

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO. 395 OF 2024**


1. Director General Health Services Khyber Pakhtunkhwa Peshawar  
..... **Applicant**

**Versus**

Syed Muhammad Khan, Senior Clerk (BPS-14) DHQ Hospital Miran Shah  
District North Waziristan..... **Respondent**

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

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 395 OF 2024**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15716

1. Director General Health Services Khyber Pakhtunkhwa Peshawar Dated 11-09-24  
.....Applicant

**Versus**

Syed Muhammad Khan, Senior Clerk (BPS-14) DHQ Hospital Miran Shah  
District North Waziristan..... Respondent

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED  
22/08/2024**

Respectfully Sheweth,

1. That the above cite case is pending in the Honorable Tribunal and is fixed for hearing on 01/11/2024.
2. That the applicants received the summon alongwith Service Appeal for submission of reply on 09/07/2024.
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 22/08/2024 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 22/08/2024 may kindly be set aside in the interest of justice, and applicants please be allowed to file / submit parawise comments.

(Applicant through)



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

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR**

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1. Director General Health Services Khyber Pakhtunkhwa Peshawar  
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District North Waziristan..... **Respondent**

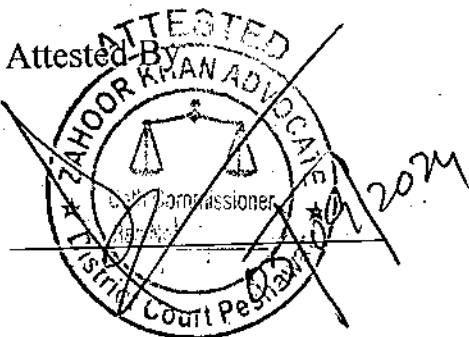
**Affidavit**

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  
(Applicants)



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

SERVICE APPEAL No. 395 /2024

Mr. Syed Muhammad Khan, Senior Clerk (BPS-14)  
DHQ Hospital, Miran Shah, district North Waziristan  
..... APPELLANT

**VERSUS**

- 1- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 2- Rooh Ul Amin S/o Miskeen Khan, Assistant (BPS-16) BKMC Mardan.
- 3- Ihsan Ullah S/o Fazal Mabood, Assistant (BPS-16) SGTH Swat
- 4- Umar Saddique S/o Madan Shah, Assistant (BPS-16) DHQ Hospital Batkhela.
- 5- Ihsan Ullah S/o Saleh Jan, Assistant (BPS-16), DHQ Bunir.
- 6- Jameel Ur Rehman, Assistant (BPS-16) DHQ Hospital Mohmand.

.....RESPONDENTS

**SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, 1974 AGAINST IMPUGNED NOTIFICATION 16/08/2023, WHEREBY THE APPELLANT HAS PROMOTED TO THE POST OF SENIOR CLERK WITH IMMEDIATE EFFECT INSTEAD WITH EFFECT FROM 17/03/2008, WHEN HIS OTHER COLLEAGUES WERE PROMOTED AS SENIOR CLERK AND AGAINST THE NOTIFICATION DATED 26/05/2023, WHEREBY COLLOGUES AND JUNIOR COLLOGUES WERE PROMOTED TO THE POST OF ASSISTANT (BPS-16) AND IGNORED THE APPELLANT WITHOUT ANY REASON AND AGAINST THE INACTION OF THE APPELLATE AUTHORITY, BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF 90 DAYS.**

**Prayer:-**

That on acceptance of the instant service appeal, the impugned notification dated 16/08/2023 may kindly be rectified/modified to the extent of appellant by considering the appellant for promotion to the post of Senior Clerk (BPS-14) w.e.f. 17/03/2008 i.e. when other collogues of the appellant were promoted as Senior Clerks, further the impugned notification dated 26/05/2023 may kindly be set

22<sup>nd</sup> Aug. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney present.

2. On the previous date, Mr. Yousaf Jamal, Assistant was present on behalf of the respondents, who had sought time for submission of reply but till date, reply has not been filed nor any representative of the respondents is present. Therefore, respondents are placed ex-parte. The matter be fixed for ex-parte arguments on 01.11.2024 before D.B. P.P given to the appellant's counsel.



(Kalim Arshad Khan)  
Chairman

\*Mutazein Shah\*



**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*

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**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**