

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

SERVICE APPEAL NO. 7304 OF 2021

Misc Appli No 370/2024

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

Versus

Dr. Wali Khan, Senior Medical Officer (BPS-18), Police & Services Hospital,
Peshawar.....**Respondent**

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Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 7304 OF 2021

Misc Appli No 870/2024

Diary No. *12830*

Dated *16-05-24*

1. Govt. of KP Through Chief Secretary Civil Secretariat Peshawar
2. Govt. of KP Through Secretary Health Civil Secretariat Peshawar
3. Govt. of KP Through Secretary Finance Civil Secretariat Peshawar
4. Govt. of KP Through Secretary Establishment Civil Secretariat Peshawar
5. Director General Health Services KP Civil Secretariat Peshawar

.....**Appellants**

Versus

Dr. Wali Khan.....**Respondent**

APPLICATION FOR PERMISSION TO SUBMIT JOINT PARAWISE COMMENTS, REMIT THE PENALTY IMPOSED ON 31/10/2022 & SETTING ASIDE THE ORDER DATED 08/12/2022 ON BEHALF OF APPELLANTS NO. 01 TO 05 WHEREBY THE APPELLANTS WERE PLACED EX-PARTE

Respectfully Sheweth,

1. That the above cite case is pending in the Honorable Tribunal and is fixed for hearing on 10/05/2024.
2. That the appellants received the summon alongwith Service Appeal for submission of reply on 28/06/2022.
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 31/10/2022 & 08/12/2022 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 penalty imposed on 31/10/2022 & the ex-parte order dated 08/12/2022 may kindly be set aside in the interest of justice.

(Appellants through)



(Dr. Shoukat Ali)

Director General Health Services
Khyber Pakhtunkhwa

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

SERVICE APPEAL NO. 7304 OF 2021

- 1. Govt. of KP Through Chief Secretary Civil Secretariat Peshawar
- 2. Govt. of KP Through Secretary Health Civil Secretariat Peshawar
- 3. Govt. of KP Through Secretary Finance Civil Secretariat Peshawar
- 4. Govt. of KP Through Secretary Establishment Civil Secretariat Peshawar
- 5. Director General Health Services KP Civil Secretariat Peshawar

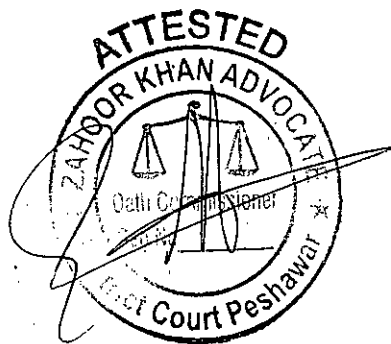
.....**Appellants**

Versus

Dr. Wali 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

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No. 7304/2021.

Dr. Wali Khan, Senior Medical Officer (BPS-18), Police & Services Hospital,
Peshawar.

.....Appellant.

VERSUS

- 1. **Government of Khyber Pakhtunkhwa,**
Through Chief Secretary, Civil Secretariat, Peshawar.
- 2. **Government of Khyber Pakhtunkhwa,**
Through Secretary Health Department, Civil Secretariat, Peshawar.
- 3. **Government of Khyber Pakhtunkhwa,**
Through Secretary Finance Department, Civil Secretariat, Peshawar.
- 4. **Government of Khyber Pakhtunkhwa,**
Through Secretary Establishment Department, Civil Secretariat, Peshawar.
- 5. **Director General Health Services,** Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 6. **Accountant General Khyber Pakhtunkhwa,** Peshawar.

.....Respondents

Service Appeal Under Section 4 of KP Service Tribunal Act.

Respectfully Sheweth,

Brief but relevant facts warranting this Appeal:

- 1. That the appellants herein are the regular employee of Health Department who is now posted at the positions duly mentioned in the heading of this appeal. Ever since appointment, the appellant is performing his duties to his zeal and zest and has never been complained of regarding his duties which the appellant is performing since entering into service.
- 2. Ever since 2011 the appellants along with other similarly placed employees of the province are getting Health Professional Allowance (herein-after referred to as HPA) which was enhanced in 2016 at various rates for various categories keeping in view the

03.10.2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. AG for the respondents present.

Reply/comments have not been submitted by the respondents. Learned AAG requested for further time. Last opportunity is granted. To come up for written reply/comments on 31.10.2022 before S.B.

(Mian Muhammad)
Member (E)

31.10.2022

Junior to counsel for appellant present.

Naseer Ud Din Shah, learned Assistant Advocate General, for respondents present.

Reply not submitted. Learned AAG requested for time to submit reply/comments. Granted but on payment of cost of Rs.3000/- to be paid by the respondents. To come up for reply/comments on 08.12.2022 before S.B.

(Rozina Rehman)
Member (J)

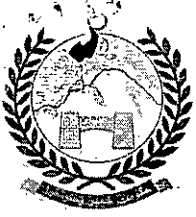
08.12.2022

Junior to counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General alongwith Safi Ullah Focal Person for respondents present.

Despite last chance neither written reply/comments submitted nor cost paid, therefore, right for submission of written reply/comments stands struck off. To come up for arguments on 14.03.2023 before S.B.



(Rozina Rehman)
Member (J)



**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**