

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 1471 OF 2022**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11838

Dated 20/3/24

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

**Versus**

Service Appeal No. 1471/2022 Titled Mumtaz Bibi..... **Respondents**

**PETITION ON BEHALF OF THE RESPONDENTS No. 1, 2 & 3 IN THE  
MAIN APPEAL FOR SETTING ASIDE THE ORDER DATED 29/05/2023  
OF THE HONORABLE TRIBUNAL WHEREBY THE RIGHT OF  
SUBMISSION OF REPLY OF RESPONDENTS STANDS STRUCK OFF.**

Respectfully Sheweth,

1. That the above titled Service Appeal is pending before the Honorable Tribunal which is fixed for hearing on 18/04/2024.
2. That the Respondents received a pre-Admission Notice along with copy of subject Service Appeal for submission of Parawise comments/reply on 13/22/2022 in which date of hearing was fixed as 29/05/2023. **(Copy of the Order Sheet is attached as Annex-A).**
3. That the representative/focal person of the petitioners namely Mr. Laeeq 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 right of submission of comments in favor of petitioners has been placed Struck off the Service Appeal was admitted for regular hearing / arguments.
4. That the absence of the representative of the petitioners 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 the Ex-parte proceedings have been initiated against the petitioners, therefore the same may be set aside at any time by the Honorable Tribunal in the interest of justice.

6. That in case if the petitioners have not been allowed to defend/submit parawise comments 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.

It is therefore humbly prayed that the Ex-parte order/proceedings dated 29/05/2023 may kindly be set aside in the interest of justice and petitioners may kindly be provided an opportunity of submission of comments/defense in the interest of justice.



**(Dr. Shoukat Ali)**  
Director General Health Services  
Khyber Pakhtunkhwa  
**(Respondent No. 1, 2 & 3)**

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**TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO. 1471 OF 2022**

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**Versus**

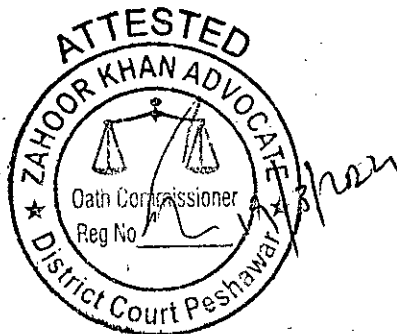
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**SUBMISSION OF REPLY OF RESPONDENTS STANDS STRUCK OFF.**

**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  
(On behalf of the Petitioners)



**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

*All communications should be addressed to the Director General Health Services  
Peshawar and not to any official by name  
Office # 091-9210269 Fax # 091-9210230*

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**AUTHORITY LETTER**

Muhammad Yousaf Jamal Focal Person Litigation Section Directorate General Health Services Khyber Pakhtunkhwa is hereby authorized to attend/defend the court cases and file Parawise Comments / Reply on behalf of the undersigned before the Honorable Khyber Pakhtunkhwa Service Tribunal and its Camp Courts.


**Director General Health Services  
Khyber Pakhtunkhwa, Peshawar**

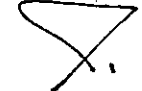
29.05.2023

Learned counsel for the appellant present. Mr. Safiullah, Focal Person and Mr. Laeeq Khan, Computer Operator alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

On previous date too, last chance was granted to respondents No. 1 to 3 for submission of reply/comments with the observation that if they failed to submit reply/comment, their right shall be deemed as struck of. The respondents No. 1 to 3 have failed to submit reply/comments, therefore, their right for submission of reply/comments stands struck of. To come up for arguments on 29.08.2023 before the D.B. Parcha Peshi given to the parties.

RECEIVED  
29/05/2023  
OFFICE OF THE  
DEPUTY DISTRICT ATTORNEY  
RAWALPINDI

  
(Fareeha Paul)  
Member (E)


  
(Salah-ud-Din)  
Member (J)

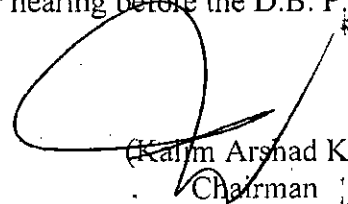
\*Naeem Amin\*

29<sup>th</sup> Aug. 2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents present.

2. Learned counsel for the appellant stated that similar nature cases are fixed on 02.11.2023, therefore, this case might also be fixed for the said date. Request is acceded to.

3. Adjourned to 02.11.2023 for hearing before the D.B. P.P given to the parties.

  
(Salah-Ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah \*


SCANNED  
KCMAT  
Peshawar


2<sup>nd</sup> Nov, 2023

1. Clerk to counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for the respondents present.

2. Clerk to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 20.12.2023 before D.B. P.P given to the parties.

RECORDED  
PESHAWAR  
HIGH COURT


  
(Muhammad Akbar Khan)  
Member (E)


  
(Rashida Bano)  
Member (J)

\*kannuallah\*

20.12.2023 1. Learned counsel for the appellant present. Mr. Asif Masood Ali, Shah learned Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 18.04.2024 before D.B. P.P given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Rashida Bano)  
Member (J)

\*kannuallah\*

# In The Service Tribunal KP Peshawar



In Re: Appeal No. 1471 Of 2022

Mst. Mumtaz Bibi (Ex. Lady Health Worker), wife of James Masih resident of Mohallah Saray Chatar Singh Thall District Hangu

Appellant

Versus

1. PS to Secretary Health, Govt of Khyber Pakhtunkhwa Peshawar
2. Director General Health Services Khyber Pakhtunkhwa
3. District Health Officer Hangu
4. District Account Officer, Hangu

Respondents

**Service appeal under section 4 of the Service Tribunal Act 1974**

**Prayer,**

**On acceptance of this appeal, the respondents may be directed to allow pensionary Benefits to the appellant by counting her length of service from the date of her initial appointment i.e. 27/ 07/ 2006. Refusal as such on the part of the respondents may be declared as without lawful authority, without jurisdiction of no legal effect and ineffective upon the valid and legal rights of the appellant. With grant of additional relief, not specifically prayed for but is available for the appellant to avail, in the ends of justice.**

Respectfully submitted,

1. The appellant at very intrinsic was appointed as lady health worker on 29/ 07/ 2006 vide order No. 611/NP in the national program, on contractual bases, however, later on, her services were regularized vide order bearing No. 274-310 dated 19/ 04/ 2014 with effect from 01/ 07/ 2012. (Copy of the service Book with regularization order annexed as annexure A and B).

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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