

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1187/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/07/2022	<p>The appeal of Muhammad Ibrahim presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on . Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: center;">REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1187 /2022

MR. MUHAMMAD IBRAHIM VERSUS HEALTH DEPT:

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APPELLANT

THROUGH:
NOOR MUHAMMAD KHATTAK
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. _____/2022

Mr. Muhammad Ibrahim, Male Nurse (BPS-16),
Directorate General Health Services Department, KPK, Peshawar
..... **APPELLANT**

VERSUS

- 1- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION- 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE INACTION OF THE RESPONDENTS BY
NOT ACCEPTING THE ARRIVAL REPORT OF THE
APPELLANT AS MALE NURSE (BPS-16) AND NOT
RELEASING THE MONTHLY SALARIES OF THE
APPELLANT WITH EFFECT FROM 1.04.2022 TILL DATE
AND AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN
THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:

That on acceptance of this appeal the inaction of the respondents by not accepting the arrival report of the appellant and not releasing the monthly salaries of the appellant with effect from 1.04.2022 till date may kindly be declare as illegal, unlawful and the respondents may kindly further be directed to accept the arrival report of the appellant as Male Nurse (BPS-16) and to release the monthly salaries of the appellant from 01.04.2022 till date. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1. That appellant is the bonafide resident of District Swat and belongs to a respectable family.
2. That the appellant was innately appointed as Charge/Male Nurse (BPS-14) on the proper recommendation of Departmental selection committee in the Directorate of General

- Health Services, Khyber Pakhtunkhwa Peshawar vide order dated 11.03.1993. That in response the appellant started performing his duty quite efficiently and to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure **A.**
3. That during service the appellant has been removed from service through office order dated 06.03.2009 on the allegation of willful absence from duty. Copy of the removal order is attached as annexure..... **B.**
 4. That upon the re-instatement into service the appellant was transferred and posted vide office order dated 29/10/2021 at the disposal of District Health Officer Bannu against the vacant post of Charge Nurse.. Copy of the transferred order is attached as annexure **C.**
 5. That in response to ibid order the appellant was further posted at Type D Hospital BU 6327 by the District Health Officer Bannu vide office order dated 16/11/2021 and after posting the appellant performing his duties quit efficiently, regularly and up to the entire satisfaction of his high ups and receiving his salary. Copies of the posting order and salary slip are attached as annexure..... **D & E.**
 6. That the District Health Officer Bannu vide order dated 5/04/2022 transferred the appellant from the current post and posted at the disposal of Director General Health Service , Khyber Pakhtunkhwa and the appellant accordingly submitted his arrival report in the Directorate General Health Service, KPK Peshawar. Copies of the order dated 5/04/2022 & Arrival report are attached as annexure..... **F & G.**
 7. That the appellant after submitting his arrival report quit hopeful to continued his service but astonishingly the respondent department refused to accept the arrival report of the appellant and stopped the monthly salaries of the appellant.
 8. That feeling aggrieved the appellant filed Departmental appeal before the appellate authority. Copy of the Departmental appeal is attached as annexure..... **I.**
 9. That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That by not accepting the arrival report of the appellant as Male Nurse BPS-16 and by not releasing the monthly salary


of the appellant with effect from 1.4.2022 till date by the respondents is against the law, facts and norms of natural justice.

- B- That the appellant has not been treated by the respondents department in accordance with law and rules on the subject noted above and as such the respondents violated article 4, and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the Respondents Department acted in arbitrary and malafide manner by not accepting the arrival report of the appellant on the post of Male Nurse BPS-16 and not releasing the monthly salary with effect from 1.4.2022 till date.
- D- That no adverse order has been passed/ issued by the respondents against the appellant, therefore under the law the appellant is entitled to be adjusted against the post of Male Nurse BPS-16.
- E- That valuable right of the appellant has been accrued, therefore under the prevailing rules the appellant is entitled to be adjusted on the Post of Male Nurse BPS-16 and salaries of the appellant be released w.e.f 1.04.2022 till date.
- F- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated:19.7.2022

APPELLANT



MUHAMMAD IBRAHIM

THROUGH:

NOOR MOHAMMAD KHATTAK

UMAR FAROOQ MOHMAND

&

**KAMRAN KHAN
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

MR. MUHAMMAD IBRAHIM VERSUS HEALTH DEPT:

AFFIDAVIT

I, Mr. Muhammad Ibrahim, Male Nurse (BPS-16), Directorate General Health service department KPK Peshawar, do hereby solemnly affirm that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

M. Ghayazi

DEPONENT

MR. MUHAMMAD IBRAHIM

OFFICE ORDER.

