BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 978/2018

Date of institution ... 06.08.2018
Date of judgment ... 12.09.2019

Wajid Iqbal S/o Said Badshah
R/o Shanki Banda Tehsil Tukht Nasrati Karak ... (Appellant)

VERSUS

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Karak.
3. District Health Officer Karak.
4. Incharge Civil Hospital Terri District Karak.
5. Assistant Director (Paramedics) Director General Health Services Khyber Pakhtunkhwa Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974. AGAINST OFFICE ORDER NO. 2787/ESTB DATED 25.04.2018 AS WELL AS THE OFFICE ORDER NO. 2383-86/ESTB DATED 16.04.2018 PASSED AGAINST THE APPELLANT PREFERRED IN OFFICE ORDER NO. 2787 REFERRED ABOVE AND FINAL ORDER VIDE OFFICE ORDER NO. 5891/92AE-VII DATED 08.03.2018 (03.08.2018) BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS INCLUDING SALARIES ETC.

Mr. Asad Jan, Advocate .. For appellant.
Mr. Muhammad Jan, Deputy District Attorney .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was appointed as Clinical Technician (Pathology) (BPS-12) in Health

Department vide order dated 05.12.2017. He assumed the charge and was performing his duties regularly. He was terminated from service by the competent authority and he was also directed to deposit pay/salaries with effect from 06.12.2017 up to 31.03.2018 amounting to Rs. 60734/- vide order dated 25.04.2018 on the allegation that his Metric certificate was found fake/bogus. On communication of impugned order, the appellant filed departmental appeal on 28.05.2018 but the same was rejected vide order dated 03.08.2018 hence, the present service appeal on 06.08.218.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Clinical Technician Pathology (BPS-12) by the competent authority after fulfilling all the codal formalities vide order dated 05.12.2017. It was further contended that the appellant was performing his duty regularly but the appellant was terminated from service and he was also directed to deposit salaries amount already drawn by him vide order dated 25.04.2018 on the allegation that his Metric certificate was found bogus. It was further contended that neither any regular inquiry was conducted by the respondent-department nor any show-cause notice was served upon the appellant before passing the impugned order therefore, the impugned order of major penalty is illegal, void ab-initio. It was further contended that the appellant has also obtained Master Degree. It was further contended that all the educational documents including the Metric certificate of the appellant are genuine. It was further contended that the appellant belong to poor family and no source of income therefore, prayed for acceptance of appeal.

12.9.2019

5. On the other hand, learned Deputy District Attorney opposed the contention of learned counsel for the appellant and contended that the appellant was appointed as Clinical Technician Pathology (BPS-12) in the Health Department. It was further contended that the appellant was performing his duty but when his academic documents were sent for verification, the Metric certificate furnished by the appellant at the time of appointment was found fake and bogus therefore, the appellant was rightly terminated from service and the respondent-department has also rightly directed the appellant to deposit his salaries amount already drawn by him and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was appointed as Clinical Technician Pathology (BPS-12) in Health Department on the recommendation of Departmental Selection Committee by the competent authority vide order dated 05.12.2017. The record further reveals that the appellant assumed the charge and was performing his duty regularly but he was terminated and also directed to deposit the pay/salaries already drawn by him amounting to Rs. 60734/- vide order dated 25.04.2018 by the competent authority on the allegation that his Metric certificate was found fake and bogus. The record further reveals that before passing the impugned order neither respondent-department have issued any show-cause notice to the appellant that why his services may not be terminated on such and such grounds nor he was provided opportunity of personal hearing meaning thereby that the appellant was condemned unheard and the respondent-department has violated the principle of natural justice therefore, the impugned order is illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order with the direction to respondent-department to issue show-cause notice to the appellant that why his service be not terminated on such and such grounds and after

12.9.2019

giving reply to the said show-cause notice and providing opportunity of personal hearing, the competent authority pass order deem appropriate within a period of 90 days from the date of receipt of copy of this judgment. However, the reinstatement of the appellant and the issue of back benefits will be subject to the outcome of show-cause notice. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
12.09.2019

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(HUSSAIN SHAH)
MEMBER

12.09.2019 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the appeal, set-aside the impugned order with the direction to respondent-department to issue show-cause notice to the appellant that why his service be not terminated on such and such grounds and after giving reply to the said show-cause notice and providing opportunity of personal hearing, the competent authority pass order deem appropriate within a period of 90 days from the date of receipt of copy of this judgment. However, the reinstatement of the appellant and the issue of back benefits will be subject to the outcome of show-cause notice. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
12.09.2019

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(HUSSAIN SHAH)
MEMBER

10.04.2019 Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Niaz Muhammad Assistant for the respondents present. Representative of the respondents department stated that he has not brought the personal file of the appellant. Learned Assistant Advocate General seeks adjournment. Adjourn. Representative is directed to produce personal file of the appellant on the next date. To come up for record and arguments on 17.05.2019 before D.B.

Member Member

17.05.2019 Appellant with counsel and Mr. Ziaullah, DDA alongwith Dr. Sadiq Shah, DHO Karak and Niaz Muhammad Senior Clerk for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 24.07.2019 for arguments before the D.B.

Chairman

24.07.2019 Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Arguments heard. To come up for order on 12.09.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

20.11.2018 Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Rasool Jan, DHO (Karak) for the respondents present. Written reply submitted. Case to come up for rejoinder and arguments on 20.12.2018 before D.B.

Muhammad Amin Khan Kundi
Member

20.12.2018 Appellant alongwith his counsel present. M/S Qudratullah, Coordination Officer, Niaz Ahmad, Litigation Assistant and Haji-ur-Rehman, Accounts Officer alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned. To come up for rejoinder and arguments on 01.02.2019 before D.B.

(Hussain Shah)
Member

(Muhammad Amin Khan Kundi)
Member

01.2.2019 Appellant alongwith counsel and Addl. AG alongwith Dr. Sadiq Shah, DHO and Haji Rahman, AAO for the respondents present.

Learned counsel for the appellant has submitted rejoinder to the comments of respondents and requests for adjournment to argue the appeal on next date. Adjourned to 10.04.2019 for arguments before the D.B.

Member

Chairman

17.09.2018

Appellant in person present. Security and process fee not deposited. Appellant is directed to deposit the same within 7 days, thereafter notices be issued to the respondents for written reply/comments on 28.09.2018 before S.B. In the meanwhile respondents are directed not to fill up the post of the appellant till the date fixed.

Appellant Deposited Security & Process Fee

(Ahmad Hassan)
Member

28.09.2018

Appellant wajid Iqbal in person present. Dr. Rasool Jan, DHO Karak alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present. Written reply not submitted. To come up for written reply/comments on 12.10.2018 before S.B. The restraint order shall continue till the date fixed.

Chairman

12.10.2018

Appellant Wazir Iqbal in person present. M/S Dr. Rasool Jan, DHO, Karak and Haji Rehman Khattak, AAO alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

The above named representatives of the respondents stated that written reply is in process of signature and made a request for adjournment. Granted. To come up for written reply/comments on 26.10.2018 before S.B.

Chairman

26-10-18

Due to retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 20-11-2018

Reader

Appeal No. 978/2018
Wajid Iqbal vs Govt

31.08.2018

Counsel for the appellant Wajid Iqbal present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Clinical Technician Pathology (BPS-12) in Health Department vide order dated 05.12.2017. It was further contended that the appellant also received salary however, vide impugned order dated 25.04.2018 he was terminated from service on the allegation that his Matric certificate was fake. The appellant filed departmental appeal but the same was rejected hence, the present service appeal. It was further contended that neither proper inquiry was conducted nor any show-cause notice was issued to the appellant and the termination order of the appellant was passed without fulfilling the codal formalities therefore, the impugned order is illegal and liable to be set-aside. Learned counsel for the appellant further contended that since the impugned order is illegal therefore, the respondents may be restrained from filling the post of the appellant till further orders.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within10 days, thereafter notice be issued to the respondents for written reply/comments for 17.09.2018. Learned counsel for the appellant also submitted application for restraining the respondents from advertising and filling the appellant post till final decision of the instant service appeal. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile respondents are directed not to fill up the post of the appellant till the date fixed.

(Muhammad Amin Khan Kundi)
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 978/**2018**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/08/2018	The appeal of Mr. Wajid Iqbal resubmitted today by Mr. Asad Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 8/8/18
2-	10-8-2018	This case is entrusted to S. Bench for preliminary hearing to be put up there on 31-8-2018. CHAIRMAN

The appeal of Mr. Wajid Iqbal son of Said Badshah r/o Shanki Banda Tehsil Takht-e-Nasrati District Karak received today i.e. on 07.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of termination order dated 16.4.2018 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.

No. 1540 /S.T,

Dt. 7 - 8 /2018.

7/8/18

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.Asad Jan Adv. Peshawar.

Respected Sir

Re-submitted with request to place before Honorable as alleading taken the plea in Grounds of appeal that department is handing over the above reffered office order.

ASAD JAN
ASC
8/8/18

Respected Sir

Re- Submitted with request to give further transfer as already given to place in Grounds of applied that adjustment is transfer near the above referred office order.

Thanks

NAZAD JAN
AZC
8/8/18

BEFOR E KHYBER PUKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

178 /2018

WAJID IQBAL

VERSUS

ECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR & OTHERS

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Through

ASAD JAN (Advocate)
Supreme court of Pakistan)
OFFICE: ROOM NO. 2 & 3 AL-MUMTAZ HOTEL HASHTNAGRI PESHAWAR.

Dated: 06/08/2018

/

BEFORE THE KHYBER PUKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtukhwa Service Tribunal

Diary No. 1236

Dated 06-8-2018

S.A. NO: 978 /2018

WAJID IQBAL S/O SAID BADSHAH R/O SHANKI BANDA TEHSIL TUKHT NASRATI KARAK

APPELLANT

VERSUS

1. DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR
2. DISTRICT ACCOUNT OFFICER KARAK
3. DISTRICT HEALTH OFFICER KARAK
4. INCHARGE CIVIL HOSPITAL TERRI DISTRICT KARAK
5. ASSISTANT DIRECTOR (PARAMEDICS) DG HS KHYBER PUKHTON KHUWAH PESHAWAR

RESPONDENTS

APPEAL U/ S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO 2787/ESTB DATED 25-04-2018 AS WELL AS THE OFFICE ORDER NO 2383-86/ESTB DATED 16-04-2018 PASSED AGAINST THE APPELLANT REFERRED IN OFFICE ORDER NO 2787 REFERRED ABOVE AND FINAL ORDER vide office order no 5891/92AE-VII dated 08-03-2018(03-08-2018) BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS INCLUDING SALARIES ETC.

Filedto-day
Registrar
6/8/18

RESPECTFULLY SHEWETH:

1. That the appellant is law abiding citizen of Pakistan.
2. That District Health Officer Karak has advertised the posts of Clinical Technician in daily Mashriq hence the appellant applied for the post of CT Pathology at serial No 6 of the advertisement
(copy of the advertisement is annexure "A")
3. That after full filling all the codel formalities, appellant was appointed as clinical technician Pathology (BPS-12) on 05-

Re-submitted to -day and filed.
Registrar
8/8/18

12-2017 by District health Officer Karak and after medical examination, the appellant took the charge and joined the service and started withdrawing monthly salaries for 3 months and 27 days from the concerned department. **(copy of appointment order as well as salary slip are annexure "B" and B-1 respectively)**

4. That it was mentioned in the appointment order in condition No 3 that monthly pay will be started after verification of educational & technical documents from the concern institution
5. That after verification the appellant's documents were found genuine. Therefore the appellant was started with the payment of salaries. It is pertinent to mention here that appellant has not only passed the Matric but also obtained intermediate degree in May 2007 through Roll No 52088 and also obtained Master degree in the year 2013 in subject of Islamiat but as evident from the office Order dated 25-04-2018 issued by the District Officer Karak also refers to the removal from service of the appellant but neither before passing termination Order referred in the office order dated 25-04-2018 **(COPY OF THE OFFICE ORDER NO 2787/ESTAB. DATED 25-04-2018 and appellant's educational record is annexed as "C "to "C- " respectively).**
6. That the appellant was removed from service and the appellant was neither informed nor associated with any inquiry proceedings and nor any show cause notice was served upon the appellant but in arbitrary manner, the appellant service were shown terminated by passing major penalty which order is void ab-intio as being against all cannas of justice and also against the principles of natural justice.
7. That the appellant has even obtained Master degree and the appellant Matric certificate as well as educational documents are genuine and can be verified through proper proceedings in the presence of appellant.
8. That the appellant belongs to a poor family and has no other source of income and some other persons of the locality with whom the appellant relationship are not good who is malafidely in collusion with some official of the department has prepared a bogus report.

