

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 2052/2023

DR. MUHAMMAD ZAHID

VERSES

GOVERNMENT OF KPK & OTHERS

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Appellant

Though



Counsel

Dated: 16-11-2023

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

SERVICE APPEAL NO. 2052 OF 2023

Dr. Muhammad Zahid..... **Petitioner**

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others..... **Respondents**

**PETITION / APPLICATION FOR SETTING ASIDE THE ORDER DATED 8-11-2023 ON
BEHALF OF RESPONDENT NO.1 TO 4 WHEREBY THE RESPONDENT WERE PLACED
EX-PARTE.**

Respectfully Sheweth,

1. That the above noted case is pending in this honorable Tribunal and is fixed for 16-11-2023.
2. That the petitioner/respondent received the summon alongwith Service Appeal for submission of reply on 31/10/2023 and 8-11-2023 for the 2nd date and focal person was engaged in another case before the bench of Madam Rashida Bano, when came out from that court room another case was called by the same bench. In the court room the focal person came to know that the above title case is placed ex-parte.
3. That the absence of the representative of the petitioner/respondent was not intentional or willful but due to the reason mentioned above.
4. That no prejudice will be cost to the appellant if order dated 8-11-2023 the set aside rather it would afford an opportunity for the petitioner/respondent to put forth their side of facts before this honorable Tribunal. So that this honorable Tribunal may reach at the just and proper decision of the case.
5. That the present petition is well within limitation.

It is therefore humbly preyed that the ex-parte order dated 8-11-2023 may kindly be set aside in the interest of justice.

(Respondents through)



Director General Health Services
Khyber Pakhtunkhwa,
Peshawar

DR SOHAIL I

②

In the Hon'ble Khyber Pakhtunkhwa Service Tribunal
Peshawar

Service Appeal No. 2052/2023



Dr. Muhammad Zahid

Directorate General Health Services Khyber Pakhtunkhwa, Peshawar

.... (Appellant)

VS

1. Government of Khyber Pakhtunkhwa
Through
Chief Secretary Civil Secretariat, Peshawar

2. Secretary Health Government of KP
Civil Secretariat, Peshawar

3. Director General Health Services
Old Fata Secretariat, Warsak Road,
Peshawar

4. Dr. Muhammad Shoaib, Medical Superintendent DHQ, Charsadda.

.... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974

Respected Sir,

1. That the Appellant joined the Health Department as Medical Officer (BPS-17) and during his long 28 years' service, he remained posted on various important posts throughout the province. Presently he is serving in Grade-19.
2. That the Respondent No.2 vide notification no. SOH (E-V)/4-4/2023 dated 22-03-2023 transferred the Appellant from the post of Principle Medical Officer DHQ Hospital Charsadda to Medical Superintendent DHQ Hospital Charsadda.
(Copy of notification dated 22-03-2023 is annexed as "A").
3. That the Appellant had only assumed the charge of his new post when Respondents concerned vide Notification No. SOH(E-V)/2-2/2023 dated 10-07-2023 (*hereinafter referred to as Impugned Notification*) transferred the Appellant and directed him to report to Directorate General Health Services KP, Peshawar.
(Copy of the *Impugned Notification* dated 10-07-2023 is annexed as "B").
4. That the Appellant in compliance of the *Impugned Notification* mentioned above, relinquished the charge of the said post and reported to the office of DG Health KP.

Certified to be true copy

EMANUEL
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

S.A #.2052/2023

31st Oct. 2023

1. Appellant alongwith his counsel present. Mr. Asad Ali Khan,
Assistant Advocate General for the respondents present.

2. Reply on behalf of the respondents was not submitted.
Learned counsel for the appellant submitted two prayers. One was
for suspension of operation of impugned order and the second was
for release of salary of the appellant attached, by the respondents.
Both the requests, being genuine, are accepted. The operation of
impugned order is suspended to the extend of appellant, if not acted
upon and the respondents are directed to release the attached salary
of the appellant. To come up for reply/comments on 08.11.2023
before S.B. P.P given to the parties.



SCANNED
KPST
Peshawar


*Mutazem Shah *

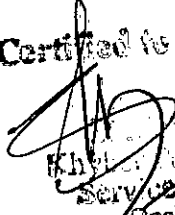

(Kalim Arshad Khan)
Chairman

8th Nov. 2023 1. Appellant alongwith his counsel present. Mr. Habib Anwar,
Additional Advocate General present.

2. There is nobody present on behalf of the respondents, hence, they
are placed ex-parte. To come up for arguments on 16.11.2023 before D.B.
P.P given to the parties.

Mutazem Shah


(Kalim Arshad Khan)
Chairman

Certified to be true copy

Chairman
Peshawar Service Tribunal

2052/2023

M. Zahid.

Date of Presentation of Application 16/11/23
Number of Words 28
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist 16/11/23
Date of Completion 16/11/23
Name of Receiver of the Copy

T

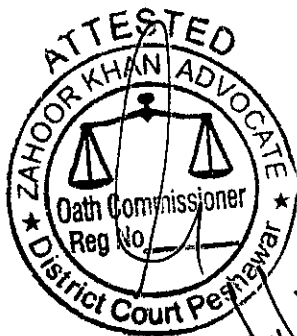
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SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2052/2023

DR. MUHAMMAD ZAHID
VERSES
GOVERNMENT OF KPK & OTHERS

AFFIDAVIT

I, Dr. Suhail (Director Litigation), officer of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the application on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court. ○



Deponent: _____

DR. SUHAIL

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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

9210230

OFFICE ORDER:

In continuation of this Directorate Office Order No. 9074-78/E-I dated 04.05.2023 and in order to streamline the affairs of litigation section and for timely submission of comments in various court cases, Dr. Muhammad Sohail Khattak (BS-19) working as Director (Litigation & Coordination) at DGHS is hereby authorized to sign parawise comments on behalf of the undersigned in the best public interest.

Furthermore, Dr. Muhammad Sohail Khattak is authorized to sign movement orders of the concerned officers / officials working under him in order to represent the undersigned in various court cases within and outside the province.

Sdxxxxxxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

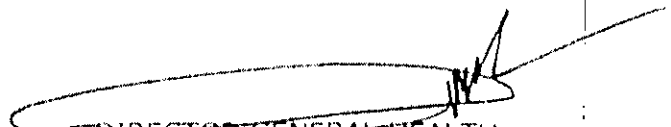
No. 1952-571 DGHS

Dated Peshawar the 12/12/2023

Copy forwarded to the:

1. Secretary to Govt: of Khyber Pakhtunkhwa, Health Department, Peshawar.
2. Addl: Director General (HRM), DGHS Office, Peshawar.
3. Addl: Director General (Admin), DGHS Office, Peshawar.
4. Director (HRM), DGHS Office, Peshawar.
5. Officer concerned.
6. Deputy Director (Accounts), DGHS Office, Peshawar.

For information and necessary action.


DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR