

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

C.M. No. 635/2024  
In Service Appeal No: 1814/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 13787

Dated 26/6/24

District Accounts Officer Bajaur

**Versus**

Mst Bushra Perviz, LHV (BPS-12), BHU Kotki, Lar Sadin,  
Bajaur

**APPLICATION FOR SETTING ASIDE EX-PARTE  
PROCEEDING, DATED 04-06-2024 BY HON'BLE  
TRIBUNAL.**

**Respectfully Sheweth,**

1. **That** the above titled suit is pending adjudication in this Hon'ble Court, which is fixed for 26/06/2024.
2. **That** the applicant/ defendant No. 3 was ex-parte proceeded vide order dated: 04-6-2024. (Annexure "A")
3. **That** the Applicant/ Defendant No.3 was not in knowledge about ex-parte proceeding initiated against the applicants/ defendants as well because defendant No.3 is recently posted and does not receive any notice or summon in this regard.
4. **That** the valuable rights of the applicant/ defendant No.3 are involved and it is settled principle of law that no one should be condemn unheard, solely on this ground the applicants/ defendants are entitled to the concession prayed.
5. **That** the Law always prefers adjudication upon merits and technicalities are to be avoided in best interest of justice, as held by the Apex Court of the Country in plenty of its Landmark Judgments.

6. That the application moved by the Applicant / Defendant No.3 is competent enough and is well within time.

*It is therefore most humbly prayed that on acceptance of the instant application, the ex-parte proceedings dated: 04-06-2024 against the Applicant / Defendant No. 3 may kindly be set-aside and an opportunity be provided to the Applicants / Defendants to contest their case upon merits.*

Dated: 26-6-2024

**Applicant / Defendant No. 3**  
District Accounts Officer, Bajaur

Zakiullah

**Affidavit:**

I, Zakiullah D.A.O Bajaur, do hereby solemnly affirm & declare on oath that the contents of the instant application are true and correct and nothing has been concealed or mis-stated.



*[Signature]*  
26/06/24.

*[Signature]*  
DEPONENT



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 1814 /2022

Mst; Bushra Perviz, LHV (BPS-12),  
BHU Kotki, Lar Sadin, Bajaur.

.....APPELLANT

VERSUS

- 1- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Health Officer, District Bajaur.
- 3- The District Account Officer, District Bajaur.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974, FOR THE  
RELEASE OF SALARIES W.E.F. JUNE, 2022 TILL DATE AND  
AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL  
APPEAL OF APPELLANT WITHIN THE STATUTORY  
PERIOD OF NINETY DAYS**

**PRAYER:**


That on acceptance of this appeal the respondent Department may very kindly be directed to release the monthly salaries of the appellant w.e.f. June, 2022 till date with all other consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

*Brief facts giving rise to the present appeal are as under:-*

- 1- That appellant was appointed as Lead Health Visitor (BPS-9 now BPS-12) in the respondent department vide order dated 28.05.2015. That after appointment against the aforementioned post the appellant took over the charge and started performing her duty at the concerned station quite efficiently and upto the entire satisfaction of her superiors. Copies of the appointment order, medical certificate, arrival report & diploma are attached as annexure.....A, B, C & D.
- 2- That from the date of initial appointment the appellant is performing her duty at the concerned station with devotion and with all zeal and zest and as such during the entire period of service there is no complaint whatsoever been received to the high ups against the appellant.
- 3- That during service the service book of the appellant was also prepared by the respondent Department and the appellant regularly performing her duty

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

21/11/2024-A

SA 1814/2022

Bushra Pervez vs Govt

08.05.2024

01.

Counsel for the appellant present. Mr. Umair Azam,  
Addl. AG for the respondents present.

02.

Learned counsel for the appellant is directed to  
produce on the next date source form showing stoppage of  
salary of the appellant alongwith regularization order. To  
come up for record and arguments on 04.06.2024 before the  
D.B at camp court, Swat. PP given to the parties.

SCANNED  
KPST  
Peshawar



(Fareeha Paul)  
Member(E)  
Camp Court, Swat.

(Rashida Bano)  
Member(E)  
Camp Court Swat

\*Fazle Subhan, P.S\*

04<sup>th</sup> June, 2024

Learned counsel for the appellant present. Mr. Muhammad Jan,  
District Attorney alongwith Mr. Zakiullah, Assistant Account Officer on  
behalf of respondent No. 3 present and stated at the bar that  
reply/comments on behalf of respondent No. 3 had already been  
submitted and produced copy of its today but on perusal of record reveal  
that the same is not available, he requested for some time to make  
application for setting aside ex-parte proceeding initiated against  
respondent No. 3 as well as submission of reply/comments. Granted with  
direction to submit the same within a week positively without any delay.  
Adjourned. To come up for arguments on 26.06.2024 before D.B at the  
Principal seat Peshawar. P.P given to the parties.

ATTESTED

(Muhammad Akbar Khan)  
Member (E)

(Rashida Bano)  
Member (J)

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Camp Court Swat

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