9. That the appellant approached the respondents and annexed appointment orders, pay slips and all educational documents with a request for withdrawal of the termination order as well as the recovery of pay in the large interest of justice, for which the appellant will be highly obliged. However, the respondents did not give heed to application request, so the appellant in good faith approached the Peshawar High Court, Bannu bench through writ petition but the Peshawar High court, Bannu Bench dismissed as withdrawn and directed the appellant to approach the proper forum **(copy of WP and order dated 23.05.18 are annexed as "D")**

10. That the appellant preferred departmental appeal to the respondent on 19-05-2018 wherein he states on Oath that he was never issued the termination order dated 16-04-2018 and the appellant has never received the same even till date despite requests of the appellant the same has not been delivered to the appellant, however, the office order dated 25-04-2018 was received by appellant on 29-04-2018 and therefore request for withdrawal of the all office order issued against appellant interest. Moreover, the appellant was performing his duties till 29-04-2018 **(Copy of departmental appeal is annexed as "E")**

11. That now on vide office order no 5891/92AE-VII dated 08-03-2018, the appellant's departmental appeal has been regretted which even from its perusal and wording shows that it has been passed in casual and careless manner by ignoring the valuable rights of the petitioner without giving any cogent reason and without associating petitioner in any manner hence petitioner being aggrieved person having no other adequate remedy prefers this service appeal for setting aside of the impugned original office order no 2789/ESTB. Dated 25-04-2018 and the office Order No 2383-86/ESTB. Dated 16-04-2018 referred therein and also for setting aside of the final Order passed by respondent No 5 i.e. vide office order no 5891/92AE-VII dated 08-03-2018, which seems to be dated 03-08-2018 and any other office order against the appellant's right on the following grounds amongst others:-

GROUNDS

1. That respondent are not acting in accordance with law and are taking illegal acts with ulterior motive and malafide intention by terminating appellant without any cogent reason.
2. That appellant was condemned unheard.
3. That impugned order was passed by incompetent authority.
4. That till date appropriate order of the appellant has neither cancelled nor withdrawn.
5. That on the principle of locus potentia the appellant is entitled to perform duties and to get his salaries.
6. That no proper inquiry, show cause notice, formal charge, along with charge sheet was issued to the appellant.
7. That no opportunity of personal hearing to the appellant was given.
8. That the impugned order is based on malafide with ulterior motive.
9. That the appellant applied to the respondents department having valid educational testimonial and was appointed according to law but the respondents malafidely removed the appellant from service
10. That the respondents malafidely through intervention of other person wrongly removed the appellant hence the impugned order is not sustainable.
11. That the appellant was paid from the department three months 27 days salary which strengthen the facts that appellant was appointed on valid documents
12. That others grounds will be raised at the time of arguments

It is therefore requested that on acceptance of instant appeal, the respondent be directed to **withdraw OFFICE ORDER NO 2787/ESTB DATED 25-04-2018 AS WELL AS THE OFFICE ORDER NO 2383-86/ESTB DATED 16-04-2018 PASSED AGAINST THE APPELLANT REFERRED IN OFFICE ORDER NO 2787/ESTB DATED 25-04-2018 and final Order passed by the respondent No 5 i.e.** vide office order no 5891/92AE-VII dated 08-03-2018 (03-08-2018) **with such other relief and appellant be reinstated in service with all back benefits/salaries etc and any other Order as may be deemed proper and just in circumstances of the case.**

Appellant

Through

ASAD JAN

(Advocate Supreme Court OF Pakistan)

Dated: 06 /08/2018

BEFORE THE KHYBER PUKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

S.A. NO:_____/2018

WAJID IQBAL
VERSUS
DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR & OTHERS

AFFIDAVIT

I WAJID IQBAL S/O SAID BADSHAH R/O SHANKI BANDA TEHSIL TUKHT NASRATI KARAK ***do hereby solemnly affirm and declare that the contents of this appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon, able court.***

ATTESTED

DEPONENT

MUHAMMAD BASHIR ADVOCATE
NOTARY PUBLIC
DISTRICT COURTS PESHAWAR

BEFORE THE KHYBER PUKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

S.A. NO:_____/2018

WAJID IQBAL
VERSUS
DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR & OTHERS

APPLICATION FOR RESTRAINING THE RESPONDENTS FROM ADVERTISING AND FILLING THE PETITIONER POST TILL FINAL DECISION OF THE INSTANT SERVICE APPEAL

RESPECTFULLY SHEWETH:

1. That keeping in view the grounds raised in petitioner service appeal, the petitioner has a prima facie case.
2. That if the interim relief as prayed for is not be granted then the petitioner will suffer irreparable loss and inconvenience.
3. That other grounds will be raised at the time of arguments.

It is therefore requested that on acceptance of this petition, the respondents may restrain from advertising and filling the petitioner post till the final decision of the instant appeal or any other order deemed proper may also be granted in favour of the petitioner in the interest of justice.

Appellant

Through

ASAD JAN

(Advocate Supreme Court OF Pakistan)

8

BEFORE THE KHYBER PUKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

S.A. NO:_____/2018

WAJID IQBAL
VERSUS
DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR & OTHERS

AFFIDAVIT

I WAJID IQBAL S/O SAID BADSHAH R/O SHANKI BANDA TEHSIL TUKHT NASRATI KARAK do hereby solemnly affirm and declare that the contents of this application are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon, able court.

ATTESTED

MUHAMMAD BASHIR ADVOCATE NOTARY PUBLIC COURTS PESHAWAR

DEPONENT

the work.

Annexure "A"

(9)

Executive Engineer
C&W Division Mardan.
Ph: 0937-9230633/Fax: 0937-9230638

INF(P) 5567 Also available on
www.khyber.pakhtunkhwa.gov.pk

اسامیاں کا اشتہار

ڈسٹرکٹ ایلیجنٹ کلرک کے ذریعہ کوالی فائیڈ کلرک کے مختلف ہسپتالوں میں درج ذیل خالی اسامیوں کو پر کرنے کیلئے صوبہ خیبر پختونخوا حکومت کی مروجہ قانون پالیسی کے تحت مطلوبہ تعلیمی و پیشہ وارانہ قابلیت کے حامل مرد و خواتین امیدواروں سے سادہ کاغذ پر درخواستیں مطلوب ہیں جس میں متعلقہ آسامی کی موجودہ صورتحال تعلیمی و پیشہ وارانہ اسناد قومی شناختی کارڈ اور ڈومیسائل کی کاپی زیر دستخطی کے دفتر میں اشتہار شائع ہونے کے بعد 15 دن کے اندر جمع کرائے جائیں گے۔ بعد ازاں کوئی درخواست قبول نہیں کی جائے گی۔ انٹرویو زیر دستخطی کے دفتر میں درج ذیل تاریخوں کے مطابق ہوں گے۔

نمبر شمار	نام آسامی	بنیادی سکیل	مجوزہ قابلیت	عمر کی حد	تاریخ (انٹرویو)
1	سی ٹی (ڈرسی)	12	میٹرک بمعہ سائنس میڈیکل ٹیکنیشن خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18-30 سال	06.11.2017
2	سی ٹی (سرجیکل)	12	میٹرک بمعہ سائنس میڈیکل ٹیکنیشن خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18-30 سال	06.11.2017
3	سی ٹی (ریڈیالوجی)	12	میٹرک بمعہ سائنس میڈیکل ٹیکنیشن خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18-30 سال	06.11.2017
4	سی ٹی (پیتھالوجی)	12	میٹرک بمعہ سائنس میڈیکل ٹیکنیشن خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18-30 سال	06.11.2017
5	پی ایچ سی ٹیکنیشن (مڈل پاس)	12	میٹرک بمعہ سائنس میڈیکل ٹیکنیشن خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18-30 سال	06.11.2017
6	سی ٹی (ڈینٹل)	12	میٹرک بمعہ سائنس میڈیکل ٹیکنیشن خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18-30 سال	07.11.2017
7	سی ٹی (آپتھالمک)	12	میٹرک بمعہ سائنس میڈیکل ٹیکنیشن خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18-30 سال	07.11.2017
8	جنریٹر آپریٹر	06	ایک سال الیکٹریکل سرٹیفکیٹ ٹیکنیکل بورڈ سے منظور شدہ	18-40 سال	07.11.2017
9	ڈرائیور	06	میٹرک بمعہ HTV/LTV ڈرائیونگ لائسنس رکھتا ہو	18-40 سال	07.11.2017

تمام تقرریاں عارضی بنیاد پر اور حکومت خیبر پختونخوا کی وضع کردہ پالیسی کی تحت ہوں گی۔ ملازمت پیشہ امیدوار ٹھیکہ کے ذریعہ سے درخواست ارسال کریں۔ انٹرویو کیلئے آنے والے امیدوار اپنی اصل جملہ تصدیقات کی اصل کاپی ساتھ لائیں۔ انٹرویو کیلئے کوئی سفری خرچہ نہیں دیا جائے گا۔ کسی بھی قسم کی جعلی اسناد پیش کرنے والے امیدوار کے خلاف قانونی کارروائی کی جائے گی۔ مجاز افسر کوئی وجہ بتائے بغیر انٹرویو منسوخ کر سکتا ہے۔ نوٹ: مذکورہ بالا تمام آسامیاں کیلئے ضلع کرک کے مستقل باشندوں کو ترجیح دی جائے گی۔ کوٹہ کی حد میں رعایت مروجہ قانون کے مطابق دی جائے گی۔

ATTESTED

(9) Annexure - "B"

OFFICE OF THE DISTRICT HEALTH OFFICER
KARAK
Phone & Fax-0927-290537 Email. dhokarak@gmail.com

(18)

OFFICE ORDER

On the recommendation of Departmental Selection Committee meeting held on dated 07.11.2017 under the Chairmanship of the undersigned, **Mr. Wajid Iqbal S/O Said Badshah R/O Shanky Banda Tehsil Takht Nasrati District Karak** is hereby offered the post of **Clinical Technician (Pathology) BPS-12 (13320-960-42120)** plus other allowances as admissible under the rules at **Civil Hospital Terri District Karak.**

His appointment in the Health Department Khyber Pakhtunkhwa, will be subject to the following terms and conditions:

1. He will be on probation initially for a period of one year extendable for a further period not exceeding one year.
2. His appointment will be subject to the provision of upper age limit relaxation.
3. His appointment will be subject to Medical Fitness & verification of his Educational & Technical qualifications & monthly pay will be started after the verification of his Educational & Technical documents from the concerned Institutions.
4. His appointment will be on temporary basis and can be terminated at any time without any notice. But in case if he wishes to resign from service, he will resign in writing by giving prior notice of one month or deposit one month pay in lieu of one month advance notice in the Govt: treasury.
5. His service can be dispensed with during the probation period if his work and conduct is found un-satisfactory.
6. He will be governed by such rules and orders as may be issued by Govt: from time to time for the category of Govt: servant to which he belongs.
7. He will complete normal tenure at his place of first posting as per Govt: Rules.

If the above terms and conditions are acceptable to him, he should submit his arrival report for duty at **Civil Hospital Terri District Karak** and produce Medical Fitness Certificate from MS DHQ Hospital Karak within 15 days after issuance of this order, failing which this order will be treated as cancelled automatically.

Sd/xxxxxxxxxxxxxxxxxxxxxx
DISTRICT HEALTH OFFICER
KARAK

No. 12833-39 /Admn dated 05 / 12 /2017.

Copy forwarded to:-

1. The PA to Director General Health Services, Khyber Pakhtunkhwa Peshawar for information please.
2. The Deputy Commissioner Karak for information please.
3. The District Nazim Karak for information please.
4. The PMO Incharge Civil Hospital Terri Karak for information please.
5. The District Accounts Officer Karak for information please.
6. Account Section Local office for information and necessary action.
7. Mr. Wajid Iqbal S/O Said Badshah R/O Shanky Banda Tehsil Takht Nasrati District Karak for information & compliance of the order.