Consequent upon the approval accorded by the Departmental Selection Committee held in Directorate General Health Services, NWFP, Office on 25.1.1993 at 10:30 AM, the following qualified Charge Nurses/Male Nurses are hereby appointed as Charge/Male Nurse BPS 14 plus other allowances as admissible under the Rules.

1. Miss. Kubra Sheikh D/O Sheikh Mohammad Ihsan.
2. Miss. Nighat Tabassum D/O Mohammad Islam.
3. Miss. Saleema D/O Jalal Masih.
4. Miss. Margia Sultana D/O Anwar Khan.
5. Miss. Sajida Bibi D/O Mohammad Ayub.
6. Miss. Aghatta Noreen D/O Choudhry Ghani.
7. Miss. Yasmin Ghani D/O Ghani.
8. Miss. Sohaila Sadiq D/O Sadiq J. Din.
9. Miss. Margieat D/O Sadiq.
10. Miss. Bushra Yasmin D/O Feroz M. Qaiser.
11. Miss. Parveen D/O Rehman Gul.
12. Miss. Zahida Mahmood D/O Fazal Mahmood.
13. Miss. Bibi Ruzgana D/O Mir Mahmood.
14. Miss. Musarrat Jabeen D/O Sher Zaman.
15. Miss. Aster Bibi D/O Kazir Masih.
16. Miss. Gul Shah Begum D/O Latif Shah.
17. Miss. Nasim Wakir D/O Wakir Masih.
18. Miss. Ghazala Shaheen D/O Inayat Bakhsh.
19. Miss. Zahida Parveen D/O Mohammad Fazal.
20. Miss. Samina Yaqoob D/O Yaqoob Masih.
21. Miss. Shama Firdous D/O Iqbal Masih.
22. Miss. Nazreen Akhtar D/O Boota Masih.
23. Miss. Elizabeth Rose D/O Bashir Bhatti.
24. Miss. Samina D/O Bashir Kausar.
25. Miss. Rozina D/O Yaqub Nasir.
26. Miss. Farzana Bibi D/O Nasir Hussain.
27. Miss. Noreen Samar D/O Masood Sarwar.
28. Miss. Rukhsana Farveen D/O Mohammad Ali Khan.
29. Miss. Shegufta Naz D/O Rehman Anwar.
30. Miss. Ghazala Noreen D/O Tajuddin.
31. Miss. Akhtar Parveen D/O Sifat Khan.
32. Miss. Parveen D/O Yadullah.
33. Miss. Tazim Akhtar D/O Ghulam Mahmood.
34. Miss. Rehmia D/O Abdul Aziz.
35. Miss. Samina Kausar D/O Mohammad Habib Razi.

- (6)
36. Miss. Gulnaz Begum D/O Abdul Qayyum.
 37. Miss. Shahida Begum D/O Sher Mohammad.
 38. Miss. Snehla Akhtar D/O Sardar Zafarullah Khan.
 39. Miss. Afeen Tabassum D/O Waris Khan.
 40. Miss. Shahida Bibi D/O Abdul Ghafoor Khan.
 41. Miss. Shamia Akhtar D/O Fazal Din.
 42. Miss. Shahroon D/O Mohammad Azam.
 43. Miss. Nausar Farveez D/O Wali Mohammad Khan.
 44. Miss. Nisbah Tabassum D/O Habib Rehman.
 45. Miss. Shamim Akhtar D/O Raja Bir Wali.
 46. Miss. Tajia D/O Mohammad Ashraf.
 47. Miss. Zahida Parveen D/O Abdul Rehman.
 48. Miss. Azra Andleeb D/O S. Munir Hussain Shah.
 49. Miss. Saahida Akbari D/O Ghulam Qadir.
 50. Miss. Farah An D/O Mohammad Saeed.
 51. Miss. Shahin Gul D/O Gulam Khan.
 52. Miss. Hameed Kousar D/O Mohammad Sadiq.
 53. Miss. Nadra Begum D/O Subhanuddin.
 54. Miss. Rubina Tabassum D/O Gulistan Khan.
 55. Miss. Sofia D/O Saida Gul.
 56. Miss. Rubhana Yasmin D/O Asad Hussain.
 57. Miss. Shahida Khateeb D/O Mohammad Idrees.
 58. Miss. Shahen Ara D/O Gulam Khan.
 59. Miss. Shahida Parveen D/O Akbar Khan.
 60. Miss. Saeeda Bano D/O Hussain Din.
 61. Miss. Haseena Faeem D/O Mahmood Khan.
 62. Miss. Zahroon Shad D/O Sardar Khan.
 63. Miss. Gulshan Ara D/O Shakerullah.
 64. Mohammad Shafi S/O Abdul Karim.
 65. Mr. Amrullah Khan S/O Akbar Khan.
 66. Mohammad Kaleem S/O Mohammad Akhtar.
 67. Mr. Tahar Sultan S/O Akbar Khan.
 68. Mr. Liaqat Ali S/O Akbar Khan.
 69. Mohammad Bahadar S/O Akbar Khan.
 70. Mr. Wali Zaf Khan S/O Akbar Khan.
 71. Mr. Ali Gul S/O Akbar Khan.
 72. Mohammad Ibrahim S/O Akbar Khan.

