

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 1722 OF 2023

Diary No. 12757

Dated 14-05-2024

Govt: of Khyber Pakhtunkhwa & Others.....**Petitioners**

Versus

Daud Khan.....**Respondent**

**APPLICATION FOR PERMISSION TO SUBMIT JOINT PARAWISE
COMMENTS, REMIT THE PENALTIES IMPOSED ON 31/01/2024 &
20/02/2024, 27-03-2024.**

Respectfully Sheweth,

1. That the above cite case is pending in the Honorable Tribunal and is fixed for hearing on 03/05/2024.
2. That the appellants received the summon alongwith Service Appeal for submission of reply on 27/10/2023.
3. That the absence of the representative of the appellants was not intentional or will full but due to busy in some others routine cases in the Honorable Tribunal.
4. That no prejudice will be cost to the respondents if orders dated 31/01/2024 & 20/02/2024 set aside rather it would afford an opportunity for the appellants 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 prayed that remit the penalties imposed on 31/01/2024 & 20/02/2024 may kindly be set aside in the interest of justice.

(Petitioners through)



(Dr. Shoukat Ali)

Director General Health Services
Khyber Pakhtunkhwa

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 1722 OF 2023

Govt: of Khyber Pakhtunkhwa & Others.....Petitioners

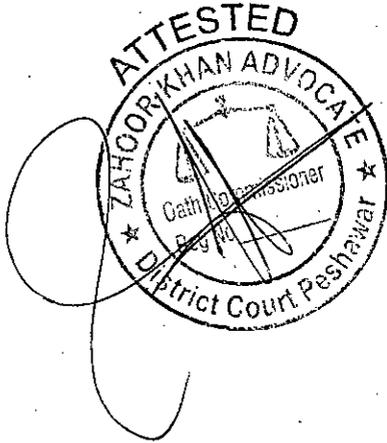
Versus

Daud Khan.....Respondent

Affidavit

I, Dr. Shaukat Ali, 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 Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


Deponent





**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*

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**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1722/2023

Mr. Daud Khan, Junior Clerk (BPS-11),
O/O the District Health Officer, District Khyber.

.....APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary, Health Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ISSUING/PREPARING JOINT AND INTER-SE-SENIORITY LIST OF THE MINISTERIAL STAFF I.E. JUNIOR/SENIOR CLERKS OF THE HEALTH DEPARTMENT AND AGAINST THE UN-NOTIFIED NOTIFICATIONS DATED 29.03.1982 AND 22.06.1983 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PARYER:

That on acceptance of this appeal the respondents may very kindly be directed to issue/prepare joint and inter-se-seniority list of the Ministerial Staff of Health Department and the Un-Notified Notifications dated 29.03.1982 and 22.06.1983 may be declared as illegal, unlawful and void-ab-initio. Any other relief which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of Health Department and is serving as Junior Clerk (BPS-11) at the office of District Health Officer, Khyber quite efficiently and upto the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....A.

16.01.2024

Learned counsel for the appellant present. Mr. Safiullah, Focal Person alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present and requested for further time for submission of reply/comments. Adjourned. Last opportunity granted. To come up for reply/comments on 31.01.2024 before the S.B. Parcha Peshi given to the parties.

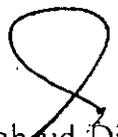

(Salah-ud-Din)
Member (J)

Naeem Amin

31.01.2024

Clerk of learned counsel for the appellant present. Mr. Safi Ullah, Focal Person alongwith Mr. Habib Anwar, Additional Advocate General for the respondents present.

Representative of the respondents again sought further time for submission of reply/comments. On previous date, last opportunity was given to the respondents but despite that they have failed to submit reply/comments, therefore, another last opportunity is granted subject to payment of cost of Rs. 1000/. Adjourned. To come up for reply/comments as well as cost of Rs. 1000/- on 20.02.2024 before the S.B. Parcha Peshi given to the parties.


(Salah-ud-Din)
Member (J)

Naeem Amin

20.02.2024

Learned counsel for the appellant present. Mr. Muhammad Yousif Jamal, Focal Person alongwith Mr. Habib Anwar, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents are still awaited. Perusal of order sheet dated 31.01.2024 would reveal that last opportunity granted for submission of reply/comments, was extended subject to payment of cost of Rs. 1000/-. Today another request on behalf of representative of the respondents was made for submission of reply/comments. Absolute last chance is given to the respondents subject to payment of further cost of Rs. 2000/-. Adjourned. To come up for submission of reply/comments as well as cost of Rs. 3000/- on 27.03.2024 before the S.B. Parcha Peshi given to the parties.

SCANNED
K BT
Peshawar

(Salah-ud-Din)
Member (J)

Nacent Amin

27.03.2024 01. Nemo for the appellant. Mr. Umair Azam, Additional Advocate General for the respondents present.

02. Costs of Rs. 3000/- as well as reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks further time to contact the respondents for submission of reply/comments as well as costs of Rs. 3000/- Granted with strict direction to the respondents to submit reply/comments as well as costs of Rs. 3000/- To come up for reply/comments as well as costs of Rs. 3000/- on 03.05.2024 before S.B. Notice be issued to the appellant and his counsel for the date fixed.

(Muhammad Akbar Khan)
Member (F)