ATTESTED

DISTRICT HEALTH OFFICER
KARAK

Annexure "B-1"

(8)

(11)

Karrak

S#: 1

P Sec:001 Month:March 2018
KK6109 -EDO Health (GH) KARAK
OTHER HOSPITALS KARAK

Pers #: 00880110 Buckle:
Name: wajid iqbal
CLINICAL TECHNICIAN (PATH
CNIC No.1420365247567
GPF Interest Applied
12 Active Temporary

NTN:
GPF #:
Old #:

	KK6109 -
PAYS AND ALLOWANCES:	
0001-Basic Pay	13,320.00
1000-House Rent Allowance	1,307.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1985-Health Professional Allow	10,000.00
2148-15% Adhoc Relief All-2013	310.00
2199-Adhoc Relief Allow @10%	226.00
2211-Adhoc Relief All 2016 10%	1,114.00
2224-Adhoc Relief All 2017 10%	1,332.00
Gross Pay and Allowances	72,350.00
DEDUCTIONS:	
GPF Balance 0.00	Subrc: 2,220.00
3501-Benevolent Fund	600.00
4004-R. Benefits & Death Comp:	1,052.00
6001-Adj Benevolent Fund	1,200.00
6075-Adj GPF	4,440.00
6217-Adj R. Ben & Death Comp:	2,104.00
Total Deductions	11,616.00
	60,734.00

D.O.B 03.09.1987
00 Years 03 Months 027 Days

LFP Quota:
NATIONAL BANK OF PAKTAKHTI NASRATI KARAK
4146759155

ATTESTED

(9) (11-A)

Karrak

S#: 1

P Sec:001 Month:March 2018
KK6109 -EDO Health (GH) KARAK
OTHER HOSPITALS KARAK

Pers #: 00880110 Buckle:
Name: wajid iqbal
CLINICAL TECHNICIAN (PATH
CNIC No.1420365247567
GPF Interest Applied
12 Active Temporary

NTN:
GPF #:
Old #:

	KK6109 -
PAYS AND ALLOWANCES:	
0001-Basic Pay	13,320.00
1000-House Rent Allowance	1,307.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
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2211-Adhoc Relief All 2016 10%	1,114.00
2224-Adhoc Relief All 2017 10%	1,332.00
Gross Pay and Allowances	72,350.00
DEDUCTIONS:	
GPF Balance 0.00	Subrc: 2,220.00
3501-Benevolent Fund	600.00
4004-R. Benefits & Death Comp:	1,052.00
6001-Adj Benevolent Fund	1,200.00
6075-Adj GPF	4,440.00
6217-Adj R. Ben & Death Comp:	2,104.00
Total Deductions	11,616.00
	60,734.00

D.O.B
03.09.1987
00 Years 03 Months 027 Days

LFP Quota:
NATIONAL BANK OF PAKTAKHTI NASRATI KARAK
4146759155

Annexure "C" 28

DISTRICT HEALTH OFFICER
KARAK
No 2787 /Estb: (12)

Dated 25 /04/2018

Phone & Fax: 0927290537

To,

Mr. Wajid Iqbal S/O Said Bad Shah,
Ex-CT Pahtology CH Terri Karak,
R/O Village Shanky Banda Takht-e-Nasrati Karak

SUB:- **RECOVERY OF PAY.**

Memo,

Your were appointed as CT Pahtology at Civil Hospital Terri Karak vide order No. 12833-39/Admn dated 05/012/2018. On verification of your Matric certificate which was found Fake/Bogus & your services were terminated vide this office order No. 2383-86/Estb: dated 16/04/2018. You have claimed pay w.e.f 06/12/2018 upto 31/03/2018 amounting to Rs. 60734.

You are therefore, directed to deposit the said money into Govt: treasury immediately to avoid complication in future.

DISTRICT HEALTH OFFICER
KARAK

No_____/Estb:-

Copy to:-

1. The Account Section Local office for information & necessary action.
2. The PMO I/C Civil Hospital Terri Karak for information.

DISTRICT HEALTH OFFICER
KARAK

(10

59594

S.No. KB _____ بسم الله الرحمن الرحيم Roll No. 96335

(13)

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

KOHAT

(N.W.F.P. Pakistan)

Secondary School Certificate Examination

SESSION: 2005 - ANNUAL

THIS IS TO CERTIFY THAT Wajid Iqbal

Son/Daughter of Said Badshah and a

student of District Karak has passed

the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Kohat held in March 2005 as a Private candidate. He/She obtained 419 Marks out of 850 and has been placed in Grade D Representing Fair.

The Candidate passed in the following subjects:

1.	English	2.	Urdu	3.	Islamiyat	4.	Pak. Studies
5.	Mathematics	6.	Physics	7.	Chemistry	8.	Biology

Date of birth according to admission form is 03-Sep-1987

Asstt. Secretary

Secretary

This certificate is issued without alteration or erasure.

(119)

S.No. KBSG 69458 Roll No. 96335 (19)

Board of Intermediate & Secondary Education
KOHAT

RESULT CARD

Secondary School Certificate Examination

Session 200 5 (Annual/Supplementary)

(SCIENCE GROUP)

Certified that Miss/Mr. Wajid Iqbal

Son/Daughter of Said Bad Shah

Enrolment No. _____ has passed/failed in the Secondary School Certificate Examination held in the month of March 05. His date of birth according to the school record is 3rd Sep. (in words) Nineteen Hundred & eighty Seven.

SUBJECT	Marks Allotted				Marks Obtained					
					In Figures					In Words
	9th	10th			9th		10th			
		Theory	Practical	Total Marks	Theory	Practical	Theory	Practical	Total Marks	
1. English	75	75	-	150	33	—	25	—	58	
2. Urdu	75	75	-	150					66	
3. Islamic Education	75	-	-	75					47	
4. Pakistan Studies	-	75	-	75					29	
5. Mathematics	-	100	-	100					46	
6. Physics	-	75	25	100					72	
7. Chemistry	100	-	-	100					52	
8. Biology	100	-	-	100					69	
Total	425	400	25	850					419	— 11

Note: (1) Errors/Omissions are excepted. (2) "Re" means to reappear in the subject(s) (3) Failed/Re-all means to reappear in all the subjects.

General Remarks: The Candidate has failed/passed and placed in Grade –

Date __/__/__

Controller of Examinations
B.I.S.E, KOHAT.

ATTESTED

(12) D

S.No. KB 19239 بسم الله الرحمن الرحيم Roll No. 52088

(15)

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

KOHAT
(N.W.F.P. Pakistan)
INTERMEDIATE EXAMINATION
HUMANITIES GROUP
Session Annual 2007

This is to Certify that Wajid Iqbal

Son/Daughter of Said Badshaah

and a student of District Karak

Registered No 3290-BK/P-2006 has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Kohat held in May, 2007 as a Private candidate. He/She obtained 593 marks out of 1100 and has been placed in C Grade Representing Good

The Examination was taken as a whole / in parts.

Asstt. Secretary

Secretary

This certificate is issued without alteration or erasure.

S.No. KB 16652

BOARD OF INTERMEDIATE & SECONDARY EDUCATION KOHAT

DETAILED MARKS CERTIFICATE

Higher Secondary School Certificate Examination

HUMANITIES (Part-I) Roll No: 23520

SESSION 2006 (ANNUAL)

Name : WAJID IQBAL Father's Name : SAID BADSHAAH

Institution/District: Karak

Subjects	Marks	Marks Obtained			
		Theory	Practical	Total	Marks in Words
English	100	43	--	43	Forty-Three
Urdu	100	52	--	52	Fifty-Two
Islamic Education	50	31	--	31	Thirty-One
Islamic History	100	57	--	57	Fifty-Seven
Civics	100	47	--	47	Forty-Seven
Islamic Studies	100	77	--	77	Seventy-Seven
Total :	550			307	Three Hundred Seven Only

Remarks :

Note: Errors / Omissions excepted

Date : 02-August, 2006

Computer Cell, BISE, Kohat

Checked by :

Controller of Examinations
BISE, Kohat

ATTESTED

S. No. KB 46964

(14)

BOARD OF INTERMEDIATE & SECONDARY EDUCATION
KOHAT
DETAILED MARKS CERTIFICATE
Higher Secondary School Certificate Examination

(17)

HUMANITIES (Part-II)
SESSION 2007 (ANNUAL)

Roll No: 52083

Name: WAJID IQBAL Father's Name: SAID BADSHAAH

Institution/District: Karak

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	43	--	54	--	97	Ninety-Seven
Urdu	200	52	--	52	--	104	One Hundred Four
Islamic Education	50	31	--	--	--	31	Thirty-One
Pakistan Studies	50	--	--	20	--	20	Twenty Only
Islamic History	200	57	--	35	--	92	Ninety-Two
Civics	200	47	--	60	--	107	One Hundred Seven
Islamic Studies	200	77	--	65	--	142	One Hundred Forty-Two
Total :	1100					593-C	Five Hundred Ninety-Three Only

Remarks :

Note: Errors / Omissions excepted.

Date : 10-08-2007

Computer Cell BISE, Kohat

Checked by :

Controller of Examinations
BISE Kohat

ATTESTED

S.No. KB H 13516

Roll No. 5 88

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

KOHAT

(N.W.F.P. Pakistan)

PROVISIONAL CERTIFICATE

INTERMEDIATE EXAMINATION

Humanities Group

Session 2007 Annual/Supplementary

THIS IS TO CERTIFY THAT Wajid Iqbal

Son of Said Badshah

and a candidate of Karak

Registered No. _____ has passed the **Intermediate Examination**

of the Board of Intermediate & Secondary Education, Kohat held in May-2007

as a ***Private*** candidate. He obtained 593 marks out of 1100 marks and

has been placed in Grade ( ) Representing good

The Examination was taken as a whole/in parts.

Prepared by _____

Checked by _____

Date of Preparation _____

Assit: Secretary (Certificates)

165

Allama Iqbal Open University

Islamabad

19

Serial No 133910

Certified that Mr / Ms WAJID IQBAL

Son / Daughter of SAID BADSHAH

Registration No 07NKK0759 Roll No Z400937

Semester Autumn 2008 having met all the requirements under the semester system is this day awarded the degree of

Bachelor of Arts

Group - General

He / She has scored 64 % marks

and has been placed in B grade.

CONTROLLER OF EXAMINATIONS

VICE-CHANCELLOR

Result declared on: August 27, 2009

Date of issue: September 20, 2011

NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

PROVISIONAL RESULT CARD

(17)

Serial No. A12538

Name WAJID IQBAL
Father's Name SAID BADSHAH
Address

Roll No. Z400937
Registration No. 07 NKK 0759
Final Semester Autumn 2008

(20)

Tehsil TAKHAT-E-NUSRATI
District KARAK
has successfully completed Bachelor of Arts Group - General

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks Maximum	Marks Obtained
Autumn 2007	416	Islamiat	100	73
Autumn 2007	417	Pakistan Studies	100	60
Autumn 2007	435	English	100	61
Spring 2008	411	Sociology-I	100	56
Spring 2008	436	Seerat-E-Tayyaba	100	68
Autumn 2008	407	History of Modern Muslim World	100	60
Autumn 2008	437	Islamic Studies (E)	100	73
		BA Degree is Awarded on Examption of Two Full Credits Courses being Fazal E Arabic		

Total Credits: 08

Total Marks / Obtained 700 451

Result Declared on August 27, 2009

Percentage / Grade 64 B

Date of issue August 29, 2011

Controller of Examinations

Disclaimer: This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

18

University Of Peshawar

Pakistan

21

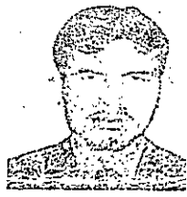
Detailed Marks Certificate

Master of Arts in Islamiyat

Previous

Annual Examination 2013

District Peshawar



Private

Name: WAJID IQBAL

Father's Name: SAID BAD SHAH

Gender: Male

Roll No: 17918

Registration No: 2012-PE-50674

Papers	Max Marks	Marks Obtained	
		In Figures	in Words
Al-Quraan Translation Commentary	100	57	Fifty Seven
Hadith & Principales of Hadith-II	100	40	Forty Only
Islamic Jurisprudence "Text"-III	100	40	Forty Only
Seerat un Nabi and History of Islam-IV	100	58	Fifty Eight
Arabic Grammar and Literature-V	100	51	Fifty One
	500	246	Two Hundred and Forty Six.

Errors & omissions are subject to subsequent rectification

Chances Availed: 2

The Examination was taken In Parts

Examination held From 21-Aug-2013 to 30-Sep-2013

Result Declared on Wednesday, January 1, 2014

Issue Date: 03-Jan-2014

10:53 am

Computerized by RTC

City Area

(Prof. Dr. Rashid Khan)
CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR

(19)

University Of Peshawar

Pakistan

(22)

Detailed Marks Certificate

Private

Master of Arts in Islamiyat

Final

Annual Examination 2013

District Peshawar

Name: WAJID IQBAL Gender: *Male* Roll No: 36790

Father's Name: SAID BAD SHAH Registration No: 2012-PE-50674 *Division: 2nd*

Papers	Max Marks	Marks Obtained	
		In Figures	In Words
Al Quraan Translation 2nd Half & Com with Grammar-VI	100	63	Sixty Three
Principles of Islamic Jurisprudence-VII	100	60	Sixty Only
Islam & Other World Religions-VIII	100	56	Fifty Six
Islam & Contemporary Muslim World-IX	100	58	Fifty Eight
Islam, Modren Thought & Islamic Law of Inheritance-X	100	65	Sixty Five
Viva Voce	100	58	Fifty Eight
Previous 17918:Annual-2013	500	246	Two Hundred and Forty Six
Final	1100	606	Six Hundred and Six

Errors & omissions are subject to subsequent rectification

Chances Availed: 1

The Examination was taken As a Whole

Examination held From 21-Aug-2013 to 30-Sep-2013

Result Declared on Friday, January 17, 2014

Issue Date: 17-Jan-2014

6:22 pm

(Prof. Dr. Rashid Khan)
CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR

Computerized by RTC

City Area

بسم الله الرحمن الرحيم

University of Peshawar

Pakistan

Session: Annual 2013

WAJID IQBAL son of SAID BAD SHAH and a

Private Candidate of District Peshawar having Passed the

prescribed examination held in August 2013 is this day admitted by the University Of Peshawar to

the Degree of Master of Arts in Islamiyat in 2nd Division

The examination was taken as a Whole

Registration No. 2012-PE-58674

Roll No. 36790

C.N.I.C.No. 14203-6524756-7

Result Declared on January 17, 2014

UNIVERSITY OF PESHAWAR

680655

Registrar

Vice Chancellor

21

24

S.No 3021

KHYBER PAKHTUNKHWA MEDICAL FACULTY

PESHAWAR PAKISTAN

(JINNAH)

