

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 2466 OF 2023**

*C.M. NO-1334/2024*

1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar
2. Director General Health Services Khyber Pakhtunkhwa Peshawar
3. Deputy Director (Admin) Directorate General Health Services Khyber Pakhtunkhwa Peshawar.
4. Additional Director General (HR) Directorate General Health Services Khyber Pakhtunkhwa Peshawar.
5. Accountant General Khyber Pakhtunkhwa Peshawar.
6. Accounts Section DHIS Cell, Khyber Pakhtunkhwa Peshawar..... **Applicants**

Versus

Fazal Dayan S/O Mir Nawaz Account Assistant BPS-16 DGHS Health Office Peshawar..... **Respondent**

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

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 2466 OF 2023**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17687

Dated 06-11-24

1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar
2. Director General Health Services Khyber Pakhtunkhwa Peshawar
3. Deputy Director (Admin) Directorate General Health Services Khyber Pakhtunkhwa Peshawar.
4. Additional Director General (HR) Directorate General Health Services Khyber Pakhtunkhwa Peshawar.
5. Accountant General Khyber Pakhtunkhwa Peshawar.
6. Accounts Section DHIS Cell, Khyber Pakhtunkhwa Peshawar..... **Applicants**

Versus

Fazal Dayan S/O Mir Nawaz Account Assistant BPS-16 DGHS Health Office Peshawar..... **Respondent**

**APPLICATION FOR SETTING ASIDE EX-PARTE ORDER DATED 30/09/2024**

Respectfully Sheweth,

1. That the above cite case is pending in the Honorable Tribunal and is fixed for hearing on 14/11/2024.
2. That the applicants received the summon alongwith Service Appeal for submission of reply on 22/08/2024.
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 30/09/2024 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 30/09/2024 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. 2466 OF 2023**

1. Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar
2. Director General Health Services Khyber Pakhtunkhwa Peshawar
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6. Accounts Section DHIS Cell, Khyber Pakhtunkhwa Peshawar..... **Applicants**

Versus

Fazal Dayan S/O Mir Nawaz Account Assistant BPS-16 DGHS Health Office Peshawar..... **Respondent**

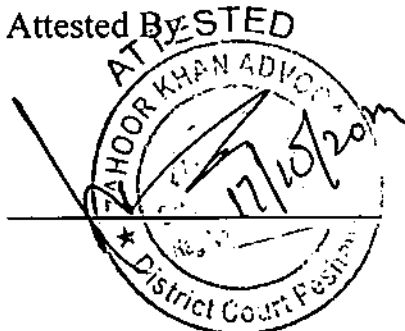
**Affidavit**

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)



BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9085

Dated 15-11-2023

Service Appeal No. 24/66 of 2023


Fazal Dayan S/O Mir Nawas  
Account Assistant BPS-16, DGHS Health Office, KP, Peshawar  
.....Appellant

**V E R S U S**

1. Secretary to Government of KPK, Health Department, Peshawar
2. Director General (<sup>HEALTH</sup>~~Admin~~) Directorate General, Health Services KPK, Peshawar
3. Deputy Director (Admn) Directorate General, Health Services KP, Peshawar
4. Additional Director General (HR) Directorate General, Health Services KP, Peshawar
5. Accountant General KP, Peshawar
6. Accounts Section DHIS Cell, KP, Peshawar

.....Respondents

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned office order bearing No. 5898 dated 18/10/2023 whereby departmental appeal/application of the appellant has been regretted (Copy annexed hereto marked A).

Attended  



SA 2466/2023

02.09.2024

01. Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Yousaf Jamal, Assistant for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents requested for further time. Granted. To come up for reply/comments and preliminary hearing on 30.09.2024 before the S.B. PP given to the parties.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member(E)

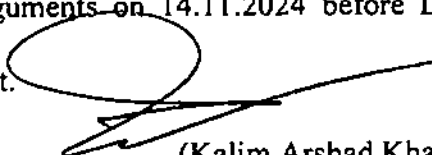
\*Fazle subhan P.S\*

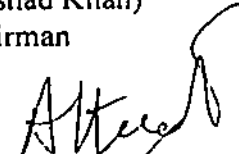

30<sup>th</sup> Sep. 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney present.

2. Reply on behalf of the respondent No.5 has been submitted, found placed on file. Nobody is present on behalf of the remaining respondents, nor reply has been submitted. 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 fee, within 10 days. To come up for arguments on 14.11.2024 before D.B. P.P given to the appellant.

\*Mutazem Shah\*

  
(Kalim 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*

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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**