

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

SERVICE APPEAL NO. 2340 OF 2023

Misc Appli No 782/2024

1. Chief Secretary Khyber Pakhtunkhwa Peshawar.
 2. Secretary to Govt. of Khyber Pakhtunkhwa Health Department
 3. Director General Health Services Khyber Pakhtunkhwa
 4. Secretary Establishment Govt. of Khyber Pakhtunkhwa Peshawar.
 5. Secretary Finance, Govt. of Khyber Pakhtunkhwa Peshawar.
- **Applicants**

Versus

Sardar Zaheer S/O Nazeer Ahmad CCT Radiology BBSH Abbottabad
..... **Respondent**

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Deponent

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

(1)

B BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 2340 OF 2023

Misc Appli No 782 / 2024

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 14490

Dated 24-07-24

1. Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Health Department
3. Director General Health Services Khyber Pakhtunkhwa
4. Secretary Establishment Govt. of Khyber Pakhtunkhwa Peshawar.
5. Secretary Finance, Govt. of Khyber Pakhtunkhwa Peshawar.

..... Applicants

Versus

Sardar Zaheer S/O Nazeer Ahmad CCT Radiology BBSH Abbottabad

..... Respondent

**APPLICATION FOR PERMISSION TO SUBMIT JOINT PARAWISE
COMMENTS, SETTING ASIDE EX-PARTE ORDER DATED
29/05/2024**

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 09/02/2024.
3. That the absence of the representative of the applicants 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 orders dated 29/05/2024 set aside rather it would offer 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.

It is therefore humbly prayed that the Ex-Party order dated 29/05/2024 may kindly be set aside in the interest of justice, and applicants please be allowed to file / submit parawise comments.

(Appellants through)



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

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR
SERVICE APPEAL NO. 2340 OF 2023**

1. Chief Secretary Khyber Pakhtunkhwa Peshawar.
 2. Secretary to Govt. of Khyber Pakhtunkhwa Health Department
 3. Director General Health Services Khyber Pakhtunkhwa
 4. Secretary Establishment Govt. of Khyber Pakhtunkhwa Peshawar.
 5. Secretary Finance, Govt. of Khyber Pakhtunkhwa Peshawar.
- Applicants

Versus

Sardar Zaheer S/O Nazeer Ahmad CCT Radiology BBSH Abbottabad
..... 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



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(3)

**BEFORE HON'BLE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.**

Appeal No 2340/2023 Writ Petition # 650-A/2023

1. Zaheer Ahmad s/o Nazeer Ahmed CCT Radiology BBSH Abbottabad,
2. Rabnawaz s/o Abdul jabbar CCT Radiology BBSH Abbottabad,
3. Ghulam Akhter s/o karam Bakhsh Junior Clinical Technician Radiology Department DHQ Hospital Haripur,
4. Muhammad Tahir s/o Ali Mardan SRCT Radiology BBSH Abbottabad,
5. Sajid Baig s/o Sarwar Din SRCT Radiology Benazir Shaheed Hospital WCH, Abbottabad.

Versus

..... Petitioners

1. Government of KPK through its Chief Secretary, Peshawar.
2. Secretary Health Department KPK, Peshawar.
3. Director General Health Department KPK, Peshawar.
4. Secretary Establishment Govt of KPK, Peshawar.
5. Secretary Finance, Government of KPK, Peshawar.

..... Respondents

**WRIT PETITION UNDER ARTICLE
199 OF THE CONSTITUTION OF
PAKISTAN, 1973 AS AMENDED
UPTO DATE.**

Respectfully Sheweth!

The brief facts necessitated the instant service Writ petition are as under: -

1. That the Posts of Radiographer & X-Ray technician were placed in BPS-06 through Service Rules 1978. (Copy of 1978 rules are attached as annexure "A").
2. That Government of KPK upgraded various cadres of Health department through its Scheme 1983 but created anomaly by leaving Radiology Department i.e. Radiographer & X-Ray technicians. (Copy of 1983 rules are attached as annexure "B").

USED TO FILE
JUDICIAL REGISTRAR
ABBOTTABAD BENCH
13/1/23

25.04.2024 01. Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Atiq-ur-Rehman, Assistant for the respondents present.

02. Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Granted. To come up for reply/comments as well as preliminary hearing on 29.05.2024 before S.B at camp court Abbottabad. P.P. given to the parties.

Stamp: COURT CAMP COURT ABBOTTABAD

(Muhammad Akbar Khan)
Member (E)
Camp Court Abbottabad



Kawmullah

29th May. 2024 1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah, Deputy District Attorney present.

2. On the previous date, one Atiq Ur Rehman Assistant was present on behalf of the respondents, who had sought time to file reply but till date, reply has not been filed. Therefore, respondents are placed ex-parte. The appeal is admitted to regular hearing subject to all just and legal objections. Appellant is directed to deposit security fee within 10 days. To come up for arguments on 25.07.2024 before D.B at Camp Court, Abbottabad. P.P given to the appellant's counsel.



(Kalim Arshad Khan)
Chairman

*Mutazem Shah *



(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**

4085
of 02-24

(6)

Office of the Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“B”

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

No.

Appeal No. 2340 of 2023

Saddat Zaheer Appellant/Petitioner

Versus

Through Chief Secy Peshawar Respondent

Respondent No. 3

Notice to: DG Health Department Lpk 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 25-4-24 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.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated.....~~ ^{Pre-Admission}

Given under my hand and the seal of this Court, at Peshawar this 2

Day of Feb 2024

Feb Reply
At camp court
Abbottabad.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.