Name: *Mr.Wajid Iqbal*

Father Name: *Mr.Said Badshah*

Pathology Technology

1st Semester Session. 07/2011 (ROLL.NO 546-)

Subject/paper	Total Marks	Obtained Marks	Passing Marks	Result
Anatomy	100	50	50	Passed
Pathology	100	50	50	Passed
Pharmacology	100	50	50	Passed
Physiology/ Biochemistry	100	50	50	Passed
Result	400	200		

2nd Semester Session. 02/2011 (ROLL.NO 546-)

Subject/paper	Total Marks	Obtained Marks	Passing Marks	Result
Paper A	100	51	50	Passed
Paper B	100	56	50	Passed
English	100	60	50	Passed
Islamiat	50	25	25	Passed
Result	350	192		

3rd Semester Session. 01/2013 (ROLL.NO 5464)

Subject/paper	Total marks	Obtained Marks	Passing Marks	Result
Paper A	100	54	50	Passed
Paper B	100	50	50	Passed
Public Health	100	50	50	Passed
Result	300	154		

4th Semester Session. 06/2013 (ROLL.NO 546-)

Subject/paper	Total marks	Obtained Marks	Passing Marks	Result
Paper A	100	50	50	Passed
Paper B	100	50	50	Passed
English	100	50	50	Passed
Pak-Study	50	27	25	Passed
Result	350	177		
Grand Total	1400	723		

Date(s) & Omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate

18/11/2013

Prepared by:

Checked by:

Verified by:

Section Khyber Pakhtunkhwa INCHARGE Medical Faculty Peshawar

Secretary
Khyber Pakhtunkhwa Medical Faculty
Peshawar.

ATTESTED

Jinnah Institute of Medical Sciences

Registered (Reg. No. 01MF) with Govt. of NWFP Medical Faculty
Warsak Road, Peshawar

Ref. No. 540/02/JIMS/REC

Date: 09.7.2011

COURSE COMPLETION CERTIFICATE

This is certified that Mr. WAJID IQBAL *S/o* SAID BADSHAH

Academic Rec. No. 27 *Session* Jan 2009 DEC 2010 *has completed*

his training of PATHOLOGY TECHNOLOGY *Course Duration* TWO YEAR *from*

Jinnah Institute of Medical Sciences.

DR. MOHAMMAD ISHAQ
Chairman

This certificate is issued without alteration or erasure

Principal
Jinnah Institute of Medical Sciences
Warsak Road Peshawar

23

Serial No

Batch No 1370 12

Roll No 5464

Examination Session 06-2013

Technology Pathology

KHYBER PAKHTUNKHWA MEDICAL FACULTY
PESHAWAR - PAKISTAN

Renewal Of Diploma

REGISTRATION / ENROLMENT

Valid for five years

The Diploma registration of Mr / Miss / Mrs. Wajid Iqbal *Son / Daughter of* Said Badshah *bearing Registration No.* MF/140/Path/Jims *Enrolment / Provisional Diploma Serial No.* 4886 *Dated* 18-11-2013 *is hereby renewed from* 11-2013 *to* 18-2018

Prepared by:

Checked by:

Verified by:

SECRETARY
Khyber Pakhtunkhwa
Medical Faculty Peshawar

(24

Serial No: 1886

Roll No: 5464 (27)

KHYBER PAKHTOONKHWA MEDICAL FACULTY PESHAWAR PAKISTAN

KPK MEDICAL FACULTY PESHAWAR

Diploma In Medical Technology

Pathology Technology

SESSION 06-2013

This is to certify that Mr. Miss. Mrs. Wajid Iqbal son / Daughter of

Mr. Said Badshah of 12 bearing Registration No

MT/MO/Path/JIMS/5464 Has passed the examination of diploma in Medical Technology

In the year 06-2013 He / She Obtained 723 Marks out of 1400

He / She has been Placed in B Grade.

Prepared by:

Checked By:

Secretary,
Khyber pakhtoonkhwa Medical Faculty
Peshawar Pakistan.

ATTESTED

(1) Annexure "D" (28)

IN THE PESHAWAR HIGH COURT BANNU BENCH

Writ Petition No. 537-B /2018

SEAL OF PESHAWAR HIGH COURT BANNU BENCH

Wajid Iqbal S/O Said Badshah R/O Shanki Banda, Tehsil Takhte Nasrati District Karak .....(Petitioner)

VERSUS

1. Director General Health Services KPK Peshawar
2. District Account Officer Karak
3. District Health Officer Karak
4. Incharge Civil Hospital Terri District Karak

.....(Respondents)

Writ Petitition under Article 199 Constitution of Pakistan 1973.

ON FACTS

Respectfully Sheweth as under:

1. That respondent No. 3 advertised the post of Clinical Technician in daily Mashriq, so petitioner applied for the post of CT Pathology at serial No. 6 of advertisement. Thereafter, after co-dial formalities petitioner was appointed on BPS-12 Clinical Technician Pathology on 05-12-2017 by respondent No. 3.

2. That after Medical Examination petitioner take over the charge and join the service withdrawn monthly salaries for three months 27 days from the concerned department.

SCANNED

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

3. That petitioner applied for the said post with degree BISE Kohat which was passed through Roll No. 96335. On the basis of said degree petitioner obtained another degree of Intermediate in May of 2007 through Roll No. 52088 and obtained Master Degree in 2013 in Islamiyat, petitioner was removed from service without any show cause Notice 25-04-2018 by the respondent No. 3. The relevant documents are annexed as "A", "B", "C", "D", "E", "F".

4. That finding no other adequate remedy the petitioner is constrained to file this writ petition for the remedy available under the said constitutional provision.

(GROUNDS)

A. That respondent concerned are reluctant to exercise their powers according to rules and regulations of their departments.

B. That respondent No. 3 without any issuing show cause notice passed order which is against the law and procedure.

C. That petitioner applied through valid degree and was appointed according to law, but respondent concerned malafidely removed petitioner from valid service obtained on valid documents.

D. That respondent concerned malafidely through intervention of other person wrongly remove petitioner, hence the order impugned is not sustainable.

E. That petitioner was paid from the concerned department three months 27 days salary which strengthen the facts that petitioner was appointed on valid documents.

F. That the respondent concerned misuse there authority by not exercising their powers according to law.

G. For the above stated reasons and others to be stated at the time of arguing this writ petition, it is therefore, most humbly prayed that this Honorable Court may very graciously be pleased to direct as prayed.

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

(3) (30)

INTERM RELIEF

That petitioner has good prima facie case, order dated 25-04-2018 of respondent No. 3 be suspended and the post of Clinical Technician Pathology BPS-12 to be remain vacant till disposal of Writ Petition

Petitioner:
Through Council

Prayer:

By accepting this writ petition the respondent No. 3 be directed to complied his order dated 05-02-2017 with back benefits till onward.

Any other order this Honorable Court deem fit in the circumstances of the case may also be passed in the interest of justice in favor of petitioner.

ATTESTED
EXAMINER
Peshawar High Court,
Bannu Bench

Wajid Iqbal
Petitioner:

Date 4/5/18

Through:
Salamat Shah Mehsood
Advocate,
Supreme Court of Pakistan
No. 03459160086

Certificate:
Certified that no such writ petition has earlier been filed by the petitioner in this honourable Court.

Petitioner:
Through Council

List of books:
1. Constitution of Pakistan 1973.
2. Relevant Judgment according to needs.

Filed Today

31

PESHAWAR HIGH COURT,
BANNU BENCH

FORM OF ORDER SHEET

SEAL OF PESHAWAR HIGH COURT BANNU BENCH

Date of order or proceeding	Order or other proceedings with signatures of Judge (s).
(1)	(2)
23.05.2018	WP No.537-B of 2018 Present: Salamat Shah Mehsood Advocate for petitioner. ***** ABDUL SHAKOOR, J.- Learned counsel for the petitioner at the very outset, stated at the bar that under the instructions of his client, he wants to withdraw this petition with permission to approach proper forum. Dismissed as withdrawn. However, the petitioner is at liberty to approach proper forum, if so advised. **Announced.** **23.05.2018**

CERTIFIED TO BE TRUE COPY
28-5-18
Examiner
Peshawar High Court Bannu Bench
Authorised Under Article 87 of
the Qanun-e-Shahadat Order 1984

24/5

Azam Khan/P.S (DB) Justice Abdul Shakoor & Justice Shakeel Ahmad

2556

Date of Presentation of Application 23-5-18

No of Pages 4-Pg

Copying Fee

Urgent Fee

Total 8

Date of Preparation 28-5-18

Date Given for Delivery 28-5-18

Date of Delivery of Copy 28-5-18

Received By

Annexure "E" (32)

To

The Honorable Director General Health Services KP Peshawar

Subject:

Departmental Appeal against office Order No 2787/Estb Dated 25-04-2018 as well as the Office order No 2383-86/Estb dated 16-04-2018 passed against the appellant referred in Office Order No 2787 referred above.

RESPECTFULLY SHEWETH:

1. That District Health Officer Karak has advertised the posts of Clinical Technician in daily Mashriq hence the appellant applied for the post of CT Pathology at serial No 6 of the advertisement and after full filling all the codal formalities, appellant was appointed as clinical technician Pathology (BPS-12) on 05-12-2017 by District health Officer Karak and after medical examination, the appellant took the charge and joined the service and started withdrawing monthly salaries for 3 months and 27 days from the concerned department and it was clearly mentioned in the appointment order in condition No 3 that monthly pay will be started after verification of educational & technical documents from the concern institution, hence the appellants documents was genuine. Therefore the appellant was started with the payment of salaries. It is pertinent to mentioned here that appellant has not only passed the Matric but also obtained intermediate degree in May 2007 through Roll No 52088 and also obtained Master degree in the year 2013 in subject of Islamiat but as evident from the office Order dated 25-04-2018 issued by the District Officer Karak also refers to the removal from service of the appellant but neither before passing termination Order referred in the office order dated 25-04-2018, the appellant was either informed nor associated with any inquiry proceedings and nor any show cause notice was issued to the appellant but in arbitrary manner, the appellant service were shown terminated by passing major penalty which order is void ab-intio as being against all cannas of justice and also against the principles of natural justice. The appellant has even obtained Master degree and the appellant Matric certificate as well as educational documents are genuine and can be verified through proper proceedings in the presence of appellant.

2. That the appellant belongs to a poor family and has no other source of income and some other persons of the locality with whom the appellant relationship are not good who is malafidely in collusion with some official of the department has prepared a bogus report. The appellant appointment orders, pay slips and all educational documents are annexed herewith for your kind perusal hence request for withdrawal of the termination order as

well as the recovery of pay notice in the large interest of justice, the appellants will be highly obliged. The appellant in good faith approached the Peshawar High Court, Bannu bench but even the Peshawar High court, Bannu Bench directed the appellant to approach first the proper forum and the appellant states on Oath that he was never issued the termination order dated 16-04-2018 and the appellant has never received the same even till date despite requests of the appellant the same has not been delivered to the appellant, however, the office order dated 25-04-2018 was received by appellant on 29-04-2018 and therefore request for withdrawal of the all office order issued against appellant interest. Moreover, the appellant was performing his duties till 29-04-2018

Your Sincerely,

28/05/19

(Wajid Iqbal)
son of Said Badshah,

Resident of Shanki Banda,

Tehsil Takht Nasrati, District Karak.

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR

Office Ph#091 – 9210269 Exchange 091-9210187 Fax # 091-9210230

All communications should be addressed to the Director General Health Services Peshawar
And not to any official by name.

No. 5891-92 /AE-VI,

Dated. 8 / 3 /2018.

To

Mr.Wajid Iqbal S/O Said Bad Shah,
Ex-CT Pathology CH Teri Karak,
R/O Village Shanky Banda Takht-e-Nasrati Karak.

Subject:- DEPARTMENTAL APPEAL AGAINST OFFICE ORDER 2787/ESTAB. DATED 25/04/2018, AS WELL AS OFFICE ORDER NO.2383-86/ESTAB, DATED 16/04/2018 PASSED AGAINST THE APPELEANT REFERRED IN OFFICE ORDER NO.2787 REFERRED ABOVE.

I am directed to refer to your application dated 19/05/2018, on the subject noted above and to state that your appeal for re-instatement into Government Service is regretted due to Fake/Bogus Matric Certificate

ASSISTANT DIRECTOR (PARAMEDICS)
DGHS KHYBER PAKHTUNKHWA,
PESHAWAR.

03/8

C.C.

District Health Officer, Karak with reference to his letter No.2840/Estab. dated 16/07/2018.

