

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 2467 OF 2023

C.M. NO. 1097/2024


1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department.
2. Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. Director General Health Services Khyber Pakhtunkhwa Peshawar
4. District Health Officer, Charsadda.
5. District Account Officer, Charsadda..... **Applicants**

Versus

Mst. Jameela (Ex-Lady Health Worker) W/O Yousaf Jan R/O Sardheri,
Charsadda Village Shekho (Sardheri) Tehsil & District Charsadda.....
..... **Respondent**

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

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 2467 OF 2023

C.M. No. 1097/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. *16005*

Dated *24-09-24*

1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department.
2. Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
3. Director General Health Services Khyber Pakhtunkhwa Peshawar.
4. District Health Officer, Charsadda.
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Versus

Mst. Jameela (Ex-Lady Health Worker) W/O Yousaf Jan R/O Sardheri,
Charsadda Village Shekho (Sardheri) Tehsil & District Charsadda.....

..... **Respondent**

APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED
26/06/2024

Respectfully Sheweth,

1. That the above cite case is pending in the Honorable Tribunal and is fixed for hearing on 27/09/2024.
2. That the applicants received the summon alongwith Service Appeal for submission of reply on 22/12/2023.
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 26/06/2024 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 26/06/2024 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

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 2467 OF 2023

1. Secretary to Govt. of Khyber Pakhtunkhwa Health Department.
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Versus

Mst. Jameela (Ex-Lady Health Worker) W/O Yousaf Jan R/O Sardheri,
 Charsadda Village Shekho (Sardheri) Tehsil & District Charsadda.....
 **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)



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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 2467 /2023

Mst Jameela (Ex-Lady Health Worker) W/o Yousaf Jan,
R/o Sardheri, Charsadda village shekha (sardheri)Appellant
Tehsil & dist. Charsadda.
Versus

1. Secretary to Government of Khyber Pakhtunkhwa, Department of Health, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
4. District Health Officer, Charsadda
5. District Account Officer, CharsaddaRespondents

**Service Appeal Under Section 4 of Khyber
Pakhtunkhwa Service Tribunal Act, 1974**

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the appellant was appointed as Lady Health Worker in the respondent Department on fixed pay by the competent authority in the prescribed manner after fulfilling all the codal formalities vide appointment order dated 02-03-1996. (Copy of the appointment order is appended herewith as Annex-A)
2. That the said contract was extended from time to time. Meanwhile the Government of Khyber Pakhtunkhwa promulgated Khyber Pakhtunkhwa Regulation of lady Health Workers Program and Employees (Regularization and Standardization) Act, 2014 the services of all the contract employees were regularized.
3. That in pursuance of the aforesaid Act the respondents regularized the services of the Appellant and her colleagues vide Office Order dated 24-09-2014. (Copy of Regularization order is appended herewith as Annex-B)
4. That now the appellant has retired from service on attaining the age of superannuation with effect from 31-03-2020 vide Office Order dated 28-04-

26th June, 2024

1. Junior to counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Mr. Asif Khan, Assistant for the respondents present.

2. Written reply/comments on behalf of the respondents have not been submitted despite absolute last and final chance as well as imposition of cost of Rs. 2000/-, therefore, they are placed ex-parte. To come up for arguments on 27.09.2024 before D.B.

(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A.



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