Noor Hassani

Their appointments in the Health Department NWFP will be subject to the following Terms and Conditions:-

1. They are domicile of NWFP.
2. They are declared medically fit for Government Service.
3. They will not be entitled for any RA/DA for Medical Examination and joining of 1st appointment.

(G/E. 33)

ATTACHED

(7)

62. Mohammad Shafi S/O Abdul Karim, Village Shah Gaisol, Tehsil and District Karak.
63. Miss. Gulshan Ara D/O Shakirulla, Village and P.O. Terai Day, Tehsil and District Peshawar.
64. Miss. Zaheroon Shah D/O Sardar Khan, Village Fata Talah Abadi, Tehsil and District Bannu.
65. Mr. Amanullah Khan S/O Akbar Khan, S/O Shahzad Medical Centre, Bazar and Post Office Shahzad Fort, Tehsil and District Charsadda.
66. Mohammad Kaleem S/O Mohammad Ibrahim, Village Kot Esmail Bai, P.O. Garhi Kapura, Mardan.
67. Mr. Tahir Sultan S/O Sultan Masih, Mission Hospital, Peshawar.
68. Mr. Liaqat Ali S/O Atti Khan, Civil Hospital, Semana Orakzai Agency.
69. Mohammad Bahadur S/O Ali Bahadur, Village and P.O. Bako, Via Maini, Tehsil and District Swat.
70. Mr. Wali Zad Khan S/O Janet Shah, Village Kanda Siraj Khel, Post Office Takhti Nasratti, Tehsil and District Karak.
71. Mr. Ali Gul S/O Arab Gul, Village Kanda Siraj Khel, Post Office Takhti Nasratti, Tehsil and District Karak.
72. Mohammad Ibrahim S/O Noor Hussain, Village Khararai, Tehsil and Post Office Notta, District Swat.

for information and compliance report within seven days of the receipt of this order.

Jamdad Khan
11.03.1993.

Jamdad Khan
For Director General Health Services, NWFP.

5/3/93

ATTACHED

B-8

PROVINCIAL GOVERNMENT
SERVICES, NORTH WEST FRONTIER PROVINCE

MEMORANDUM

WHEREAS Disciplinary proceedings under Removal from Service (Special Powers) amended Ordinance, 2000-2001 were initiated against Mr. Muhammad Ibrahim S.O. Nour Hussain, Male Nurse on account of his willful absence from duty from 01.09.2008.

WHEREAS an enquiry was conducted against him through Enquiry officer appointed vide this Directorate letter bearing Enclt. No. 29486-AB/EH, dated 15.10.2008, but he did not appear before the Enquiry officer.

AND WHEREAS a show cause notice was served upon him vide Enclt. No. 2754/EH Dated 27.01.2009, as well as through press published in Daily Aaj Peshawar on 02.12.2009, to which he did not reply.

