

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

**Khyber Pakhtunkhwa
Service Tribunal**

Service Appeal No. 443/2024

C.M. No. 805/2024

Diary No. 14589

Dated 30/7/24

Secretary to Govt; Khyber Pakhtunkhwa Forestry Environment and Wildlife Department
Peshawar **Appellant**

Versus

Alam Zeb Digitizing Operator (Bs-16) Climate Change, Forestry Environment and
Wildlife Peshawar..... **Respondent**

**APPLICATION FOR THE SET ASIDE EX-PARTE PROCEEDINGS AGAINST
RESPONDENT VIDE ORDER DATED 23/07/2024.**

Respectfully sheweth:-

1. The above titled service appeal was fixed for hearing before the Hon'ble Tribunal on 23.07.2024.
2. That on the same date, an ex-parte proceedings was initiated against the respondents.
3. That the absence of the respondent in the titled above titled case is not deliberate as the representative of the department was present in the Court on the date of hearing and who was directed to submit para-wise comments.
4. The Law favor the adjudication on merit rather than on technicalities.
5. That the absence of respondents are not deliberate, but rather due to above mentioned reasons.
6. That the respondent will attend the Hon'ble Tribunal on each and every date of hearing regularly in future.
7. That the application is well within the time.

PRAYER

It is therefore, mostly humbly prayed that the case may kindly be decided on merit while providing an opportunity of hearing and the ex-parte proceedings may kindly be set aside.

Shahid Zaman
(Shahid Zaman)

**Secretary to Govt; of Khyber Pakhtunkhwa
Climate Change Forestry Environment & Wildlife
Department, Peshawar**

Dated:- 26.07.2024

**SECRETARY
Climate Change Forestry, Environment
& Wildlife Department, KP.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWR

Service Appeal No. 443/2024

Secretary to Govt. of Khyber Pakhtunkhwa, Climate Change,
Forestry, Environment & Wildlife Department, Peshawar
..... Appellant

Versus

Alam Zeb, Digitizing Operator (BS-16) Climate Change,
Forestry Environment & Wildlife Peshawar
..... Respondent

APPLICATION FOR THE SET ASIDE EX-PARTE PROCEEDINGS
AGAINST RESPONDENT NO. 1 VIDE ORDER DATED 23.07.2024

AFFIDAVIT

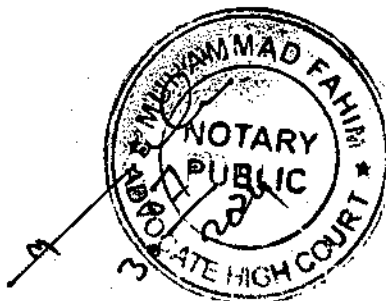
I, **Shahid Zaman**, Secretary to Govt. of Khyber Pakhtunkhwa, Climate Change, Forestry, Environment & Wildlife Department solemnly affirm and declare on oath that the contents of enclosed application for the set aside Ex-parte proceedings against respondent No. 1 are true and correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

(Signature)
(Shahid Zaman)

**Secretary to Govt. of Khyber Pakhtunkhwa,
Climate Change, Forestry, Environment &
Wildlife Department**

ATTESTED



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**



Appeal No. 443 /2024

**Alamzeb Digitizing Operator BPS-16 Climate Change,
Forestry, Environment and Wildlife Department Peshawar.**

(Appellant)

VERSUS

1. Secretary to Govt of Khyber Pakhtunkhwa, Forestry, Environment & Wildlife Department Civil Secretariat, Peshawar.
2. Naeem Khan, Digitizing Operator BPS-16, Climate Change, Forestry, Environment and Wildlife Department Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, whereby the not promoting the appellant to the post of GIS Analyst BPS-17 against which the appellant filed his departmental appeal vide dated 14.11.2023 which is not yet respondent even after the lapse of statutory period of 90 days.

Prayer in appeal:

On acceptance of this appeal the appellant may declared fit and eligible for the post GIS Analyst BPS-17, and to consider/promote the appellant to the post of GIS Analyst BPS-17, the inaction of the respondent by not considering/promoting the appellant is this to be declared illegal, unlawful and without lawful authority, with necessary directions the promotion be given effect upon the eligibility for the post in

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
24/2/24

23rd July, 2024

A. No. 443/24
Alamzeb vs Govt



1. Junior to counsel for the appellant and Mr. Umair Azam, Additional Advocate General present.

2. Despite last chance, reply was not submitted nor anybody is present on behalf of the respondents. Therefore, they are placed ex-parte. To come up for ex-parte arguments on 29.10.2024 before D.B. P.F given to the appellant's junior counsel.

(Kalim Arshad Khan)
Chairman

*Mutazem Shah *

ATT. 443
24/7/24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 24/7/24
Number of Words 6 pages
Copying Fee 30/-
Urgent 4/5
Total 35/-
Name of Copyist _____
Date of Completion of Copy 24/7/24
Date of Delivery of Copy 24/7/24

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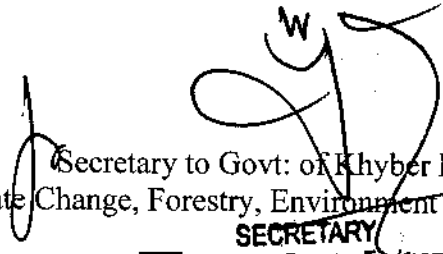


GOVERNMENT OF KHYBER PAKHTUNKHWA
CLIMATE CHANGE, FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
(LITIGATION SECTION)
(091-9212103)

AUTHORITY LETTER

NO. SO(Lit:)/CCFE&WD/3-425/2024/Alam Zeb:- Mr. Abdus Sattar, Sub-Divisional Forest Officer, Peshawar bearing C.N.I.C No. **17301-8527422-1** and Cell No. **0300-9590680** is hereby authorized to appear in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar in to file reply / comments in titled **Service Appeal No. 443/2024 "Alam Zeb v/s Govt. of Khyber Pakhtunkhwa & others"** on behalf of Secretary to Govt. of Khyber Pakhtunkhwa, Climate Change, Forestry Environment & Wildlife Department till final decision of the Court.

He is also authorized to file written reply, produce record and record evidence on his behalf, if any, required in the Court mentioned above.


Secretary to Govt: of Khyber Pakhtunkhwa
Climate Change, Forestry, Environment & Wildlife Department
SECRETARY
Climate Change Forestry Environment
& Wildlife Department, KP