46546

قیمت 50 روپے

ایڈوکیٹ: اسد جان ایڈووکیٹ

بار کونسل/ایسوسی ایشن نمبر: #4444

رابطہ نمبر: 0333-9117513

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹریبونل پشاور

منجانب: سائل

واجد اقبال

بنام

ڈائریکٹر جنرل ہیلتھ کے پی کے پشاور

دعویٰ:

علت نمبر:

مورخہ:

جرم:

تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لیشاور کیلئے اسد جان ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰذا وکالت نامہ لکھ دیا تاکہ سند رہے

PESHAWAR BAR ASSOCIATION KHYBER

المرقوم: 06/08/2018

العبد — گواہ شد — العبد

مقام _____ کے لیے منظور ہے۔

واجد اقبال

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Annex-D P-9

MERIT LIST OF CANDIDATE FOR THE POST OF CLINICAL TECHNICIAN PATHOLOGY INTERVIEW DATE 07/11/2017

Total Marks 100

S No	Parentage of Candidates	Domicile	DOB	Required Qualification Metric			Relivent Higher Qualification			Technical Qualification		Experience			Marks of Interview	Total Marks	Remarks
DISTRICT KARAK				1st Div 50	2nd Div 38	3r Div 30	1st Stage 6	2nd Stage 8	3rd Stage 12	1st Div 20	2nd Div 15	1Yr 4	2 Yr 7	3 Yr 10	8		
1	Naseeb Ullah Khan S/O Saif Ullah Khan R/O Zarki Banda T/Nasrati	Karak	08.08.89	50	-	-	-	-	-	20	-	-	-	10	6	86	Recommended for Selection
2	Sadiq Mehmood S/O Sher Dil Khan Dawala Chokara T/Nasrati	Karak	03.04.81	50	-	-	-	-	-	-	15	-	-	10	1.6	76.6	**Overage** Diploma from PIMS Islamabad registered with KPK Medical Faculty
3	Wajid Iqbal S/O Said Badshah R/O Shanky Banda T/Nasrati Karak	Karak	03.09.87	50	-	-	-	-	-	20	-	-	-	-	5	75	Recommended for Selection
4	Muhammad Iqrar S/O Nowsherawan R/O Dabb	Karak	05.05.92	50	-	-	-	-	-	-	15	-	-	-	6.6	71.6	Recommended for Selection
5	Muhamamd Kashif S/O Muhamamd Akram R/O Karak City	Karak	11.07.96	50	-	-	-	-	-	-	15	-	-	-	6.6	71.6	Recommended for Selection
6	Shams-ur-Rehmans S.O Pio-ur-Rehman R/O Begu Khel Karak	Karak	05.02.89	50	-	-	-	-	-	-	15	-	-	-	6.3	71.3	Recommended for Selection
7	Tahir Iqbal S/O Ayub Khan R/O Alwargi Banda Chanda Khurram BD shah	Karak	24.04.95	50	-	-	-	-	-	-	15	-	-	-	6.3	71.3	Recommended for Selection
8	Mati Ullah S/O Nasrullah Jan R/O Topi Kalla T/Nasrati Karak	Karak	25.03.87	50	-	-	-	-	-	-	15	-	-	-	6.3	71.3	Recommended for Selection
9	Shehyar Zafar S/O Zafrullah R/O Topi Kalla T/Nasrati Karak	Karak	15.04.94	50	-	-	-	-	-	-	15	-	-	-	6.3	71.3	Recommended for Selection

Attested

District Health Officer
Karak

P-10

10	Awal Zaman S/O Pir Zaman R/O Ahmad Abad T/Nasrati	Karak	11.08.87	50	-	-	-	-	-	-	15	4	-	-	2	71	
11	Fazal Mehmood S/O Lal Sahib GulR/O Lakki Ghundaki	Karak	02.05.93	50	-	-	-	-	-	-	15	4	-	-	2	71	
12	Ihsan Ullah S/O Taj Ali Khan R/O Sarat Khel	Karak	01.02.81	-	38	-	-				15	-	-	10	7.6	70.6	
13	Sajid Ullah S/O Fateh Jang R/O Sultan Banda T/Nasrati Karak	Karak	05.04.91	50	-	-	-	-	-	-	15	-	-	-	5.5	70.3	
14	Shoaib Rehman S/O Taj Muhammad R/O Bogara Jehangiri Banda T/Nasrati	Karak	15.08.92	50	-	-	-	-	-	-	15	-	-	-	5	70	
15	Asmat Ullah S/O Sultan Ullah Khan R/O Topi Kalla T/Nasrati	Karak	05.05.93	50	-	-	-	-	-	-	15	-	-	-	5	70	
16	Zahid Iqbal S/O Muhammad Iqbal R/O Jarasi Banda T/Nasrati	Karak	22.03.96	50	-	-	-	-	-	-	15	-	-	-	5	70	
17	Raza Ullah S/O Noor Nawaz Khan R/O Sarki Lawaghar T/Nasrati	Karak	05.01.94	50	-	-	-	-	-	-	15	-	-	-	4.6	69.6	
18	Himat Ullah S/O Qurat Ullah Latamber Karak	Karak	12.02.93	50	-	-	-	-	-	-	15	-	-	-	4.6	69.6	
19	Shahid Saeed S/o Noor Saeed R/O Dabb Sangini	Karak	13.04.95	50	-	-	-	-	-	-	15	-	-	-	4.6	69.6	
20	Wasib Ali Khan S/O Muhammad Ali Khan R/O Hakim Khel Karak	Karak	31.03.96	50	-	-	-	-	-	-	15	-	-	-	4.6	69.6	
21	Rashid Iqbal S/O Khan Zadin R/O Ahmad Abad T/Nasrati Karak	Karak	06.12.95	50	-	-	-	-	-	-	15	-	-	-	4.6	69.6	

District Health Officer
Karak

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22	Minhaj-ud-Din S/O Moeen-ud-Din R/O Ambiri Kalla T/Nasrati	Karak	31.10.96	50	-	-	-	-	-	-	15	-	-	-	4.6	69.6	
23	Muhammad Siraj S/O Azmar Ali Khan R/O Masti Khan Banda Khojaki T/Nasrati Karak	Karak	08.01.96	50	-	-	-	-	-	-	15	-	-	-	4.3	69.3	
24	Sami-ur-Rehman S/O Muhammad Aub R/O T/Nasrati Karak	Karak	23.09.94	50	-	-	-	-	-	-	15	-	-	-	4.3	69.3	
25	Muhammad Altaf S/O Wahid Ullah R/O Wanki Siraj Khel T/Nasrati	Karak	25.02.94	50	-	-	-	-	-	-	15	-	-	-	4.3	69.3	
26	Majid Sharif S/O Muhammad Sharif R/O Daggar Kalla T/Nasrati Karak	Karak	06.06.95	50	-	-	-	-	-	-	15	-	-	-	4.3	69.3	
27	Yasir Jamal S/O Ali Zaman R/O Balai Banda Latamber Karak	Karak	15.08.92	50	-	-	-	-	-	-	15	-	-	-	4.3	69.3	
28	Khalid Umar S/O Noor Faraz Khan R/O Ghar Jawal Khel Tabbi Khwa	Karak	01.10.92	50	-	-	-	-	-	-	15	-	-	-	4.3	69.3	
29	Muhammad Zeeshan S/O Mir Zait Khan R/O Zarki Nasrati	Karak	06.04.95	50	-	-	-	-	-	-	15	-	-	-	4	69	
30	Umar Wahab S/O Muhammad Ghulam R/O Kabir Kalla Sabir Abad Karak	Karak	12.02.91	50	-	-	-	-	-	-	15	-	-	-	4	69	
31	Ahmad Jalil S/O Yousaf Gul R/O Gurguri Karak	Karak	03.09.96	50	-	-	-	-	-	-	15	-	-	-	4	69	
32	Aamir Hayat S/O Yousaf Khan R/O Alam Gul KhelJehangiri	Karak	05.08.97	50	-	-	-	-	-	-	15	-	-	-	4	69	

Attested

District Health Officer
Karak

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33	Muhammad Arsalan S/O Abdul Sattar Khan R/O Niaz Abad Khojaki T/Nasrati	Karak	10.03.97	50	-	-	-	-	-	-	15		-	-	4	69	
34	Mufasser Imran S/O Lal Pio Khan R/O Karak Khel Chokara	Karak	30.03.97	50	-	-	-	-	-	-	15		-	-	4	69	
35	Muhammad Asim S/O Rasool Bad Shah R/O Sabir Abad Karak	Karak	10.11.92	50	-	-	-	-	-	-	15		-	-	3.6	68.6	
36	Hazrat Umar S/O Sarfarz Khan R/O T/Nasrati	Karak	15.02.90	50	-	-	-	-	-	-	15	-	-	-	3.3	68.3	
37	Akhtiasham Ahmad S/O Muhammad Arfan R/O Zarki Nasrati Karak	Karak	15.04.92	-	38	-	-	-	-	-	15	-	-	-	4.3	67.3	
38	Khushid Iqbl S/O Zar Wali shah R/O Kanda Siraj Khel T/Nasrati	Karak	01.04.88	-	38	-	-	-	-	-	15	-	-	-	4.6	64.6	
39	Mir Abas Khan S/O Taj Muhammad R/O GM Khel Karak	Karak	04.04.88	-	38	-	-	-	-	-	15	-	-	-	5.6	62.6	
40	Atta Ullah Jan S/O Inayat Ullah Jan R/O R/O SG Khel	Karak	01.03.83	-	38	-	-	-	-	20	-	-	-	-	3.6	61.6	In-service Candidate working as Behishti
41	Nasir Ullah S/O Subhan Gul R/O Daggar Nari BD Shah	Karak	19.09.89	-	38	-	-	-	-	-	15	-			3.6	60.6	
42	Ghafoor Islam S/O Gul Qader Khan R/O Zar Khan Kalla T/Nasrati	Karak	18.02.86	-	38	-	-	-	-	-	15	-	-		6	59	
43	Barkat Ullah S/O Muhammad Waqar R/O Esak Chountra Karak	Karak	31.08.93	-	38	-	-	-	-	-	15	-	-	-	6	59	

District Health Officer
Karak

P-13

44	Kamran Ullah S/O Fazal Rehman R/O Babal Khel Chokara	Karak	23.03.96	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4.3	57.3	Disable
45	Abdul Qadir S/O Wali Zad Shah R/O Kanda Siraj Khel T/Nasrati Karak	Karak	08.08.91	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4.3	57.3	
46	Asad Zakir S/O Zakir Ullah R/O Bogara T/Nasrati	Karak	12.03.96	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4.3	57.3	
47	Kashif Mehmood S/O Rauf Khan R/O Dabb Sangini	Karak	19.08.90	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4.3	57.3	
48	Sajid Rafiq S/O Muhammad Rafiq R/O T/Nasrati Karak	Karak	01.10.89	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4	57	
49	Asif Nawaz S/O Zulja Mir R/O GM Khel	Karak	20.04.94	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4	57	
50	Muhammad Riaz S/O Akber Jan R/O Gurguri Karak	Karak	03.03.81	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4	57	
51	Hashmat Nadeem S/O Dil Shad Khan R/O Warana T/Nasrati	Karak	13.04.94	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4	57	
52	Zaka Ullah S/O Fazal Rehman R/O Jehangiri T/Nasrati Karak	Karak	02.03.91	-	38	-	-	-	-	-	15	-	[illegible]	[illegible]	4	57	
53	Saqib Rashid S/O Ashraf Khan R/O Nari Khawar T/Nasrati	Karak	03.04.93	-	38	-	-	-	-	-	15	-	-	-	4	57	
54	Attiq-ur-Rehman S/O Saleem Gul R/O Gurguri Karak	Karak	04.04.94	-	38	-	-	-	-	-	15	-	-	-	4	57	
55	Muhammad Faheem Ullah S/O Nimat Khan R/O Shamshaki	Karak	03.09.92	-	38	-	-	-	-	-	15	-	-	-	4	57	

