

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. 2077 OF 2023

Misc Appli No 784/2024

1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar
2. Director General Health Services Khyber Pakhtunkhwa Peshawar

.....Applicants

Versus

Mr. Hazir Muhammad, Laboratory Technician (BPS-09) DHQ Hospital,
Batkhela, District Malakand.....Respondent

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Deponent

(Dr. Muhammad Saleem)
Director General Health Services
Khyber Pakhtunkhwa

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

**Khyber Pakhtunkhwa
Service Tribunal**

SERVICE APPEAL NO. 2077 OF 2023

Misc Appli No = 784/2024

Diary No. *14492*

Dated *24-07-24*

1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar
2. Director General Health Services Khyber Pakhtunkhwa Peshawar

.....Applicants

Versus

Mr. Hazir Muhammad, Laboratory Technician (BPS-09) DHQ Hospital,
Batkhela, District Malakand.....Respondent

**APPLICATION FOR PERMISSION TO SUBMIT JOINT PARAWISE
COMMENTS, SETTING SIDE EX-PARTE ORDER DATED 14/05/2024
AGAINST THE APPLICANTS NO. 01 & 02**

Respectfully Sheweth,

1. That the above cite case is pending in the Honorable Tribunal and is fixed for hearing on 25/07/2024.
2. That the applicants received the summon alongwith Service Appeal for submission of reply on 22/11/2023.
3. That the absence of the representative of the respondent 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 respondent if order dated 14/05/2024 set aside rather it would offer an opportunity for the applicants 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 application is well within limitation.

It is therefore, humbly prayed that the Ex-Party order dated on 14/05/2024 may kindly be set aside in the interest of justice.

The application / request on above subject may kindly be considered

(Appellants through)



(Dr. Muhammad Saleem)
Director General Health Services
Khyber Pakhtunkhwa

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**
SERVICE APPEAL NO. 2077 OF 2023

- 1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar
- 2. Director General Health Services Khyber Pakhtunkhwa Peshawar

.....**Applicants**

Versus

Mr. Hazir Muhammad, Laboratory Technician (BPS-09) DHQ Hospital,
Batkhela, District Malakand.....**Respondent**

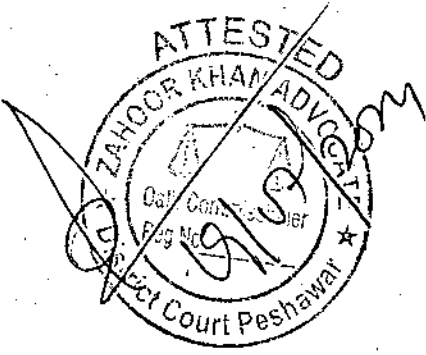
Affidavit

I, Dr. Muhammad Saleem, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm that the contents of the Application is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



Deponent

(Dr. Muhammad Saleem)
Director General Health Services
Khyber Pakhtunkhwa



-1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

APPEAL NO. 2077 /2023

Mr. Hazir Muhammad, Laboratory Technician (BS-09)
DHQ Hospital, Batkhela, District Malakand.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Health Officer, Malakand.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED DECISION TAKEN IN MEETING HELD ON 02.04.2019, INACTION OF THE RESPONDENTS BY NOT INCLUDING THE APPELLANT IN THE JOINT SENIORITY LIST FOR PROMOTION OF QUALIFIED TECHNICIANS I.E. PATHOLOGY TO THE POST OF CLINICAL TECHNOLOGIST (BPS-17) WITH REFERENCE TO THE DATE OF ACQUIRING QUALIFICATIONS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINTY DAYS.

PRAYER:-

That on acceptance of the instant service appeal the impugned decision taken in the minutes of meeting held on 02.04.20219, whereby the subject of Hematology has not been included in the seniority list of qualified Technicians for the purpose of promotion to the post of Clinical Technologist (Pathology) (BPS-17) with reference to the date of acquiring of the relevant qualifications with all back benefits including seniority, be set aside and the respondents may please be directed to consider the qualification of the appellant i.e. Hematology (sub-branch of Pathology) as qualification for inclusion in the seniority list of qualified Technicians i.e.

H-41



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14th May. 2024

1. Learned counsel for the appellant and Mr. Umair Azam, Additional Advocate General present.

2. Respondents were given a number of chances to file reply. On 14.02.2024, last opportunity was granted to them and the case was adjourned to 25.03.2024. On 25.03.2024, a cost of Rs. 5000/- was imposed upon the respondents and they were provided the opportunity to file reply but neither they have filed reply nor any representative is present before the Tribunal. Therefore, the Tribunal is constrained to place them ex-parte. The appeal is admitted to full hearing subject to all just and legal objections. Appellant is directed to deposit security fee, within three days. To come up for ex-parte arguments on 25.07.2024 before D.B. P.P given to the appellant's counsel.

(Kalim Arshad Khan)
Chairman

Mutazem Shah

1. A.No. _____

2. Court directives: Ex Parte Argued on 25/07/2024

3. Action to be done by _____



(5)

**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**

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"B"

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

No.

SB

Appeal No. 2077 of 20²³

Hazrat Muhammad

Appellant/Petitioner

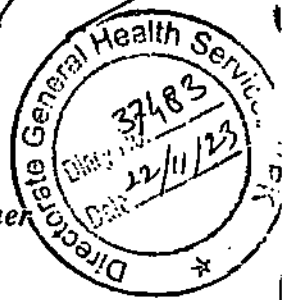
Versus
Secy Health Peshawar

Respondent

Respondent No. (2)

Notice to:

Director General Health Services KPK 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 the Tribunal *on 28/11/2023 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~ office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 15th

Day of Nov 20²³

For Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.