

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 565 OF 2024**

1. Director General Health Services Khyber Pakhtunkhwa Peshawar
2. District Health Officer, Swabi at Shah Mansoor, District Swabi.
3. District Account Officer at Shah Mansoor, District Swabi.

.....**Applicants**

**Versus**

Muhammad Farooq, Ex-Driver BHU Zaida, National Programme for Family Planning & Public Health Care, District Swabi .....**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. 565 OF 2024**

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 15707

Dated 11-09-24

1. Director General Health Services Khyber Pakhtunkhwa Peshawar
2. District Health Officer, Swabi at Shah Mansoor, District Swabi.
3. District Account Officer at Shah Mansoor, District Swabi.

.....Applicants

**Versus**

Muhammad Farooq, Ex-Driver BHU Zaida, National Programme for Family Planning & Public Health Care, District Swabi .....Respondent

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 12/06/2024**

Respectfully Sheweth,

1. That the above cite case is pending in the Honorable Tribunal and is fixed for hearing on 27/11/2024.
2. That the applicants received the summon alongwith Service Appeal for submission of reply on 06/05/2024.
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 12/06/2024 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 12/06/2024 may kindly be set aside in the interest of justice, and applicants please be allowed to file / submit parawise comments.

(Applicants through)



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

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**TRIBUNAL PESHAWAR**  
**SERVICE APPEAL NO. 565 OF 2024**

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**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)

Attested By



## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 565/2024

Muhammad Farooq, Ex-Driver, BHU Zaida, National Programme for Family Planning & Public Health Care, District Swabi.

-----Appellant

## VERSUS

1. Director General, Health Services, Ex-FATA Secretariat, Warsak Road Peshawar.
2. District Health Officer, Sawabi at Shah Mansoor, District Sawabi.
3. District Account Officer at Shah Mansoor, District Sawabi.

-----Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST INACTION AND OMISSION OF THE RESPONDENTS TO CONSIDER THE APPELLANTS CONTRACT PERIOD FOR THE BENEFITS OF PAY PROTECTION AND PENSION WITH EFFECT FROM THE FIRST APPOINTMENT TILL REGULARIZATION AND AGAINST NOT DECIDING/NOT PROVIDING ORDER/INFORMATION ON THE APPLICATION/ DEPARTMENTAL APPEAL OF THE APPELLANT, WITHIN STATUTORY PERIOD OF 90 DAYS.

16.05.2024 1. Learned counsel for the appellant present. Mr. Arshad Azam, Assistant Advocate General for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Granted. To come up for reply/comments on 12.06.2024 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)  
Member (E)

\*Kamran\*

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

1. Nobody is present on behalf of the appellant. Mr. Arshad Azam, Assistant Advocate General present.

2. Despite service through TCS, neither respondents are present before the Tribunal nor reply has been submitted, therefore, they are placed ex-parte. The appeal is admitted to full hearing. Appellant is directed to deposit security fee within 10. Be placed before the D.B for ex-parte arguments on 05.09.2024. Parcha Peshi given to Assistant Advocate General.

(Kalim Arshad Khan)  
Chairman

\*Nacem Amin\*



**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**