Now therefore I, Dr. Fazal Muhammad, Director General Health Services NWFP Peshawar being Competent Authority in exercise of Powers conferred upon me by Govt. Services Removal from Service (Special Powers) Ordinance 2001 have decided to impose major penalty of "Removal from Service" upon Mr. Muhammad Ibrahim S.O. Nour Hussain, Male Nurse SWFH Swat on the ground of his willful absence from duty from the date of his absence from duty i.e. 01.09.2008.

Sd/-
DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

9773-76

E.H. Dated Peshawar the 06/23 2009

Copy forwarded to the:-

- 01. Medical Staff, SWFH, Swat.
- 02. DMO, Swat.
- 03. Mr. Muhammad Ibrahim S.O. Nour Hussain, Village Khorural, Tehsil Akora District Swat.
- 04. DMO concerned, DGHBS NWFP Peshawar.

For information and action.

DR. FAZAL MUHAMMAD,
DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

312109

ATTESTED



**DIRECTORATE GENERAL HEALTH SERVICES
HYBER PAKHTUNKHWA PESHAWAR**

All communications Should be Addressed to The Director General
Health Services Peshawar and not to any official by name
Office Ph: 091 - 9210269 Exchange #: 091 - 9210187, 091 - 9210196 Fax (1091) - 9210230

OFFICE ORDER.

On his re-instatement into Service vide this Directorate office order bearing Endst. 9773-76/E.II, dated 06.03.2009, Muhammad Ibrahim S/O Noor Hassan, Charge Nurse (BPS-16) is hereby posted at the disposal of DHO Bannu against the vacant post of Charge Nurse, in the interest of public service with immediate effect.

His absence period is hereby regularized 365 days earned leave (with pay) w.e. from 04.09.2008 and the remaining period till his arrival report for duty is hereby treated as EOL (without pay).

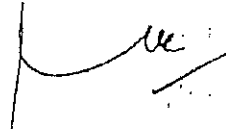
Sd/-
DIRECTOR GENERAL HEALTH
SERVICES, KP, PESHAWAR.

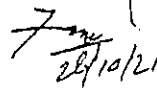
No. 4989-93 /E-II, Dated Pesh. The 29/10/2021.

Copy forwarded to the:-

01. Medical Superintendent SGTH Swat.
02. District Health Officer, Bannu
03. DAOs, Swat & Bannu
04. Official concerned
05. DA-concerned DGHS KP Peshawar

For information and necessary action.


DIRECTOR GENERAL HEALTH
SERVICES, KP PESHAWAR



ATTESTED

OFFICE OF THE DISTRICT HEALTH OFFICER, BANNU/SD WAZIR

Dated Bannu the 16 / 11 / 2021

2353-57

OFFICE ORDER:

With reference to the Director General Health Services Khyber Pakhtunkhwa Office order No.4989/2021-22, Dated Peshawar, 29-10-2021, Mr. Muhammad Ibrahim S/O Noor Hassan ; Charge Nurse (BPS-18) ,whose services are placed at the disposal of the undersigned vide above reference is hereby adjusted against the vacant Post of Charge Nurse at the strength of Type D Hospitals BU 6327 for pay purpose and directed to perform COVID-19 vaccination duty at NADRA Office, Demail Bannu till further orders.

The above named Official is further directed to provide his service documents to this Office i.e Last Pay Certificate, Departure report etc for processing of his pay.

Sd/-
District Health Officer,
Bannu/SD Wazir

CC:-

1. The Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. The Medical Superintendent SGTW Swat.
3. The District Account Officer Swat.
4. The District Account Officer Bannu.
5. Official concerned for information & Compliance.

District Health Officer,
Bannu/SD Wazir

ATTACHED

E-11

Page: 1
Date: 15/06/1969
Name: MUHAMMAD IGRAHEN
CHARGE NURSE
CHIC No. 1560110426627
CPF Interest Applied
16 Active Temporary

P Sec: 001 Month: December 2021
006327 -Type "D" Hospital Rakki No
TYPE D HOSPITAL BANGU
NTH:
EPF #:
BIN #:

