

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No.427/2024

C.M. NO. 806/2024

01. The Chief Secretary Government of Khyber Pakhtunkhwa.
02. The Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar.
.....Appellant

VERSUS

Mr. Khanzad Gul, son of Inzar Gul Ex-Section Officer (BS-17), Mines & Mineral Development Department, Civil Secretariat Khyber Pakhtunkhwa Peshawar.

..... Respondents

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..... Respondents

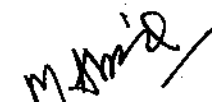
**APPLICATION FOR SETTING ASIDE EX-PARTE DECREE AS PER ORDERS-9
RULLE 13 CPC 1908**

Respect fully Sheweth

01. That the subject case was fixed for hearing on 10/06/2024 before the chairman Khyber Pakhtunkhwa, Service Tribunal Peshawar and disposed-off as Ex-Parte without hearing the respondents (**Annex-A**).
02. That the representative of the department put appearance in the case but due to non-submission of the comments the subject case Ex-Parte against the respondents and marked to DB for disposal.
03. That in the cited case, precious rights are attached leave an opportunity for submission of reply may please be provided to the respondents.
04. That if the opportunity of submission of reply was not granted to respondents, then the respondents would suffer irreparable loss.

PRAYER

It is therefore most humbly prayed that on the acceptance of the instant application on behalf respondents i.e. Chief Secretary and Secretary Finance Department Khyber Pakhtunkhwa, the right of submission of reply may please be provided in order to decide the case on merit please.


Chief Secretary Khyber Pakhtunkhwa
Respondent No.1
Through



Amer Sultan Tareen
Finance Secretary
Respondent No.2

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.427/2024

Mr. Khanzad Gul, Ex-Section Officer (BS-17)

.....Appellant

VERSUS

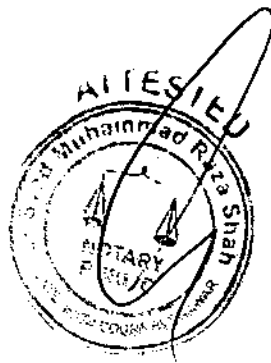
Government of Khyber Pakhtunkhwa through Chief Secretary & 01 Other

..... Respondents

Application for setting aside ex-parte decree on Behalf of Respondents.

AFFIDAVIT

I, Amer Sultan Tareen Secretary to Govt. of Khyber Pakhtunkhwa Finance Department do hereby solemnly affirm and declare on oath that the contents of Service Appeal No. 427/2024 on behalf of Respondents is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honorable Tribunal.




for **Deponent**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2024

Mr. Khanzad Gul son of Inzar Gul, Ex-Section Officer (BPS 17),
Mines & Mineral Development Department, Civil Secretariat,
Khyber Pakhtunkhwa, Pesawar **Appellant**

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.

.....**Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974
AGAINST THE INACTION OF THE RESPNDENTS BY
NOT GRANTING EXECUTIVE /SCHEDULED POST
ALLOWANCE @ 1.5 OF THE INITIAL BASIC PAY OF THE
APPELLANT W.E.F 02/02/2018 TO 13/06/2019 ON
THE GROUND THAT THE APPELLANT AFTER BEING
POSTED AGAINST THE SCHEDULED POST IN THE
DEPARTMENTS OF RESPONDENTS, RESPONDENTS
WITHOUT ANY PLAUSIBLE JUSTIFICATION
DECLINED TO GRANT EXECUTIVE ALLOWANCE TO THE
APPELLANT AND ALSO NOT RESPONDING TO THE
DEPARTMENTAL APPEAL OF THE APPELLANT DESPITE
LAPSE OF STIPULATED TIME PERIOD.

Attested
Sattullah
Suffal

427/24

Khangad Gul Annex (A)

3/1

15.05.2024

1. Junior to counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Riaz, Superintendent and Mr. Hashmatullah, Superintendent for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 07.06.2024 before S.B. P.P given to the parties

(Muhammad Akbar Khan)
Member (E)

07th June, 2024^{Amr}

1. Nobody is present on behalf of the appellant. Mr. Arshad Azam, Assistant Advocate General for the respondents present.

2. On the previous date, Riaz, Superintendent and Hashmatullah, Superintendent was present on behalf of the respondents and had sought time for filing of reply. Today, nobody is present on behalf of the respondents. They are placed ex-parte. Let the appeal be admitted to full hearing. Appellant is directed to deposit security fee within 10 days. Be placed before the D.B for ex-parte arguments on 11.09.2024. Parcha Peshi given to Assistant Advocate General.

(Kalim Arshad Khan)
Chairman

Naseem Amin

Attested
Hashmatullah
Suptd.



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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

AUTHORITY LETTER.

Mr. Hashmatullah, Superintendent (Litigation-II) Section, Finance Department is hereby authorized to submit Application to the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 427/2024 titled as "**Khanzad Gul versus Government of Khyber Pakhtunkhwa and others**" on behalf of Secretary Finance Government of Khyber Pakhtunkhwa.

(Amer Sultan Tareen)

 **SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,**
Finance Department

“B”

01

22/8/24

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. 427 of 20 24

Khazan Goul Appellant/Petitioner

Versus

Chief Secy Respondent

Respondent No.

Notice to: - Secretary Finance DEPT Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15.5.24 at 8.0 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated.

Given under my hand and the seal of this Court, at Peshawar this 28

Day of 3 2024

Secy: Finance KPI

Diary No. 6205

Dated 2/4/24

Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

10/11/24