

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

MISC. APPLI. 278/2024
Appeal No. 1786/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12114

Dated 04-04-2024

1. The District Account Officer Swat at Saidu Sharif, District Swat.

..... **APPLICANT**

*******VERSUS*******

Dr. Salma Bibi, Senior Medical Officer, Miangul Abdul Haq Jehanzeb Kidney Hospital, Manglaor, District Swat.

..... **RESPONDENT**

**APPLICATION ON BEHALF OF RESPONDENT
NO. 4 FOR SETTING ASIDE EX-PARTY
PROCEEDINGS DATED 06/03/2024**

Respectfully Sheweth:

- 1) That the above titled service appeal is pending for adjudication before this Hon'ble Tribunal, which is fixed for further proceedings on 06/03/2024.
- 2) That this Hon'ble Tribunal initiated Ex-Partee proceedings against the present application / respondent No. 4.
- 3) That the absence of the applicant / respondent No. 4 was not willful and intentional but was due to misunderstanding of date hearing.

02-08-24
Swat

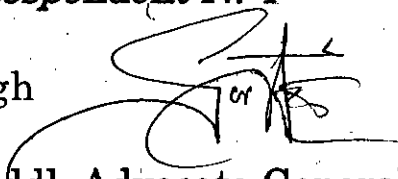
- 4) That the applicant / respondent No. 4 will attend this Hon'ble Tribunal regularly on each and every date in future.
- 5) That is well settled law to decide the case on merit and on one should be condemned unheard.
- 6) That the instant application is well within time and there is no legal bar to accept the present application.

It is, therefore, humbly prayed that on acceptance of this application, ex-parte proceedings dated 06/03/2024 may kindly be set aside and the applicant / respondent No. 4 be allowed to defend the case.

Dated 03/04/2024

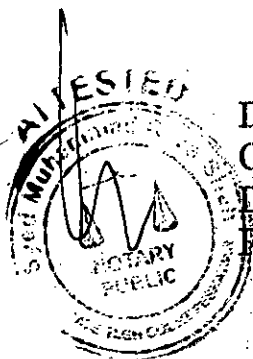
Respondent N. 4


Through


Addl. Advocate General
Khyber Pakhtunkhwa
At Khyber Pakhtunkhwa Service
Tribunal, Peshawar.

AFFIDAVIT

I, *Ashfaq Anwar (District Accounts Officer), Swat*, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court/Tribunal.



DEPONENT 
CNIC No: 16102-4756765-9
District Accounts Officer, Swat
Respondent No. 4

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1786 of 2023

Dr. Salma Bibi Senior Medical Officer Miangul Abdul
Haq Jehanzeb Kidney Hospital, Manglaor, District Swat.



...Appellant

VERSUS

1. The Secretary Health Services Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director Health Services Government of Khyber Pakhtunkhwa, Peshawar.
3. The Medical Superintendent Miangul Abdul Haq Jehanzeb Kidney Hospital, Manglawar, District Swat.
4. The District Accounts Officer Swat at Saidu Sharif, District Swat.

...Respondents

SERVICE APPEAL UNDER SECTION 4
OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974
AGAINST THE ILLEGAL STOPPAGE
AND RECOVERY OF ANNUAL
INCREMENTS, OF THE AD HOC
PERIOD, AGAINST THE LAW AND
RULES, FEELING AGGRIEVED THE
APPELLANT SUBMITTED A
DEPARTMENTAL APPEAL, BUT THE
SAME WAS NOT RESPONDED TO
DESPITE THE LAPSE OF STATUTORY
PERIOD OF TIME.

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Dr. Salma Bibi vs Govt



06th March, 2024

1. Learned counsel for the petitioner present. Khan, Assistant Advocate General present.
2. Nobody is present on behalf of the respondents, therefore, they are placed ex-parte. This appeal was filed on 05.09.2023 and pre-admission notice was given on 04.10.2023 and since then opportunities were granted to the respondents for submission of reply/comments but they failed to submit reply/comments till date. Let it be admitted to full hearing subject to all just and legal objections. The appellant is directed to deposit security fee within 10 days. To come up for arguments on 08.05.2024 before the D.B at Camp Court Swat. Parcha Peshi given to the parties.

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EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

04-04-24

(Kalim Arshad Khan)
Chairman
Camp Court Swat

Date of Presentation of Application 04-04-24

Number of Words Page 2

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