District Health Officer
Karak

R-14

56	Saeed-ur-Rehman S/O Murad Khan R/O Shaheedan Banda T/Nasrati	Karak	07.04.87	-	38	-	-	-	-	-	15	-			4	57	
57	Sajid Rehman S/O Khan Muhammad R/O Chanda Khurram	Karak	10.02.94	-	38	-	-	-	-	-	15	-			3.6	56.6	
58	Zafar Ahmad S/O Lal Zada R/O Jatta Ismail Khel	Karak	02.05.92	-	38	-	-	-	-	-	15	-			3.6	56.6	
59	Farman Ullah S/O Amal Sahib Khan R/O Lakki Ghundaki Karak	Karak	10.12.89	50	-	-	-	-	-	20	-	-			Absent	-	Absent
60	Mehran Ullah Khan S/O Gul Meran R/O Saikot Warana	Karak	30.04.81	-	38	-	-	-	-	-	15	-			Asent	-	Absent
61	Hidayat Ullah S/O Muhammad Ali R/O Gohar Khel Chokara	Karak	05.04.97	50	-	-	-	-	-	-	-	-			Absent	-	Absent FSc Microbiology BISE Islamabad No Diploma of KPK Medical Faculty
62	Waqar-ul-Islam S/O Khalil Muhammad R/O Tappi Algadi Karak	Karak	01.05.89	-	-	-	-	-	-	20	-	-			Absent	-	Absent
63	Muhamamd Ishaq Khan S/O Muhammad Kamal Khan R/O Topi Kalla T/Nasrati	Karak	02.04.84	50	-	-	-	-	-	-	15	-			Absent	-	Absent
64	Aziz-ur-Rehman S/O Aslam Khan R/O Darb Khel Karak	Karak	10.0380	-	38	-	-	-	-	-	15	-	-		0	-	Not qualified One Year Certificate from KPK Medical Faculty
65	Sardar Ali S/O Din Bad Shah R/O Garori Char Khel	Karak	13.08.90	50	-	-	-	-	-	-	-	-	-	-	0	-	Not Qualified BSc Microbiology
66	Abdul Azeem S/O Abdul Rauf R/O Topi Kalla Bogara Karak	Karak	15.04.85	-	38	-	-	-	-	-	15	-	-	-	0	-	Not qualified One Year Certificate from KPK Medical Faculty
67	Atif Iqbal S/O Johar Iqbal R/O Gandiri Khattak T/Nasrati Karak	Karak	10.03.94	-	38	-	-	-	-	-	-	-	-	-	0	-	Not qualified BSc Medical Technology

District Health Officer
Karak

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68	Sagib Mehmood S/O Abdullah Shah R/O Hadi Khel Kanda Karak	Karak	15.10.85	50	-	-	-	-	-	-	15				0	-	Not qualified
69	Waheed Ullah S/O Habib-ur-Rehman R/O SG Khel	Karak	30.06.90	50	-	-	-	-	-	-	-	-	-	-	0	-	Not qualified FSc Medical Lab from B.I.S.E Islamabad
70	Hameed Ullah S/O Sher Adam Khan R/O Mirdal Banda T/Nasrati Karak	Karak	05.02.74	50	-	-	-	-	-	-	15	-	-	-	0	-	Not qualified Working as W/Boy at KGN Bannu one Year Pathology Certificate from KPK Medical Faculty
71	Muhamamd Iqbal S/O Hajat Gul R/O Spina Banda Karak	Karak	15.03.87	-	-	30	-	-	-	-	-	-	-	-	0	-	Not qualified BSc Microbiology
72	Junaig Iqbal S/O Mumtaz Ali Khan R/O Jandri	Karak	19.03.97	50	-	-	-	-	-	-	-	-	-	-	0	-	Not qualified No Diploma
73	Asif Mehmood Ali S/O Muhammad Ali Khan R/O Manzani Banda Karak	Karak	08.04.91	50	-	-	-	-	-	-	-	-	-	-	0	-	Not qualified BS Lab Tech: from KMU
74	Shahid Usman S/O Asmat Ullah Khan R/O Inzar Banda Minaki T/Nasrati	Karak	12.03.93	50	-	-	-	-	-	-	-	-	-	-	0	-	Not qualified BSc Microbiology
75	Asad Ullah S/O Raham Janan R/O Lakki Ghundaki	Karak	04.12.91	-	38	-	-	-	-	-	-	-	-	-	0	-	Not qualified Diploma from Punjab Medical Faculty No registration of KPK Medical Faculty
76	Sher Azam S/O Zardad Khan R/O Umber Abad GM Khel	Karak	03.05.79	-	38	-	-	-	-	-	15	-	-	-	0	-	Not qualified Lab Assistant Certificte from KPK Medical Faculty

1. Representative of DG Health Services KPK (Member)

2. Coordinator EPI DHO Offie Karak (Member)

3 District Healht Officer Karak (Chairman)

District Health Officer
Karak

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEL NO. 978 OF 2018

Wajid Iqbal S/O Said Badshah R/O Shanki Banda Tehsil Takht-e-Nasrati Karak.

APPELLANT

VERSUS

DG Health Khyber Pakhtunkhwa & Others.....**Respondents**

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[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

Deponent

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALPESHAWAR

SERVICE APPEL NO. 978 OF 2018

Wajid Iqbal S/O Said Badshah R/O Shanki Banda Tehsil Takht-e-Nasrati K

APPELL

VERSUS

1. The Director General Health K.P.K Peshawar.
2. The District Account Officer Karak.
3. The District Health Officer, Karak.
4. The Incharge Civil Hospital Terri District Karak.
5. The Assistant Director (Paramedics) DG HS Khyber Pakthunkhwa Peshawar.

RESPONDENTS

WRITTEN COMMENTS OF RESPONDENTS NO. 1 to 5

PRELIMINARY OBJECTIONS;-

1. That the Appellant has neither locus standi, nor cause of action, hence the titled Appeal is not maintainable on this sole legal ground.
2. That the Appellant did not approach this Hon'able Tribunal with clean hands and suppressed material facts and had tried to twist the factual as well as legal position of the case.
3. That the Appellant is barred by law, hence not maintainable.
4. That the Hon'able Tribunal has no Jurisdiction to adjudicate the matter
5. That the appeal is bad for non-joinder and mis-joinder of necessary parties
6. That the appellant has been estopped by his conduct to file the appeal.

RESPECTFULLY SHEWTH:-

FACTS:-

1. Correct.
2. Correct.
3. Correct to the extent that the appellant was appointed with the condition of verification of his Academic documents/Certificate in condition No-3 of the appointment order. **(Copy of Appointment order Annex-"A")**
4. Correct. Already explained in Para-3 above.
5. Incorrect. After the appointment of the appellant Diploma of Pathology & Matric Certificate were sent to the concerned Institutions for verification. After receiving the verification of Pathology Diploma from KPK Medical Faculty the pay of the appellant was released. When the verification of the 1st Division Matric Certificate was received from the B.I.S.E Kohat as Bogus/Fake, the appointment order of

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the Appellant was withdrawn because as per criteria the appellant was given 50 marks in the merit list on the basis of 1st Division Matric certificate, while there are 38 Marks for 2nd Division. Probably the appellant has second Division in the Matric but he produced FAKE/BOGUS 1st Division Matric Certificate to get 50-Marks in the Merit list for 1st Division instead of 38-Marks for second Division. In this way he has done injustice with the candidates having 1st Division in Matric The para-3 of the appointment order of the appellant is too much clear that "**his appointment will be subject to the Medical Fitness & verification of his Educational & Technical qualification**". So there was no need of any inquiry/show cause notice, **as the 1st Division Matric Certificate was found Bogus/Fake on verification. (Copy of the verification letter, Merit list is Annex-"B" and Annex-"C"**

6. Incorrect. As explained in para-5 that, after the appointment of the appellant, the Diploma of Pathology & Matric Certificate was sent to the concerned Institutions for verification. After receiving the verification of Pathology Diploma from KPK Medical Faculty, the pay of the appellant was released. When the verification of the 1st Division Matric Certificate was received from the B.I.S.E Kohat as **Bogus/Fake**, the appointment order of the Appellant was withdrawn because as per criteria the appellant was given 50 marks in the merit list on the basis of 1st Division Matric certificate, while there are 38 Marks for 2nd Division. Probably the appellant has second Division in the Matric but he produced FAKE/BOGUS 1st Division Matric Certificate to get 50-Marks in the Merit list for 1st Division instead of 38-Marks for Second Division. In this way he has done injustice with the candidates having 1st Division in Matric. The para-3 of the appointment order of the appellant is too much clear that "**his appointment will be subject to the Medical Fitness & verification of his Educational & Technical qualification**". So there was no need of any inquiry/show cause notice, **as the 1st Division Matric Certificate was found Bogus/Fake on verification. (Copy of the withdrawal order is Annex-"D"**

7. Incorrect. As per service rules Matric & Diploma in concerned Technology are the basic requirement for appointment in the Technical posts. Higher qualification is considered higher qualification in the relevant field of the candidates.

8. Incorrect. During the interview the grading regarding Technical/Educational qualification of the candidates are being checked by the committee in the presence of the candidates. Each & every candidate is aware of his grading in the merit list during the interview.

9. Pertains to record, however the instant appeal is badly time barred as approaching wrong forum cannot carder delay.

10. Incorrect, the impugned order was communicate will within time.

11. Incorrect, the Departmental appeal was rejected; the same was communicated to the appellant.

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GROUNDS:-

1. Incorrect. As explained in para-1 of the facts, after the appointment of the appellant, the Diploma of Pathology & Matric Certificate was sent to the concerned Institutions for verification. After receiving the verification of Pathology Diploma from KPK Medical Faculty, the pay of the appellant was released. When the verification of the 1st Division Matric Certificate was received from the B.I.S.E Kohat as **Bogus/Fake**, the appointment order of the Appellant was withdrawn because as per criteria the appellant was given 50 marks in the merit list on the basis of 1st Division Matric certificate, while there are 38 Marks for 2nd Division. Probably the appellant has second Division in the Matric but he produced FAKE/BOGUS 1st Division Matric Certificate to get 50-Marks in the Merit list for 1st Division instead of 38-Marks for Second Division. In this way he has done injustice with the candidates having 1st Division in Matric. The para-3 of the appointment order of the appellant is too much clear that "**his appointment will be subject to the Medical Fitness & verification of his Educational & Technical qualification".** So there was no need of any inquiry/show cause notice, **as the 1st Division Matric Certificate was found Bogus/Fake on verification.**

2. Incorrect. The para-3 of the appointment order of the appellant is too much clear that "**his appointment will be subject to the Medical Fitness & verification of his Educational & Technical qualification".** So there was no need of any inquiry/show cause notice, **as the 1st Division Matric Certificate was found Bogus/Fake on verification.**

3. Incorrect. The appointing authority is the competent authority.

4. Incorrect. The appointment order of the appellant was withdrawn vide No. 2383-86/Estb: dated 16-04-2018 due to the facts stated in para-01 of the grounds.

5. Incorrect. As explained in para-01 & the appointment order was withdrawn vide order No. 2383-86/Estb: dated 16-04-2018. Further illegal and order on the basis of Fraud does not attract principles of locus *poenitentiae*.

6. Incorrect. As explained in para-1 of the facts, after the appointment of the appellant, the Diploma of Pathology & Matric Certificate was sent to the concerned Institutions for verification. After receiving the verification of Pathology Diploma from KPK Medical Faculty, the pay of the appellant was released. When the verification of the 1st Division Matric Certificate was received from the B.I.S.E Kohat as **Bogus/Fake**, the appointment order of the Appellant was withdrawn because as per criteria the appellant was given 50 marks in the merit list on the basis of 1st Division Matric certificate, while there are 38 Marks for 2nd Division. Probably the appellant has second Division in the Matric but he produced FAKE/BOGUS 1st Division Matric Certificate to get 50-Marks in the Merit list for 1st Division instead of 38-Marks for Second Division. In this way he has done injustice with the candidates having 1st Division in Matric. The para-3 of the appointment order of the appellant is too much clear that "**his appointment will be subject to the Medical Fitness & verification of his Educational & Technical qualification".** So there was no need of any inquiry/show cause notice, **as the 1st Division Matric Certificate was found Bogus/Fake on verification.**

P-4

7. Incorrect. The Para-03 of the appointment order is too much clear.

8. Incorrect. The appellant was treated as per terms & conditions of the appointment orders.

9. Incorrect. The appellant treated as per his submitted documents & as per terms & conditions of the appointment order.

10. Incorrect. The appellant treated as per terms & conditions of the appointment order.

11. Incorrect. The monthly salary was released after the verification of the Diploma of Pathology of the appellant with the hope that the verification of the Matric Certificate will also be verified in due course of time. But his 1st Division matric Certificate was received **Bogus/Fake**, so as per terms & conditions of the appointment order, the appointment order was withdrawn. He has done injustice with the candidates having 1st Division in Matric. The para-3 of the appointment order of the appellant is too much clear that "**his appointment will be subject to the Medical Fitness & verification of his Educational & Technical qualification".** So there was no need of any inquiry/show cause notice, **as the 1st Division Matric Certificate was found Bogus/Fake on verification.**

12. No comments.

In light of the above submission, It is humbly prayed that the Appeal of the Appellant is devoid of merit and has no legal value, therefore, may graciously be dismissed as the appellant has done injustice with the candidates having 1st Division in Matric. The para-3 of the appointment order of the appellant is too much clear that "**his appointment will be subject to the Medical Fitness & verification of his Educational & Technical qualification".** So there was no need of any inquiry/show cause notice, **as the 1st Division Matric Certificate was found Bogus/Fake on verification.**

DIRECTOR GENERAL HEALTH SERVICES
KPK PESHAWAR **(Respondent No.1)**

District Account Officer Karak
(Respondent No. 2)

ASSISTANT DIRECTOR (PARAMEDICS)
DGHS KHYBER PAKHTUNKHWA,
PESHAWAR. **(Respondent No. 5)**

DISTRICT HEALTH OFFICER KARAK
(Respondent No. 3)

Incharge Civil Hospital Teri Karak
(Respondent No. 4)

