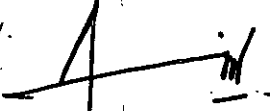


FORM OF ORDERSHEET

Court of _____

Misc. application No. 45/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/01/2024	<p>The Misc. application in appeal no. 1682/2022 submitted today by respondent no. 1&2. It is fixed for hearing before Division Bench at Peshawar on _____ Original file be requisitioned. Parcha Peshi is given to their attorney.</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1682/2022

Misc. appli. no. 45/2024

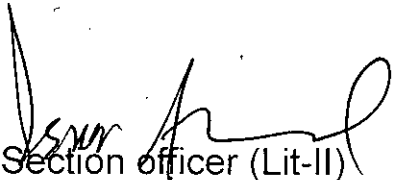
1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department
2. Director General Health Services Khyber Pakhtunkhwa Petitioners

Versus

Razi Muhammad Respondent

INDEX.

S.No.	Description of documents	Annexure	Page
01	Reply of Ex-party proceedings		1-2
02	Pre Admission Notice dated: 12/10/2023	A	03
03	Ex-Parte Order Sheet dated: 13/12/2023	B	04-05
04	Affidavit	C	06
05	Authority Letter	D	07


Section officer (Lit-II)
Govt. of Khyber Pakhtunkhwa
Health Department

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

SERVICE APPEAL NO. 1682 OF 2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10418

Dated 08-1-2024

misc. appli. no. 45/2024

1. Secretary to Govt of Khyber Pakhtunkhwa Health Department
2. Director General Health Services Khyber Pakhtunkhwa **Petitioners**

Versus

Razi Muhammad S/o. *Ali Muhammad* **Respondent**
Chief Clinical Technician Pharmacy B-16
M.M.C. (MTI) MARDAN


PETITION ON BEHALF OF THE PETITIONERS / RESPONDENTS IN THE MAIN
 APPEAL FOR SETTING ASIDE THE ORDER DATED 13-12-2023 OF THE
 HONORABLE TRIBUNAL WHEREBY THE PETITIONERS/ RESPONDENTS WERE
 PLACED EX-PARTE.

Respectfully Sheweth,

1. That the above titled Service Appeal is pending before the honorable Tribunal which is fixed for 17-04-2024.
2. That the petitioners/respondents received a pre-Admission Notice along with copy of incomplete Service Appeal for submission of Para-wise comments/reply on 12/10/2023 in which date of hearing was fixed as 13/12/2023. **(Copy of the notice along with incomplete Service Appeal is Annex-A)**
3. That the representative/focal person of the petitioners namely Mr. Safiullah was engaged before another bench of the honorable Tribunal in the proceeding of another Service Appeal however when he attended the bench of honorable chairman, he came to know that the petitioners/ Respondents have been placed ex-parte and the Service Appeal was admitted for regular hearing with the direction to the respondent / appellant for depositing of Security fees. **(Copy of the order sheet dated: 13/12/2023 is Annex-B).**
4. That the absence of the representative of the petitioners/ respondents before the bench of Chairman of the honorable Tribunal was not intentional / willful but for the reasons mentioned in para-3 above.
5. That there is no ex-parte judgment but ex-parte proceedings have been initiated against the petitioners therefore the same may be set aside at any time by the honorable Service Tribunal in the interest of justice.
6. That in case if the petitioners/ respondents have not been allowed to defend/submit Para-wise comments, other employees of the department who have been promoted vide the impugned order will suffer irreparable loss and unending litigation will be started between the employees of the department which will also affect/cause an irreparable loss to the public exchequer.
7. That it is a well settle principle of law that cases are to be decided on merits, rather than technicalities.

8. That the grounds of appeal annexed with the notice was incomplete which may be confirmed from the scanned copy of the Service Appeal therefore the comments could not be prepared accordingly.

It is therefore humbly preyed that the ex-parte order/proceedings dated 13-12-2023 may kindly be set aside in the interest of justice and petitioners/ respondents may kindly be provided an opportunity of submission of comments / defense in the interest of justice.


(Mehmoood Aslam)

Secretary to Govt. Of Khyber Pakhtunkhwa
Health Department
(Petitioner No. 01)



(Dr. Shoukat Ali)
Director General Health Services
Khyber Pakhtunkhwa
(Petitioner No. 02)

Daily No. 10377
Date 10/10/23
Health Department

GS&PD-2/664-RST-30,000 Forms-1-11-2022/PHC Jobs/Form A&B Ser. Tribunal P2

“B”

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

No.

