

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 179 OF 2024

1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.

..... **Applicants**

Versus

Nihar Khan Naib Qasid Naseer Ullah Babar Memorial Hospital Peshawar

..... **Respondent**

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

(Applicants) →

~~RESPONDENT~~ NO. 1 & 2

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 179 OF 2024

Khyber Pakhtunkhwa
Service Tribunal

Date: 16/3/24

Dated: 07-10-24

- 1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar.
- 2. Director General Health Services Khyber Pakhtunkhwa Peshawar.

..... Applicants

Versus

Nihar Khan Naib Qasid Naseer Ullah Babar Memorial Hospital Peshawar

..... Respondent

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED
07/05/2024**

Respectfully Sheweth,

- 1. That the above cite case is pending in the Honorable Tribunal and is fixed for hearing on 11/12/2024.
- 2. That the applicants received the summon alongwith Service Appeal for submission of reply on 13/02/2024.
- 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 07/05/2024 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-Parte order dated 07/05/2024 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 *APPLICANTS*

~~RESPONDENT~~ No. 1 & 2

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 179 OF 2024

- 1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar.
 - 2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
-Applicants

Versus

Nihar Khan Naib Qasid Naseer Ullah Babar Memorial Hospital Peshawar
.....Respondent

Affidavit

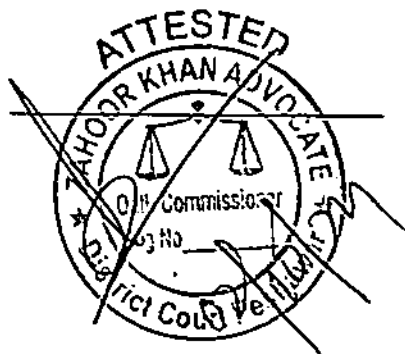
I, Dr. Muhammad Saleem, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm that the contents of the Application is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent



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

Attested By



**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No:- 179 /2024

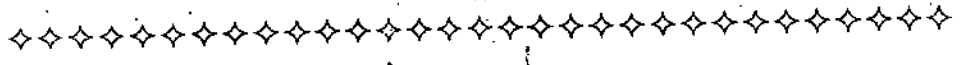
Case No. 10613
Date 17-1-2024

Nihar Khan Naib-Qasid Naseer Ullah Babar Memorial Hospital Peshawar
..... Appellant

Versus

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Civil Secretariat Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa at Peshawar.

..... Respondents



APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE RESPONDENTS FOR NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF JUNIOR CLERK UNDER 33% QUOTA RESERVED FOR CLASS-IV EMPLOYEES W.E.F THE DATE WHEN HIS JUNIORS COLLEAGUES WERE PROMOTED.

Prayer in appeal:

On acceptance of the instant appeal the appellant may graciously be considered for promotion under 33 % quota reserved for class IV employees from the date when his juniors were promoted along with seniority, further promotions and all other back benefits.

Respectfully Sheweth:-

07.03.2024 1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Yousaf Jamal, Assistant for the respondents present.

2. 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 07.05.2024 before S.B. Parcha Peshi given learned counsel for the appellant.

SCANNED REPORT Habib Anwar

(Muhammad Akbar Khan)
Member (E)



7th May. 2024

1. Junior to counsel for the petitioner present. Mr. Arshad Azam, Assistant Advocate General present.

2. On the previous date, Mr. Yousaf Jamal, Assistant was present and had sought time to file reply. Today, neither reply has been submitted nor anybody is present on behalf of the respondents, therefore, they are placed ex-parte. The appeal is admitted to regular hearing subject to all just and legal objections. Appellant is directed to deposit security fees within seven days. To come up for arguments on 16.07.2024 before D.B. P.P given to the appellant's counsel.

Mutazem Shah

(Kamran Arshad Khan)
Chairman



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**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**