006327

PAYS AND ALLOWANCES:		
0001-Basic Pay		35,630.00
1001-House Rent Allowance 4%		4,091.00
1210-Convey Allowance 2005		5,000.00
1516-Dress/Uniform Allowance		3,100.00
1522-Mess Allowance		3,000.00
1947-Medical Allow 15% (16-22)		1,500.00
1985-Health Professional Allow		15,000.00
2148-15% Adhoc Relief All-2013		500.00
2199-Adhoc Relief Allow 610%		478.00
Gross Pay and Allowances		450,852.00
DEDUCTIONS:		
TI Payable	0.00 Deducted	0.00
CPF Balance	0.00	
3501-Renevolent Fund		2,618.00
4004-R. Benefits & Death Comp:		3,340.00
4001-Adj Renevolent Fund		1,500.00
6075-Adj EPF		650.00
6217-Adj R. Ben & Death Comp:		1,200.00
		3,340.00
		600.00
Total Deductions		13,248.00
		437,604.00

D. D. B 15.06.1969 LFP No: 4
28 Years 09 Months 005 Days NATIONAL BANK OF PAKISTAN HATTA SHAT
6004-6

ATTESTED

OFFICE OF THE DISTRICT HEALTH OFFICER BANNU
Ho /Dated Bannu the 25/1/04 /2022

F-12

To

The Director General,
Health Services, Khyber Pakhtunkhwa,
Peshawar

Subject:- RELIEVING FROM DUTY

Respected Madam,

It is stated with great concern that as per report received from MO Incharge RHC Domail, Mr. Abraham Male Nurse attached to CFC Center RHC Domail remained absent from his duty for the last one month without any application or prior permission of the competent authority which reveals lack of interest on part of the above named Male Nurse towards performance of Government duty.

Consequent upon the above, his services are no longer required in this District and he is here by relieved and directed to report to your good Office with immediate effect

(Dr. Muhammad Rehman Afridi)
District Health Officer
Bannu

Enclosure: AA:-

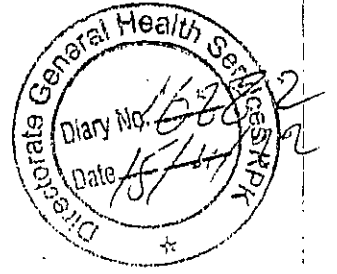
Cc:-

1. The District Account Officer Bannu for information with remarks to stop the pay of the Doctor concerned.
2. Official Concerned with the direction to report to the Director Genreal Health Services Khyber Pakhtunkhwa Peshawar
3. Local Account Section for information & further necessary action.
4. DHIS Cell of this Office.

(Dr. Muhammad Rehman Afridi)
District Health Officer
Bannu

ATTESTED

G-(13)



To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar.

Subject: **ARRIVAL REPORT.**

R/ Madam,

Kindly refer to DHO Bannu letter No. 2034-38 dated 05.04.2022.

I have the honour to submit my arrival report on 15.04.2022 for further posting please.

Yours Faithfully,

(M. V. Ghora)

Abrahim
Male Nurse

Dated 15.04.2022

ATKSH

I-(14)

To

The Director General Health Services Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR ACCEPTANCE OF
ARRIVAL REPORT FOR DUTY AND RELEASE OF
SALARIES W.E.F. April, 2022 TILL DATE

Respected Sir,

With due respect it is stated that the appellant was appointed as male nurse (BPS-14) in the Health Department. That the appellant is serving the department right from appointment till date quite efficiently and up to the entire satisfaction of his superiors. That during service the appellant was removed from service on the allegation of absentia vide order dated 6.3.2009, however, the appellant was re-instated into service vide order dated 29.10.2021 by your god self. That upon re-instatement the appellant submitted his arrival at the office of DHO Bannu and started his duty.

That recently vide order/letter dated 5.4.2022 the appellant was relieved from the CFC center RHC Domail Bannu to your god self directorate. That in response I submitted my arrival report but till date my said arrival has not been accepted nor the salaries w.e.f. April, 2022 till date has been released to the appellant.

Forgoing in view it is humbly requested that the arrival report of the appellant may be accepted and the salaries w.e.f. April, 2022 till date may kindly be released to the appellant.

Dated: 15.4.2022

Yours Obediently

M. Ibrahim

Muhammad Ibrahim
Male Nurse (BPS-16),
DGHS Department, Peshawar.

ATTENDED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

CASE NO: _____ OF 2022

Muhammael Ibrahim (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department (RESPONDENT)
(DEFENDANT)

I/We Muhammael Ibrahim
Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2022

M. Ghazanvi

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

UMER FAROOQ MOHMAND

KAMRAN KHAN

HAIDER ALI

&

KHANZAD GUL
ADVOCATES