

\*) The application for setting aside ex-parte order in appeal 531/2024 submitted to-day by Mr. Gulraj ud Din and 4 others through Mr. Fazal Shah Mohmand Advocate is incomplete on the following score which is returned to the counsel for the applicant for completion and resubmission within 10 days.

1- Copies of title page of the main appeal and last order passed by the Hon'ble Tribunal are not attached with the application be placed on it.

No. 858 /Inst./2024/KPST,

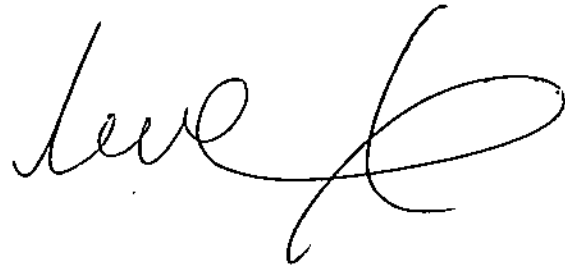
Dt. 9/10 /2024.

  
ADDITIONAL REGISTRAR  
SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWA  
PESHAWAR.

M. Fazal Shah Mohmand,  
High Court Peshawar.

R/siv,

Re-submitted after necessary  
completion.



9/10/2024.

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

C.M No. 1154 /2024  
In  
Service Appeal No.531/2024

Gulraj ud Din & others. . . . . **APPLICANTS**

**VERSUS**


Muhammad Shakeel. . . . . **RESPONDENT**

**I N D E X**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Application with Affidavit		1-3
2.	Copy of Order dated 20.05.2024		<u>4</u>

*Sabit*  
Applicants

Through

  
**Fazal Shah Mohmand**  
Advocate Supreme Court  
of Pakistan  
Cell: 0301-8804841

Dated: 02.10.2024

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

C.M No. \_\_\_\_\_/2024  
In  
Service Appeal No.531/2024

Khyber Pakhtunkhwa  
Service Tribunal  
Case No. 16289  
Dated 02-10-24

1. Gulraj ud Din S/o Kamal ud Din, Naib Qasid now Junior Clerk, Mardan.
2. Musarrat Shah S/o Zakir Shah, Chowkidar, now Junior Clerk, Charsadda.
3. Sadat Khan S/o Daulat Khan, Naib Qasid now Junior Clerk, Peshawar.
4. Abdul Aziz S/o Fazal Mabood, Naib Qasid now Junior Clerk, Peshawar.
5. Sikandar Khan S/o Ikhtiar Ali, Naib Qasid now Junior Clerk, Nowshera.

All employees of Public Health Section, Health Department. . . . . **APPLICANTS**

**VERSUS**

Muhammad Shakeel S/o Muhammad Jameel, Naib Qasid (BPS-03), Services Hospital, Peshawar.  
.....**RESPONDENTS**

**APPLICATION FOR SETTING ASIDE EX-PARTE  
ORDER DATED 20.05.2024.**

**Respectfully Sheweth:**


1. That the above mentioned case is pending before this Hon'ble Court which is fixed for today i.e. 02.10.2024.
2. That the applicants were placed ex-parte by this Hon'ble Tribunal, vide order dated 20.05.2024. (Copy of Order is attached).

3. That the applicants received notices few days ago and when they came to this Hon'ble Tribunal, they were told that you have become ex-parte, hence this application.
4. That no prejudice will be caused to the respondent, if ex-parte order dated 20.05.2024 is set aside, rather it would offer an opportunity for the applicants to put forth their side of facts before this Hon'ble Tribunal. So that this Hon'ble Tribunal may reach at the just and proper decision of the case.
5. That important and valuable rights of the applicants are attached with the instant appeal, and if the ex-parte order is not set aside will suffer irreparable loss.
6. That as per the apex court judgment the cases be decided on merits and technicalities should be avoided.
7. That the application is well within time.
8. That any other ground will be taken at the time of arguments with the permission of this Hon'ble Tribunal.

It is, therefore, very humbly prayed that on acceptance of this application, ex-parte order dated 20.05.2024 may kindly be set aside.

  
Applicants

Through

  
Fazal Shah Memmand  
Advocate Supreme Court  
of Pakistan

Dated: 02.10.2024

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

C.M No. \_\_\_\_\_/2024  
In  
Service Appeal No.531/2024

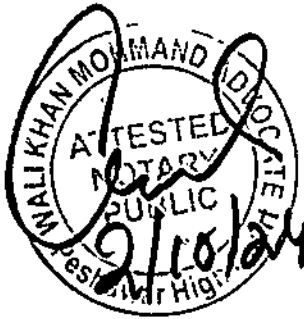
Gulraj ud Din & others. . . . . **APPLICANTS**

**VERSUS**

Muhammad Shakeel. . . . . **RESPONDENT**

**AFFIDAVIT**

I, **Sadat Khan** S/o Daulat Khan, Naib Qasid now Junior Clerk, Public Health Section, Health Department, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*Sadat Khan*  
**DEPONENT**



**BEFORE THE HON'BLE SERVICE TRIBUNAL KPK, PESHAWAR**

Service appeal No. 581 /2024

Muhammad Shakeel S/O Muhammad Jameel, Naib Qasid, (BPS-03), Services Hospital, Peshawar.

Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Secretary, Health Peshawar.
2. Director General Health Services, Peshawar.
3. Mufti Uddin S/O Kamal Uddin Naib Qasid Now Jr. Clerk, Mardan.
4. Musarrat Shah S/O Zakir Shah Chowkidar Now Jr. Clerk, Charsadda.
5. Sadat Khan S/O Daulat Naib Qasid. Now Jr. Clerk, Peshawar.

Khyber Pakhtunkhwa  
Service Tribunal

Discy No. 12078

Dated 02.04.2024

6. Abdul Aziz S/O Fazal Mabood Naib Qasid Now Jr. Clerk, Peshawar.

2. Government

7. Sikandar Khan S/O Ikhtlar Ali, Naib Qasid Now Jr. Clerk, Nowshera

2. Public Health Section Health Dept. Nowshera

Respondents.

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 THE NOTIFICATION NO. 2784-90/MINISTERIAL PROMOTION CELL DATED 30-10-2023 MAY KINDLY BE DECLARED ILLEGAL, AND INEFFECTIVE UPON THE RIGHTS OF THE APPELLANT.**

**PRAYER IN APPEAL**

ON ACCEPTANCE OF THIS APPEAL, THE APPELLANT MAY BE DIRECTED TO BE PROMOTED BEING SENIOR TO THE PRIVATE RESPONDENTS NO. 3 TO 7 OR ANY OTHER RELIEF THIS HON'BLE TRIBUNAL DEEM FIT IN THE INTEREST OF JUSTICE MAY BE GRANTED.

Respectfully, Sheweth.

The Appellant humbly submits as under:-

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

02-16-24



20<sup>th</sup> May, 2024

1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General present.

2. Nobody is present on behalf of the respondents nor reply has been submitted. Therefore, respondents are placed ex-parte. To come up for arguments on 31.07.2024 before D.B. P.P given to the appellant's counsel.

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

02-10-2024

\*Murtazem Shah\*

(Kalim Arshad Khan)  
Chairman

Date of Presentation of Application	02-10-2024
Number of Words	1-P
Copying Fee	5/-
Urgent	5/-
Total	10/-
Name of Copier	
Date of Completion	02-10-2024
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