,  
Ex-Chief Engineer PHE Department Peshawar.

.....  
Respondents

**AFFIDAVIT**

I, Mr. Khayam Hasan Khan, Secretary, Government of Khyber Pakhtunkhwa Public Health Engineering Department Peshawar do hereby affirm and declare on oath that the contents of the comments in Service Appeal No. 1085/2023 titled "Muhammad Younis Khattak" Versus Government of Khyber Pakhtunkhwa & Others" are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Service Tribunal Peshawar.

**ATTESTED**



22/10/24

*Khayam Hasan Khan*

DEPONENT

CNIC No.17301-1500534-1  
Cell # 0333-6661969

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 1085 / 2023**

**AMENDED MEMO OF APPEAL out of Writ Petition # 2341/2022  
transmitted by the Peshawar High Court vide Judgment dated  
02.05.2023.**

**MUHAMMAD YOUNIS**

Ex-Chief Engineer PHE Department, Peshawar. --- **APPELLANT**

**VERSUS**

1. **GOVT OF KHYBER PAKHTUNKHWA** through Chief Secretary, Peshawar.
2. **CHIEF SECRETARY**, Khyber Pakhtunkhwa Peshawar.
3. Chief Minister Khyber Pakhtunkhwa, through Principal Secretary to C.M, Peshawar.
4. Provincial Selection Board, through Secretary Establishment Deptt: Khyber Pakhtunkhwa Peshawar.
5. Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
6. Secretary Finance Department Khyber Pakhtunkhwa Peshawar.
7. Section Officer (Estt) PHE Department Peshawar.

----- (RESPONDENTS)

**APPEAL - UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT 1974, WHEREBY THE APPELLANT HAS BEEN OBSTRUCTED FROM PROMOTION TO BS-20 AND OTHER FINANCIAL BENEFITS HAVE BEEN ALSO INFRINGED, IN VIOLATION OF CONSTITUTIONALLY PROTECTED CIVIL SERVANTS ACT 1973 AND TERMS & CONDITIONS OF SERVICE.**

Respectfully Sheweth:

**Abstract of the Appeal:-**

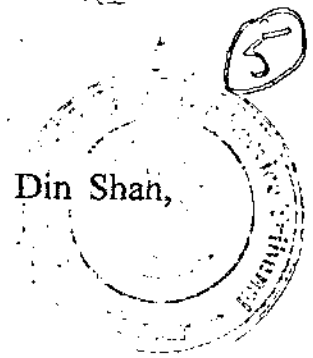
*Attended*  
Section Officer (Lit)  
PHE Department  
Peshawar.

S.A 1086/2023 M. Younas RTR vs PHE

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20<sup>th</sup> Sept, 2024

1. Learned for the appellant present. Mr. Naseer Ud Din Shah,  
Assistant Advocate General present.



2. Written reply on behalf of the respondents has not been filed nor is there anybody present as representative, therefore, they are placed ex-parte. The appeal is admitted to full hearing subject to all just and legal objections. The appellant is directed to deposit security fee within 10 days. To come up for arguments on 13.11.2024 before D.B. P.P given to the learned counsel for the appellant.

*[Handwritten signature]*

14-10-24

*[Handwritten signature]*

(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

Number of Pages/Section of Petition	09-10-2024
Number of Words	1-P
Printing Fee	5/-
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