P-5

اللہ ہی کیلئے ہیں مشرق و مغرب القرآن

DAILY MASHRIQ PESHAWAR

روزنامہ مشرق پشاور

بانی مدیر سید تاج میر شاہ

مکمل اشاعت کے 51 سال

ABC CERTIFIED

پشاور اور اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار

جلد 51 | جمعۃ المبارک 22 محرم الحرام 1439ھ 13 اکتوبر 2017ء 27 اسوج قیمت 13 روپے | شمارہ 54

اسامیاں برائے انٹرویو

ڈسٹرکٹ ہیلتھ آفیسر کرک کے زیر نگرانی ضلع کرک کے مختلف ہسپتالوں میں درجہ ذیل خالی آسامیوں کو پر کرنے کیلئے صوبہ خیبر پختونخوا حکومت کی مروجہ قانون/پالیسی کے تحت مطلوبہ تعلیمی و پیشہ ورانہ قابلیت کے حامل موزوں امیدواروں سے سادہ کاغذ پر درخواستیں مطلوب ہیں جس میں متعلقہ آسامی لکھی ہو بمعہ مصدقہ نقول و تعلیمی پیشہ ورانہ اسناد/قومی شناختی کارڈ/ڈومیسائل کی کاپی زیر دستخطی کے دفتر میں اشتہار شائع ہونے کے بعد 15 یوم کے اندر جمع کرائے جائیں گے۔ بعد ازاں کوئی درخواست قبول نہیں کی جائے گی۔ انٹرویو زیر دستخطی کے دفتر میں درجہ ذیل تاریخوں کے مطابق ہوں گے۔

نمبر شمار	نام آسامی	بنیادی سکیل	مجوزہ قابلیت	عمر کی حد	تاریخ (انٹرویو)
1	سی ٹی (فارمیسی)	12	میٹرک بمعہ سائنس میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18 تا 30 سال	06.11.2017
2	سی ٹی (سرجیکل)	12	میٹرک بمعہ سائنس میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18 تا 30 سال	06.11.2017
3	سی ٹی (ریڈیالوجی)	12	میٹرک بمعہ سائنس میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18 تا 30 سال	06.11.2017
4	سی ٹی (ڈینٹل)	12	میٹرک بمعہ سائنس میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18 تا 30 سال	06.11.2017
5	پی ایچ سی ٹیکنیشن (لیبی پریز)	12	میٹرک بمعہ سائنس میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18 تا 30 سال	06.11.2017
6	سی ٹی (پیتھالوجی)	12	میٹرک بمعہ سائنس میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18 تا 30 سال	07.11.2017
7	سی ٹی (ایمبولینس)	12	میٹرک بمعہ سائنس میڈیکل فیکلٹی خیبر پختونخوا سے متعلقہ فیلڈ میں تصدیق شدہ دو سالہ ڈپلومہ	18 تا 30 سال	07.11.2017
8	جنریٹر آپریٹر	06	ایک سال الیکٹریکل مرٹیکٹ ٹیکنیکل بورڈ سے منظور شدہ	18 تا 40 سال	07.11.2017
9	ڈرائیور	06	خواندہ بمعہ HTV/LTV ڈرائیونگ لائسنس رکھتا ہو	18 تا 40 سال	07.11.2017

تمام تقرری خالصتاً این میزٹ اور حکومت خیبر پختونخوا کی وضع کردہ پالیسی کی تحت ہوگی۔ ملازمت پیشہ امیدوار محکمانہ توسط سے درخواست ارسال کریں۔ انٹرویو کیلئے آنیوالے امیدوار اپنی جملہ دستاویزات کی اصل کاپی ساتھ لائیں۔ انٹرویو کیلئے کوئی سفری خرچہ نہیں دیا جائے گا۔ کسی بھی قسم کی جعلی اسناد جمع کرنے والے امیدوار کے خلاف قانونی کارروائی کی جائے گی۔ مجاز افسر کوئی وجہ بتائے بغیر انٹرویو منسوخ کر سکتا ہے۔ نوٹ:۔ مندرجہ بالا تمام آسامیوں کیلئے ضلع کرک کے مستقل باشندوں کو ترجیح دی جائے گی۔ عمر کی حد میں رعایت مروجہ قانون کے مطابق دی جائے گی۔

مزید معلومات کیلئے ہیلپ لائن 0927-290537 پر رابطہ کریں

INF(P) 5877 Also available on www.khyberpakhtunkhwa.gov.pk

District Health Officer
Karak

OFFICE OF THE DISTRICT HEALTH OFFICER
KARAK
Phone & Fax-0927-290537 Email..dhokarak@gmail.com

Annex-A P-6

OFFICE ORDER

On the recommendation of Departmental Selection Committee meeting held on dated 07.11.2017 under Chairmanship of the undersigned, **Mr. Wajid Iqbal S/O Said Badshah R/O Shanky BandaTehsil Takhti Nasr District Karak** is hereby offered the post of **Clinical Technician (Pathology) BPS-12 (13320-960-42120)** p other allowances as admissible under the rules at **Civil Hospital Terri District Karak.**

His appointment in the Health Department Khyber Pakhtunkhwa, will be subject to the following terms a conditions:

1. He will be on probation initially for a period of one year extendable for a further period not exceeding o year.
2. His appointment will be subject to the provision of upper age limit relaxation.
3. His appointment will be subject to Medical Fitness & verification of his Educational & Technic qualifications & monthly pay will be started after the verification of his Educational & Technic documents from the concerned Institutions.
4. His appointment will be on temporary basis and can be terminated at any time without any notice. But i case if he wishes to resign from service, he will resign in writing by giving prior notice of one month c deposit one month pay in lieu of one month advance notice in the Govt: treasury.
5. His service can be dispensed with during the probation period if his work and conduct is found un satisfactory.
6. He will be governed by such rules and orders as may be issued by Govt: from time to time for the category of Govt: servant to which he belongs.
7. He will complete normal tenure at his place of first posting as per Govt: Rules.

If the above terms and conditions are acceptable to him, he should submit his arrival report for duty at **Civil Hospital Terri District Karak** and produce Medical Fitness Certificate from MS DHQ Hospital Karak within 15 days after issuance of this order, failing which this order will be treated as cancelled automatically.

District Health Officer
Karak

Sd/xxxxxxxxxxxxxxxxxxxxx
DISTRICT HEALTH OFFICER
KARAK

District Health Officer
Karak

No. 12833-39 /Admn dated 05 / 12 /2017.

Copy forwarded to:-

1. The PA to Director General Health Services, Khyber Pakhtunkhwa Peshawar for information please.
2. The Deputy Commissioner Karak for information please.
3. The District Nazim Karak for information please.
4. The PMO Incharge Civil Hospital Terri Karak for information please.
5. The District Accounts Officer Karak for information please.
6. Account Section Local office for information and necessary action.
7. Mr. Wajid Iqbal S/O Said Badshah R/O Shanky BandaTehsil Takhti Nasrati District Karak for information & compliance of the order.

DISTRICT HEALTH OFFICER
KARAK

BOARD OF INTERMEDIATE & SECONDARY EDUCATION KOHAT

Bannu Road (Near Indus Highway Junction) Kohat. Ph # 0922-554546,Fax 0922-554019.

No.6575/Reg/Veri/SSC/HSSC/BISEK

Dated 10/04/2018

Annex-B
P-7

To;

The District Health Officer,
Karak.

Subject; **VERIFICATION**

Reference to your letter No. 13606-07,Acct dated 28/12/2017,regarding the verification of certificate of Mr. Wajid Iqbal S/o Said Badshah bearing R.No.96335, Serial No.59604, Session 2005 (Annual) SSC duly checked and the attached certificate is a ***Bogus*** one. Actually the said candidate has passed SSC under the same roll no and secured **419 marks.**

Astt Secretary,
BISE,Kohat

Copy to: Director General Health Services Khyber Pakhtunkhwa, Peshawar.

Terminate his services
13/4/2018

Attested

District Health Officer
Karak

D/No. 612
13-04-2018

Annex B-18

S.No. KB 57504

بسم الله الرحمن الرحيم

Roll No. 96335

BOARD OF INTERMEDIATE & SECONDARY EDUCATION KOHAT

(N.W.F.P. Pakistan)

Secondary School Certificate Examination

SESSION: 2005 - ANNUAL

THIS IS TO CERTIFY THAT Wajid Iqbal and a Son/Daughter of Said Badshah has passed student of District Karak the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Kohat held in March, 2005 as a Private candidate. He/She obtained 550 Marks out of 850 and has been placed in Grade B Representing Very Good

The Candidate passed in the following subjects:

1. English 2. Urdu 3. Islamiyat 4. Pak. Studies
5. Mathematics 6. Physics 7. Chemistry 8. Biology

Date of birth according to admission form is 03-Sep-1987

Asstt. Secretary

Secretary

This certificate is issued without alteration or erasure.

Checked & Found Bogus

Attested

Medical Technologist
Biology Department
KDNTH, Bannu

District Health Officer
Karak

OFFICE OF THE DISTRICT HEALTH OFFICER
KARAK
Phone & Fax-0927-290537 Email. dhokarak@gmail.com

Annex-D P-16

OFFICE ORDER

The appointment order of Mr. Wajid Iqbal S/O Said Badshah issued by this office as Clinical Technician (Pathology) BPS-12 at Civil Hospital Terri District Karak vide this office Order. 12833-39/Admn: dated 05.12.2017 is hereby withdrawn due to **FAKE/BOGUS** Secondary School Certificate declared by Board of Intermediate & Secondary Education Kohat vide his office letter No. 6575/Reg/Veri/SSC/HSSC/BISEK dated 10.04.2018 with immediate effect in the interest of public service.

SD/-XXXXXXXXX
DISTRICT HEALTH OFFICER
KARAK

NO. 2383-86 /Estb: Dated 16 /04/018.

Copy forwarded to the:-

1. District Accounts Officer Karak for information.
2. PMO Incharge Civil Hospital Terri District Karak for information and necessary action.
3. Account Section local for information and necessary action.
4. Mr. Wajid Iqbal S/O Said Badshah Civil Hospital Terri Karak for information & compliance of the order.

DISTRICT HEALTH OFFICER
KARAK

District Health Officer
Karak

Annex-E P-17

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE HELD ON 07/11/2017 IN THE OFFICE OF THE DISTRICT HEALTH OFFICER KARAK REGARDING THE SELECTION OF CLINICAL TECHNICIAN (PATHOLOGY) BPS-12 FOR VARIOUS HOSPITALS IN DISTRICT KARAK.

A meeting of Departmental Selection Committee to consider appointment of Clinical Technician (Pathology) BPS-12 for various Hospitals in District Karak was held on 07/11/2017 at 10.00 AM in the office of the District Health Officer Karak.

The following members of the committee attended the meeting.

1. District Health Officer Karak.....(Chairman)
2. Representative of DG Health Services, KPK.....(Member)
3. Coordinator EPI DHO Office Karak.....(Member)

The Chairman welcomed the committee members and informed about the vacant posts of Clinical Technician (Pathology) BPS-12 in various Hospitals in District Karak.

The committee pursued all the relevant documents of all the applied candidates for the post of Clinical Technician (Pathology) BPS-12 during the interview. The committee also discussed the service Rules of the Paramedical staff circulated by the Govt: of Khyber Pakhtunkhwa Health Department Peshawar, vide Notification No. SOH-III/HD/3-5/2014 dated Peshawar the 10th May 2016. After a detail discussion, the following candidates were recommended for appointment as Clinical Technician (Pathology) BPS-12 by the Departmental Selection Committee against the vacant post as mentioned against each on the basis of Diploma from Khyber Pakhtunkhwa Medical Faculty in the relevant Paramedical Technology.

S No	Name of Candidate	Recommended for Appointment	Place of Posting
1	Nasib Ullah S/O Saif Ullah Khan R/O Zarki Banda Tehsil Takhti Nasrati District Karak	Recommended for appointment as Clinical Technician (Pathology) BPS-12	Against the vacant post at Civil Hospital Bahader Khel Karak
2	Wajid Iqbal S/O Said Badshah R/O Shanky Banda Teshil Takhti Nasrati District Karak	Recommended for appointment as Clinical Technician (Pathology) BPS-12 **(Subject to the provision of relaxation of upper age limit)**	Against the vacant post at Civil Hospital Teri Karak
3	Muhammad Iqrar S/O Nowsherawan R/O Dubb Tehsil & District Karak	Recommended for appointment as Clinical Technician (Pathology) BPS-12	Against the vacant post at Women & Children Hospital Karak
4	Muhammad Kashif S/O Muhammad Akram R/O Algadi Karak Tehsil & District Karak	Recommended for appointment as Clinical Technician (Pathology) BPS-12	Against the vacant post at Women & Children Hospital Karak
5	Shams-ur-Rehman S/O Pio-ur-Rehman R/O Dabb Bego Khel Teshil & District Karak	Recommended for appointment as Clinical Technician (Pathology) BPS-12	Against the vacant post at THQ Hospital BD Shah Karak

District Health Officer
Karak

P-18

6	Tahir Iqbal S/O Ayub Khan R/O Alwargi Banda Tehisl BD Shah District Karak	Recommended for appointment as Clinical Technician (Pathology) BPS-12	Against the vacant post at THQ Hospital BD Shah Karak
7	Mati Ullah S/O Nasrullah Jan R/O Topi Kalla Tehsil Takhti Nasrati District Karak	Recommended for appointment as Clinical Technician (Pathology) BPS-12 **(Subject to the provision of relaxation of upper age limit)**	Against the vacant post at THQ Hospital BD Shah Karak
8	Sheharyar Zafar S/O Zafrullah R/O Topi Kalla Tehsil Takhti Nasrati District Karak	Recommended for appointment as Clinical Technician (Pathology) BPS-12	Against the vacant post at Civil Hospital Gurgori Karak

1. Rep: of DG Health Services, KPK.....M. Shahzeb.....(Member)
2. Coordinator EPI DHO Office Karak.....(Member)
3. District Health Officer Karak.....(Chairman

Attested

District Health Officer
Karak

Annex-F P-19

DISTRICT HEALTH OFFICER
KARAK

No_____/Estb:

Dated 25/04/2018

Phone & Fax: 0927290537

To,

Mr. Wajid Iqbal S/O Said Bad Shah,
Ex-CT Pahtology CH Terri Karak,
R/O Village Shanky Banda Takht-e-Nasrati Karak

SUB:- **RECOVERY OF PAY.**

Memo,

Your were appointed as CT Pahtology at Civil Hospital Terri Karak vide order No. 12833-39/Admn dated 05/012/2018. On verification of your Matric certificate which was found Fake/Bogus & your services were terminated vide this office order No. 2383-86/Estb: dated 16/04/2018. You have claimed pay w.e.f 06/12/2018 upto 31/03/2018 amounting to Rs. 60734.

You are therefore, directed to deposit the said money into Govt: treasury immediately to avoid complication in future.

DISTRICT HEALTH OFFICER
KARAK

No 2788-89 /Estb:-

Copy to:-

1. The Account Section Local office for information & necessary action.
2. The PMO I/C Civil Hospital Terri Karak for information.

DISTRICT HEALTH OFFICER
KARAK

Attested

District Health Officer
Karak

Annex-G P-20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALPESHAWAR

SERVICE APPEL NO. 978 OF 2018

Wajid Iqbal S/O Said Badshah R/O Shanki Banda Tehsil Takht-e-Nasrati Karak.

APPELLANT

VERSUS

DG Health Khyber Pakhtunkhwa & Others.....**Respondents**

AFFIDAVIT

I, Dr. Muhammad Rasul Jan, District Health Officer Karak BS-20 (Respondent No. 3), do hereby solemnly affirm and declare that the contents of the Para-wise comments at page- 1,4 submitted are true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.

(Dr. Muhammad Rasul Jan)
District Health Officer Karak

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. NO..... /2018

WAJID IQBAL S/O SAID BADSHAH R/O SHANKI BANDA TEHSIL TUKHT NASRATI KARAK

.....APPELLANT

VERSUS

DIRECTOR GENERAL HEALTH SERVICES, KPK PESHAWAR AND OTHERS

.....RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT TO THE COMMENTS SUBMITTED BY RESPONDENT . BEFORE THIS HON'BLE COURT.

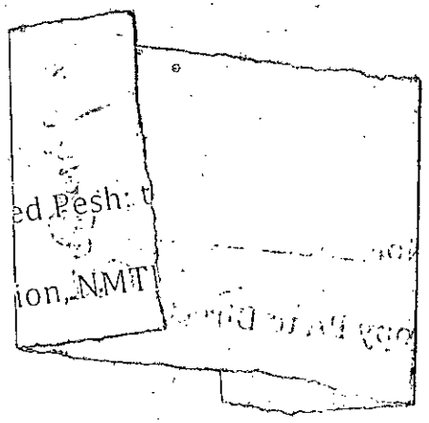
RESPECTFULLY SHEWETH:

Reply to Preliminary Objections:

1. That Para No.1 of the preliminary objection of comments is incorrect; appellant has got cause of action and also has locus standi
2. That Para No.2 of preliminary objection of the comments is incorrect; appellant has come to this hon,able court with clean hands and nothing has concealed from this honourable court.
3. That Para No. 3 of the preliminary objection of comments is incorrect; appellant's appeal is maintainable and not barred by any law.
4. That Para No. 4 of the preliminary objection of comments is incorrect; this honourable tribunal has ample jurisdiction to entertain the instant appeal,
5. That Para No. 5 of the preliminary objection of comments is incorrect; appellant has made all necessary parties.
6. That Para No. 6 of the preliminary objection of comments is incorrect; appellant has not estopped by any law moreover, his valuable rights are involved in the instant appeal.

ON FACTS: -

1. Para No 1 of the comments needs no reply.
2. Para no. 2 of the comments needs no reply
3. Para No. 3 of the comments needs no reply.



4. Para no. 4 of the comments needs no reply.

5. Para No. 5 of the comments is incorrect while Para No.5 of the appeal is correct. That after verification the appellant's documents were found genuine. Therefore the appellant was started with the payment of salaries. It is pertinent to mention here that appellant has not only passed the Matric but also obtained intermediate degree in May 2007 through Roll No 52088 and also obtained Master degree in the year 2013 in subject of Islamiat but as evident from the office Order dated 25-04-2018 issued by the District Officer Karak also refers to the removal from service of the appellant but neither before passing termination Order referred in the office order dated 25-04-2018 the appellant was given any show cause notice or conducted any inquiry nor heard to explain his position. It is pertinent to mention here that as evident from the advertisement only matric science with two years diploma was mentioned as requirement for the disputed post a d there is no requirement of first or second division in the matric science and it can be safely inferred from the circumstance of the case that it is after thought plea on behalf of the respondent to make a ground for their illegal acts and therefore, there was no need to procure any bogus or fake matric certificate with first division by the appellant and even if the marks of the first division is not counted even then the appellant having three years experience which marks are ten then why the appellant was not given the experience marks as per his experience therefore, the appellant is even then on the merit than other candidates and question arises when the pay was subject to verification of educational documents than why the appellant was paid four month salary and this fact of four months salary is sufficient ground that the appellant documents were found genuine after its verification and the certificates presently shown on record by respondents is changed by the respondent themselves after sufficient time of appellant t appointment and these acts were done by the appellants rival of the locality in collusion with official of the respondents and on the principle of the locus poetentia the appellant appointment order cannot be withdrawn. Moreover, it is incorrect that any injustice has been done with any candidate. Moreover, the merit list presently brought on record is manipulated by the respondents with ulterior motive in order to make good case but the record the case speaks otherwise **(All relevant documents are annexed).**

6. Para No. 6 of the comments is incorrect while Para No.6 of the appeal is correct. That the appellant was removed from service and the appellant was neither informed nor associated with any inquiry proceedings and nor any show cause notice was served upon the appellant but in arbitrary manner, the appellant service were shown terminated by passing major penalty which order is void ab-

intio as being against all cannas of justice and also against the principles of natural justice. Moreover, the detailed reply ins supra para may also be considered as reply to the instant para.

7. Para No.7 of the comments is incorrect while Para No.7 of the appeal is correct. That the appellant has even obtained Master degree and the appellant Matric certificate as well as educational documents are genuine and can be verified through proper proceedings in the presence of appellant.
8. Para No.8 of the comments is incorrect while Para No.8 of the appeal is correct. That the appellant belongs to a poor family and has no other source of income and some other persons of the locality with whom the appellant relationship are not good who is malafidely in collusion with some official of the department has manipulated all the documents etc which the respondents are now relying. It is pertinent to mention here that how the interview committee which is bound to properly check the documents could not or identified any forgery / manipulation on the part of the appellant which fact is sufficient proof of the fact that appellant has never produced any fake matric certificate
9. Para No.9 of the comments is incorrect while Para No.9 of the appeal is correct. That the appellant approached the respondents and annexed appointment orders, pay slips and all educational documents with a request for withdrawal of the termination order as well as the recovery of pay notice in the large interest of justice, for which the appellant will be highly obliged. However, the respondents did not give heed to application request, so the appellant in good faith approached the Peshawar High Court, Bannu bench through writ petition but the Peshawar High court, Banno Bench dismissed as withdrawn and directed the appellant to approach the proper forum and even without excluding the said time the appellant appeal is within in time **(copy of WP and order dated 23.05.18 are annexed)**
10. Para No. 10 of the comments is incorrect while Para No. 10 of the appeal is correct. That the appellant preferred departmental appeal to the responded wherein he states on Oath that he was never issued the termination order dated 16-04-2018 and the appellant has never received the same even till date despite requests of the appellant the same has not been delivered to the appellant, however, the office order dated 25-04-2018 was received by appellant on 29-04-2018 and therefore request for withdrawal of the all office order issued against appellant

interest. Moreover, the appellant was performing his duties till 29-04-2018 **(Copy of departmental appeal is annexed)**

11. Para No.11 of the comments is incorrect while Para No.11 of the appeal is correct. No ground for dismissal of appellant appeal exists.

GROUNDS

1. Para No.1 of the grounds of comments is incorrect while Para No.1 of the grounds of appeal is correct, That respondent are not acting in accordance with law and are taking illegal acts with ulterior motive and malafide intention by terminating appellant without any cogent reason. Moreover, detailed reply in para 5 of the fact may also be considered as reply to the instant para

2. Para No 2 of the ground of comments is incorrect while Para No.2 of the ground of appeal is correct, that appellant was condemned unheard.

3. Para No.3 of the ground of comments is incorrect while Para no. 3 of the ground of appeal is correct, That impugned order was passed by incompetent authority.
4. Para No.4 of the ground of comments is incorrect while Para no 4 of the ground of appeal is correct, the appointment order of the appellant was withdrawn on illegal grounds.
5. Para No.5 of the ground of comments is incorrect while Para no 5 of the ground of appeal is correct, That on the principle of locus potentia the appellant is entitled to perform duties and to get his salaries.
6. Para No.6 of the ground of comments is incorrect while Para No.6 of the ground of appeal is correct, That no proper inquiry, show cause notice, formal charge, along with charge sheet was issued to the appellant.
7. Para No.7 of the ground of comments is incorrect while Para No.7 of the ground of appeal is correct, That no opportunity of personal hearing to the appellant was given.
8. Para No.8 of the ground of comments is incorrect while Para No.8 of the ground of appeal is correct, That the impugned order is based on malafide with ulterior motive.
9. Para No.9 of the ground of comments is incorrect while Para No.9 of the ground of appeal is correct, That the appellant applied to the respondents department having valid educational testimonial and was appointed according to law but the respondents malafidely removed the appellant from service

10. Para No 10 of the ground of comments is incorrect while Para No 10 of the ground of appeal is correct, That the respondents malafidely through intervention of other person wrongly removed the appellant hence the impugned order is not sustainable.

11. Para No: 11 of the ground of comments is incorrect while Para No. 11 of the ground of appeal is correct, That the appellant was paid from the department three months 27 days salary which strengthen the facts that appellant was appointed on valid document and in addition to this how the appellant could produce the fake documents before the interview committee because it was the duty of the interview committee to check the documents which in fact they did and found correct but now on the basis on malafide have passed the impugned office order which void ab-initio

12. Para No. 12 of the ground of comments needs no comments

It is, therefore, requested that on acceptance of this rejoinder appellant appeal be accepted as prayed for in the appeal in favor of the appellant against respondents and any other relief which appellant found entitled and not specifically asked for may also be granted.

APPELLANT

Through

ASAD JAN
ADVOCATE SUPREME COURT OF PAKISTAN.

VERIFICATION

It is declared on Oath that all contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon, able court.

ATTESTED

MUHAMMAD KASHIR ADVOCATE NOTARY PUBLIC DISTRICT COURTS PESHAWAR

DEPONENT

The Biotech
Medical Laboratories & Research Center
Islamabad
Flat No.1 2nd Floor 96-w Khyber Plaza Fazl-e-Haq Road, Blue Area. Islamabad Tel:051-2804084 / 2804085

Experience Certificate

To Whom It May Concern

This is to certify that Mr Wajid Iqbal S/O Said Bad shah has been worked as a Lab Technician in our Organization from 03 Feb 2014 to 30 Aug 2017.

During his stay with us we found him intellectual, hard worker and Innovator in his work. We are feeling proud to say that he was one of the best employees. He always worked for the best of our organization.

Due to his abilities we highly recommend him to go for higher study abroad and we wish him good luck for his brilliant future.

Feel free to contact us for further information

Lab Incharge

Mr Fayyaz Ahmad
DMLT (NIH) Islamabad
Msc Microbiology (KUST)

Contact # 0335 9160259

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1799 /ST Dated 17/10 2019

To

The District Health Officer,
Government of Khyber Pakhtunkhwa,
Karak.

SUBJECT: - **JUDGMENT IN APPEAL NO. 978/2018, MR. WAJID IQBAL.**

I am directed to forward herewith a certified copy of Judgement dated 12.09.2019 passed by this Tribunal on the above subject for strict compliance.

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.