Appeal No. 1182 of 20 22

Razi Muhammad Appellant/Petitioner

Versus

Through Secy Health Respondent

Respondent No. 1

Notice to: Govt of KPK Through Secretary Health
At Khyber Road 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 this Tribunal on 12-10-23 at 8.00 A.M. If you wish to urge anything in support of the appellant/petitioner you are at liberty to do so on the date fixed, or any other date if the case may be postponed either in person or by authorised representative. If you are an Advocate, duly supported by your power of Attorney. You are, therefore, required to appear in this Court at least seven days before the date of hearing 4 copies of your written statement along with any other documents upon which you rely. Please also bring a copy of the notice of your appearance on the date fixed and in the absence of such appearance your appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition shall be given to you by registered post. You should inform the Registrar of any change of your address. If you fail to furnish such address your address or a notice by the Registrar at the address given in the appeal/petition will be deemed to be your address for the purpose of any notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Pre-Admission Copy of appeal has already been served on you.

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 20

Day of Sep 2023

For Reply

Sc Lic-II
10-10-2023

with out
Encloser Received only
1 paper of notice. Riaz

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

④

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL No. 1682 /2022

Razi Muhammad Son of Mr. Ali Ahmad,
Chief Clinical Technician Pharmacy BS-16
MMC (MTI), Mardan.....**APPELLANT**

V E R S U S

- Government of Khyber Pakhtunkhwa
Through Secretary Health,
At Khyber Road, Peshawar
- Government of Khyber Pakhtunkhwa
Through Director General Health Service, Peshawar
.....**Respondents**

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION/ORDER NO .SOH-III/8-60/2021 DATED 11-01-2022 OF THE HEALTH DEPARTMENT AND SUBSEQUENTLY THE NOTIFICATION /ORDER NO. SOH-III/8-60/2021 DATED 02-08-2022 ISSUED BY THE HEALTH DEPARTMENT WHEREBY ALL THE COLLEAGUES OF THE APPELLANT WERE PROMOTED ACCORDINGLY AND POSTED/TRANSFERRED INTO THE CATEGORY OF CLINICAL TECHNOLOGIST BS-17 BUT THE ACTUALIZATION OF PROMOTION OF THE PRESENT APPELLANT WAS TOTALLY IGNORED AND HARSHLY DISCRIMINATED.

Respectfully Sheweth:

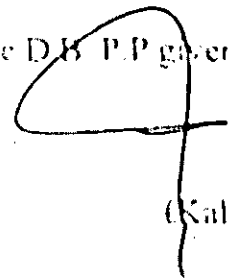
5

16/12/2023/1/5/1

17 Dec 2023

1. Learned counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General present.

2. Nobody is present on behalf of the respondents. Therefore, they are placed ex-parte. The appeal is admitted to regular hearing subject to all just and legal objections. Appellant is directed to deposit security fee within 10 days. To come up for arguments on 17/04/2024 before D.B. P.P given to the parties.



(Kalim Arshad Khan)
Chairman

Ministerial Seal

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1682 OF 2022

1. Secretary to Govt of Khyber Pakhtunkhwa Health Department
2. Director General Health Services Khyber Pakhtunkhwa **Petitioners**

Versus

Razi Muhammad..... **Respondent**

PETITION ON BEHALF OF THE PETITIONERS / RESPONDENTS IN THE MAIN APPEAL FOR SETTING ASIDE THE ORDER DATED 13-12-2023 OF THE HONORABLE TRIBUNAL WHEREBY THE PETITIONERS/ RESPONDENTS WERE PLACED EX-PARTE.

AFFIDAVIT

I Dr. Shoukat Ali, Director General Health Services Khyber Pakhtunkhwa do hereby state on oath that contents of the above petition is correct to the best of my knowledge and nothing has been concealed.

Deponent



Dr. Shoukat Ali
Director General Health Services
Khyber Pakhtunkhwa



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

AUTHORITY LETTER

Mr. Safi Ullah, Focal Person (Litigation-II), Health Department, Civil Secretariat is hereby authorized to attend/defend the Court Cases and file comments on behalf of Secretary Health Government of Khyber Pakhtunkhwa before the Service Tribunal and lower Courts.

(MAHMOOD ASLAM)

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Secretary to Govt. of
Khyber Pakhtunkhwa
Health Department

9/5/23

Attest
[Signature]

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa