

Petition No.573/2024 U/S 12(2) of the Civil Procedure Code, 1908 titled "Secretary to Government of Khyber Pakhtunkhwa, Health Department and another Vs. Dr. Lal Zari, (appellant of appeal No.1299/2019)"

ORDER

1st Oct. 2024

Kalim Arshad Khan, Chairman: Mr. Naseer Ud Din Shah, Assistant Advocate General for the petitioners present. Learned counsel for the respondent/appellant present.

2. Brief case of the instant petition is that the appellant/respondent had filed Service Appeal No.1299/2019 before this Tribunal which was decided vide judgment dated 14.04.2023, however, the Health Department was not arrayed in the appeal, therefore, the petitioners allege that the judgment has been got through misrepresentation, hence, the instant petition.

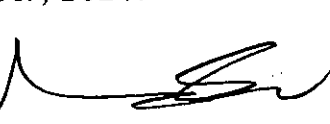
3. Arguments heard. Record perused.

4. Upon perusal of the petition, there is no element of fraud explained therein. The Government of Khyber Pakhtunkhwa has admitted already filed a CPLA against the judgment sought to be set aside. Besides, no element of fraud, misrepresentation except the fact that the petitioners were not made party in the main appeal, could be explained. The impugned judgment has been perused, vide which the impugned order of imposition of penalty with disciplinary proceedings were set aside

5. In view of the above, instant petition fails and is dismissed with costs. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 1st day of October, 2024.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman