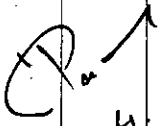


Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	04.04.2019	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>Camp Court, Swat.</u> Service Appeal No. 426/2018</p> <p style="text-align: center;">Date of Institution 30.03.2018 Date of Decision 04.04.2019</p> <p>Ali Bacha Behishti BHU (Basic Health Unit) Rehalkot, Drushkhela, Tehsil Matta, District Swat.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <p>1. The Director General Health Services Government of Khyber Pakhtunkhwa Peshawar. 2. The District Health Officer District Swat at Gulkada.</p> <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Muhammad Amin Kundi -----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant</u></p> <p>with counsel and Mr. Mian Amir Qadir learned District Attorney present.</p> <p>2. The appellant (Behishti) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for the issuance of direction to the respondents to hand over charge to the appellant to perform his duties and to release his salaries.</p>


4.4.2019

3. Learned counsel for the appellant argued that the appellant was appointed in the Health Department as Behishti vide order dated 03.12.1990 and since then, he performed his duties. Further argued that the appellant was on sanctioned leave till September 2013 and thereafter the appellant regularly performed his duties; that till the month of February 2014 the appellant regularly performed his duties and also received his salaries but since the month of March 2014, the salary of the appellant was stopped. Further argued that upon the enquiry of the appellant he was asked to submit another arrival report which he did on 08.04.2014 as directed by the authority. Further argued that after the submission of arrival report, the appellant was issued a letter of explanation regarding his absence; that the appellant submitted detailed reply to the same and then, no further correspondence of any sort was made with the appellant; that no inquiry or disciplinary action was initiated against the appellant till date; that the appellant submitted numerous applications for the release of his salaries but to no avail. Further argued that feeling aggrieved, the appellant submitted a departmental appeal/application to District Health Officer, District Swat which also went un-responded.

4. As against that learned District Attorney argued that the appellant was a habitual absentee and also remained on leave on and off after 1998; that the IBMS (Passport) Travel History of the appellant reflects that the appellant has been regularly travelling abroad since the year 2008 without obtaining any Ex-Pakistan leave;

5
4
4.2019

that the travel history of the appellant shows that he has not performed duty.

5. Arguments heard. File perused.

6. According to the averment of the appellant, he was on sanctioned leave till September, 2013 and thereafter regularly performed his duties. However a look at the travel history of the appellant available on file would divulge that on 27 November, 2012 the appellant proceeded abroad and then arrived back on 15 March, 2014. The appellant again left the country on 07 September, 2014 and came back on 14 September, 2015. On 01 March, 2016 the appellant again proceeded and on 07 March, 2016 arrived. On 27 August, 2016 the appellant again left the country and arrived on 15 February, 2017. Similarly on 11 August, 2017 the appellant proceeded abroad and then on 12 January, 2018 he arrived back.

7. The competent authority has not decided the departmental application dated 06.12.2017 of the appellant, annexed with the memo of appeal, nor taken any departmental action/departmental proceeding against him.

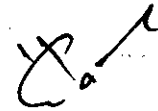
8. In view of above, respondent No.2 (District Health Officer, District Swat) is directed to decide the departmental application of the appellant dated 06.12.2017 through a speaking order preferably within a period of 30 days of the receipt of this judgment. In case, the appellant feels aggrieved against the order of the competent authority (respondent No.2) on his application dated 06.12.2017, he may file departmental appeal against the same in accordance with law.

CP
4.4.2019

Alongwith copy of this judgment, copy of the departmental application dated 06.12.2017 of the appellant be also sent to the respondent No.2 (District Health Officer, District Swat) for decision through speaking order. The present service appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

Camp Court Swat.

ANNOUNCED.
04.04.2019

04.04.2019

Appellant with counsel and Mr. Mian Amir Qadir learned District Attorney present. Vide separate judgment of today of this Tribunal placed on file, respondent No.2 (District Health Officer District Swat) is directed to decide the departmental application of the appellant dated 06.12.2017 through a speaking order preferably within a period of 30 days of the receipt of this judgment. In case, the appellant feels aggrieved against the order of the competent authority (respondent No.2) on his application dated 06.12.2017, he may file departmental appeal against the same in accordance with law. Alongwith copy of this judgment, copy of the departmental application dated 06.12.2017 of the appellant be also sent to the respondent No.2 (District Health Officer, District Swat) for decision through speaking order. The present service appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

Camp Court, Swat.

ANNOUNCED

04.04.2019

03.04.2019

Appellant alongwith his counsel and Mr. Mian Ameer Qadir, District Attorney alongwith Mr. Jaffar Shah, Senior Clerk for the respondents present. Arguments heard. To come up for order on tomorrow i.e 04.04.2019 before D.B at Camp Court Swat.



(M. Amin Khan Kundi)
Member
Camp Court Swat



(M. Hamid Mughal)
Member
Camp Court Swat

04.12.2018

Clerk to counsel for the appellant and Mr. Usman Ghani learned District Attorney alongwith M/S Muhammad Aman Assistant and Amjid Ali Assistant present. Written reply not received. Adjournment requested. Adjourn. To come up for written reply/comments on 09.01.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat

09.01.2019

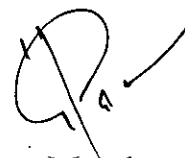
Appellant in person present. Muhammad Aman, Clerk alongwith Mr. Mian Ameer Qadir, District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Learned District Attorney requested for further adjournment. Last opportunity is granted to the respondents for filing of written reply. Adjourned. Case to come up for written reply/comments on 07.02.2019 before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

07.02.2019


Appellant in person and Mian Amir Qadar learned District Attorney alongwith Mr. Muhammad Aman Assistant present. Representative of the respondents department submitted written reply/comments. Adjourn. To come up for rejoinder/arguments on 03.04.2019 before D.B at Camp Court Swat.



Member
Camp Court Swat.

03.09.2018

Clerk of counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Clerk of counsel for the appellant submitted spare sets of the memo of appeal. Notices be issued to the respondents for submission of written reply/comments. Case to come up for written reply/comments on 01.10.2018 before S.B at camp court Swat.


(AHMAD HASSAN)
MEMBER
Camp Court Swat

01.10.2018

Appellant alongwith his counsel present. M/S Fazal Amin, Litigation Assistant, Jafar Ali, Senior Clerk, Qazi Muhammad Naeem, Assistant Director and Amjad Ali, Assistant alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted. Representative of the respondents sought some time to submit the same on the next date . Case to come up for written reply on 06.11.2018 efore S.B at camp court Swat.


Member
Camp Court Swat

06.11.2018

Due to retirement of the Hob'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 04.12.2018 at camp court Swat.



Reader

08.06.2018

Mr. Imdadullah, Advocate counsel for the appellant present.

The main objection raised by the learned counsel for the appellant is that the respondents without any legal justification withheld salary of the appellant since August, 2017 till date, however, there is no final order which could be impugned before this tribunal.

In view of the above stated circumstances, pre-admission notice is given to the respondents with the direction to produce the record of the appellant as well on 06.07.2018 before S.B at camp court, Swat.


Chairman
Camp Court, Swat

06.07.2018


Appellant Ali Bacha in person alongwith his counsel Mr. Imdadullah, Advocate present. None is present as representative on behalf of the respondents. However, Mr. Muhammad Jan, Deputy District Attorney for the respondents present.

Preliminary arguments heard.

As the main contention of the appellant is that he was kept deprive from the payment of salary though he is performing his duty.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections, if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 03.09.2018 before S.B at camp court, Swat.

Appellant Deposited
Security Process Fee


Chairman
Camp court, Swat

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 426/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30/03/2018	<p>The appeal of Mr. Ali Bacha presented today by Mr. Azizur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 30/3/18</p>
2-	11-4-18	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>11-5-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	09.05.2018	<p>Due to retirement of the Worthy Chairman, the Tribunal become non-functional. To come up for the same on 08.06.2018 before the S.B at camp court, Swat.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 426 of 2018

Ali Bacha Behishti BHU (Basic Health Unit) Rahatkot, Drushkhela, Tehsil Matta,
District Swat.

Khyber Pakhtunkhwa
Service Tribunal

...Appellant

Diary No. 459

VERSUS

Dated 30/03/2018

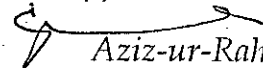
The Director General Health Services Government of Khyber Pakhtunkhwa,
Peshawar and Another.

...Respondents

INDEX

S. #	Description of documents	Annexure	Pages
1.	Memo of Appeal	1-5
2.	Affidavit	6
3.	Addresses of the parties	7
4.	Copy of the Order dated 03-12-1990	A	8
5.	Copy of the Arrival Report	B	9
6.	Copy of the Explanation	C	10
7.	Copy of the Reply	D	11-12
8.	Copy of the Departmental Appeal	E	13
9.	Vakalat Nama	14

Appellant Through


Aziz-ur-Rahman
Advocate Swat

Office: Khan Plaza, Gulshone Chowk,
Mingora Swat, Cell 0333 929 7746

Dated: 26-03-2018

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 426 of 2018

Ali Bacha Behishti BHU (Basic Health Unit) Rahatkor
Drushkhela, Tehsil Matta, District Swat.

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 459

...Appellant 30/3-2018

VERSUS

1. The Director General Health Services Government of Khyber Pakhtunkhwa, Peshawar.
2. The District Health Officer District Swat at Gulkada.

...Respondents

SERVICE APPEAL UNDER SECTION 4
OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR
THE RELEASE OF THE SALARY.

PRAYER:

Filed to-day
Registrar
30/3/18

On acceptance of this service appeal the respondents may very directed to hand over the charge to the appellant to perform his duties and also release his salaries along with all back/ consequential benefits.

Respectfully Sheweth:

Facts:

- i. That the appellant was appointed in the health department as Beshiti at BHU Drueshkhila vide order No. 1028/A-5 dated Swat at Gulkada the 03-12-1990. Copy of the order is enclosed as Annexure "A".
- ii. That the appellant has since then performing his duties to the best of his abilities without any complaints.
- iii. That the appellant was on sanctioned leave till September 2013, after which the appellant reported for his duties and started to perform his duties regularly.
- iv. That till February 2014 the appellant regularly performed his duties and received his salary as well, but since March 2014 the salary of the appellant was stopped all of a sudden to the utter surprise of the appellant. On his enquiring he was asked to submitted another arrival report, which he did on 08-04-2014 as directed by the authority. Copy of the arrival report is enclosed as Annexure "B".
- v. That on the arrival report a report was written, which is against the facts and record, but strange enough after the submission of the fresh arrival report and that too upon the directions of the authority the appellant was issued a letter of explanation regarding alleged absence for the period he was performing his duties. Copy of the

letter dated 19-05-2014 is enclosed as Annexure "C".

- vi. That the appellant submitted a detailed reply to the same stating all the facts and the date of his actual arrival and joining back the duties. Copy of the reply is enclosed as Annexure "D".
- vii. That since then no further correspondence of any sort was made with the appellant, not even any inquiry or any disciplinary proceedings, if any at all, were initiated against the appellant till date.
- viii. That feeling aggrieved the appellant submitted numerous applications for the release of his salary, but all of them fell on deaf ears.
- ix. That still feeling aggrieved the appellant submitted an appeal to the respondent No. 2, which is not responded to despite the lapse of mandatory period of time. Copy of the departmental appeal is enclosed as Annexure "E".
- x. That still feeling aggrieved and having no other option this honourable tribunal is approached on the following grounds.

Grounds:

- a. That the appellant is denied his salary against the law and rules emanating from the commands of the constitution and that too for no reasons whatsoever

as neither is there any disciplinary proceedings in progress against the appellant nor any adverse action taken, which may warrant the stoppage of the salary, thus the appellant has not been treated in accordance with the law.

- b. That the appellant has also been discriminated as like all others who perform work are paid salaries, but in case of the appellant the same is not being done bald of any reasons, thus the appellant has been discriminated with.
- c. That the respondents are misusing and exercising their authority in a very colourful, fanciful and arbitrary manner to the detriment of the appellant, which the law never approves of.
- d. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.
- e. That the appellant is never employed gainfully till date and is facing inexplicable hardship in meeting both the ends.

It is, therefore, very respectfully prayed that on acceptance of this appeal the respondents may very kindly be directed to release the salary of the appellant along with all the back/consequential benefits.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

CBOS
Appellant

Ali Bacha
Through Counsels,
g Aziz-ur-Rahman
Imdad Imdad Ullah
Advocates Swat

6

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Ali Bacha Behishti BHU (Basic Health Unit) Rahatkot,
Drushkhela, Tehsil Matta, District Swat.

...Appellant

VERSUS

The Director General Health Services Government of
Khyber Pakhtunkhwa, Peshawar and Another.

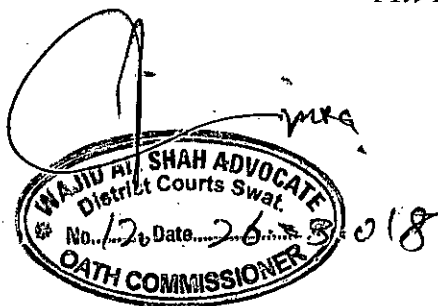
...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this service appeal are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
tribunal.

Deponent

Ali Bacha
Ali Bacha



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2018

Ali Bacha Behishti BHU (Basic Health Unit) Rahatkot,
Drushkhela, Tehsil Matta, District Swat.

...Appellant

VERSUS

The Director General Health Services Government of
Khyber Pakhtunkhwa, Peshawar and Another.

...Respondents

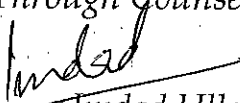
ADDRESSES OF THE PARTIES

Appellant:

Ali Bacha Behishti BHU (Basic Health Unit) Rahatkot,
Drushkhela, Tehsil Matta, District Swat.

Respondents:

1. The Director General Health Services Government
of Khyber Pakhtunkhwa, Peshawar.
2. The District Health Officer District Swat at
Gulkada.

Appellant
Through Counsel,

Imdad Ullah
Advocate Swat

No. 16281 /A-5 Dated Swat at Gul Kada the 3/12/1990 (8)

From:- The District Health Officer,
Swat at Gul Kada.

"A"

To:- ✓ Mr. Abi Basha 90

Annexure

Kharra Basha Durashkula

Subject:- APPOINTMENT AS Besim / Scupper

Memo:- Reference your application dated 5-12-1990

You are hereby offered a post of Besim in the scale of BPS NO 1 (600-13-860) plus usual allowance sanctioned by the Govt: from time to time on the following terms and conditions.

1. The post is purely temporary but likely to continue on the year to year basis.
2. Your appointment is purely on temporary basis and your service can be terminated at any time without any reasons being assigned during probationary on 14 days notice or 14 days pay in lieu thereof.
3. If you wish to resign you will have to give a prior notice in para 2 and will continue to serve the Department till your resignation is accepted and communicated to you in writing.
4. You will be governed by such rules and regulations relating to pay, TA leave and Medical attendance rules etc: issued by the Govt: for the category of Govt: servant you belong.
5. Your appointment will be subject to your medically fitness as well as satisfactory character report and production of domicile Certificate of N.W.F.P.
6. If you accept this offer on the above mentioned terms and conditions you should report for duty to
C.H.C.D. BHU. RHO. B H A Durashkula Teh mulla Distt - Swat

Handwritten Signature
District Health Officer,
Swat at Gul Kada.

- No. _____ /A-5
- Copy forwarded to the:-
1. Medical Officer/M.T/Incharge BHU/CD/C.H _____
 2. Account Clerk of this Office.
 3. Service Book Clerk of this office for information and n/action.

District Health Officer,
Swat at Gul Kada.

M. ISLAM/

ATTESTED

Handwritten Signature

ADVOCATE

B

~~Annexure~~

To

The DSM
PPHI Surat.

Subj: ARRIVAL REPORT.

Sir, with due respect that I have some domestic problem and cannot performed my duty for the last several days.

Therefore I submit my arrival report on date 8.4.2014 AN and kindly release my salary for the month of Feb 2014 and Mar. 2014. with thanks and oblige

from June 2013 to June 2013 is on leave and July 2013 to 07.04.2014 he is absent without any information, also kindly office can remind time by time. forwarded to DSM PPHI Surat for consideration please.
I/C Kamran Rahim,
Medical Technologist,
B.H.U. Rahat Kot.

Obediently Yours

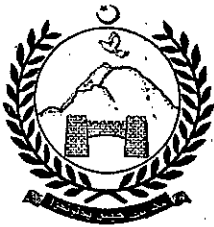
Ali Bacha
Beshvi BHU
Rahat Kot

Date: 8.4.14.

ATTESTED

Indal

ADVOCATE



(10)
C

Annexure

DISTRICT HEALTH OFFICER
GULKADA, SAIDU SHARIF SWAT.
Phone No. 0946-9240139,
Fax No. 0946-9240215
Email. edohswat@yahoo.com

No. 845 IPF

Dated 19/5 /2014.

Reminder -1

To,

Mr. Ali Bacha S/O Khaista Bacha Beshti BHU: Rahatkot
Village and P.O Dursh Khella Tehsil Matta swat.

Subject:-

EXPLANATION

Memo

Reference this office letter No.15133/C-1 dated 29/4/2014, the reply to the explanation is still awaited .you are absent from Govt: duty without any application /information to the undersigned .therefore you are directed to explain your position with in 3 days after the receipt of this letter, otherwise strict action will be taken against you.

Ali Bacha
DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.

No _____

Copy forwarded to the :-

- 01- District Support Manger PPHI Swat for information .
- 02- Account Section of this office for information .
- 03- Medical Officer I/C BHU:Rahatkot swat for information and compliance.

DISTRICT AHEALTH OFFICER
DISKTRICT SWAT AT GULKADA.

ATTESTED

Indel
ADVOCATE

خدمت جناب ڈسٹرکٹ ہیلتھ آفسر صاحبہ بمقام سیدہ سوزیہ

سوال 1- درخواست بھراؤ جواب Explanation جسکی نمبر 845 نمبر 14/05/19

Submitted on
Date: 21/5/14

جناب عالی

سب زبانی عرض گزار ہے۔

1. یہ کہ سائل علی باچا حکیم صحت پی ایچ اے اور امت کوٹ میں بطور پیشہ اپنی فرائض فوش املوچی سے انجام دے رہا تھا۔

2. یہ کہ سائل نے بدراں ملازمت جولائی 2013 میں آئیہ لیت کام پیشی آنے کی بعد حکیم ہذا کو درخواست برائے چھٹی گزاری تھی۔

3. یہ کہ سائل نے جب جولائی 2013 سے ستمبر 2013 تک حکیم سے چھٹی لے کر گزاری اور والیس حکیم ہذا میں رپورٹ کی تو متعلقہ انسپشن / ایچ اے اور امت کوٹ چھٹی / سائل کو دوبارہ حاضری لگانے سے منع کیا۔

4. یہ کہ مذکورہ بالا انسپشن نے نیاز اردلی کے آیت پر بیماری حکیم کی رجسٹری برائے حاضری کاری میں لاک کر دیا تھا۔

5. یہ کہ حکیم اس کے بعد سائل نے فروری 2014 تک باقاعدگی سے ڈیوٹی کرنے تنخواہ وصول کی۔ لیکن فروری 2014 کے بعد سائل باقاعدگی سے ڈیوٹی انجام دینے کے بعد حکیم نے تنخواہ سے محروم کر کے بند کر دیا گیا۔

6. یہ کہ جب سائل نے اپنی ماہوار تنخواہ کے بابت PHA قلم سورت میں معلومات حاصل کی۔ تو متعلقہ SDM محترم سجاد اور فائنل آفسر شاہ خالد صاحب نے

سائل کو متعلقہ فرد یعنی B H Y راحت پور کے انسپشن سے

.....

تتواءہ سائل مارٹ رزٹ کا حکم دیا۔

۷۔ یہ کہ متعلقہ نیکیٹیشن نے جب سائل کی درخواست PHA کے دفتر کو Refer کیا۔ اور دالہ PHA آیا تو معلوم ہوا کہ PHA دالوں نے Salary سمیت یہی خلاف آئین کے کر سیکرٹری صاحب ریویوٹ اریا ل کیا۔

۸۔ یہ کہ مذکورہ PHA کے ریویوٹ اور Explanation کے ساتھ درخواست نظر لے لی۔ جس سے سائل کی Salary بحال Block ہے۔

۹۔ یہ کہ چونکہ Salary Block ہونے سائل نے ریویوٹوں کے خاطر Relief حاصل کرنے کیلئے عدالت کا رجوع کیا۔ جس کا باب III میں دعویٰ تھا۔ دائر کیا۔ اور ڈسٹریکٹ جج ۱۴/۵/۲۰۱۵ء نے۔ لہذا سائل کو حکم استغاثی جاری کر کے حکم کے خلاف بلک طرف کارروائی پر حکم عین حاضر نے عمل میں لائی گئی۔

لہذا جواباً براہ Explanation کا فریڈم ہے۔

علی با جا

علی با جا، BHO، راجستری

~~علی با جا~~
~~علی با جا~~

ATTESTED

Advocate

Annexure E

To

The DHO Swat

Gulkada.

Departmental appeal for the payment of the monthly salary.

Respected Sir,

The appellant submits as under.

That the appellant is beshti at BHU Drueshkhila and after the end of the leave started his duty from September 2013 and his salary was paid to February 2014.

That the salary was stopped and when he asked he was told to give another arrival report so he gave a new arrival report.

That the salary is still not paid even the appellant wrote many applications.

It is very humbly requested that on acceptance of the departmental appeal the salary may be paid.

Appellant

Ali Bacha

Ali Bacha

6-12-07

ATTESTED

[Signature]

ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Ali Bacha Appellant

VERSUS

The DC Health & Family Respondent

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 15 day of 03 2018.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

Ali Bacha
(Appellant)

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT MINGORA SWAT.

Service appeal No.426 of 2018


Ali Bacha s/o Khaista Bacha r/o BHU Rahat kot Drushkhela Tehsil Matta District
Swat.....Petitioner..

VERSUS

District Health Officer Swat at GulkadaRespondents.

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DISTRICT HEALTH OFFICER
At Gulkada Swat

7

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. 426 OF 2018

Ali Bacha.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth,

Preliminary Objections:-

1. That the Appellant has got neither cause of action nor locus standi to file the instant Appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondent.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in the present form and also in the present circumstance of the issue.
5. That the Appellant has filed instant appeal with mala-fide intention hence liable to be dismissed.
6. That the Appellant has not come to the Tribunal with clean hands.
7. That the present appeal is time barred.
8. That the Appellant is the habitually absentee and on this score alone the Appeal of the Appellant is liable to dismissed.
9. That instant Appeal is barred for Mis-Joinder & Non-Joinder of necessary party.
10. That the Honorable Tribunal lacks Jurisdiction to adjudicate upon the matter.

ON FACTS:-

- I. Para No. I is correct: - As the Appellant was appointed as Behishti at BHU Durshkella in 1990.
- II. Para No. II is incorrect and misleading hence denied. The Appellant was habitual absentee and remained on leave on and off after 1998 till shifting of the program to PPHI Annexure-A.

III. Para No.III is misleading the detail answer is given in preceding Para.

IV. Para No. IV is incorrect, Wrong & misleading. The Appellant was absent from his duty from July 2013 to 07/04/2014, which is reflected from the comments of the Incharge BHU Rahatkot on his arrival report Annexure-B. Furthermore the Appellant forwarded his arrival report to DSM PPHI Swat and not to Respondent No.2. Moreover, IBMS record reflects that the Appellant proceeded to Kingdom of Saudi Arabia and departed from Pakistan on 27th November 2014. Therefore, he frequently travelled abroad without taking any NOC or Ex-Pakistan leave from the Competent Authority in utter disregard of all the rules & regulations, which at the same time belies his whole stance & the edifice of his whole case is bound to fall on the ground on this score alone. It also attracts sever disciplinary proceedings in accordance with rules and regulations under the relevant law. The travel history of the Appellant is hereby annexed as Annex-C.

V. Para No. V is incorrect & and misconceived. The explanation which was received by the Appellant on 19/5/2014 was the first reminder of the explanation already called. So the statement of the appellant is concocted. The first explanation is attached as Annexure-D along with registered postal receipt.

VI. In reply to Para No. VI it is submitted that Respondent No.2 did not receive reply of any explanation from the Appellant, which seems that the statement of the Appellant is wrong & incorrect.

VII. In reply to Para No.VII it is stated that the Appellant at that time was working under the supervision of DSM PPHI Swat and the same was directed to initiate proceedings against the Appellant.

VIII. Para No. VIII is misleading, misconceived and concocted. The Appellant is the habitual absentee which is revealed from the record which is Annexed as from E-1 to E-5. Moreover the Appellant did not perform his duty up to the satisfaction of his superior & high-ups, detail reply is furnished in para No. V.

IX. Para No. IX is wrong & incorrect. The Appellant was under the control of PPHI and the competent authority was DSM PPHI. Moreover the Appellant also filed a Civil Suit in the Court of Civil Judge / Illaqa Qaza III Swat,

which was unconditionally withdrawn by the Appellant, so on this ground alone being res-Judicata, the instant Appeal is liable to be dismissed.

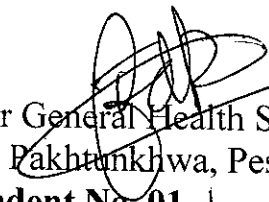
X. Para No.10 is legal needs, no comments.

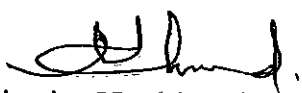
ON GROUNDS:-

- a. In reply to Para- a it is submitted that the Appellant is habitual absentee and never performed his duty with devotion and upto satisfaction of his superiors. Furthermore, the Appellant committed gross misconduct by proceeding aboard through deceitful means.
- b. Para- b is wrong and incorrect hence denied. No discrimination is being made with Appellant. The detail reply has been given in the preceding Paras.
- c. Para-c is wrong and incorrect, the respondent exercising their authority in true manner and aspects. The action taken against the Appellant is the result of his misconduct and no discrimination has been done.
- d. Para-d is wrong, incorrect and misleading. The Appellant is not only habitual absentee but always deceived the respondents by his fraudulent actions.
- e. Para- e is wrong and incorrect hence denied. The detail reply has been given in the preceding Paras.

PRAYER:

It is therefore humbly prayed that the instant Appeal may very graciously be dismissed with cost.


 Director General Health Services,
 Khyber Pakhtunkhwa, Peshawar.
Respondent No. 01


 District Health Officer, Swat.
Respondent No. 02

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT MINGORA SWAT.

Service appeal No.426 of 2018

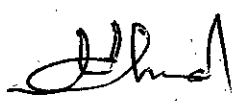
Ali Bacha s/o Khaista Bacha r/o BHU Rahat kot Drushkhela Tehsil Matta District
Swat.....Petitioner..

VERSUS

District Health Officer Swat at GulkadaRespondents.

AFFIDAVIT.

I Dr. Ghulam Subhani District Health Officer Swat. Do hereby solemnly affirm and state
on oath that the whole contents of these comments are true and correct to the best of
my Knowledge and belief and nothing has been concealed from the August Court.



Dr. Ghulam Subhani
District Health Officer
Office # 0946-9240139.



5

OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT Phone No:0946-9240139,Fax No:0946-9240215
Email:edohswat@yahoo.com

No. _____ /

Dated. ____ / 02/2019.

AUTHORITY LETTER.

Mr. Muhammad Aman Litigation Assistant District Health Office Swat is hereby authorized to appear before the honorable Service Tribunal in the case of Ali Bacha V/S District Health Officer Swat & others.

DISTRICT HEALTH OFFICER
SWAT AT GULKADA.

Annex A
6

Sum

LEAVE RECORD OF ALI BACHA SUMMARY BOOK

1. 730 days leave unite out pay from 2/05/1998 vide this office No 6841-44/L. 2 Dated 4/5/1998.
2. Grated 120 days E/leave unite pay from 1/11/2000 to 28/2/2001 vide this office No.24903-6/L-2 dated 16/11/2000.
3. 142 Days E/Leave unite out pay from 1/3/2001 to 20/7/2001 vide this office No. 15171-75/L-2 dated 3/10/2001.
4. As sent w.e.f 21/7/2001 According to Medical Officer I/C
5. Granted 600 days from 1/6/2002 to 31/5/2003.
6. Arrival form 10/09/2003 at BHU D/Leave unveiled leave for 10/9/2003 103 days.
7. Granted 300 days E/leave a half pay w.e.f 1/3/2004 to 25/12/2004.
8. Granted pay unite out leave w.e.f 1/1/2006 to 18/6/2006.
9. Granted 730 day 1/1/2007 to 31/12/2008 can celled from 22/4/2008 CH Matta 254 days
10. Arrival 17/6/2008
11. Absent period 8/3/2010 to 18/2/2011 regularized vide No1588-89 dated 2/3/2011 released pay w.e.f 19/2/2011.

Annexure (A)

7

Note—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name .. *Mr. Ali Badshah*
2. Race .. *Islam*
3. Residence .. *village & PO. Durash Khela
Tehsil Malla Distt. Swat.*
4. Father's name and residence .. *Mr. Khaista Balha as above.*

5. Date of birth by Christian era as nearly as can be ascertained .. *1972s Nineteen Hundred & Seventy Two.*

6. Exact height by measurement .. *5' feet 5"*

7. Personal marks for identification .. *Mole on left side Chest.*

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.

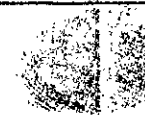


Ring Finger



Attested

Middle Finger.



Fore Finger



Attested

Thumb.



9. Signature of Government servant

Ali Badshah

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Shahin
District Health Officer,
Distt. Swat & Gulistan

8

Name of post

Whether substantive or officiating and whether permanent or temporary

If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.

Pay in substantive post

Additional Pay for officiating

Other emolument falling under the term "Pay"

Date of appointment

Signature of Government servant

Behlti BPS No. P
(660-13-880)

R. 600/-

3¹²/₁₉₉₀ P.M.

Pay fixed and revised
BPS NO 1 (920-26-1310)
with Govt. Non-pension
No.

Pay on 31-5-91

R. 600/-

Pay on 1-6-91

R. 1024/-

1⁶/₉₁ P.M.

District Health Officer,
Dera Iskan Gullada.

R. 1050/-

1¹²/₉₁

Office of the Accountant General
N.W.F.P. Peshawar.
Pay fixed in the Revised Pay Scales 19
of Rs. 920-26-1310 (B-11)
@ Rs. 1024/- P.M.W.E.F.I-6-1991
With Next Increment on 1-12-1991

Accounts Officer
Pay Fixation Party
N.W.F.P. Peshawar.

Behlti BPS No. P
(920-26-1310)

R. 1026/-

1¹²/₉₁ P.M.

Pay of
Pay of
Differ

CERTIFICATE
It is
do her
against
by the

SHAMS:

10

	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of appointment	8 Signature of Government servant
<p>Barshi P. S. No. I 1920-26-1315</p>		R 1122/-			1 12/92 FW.	
<p>Office of The Accountant General N.W.F.P. Pathankot Pay fixed in the revised base pay scales 1994 Rs. 12,450/- The next increment on 1-6-1994 Pay fixation by N.W.F.P. Pathankot 1-6-1994</p>		<p>Pay fixed in the revised pay scale 1994 Rs. 12,650-35-1770 BPS No. 2 vide Govt. of I.P. Notification No. 500/2001 dated 30/6/94 Pay on 31-03-94 Rs. 1102/- Pay on 1-04-94 Rs. 1490/-</p>			1 6/94 FW	<p>District Health Officer, Swat District at Gulkada.</p>
<p>Barshi P. S. No. I 12435-100</p>		R 1525/-			1 12/94 FW.	
<p>do</p>		R 1560/-			1 12/95 FW.	
<p>do</p>		R 1595/-			1 12/96 FW.	

8	9	10	11	12	13		14	15	
					Leave				
Signature of Government Servant	Signature and Station of the officer or other attesting officer in attestation forms 1 to 3	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
						Period	Government to which debitable		
		30/11/97		A. Vincent alloo.				SERVICES VERIFIED UPTO 30/11/93. AM.	
								District Health Officer, Swat District at Gulkada.	
		30/11/97		A. Vincent alloo.				SERVICES VERIFIED UPTO 30/11/94. AM.	
								District Health Officer, Swat District at Gulkada.	
		30/11/95		A. Vincent alloo.				SERVICES VERIFIED UPTO 30/11/95. AM.	
								District Health Officer, Swat District at Gulkada.	
		30/11/96		A. Vincent alloo.				SERVICES VERIFIED UPTO 30/11/96. AM.	
								District Health Officer, Swat District at Gulkada.	

(12)

Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "pay"	Date of appointment	Signature Government servant
Bakht. B. No. P 11245-35-17707			1630/-	X		12/97	BMS
Bakht. B. No. J 11245-35-17707			1665/-	✓		12/2007	BMS

18

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term 'Pay'	Date of appointment	Signature of Government servant
Bishti BPS-1 1870-55-3520			Rs. 2640/-			12/02	
— d v —			Rs. 2695/-			12/03	
Bishti BPS No 1 (1870-55-3520)			Rs. 2750/-			12/05	A. K. A. J.

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "pay"	Date of appointment	Signature of Government servant
<u>Distt. BPS-1</u>							

Distt. BPS-1

Distt. BPS-1
2150-65-4100-3

Pay fixed with the Distt. BPS-1
Serial No 11 (2150-65-4100)
Pay on 30-6-2015 Rs 2250/- ✓

A. H. Ad
S. D. A.

Pay on 1-7-2015

Rs 3190/2 ✓
✓

Executive Officer,
Swat,
P.O. Swat, Swat,
F.W. P.O. Swat, Swat.

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Period Government to which debitable		
<p>1810/15/05 Present of pay called Rs 2750/- AM up to 18/05/05 Rs 11384/- paid</p>				<p>6 (107) days (leave without pay) wef: 26/12/2004 to 11/04/2005 Granted vide Deo Swat order bearing Enst. No. 9544-46/63/D Est. St. 16/05/2005 & this office bearing Enst. No. 5275/1-2 dt. 18/5/2005</p>		<p><i>[Signature]</i> Executive Distt. Officer District Swat, at Gulkada.</p>	
<p>1813/15/05 Present of pay called Rs 5500/- paid</p>				<p>Arrival Reported on 12/04/2005 F.N. at Bhu Duresh Khela.</p>		<p><i>[Signature]</i> Executive Distt. Officer, (Health) District Swat, at Gulkada.</p>	
<p>Pay Review sheet with wef 17/05/05 No FD (1) int 1/22/05 dt. 17/05/05</p>				<p><i>[Signature]</i> Executive Distt. Officer, (Health) District Swat, at Gulkada.</p>		<p>CP 10/05 Present of 8000/- e 311/05 Integrated allow e 102/- per up 1/8 to 30/8/05 total</p>	
<p><i>[Signature]</i></p>				<p><i>[Signature]</i></p>		<p><i>[Signature]</i> Rs 922/- paid through CP.</p>	

8	9	10	11	12	13		14
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	
Signature of Government servant	Name and office of the attesting officer (1 to 8)	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Per-iod	Government to which debitable	Signature of the head of the office or other attesting officer
		11/05					Swat District Officer from 12/04/05 to 30/11/2005
				Executive Dist. Officer, (Health) District Swat, at Gujra			Executive Dist. Officer, (Health) District Swat, at Gujra
<p>Section 2 in first of leave withheld pay w.e.f. 12-2-06 to 18/6/2006 i.e. 169 days with office no. 8179-81/L-2 dated 27/7/2006. one A.K. with 12-2006 stopped Temporary.</p>							
		T-1761 8/8/06					Executive Dist. Officer, (Health) District Swat, at Gujra
			Draw pay & allowances w.e.f. from 19/6/06 to 31/06 Total Rs. 7565/-				Reported / Arrived back on 19/6/2006.
		T-246 5/8					Executive Dist. Officer, (Health) District Swat, at Gujra
			181 @ 3255 + all w.e.f. 01/06 to 31/06 total Rs. 54117/-				

Attested
[Signature]

22

Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "pay"	Date of appointment	Signature Govt.
1	2	3	4	5	6	7	8
<p>2005 OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE R.B.P.S 2005</p>			<p>Pay in substantive post</p>	<p>Additional pay for officiating</p>	<p>Other emolument falling under the term "Pay"</p>	<p>Date of appointment</p>	<p>Signature Government servant</p>
<p>OF RS. 2005 2005 2005 AT RS. 2005 2005 2005 With Next Increment on 2005 2005 2005</p>	<p>2005</p>	<p>Office of the Accountant General Khyber Pakhtunkhwa Peshawar Pay Fixed in the R.B.P.S. 2005 Pay Fixed in the R.B.P.S. 2005 ADP 3000/- Pay Fixed in the R.B.P.S. 4535/- Pay Fixed in the R.B.P.S. 4200/- Pay Fixed in the R.B.P.S. 7780/- Date of Next Increment</p>	<p>2005</p>	<p>2005</p>	<p>2005</p>	<p>2005</p>	<p>2005</p>
<p>3190/05</p>		<p>3750/- B. 1</p>				<p>07</p>	<p>EX.</p>
<p>2005/2005</p>		<p>3505/- B. 2</p>				<p>07</p>	<p>EX.</p>
<p>4255/28</p>		<p>3750/- B. 1</p>				<p>07</p>	<p>EX.</p>
<p>40720/05</p>		<p>3800/- B. 2</p>				<p>07</p>	<p>EX.</p>
<p>1600/05</p>		<p>3890/ Special Account</p>				<p>07</p>	<p>EX.</p>
<p>200/- 2005</p>		<p>3890/ Special Account</p>				<p>07</p>	<p>EX.</p>
<p>2590/- 2005</p>		<p>465/</p>				<p>07</p>	<p>EX.</p>
<p>6690/- 2005</p>		<p>465/</p>				<p>07</p>	<p>EX.</p>
<p>35-100 2005</p>		<p>465/</p>				<p>07</p>	<p>EX.</p>

Executive District Officer
Khyber Pakhtunkhwa
Peshawar

24

2	3	4	5	6	7	8
Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension, under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Regd. BPS 2 13035/00-6035,		4635/- 4635/-			19/2/2010	
<u>Revised Entries</u>						
		4635/- 4635/-			1/7/2008	
		4635/- 4735/-			1/12/2008	Fr
Regd. BPS 2 13035-100-605		4735/- 4835/-			1/12/2009	Fr
— dn		4735/- 35/-			19/2/2011	
Regd. BPS 2 14900-170-10000,		30/- 7960/-			1/7/2011	Fr

Name of post	officiating and whether permanent or temporary	appointment, or (ii) whether service courts for pension under Art. 371 C.S.R.	substantive post	Pay for Officiating	falling under the term "Pay"	Appoint-ment	Signature of Government
Bashir Bps2 4900-120-10000			8130	7960		12 Fr 2011	
do			8300	8130		12 Fr 2012	
				A. H. S. D.			
				District			

9 Signature and name of the head of the office or other attesting officer in columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
				Period	Government to which debitable		
	30/6/2011	Av	<i>[Signature]</i>			<i>[Signature]</i>	
	30/6/2011		<i>[Signature]</i>			<i>[Signature]</i>	
	30/6/2011		<i>[Signature]</i>			<i>[Signature]</i>	
	30/6/2011		<i>[Signature]</i>			<i>[Signature]</i>	

[Signature]
 1-8-02-2010 to 30/11/20

[Signature]
 allowed.

Executive Distt. Office,
 (Health) District Sweet
 Gulikada.

Executive Distt. Office,
 (Health) District Sweet
 Gulikada.

[Signature]
 1-12-2011 to
 30/6/2012

[Signature]
 allowed.

Executive Distt. Office,
 (Health) District Sweet
 Gulikada.

Executive Distt. Office,
 (Health) District Sweet
 Gulikada.

[Signature]

An exposure

(B)

(28)

(37)

To

The DSM
PPHI Swat.

Subj: ARRIVAL REPORT.

Sirs,
With due respect that I have some domestic problem and cannot performed my duty for the last several days.

Therefore I submit my arrival report on date 04.2.2014 AN and kindly release my salary for the month of Feb 2014 and Mar 2014. with thanks and oblige

from June 2013 to June 2013 is on leave and July 2013 to 07.01.2014 he is absent without any information, also kindly office can remind time by time. forwarded to DSM PPHI Swat for consideration please.

Dr. Kamran Rahim,
Medical Technologist,
B.H.U. Swat.

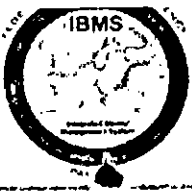
Obediently yours

Ali Becha
Bashir BAH
Rahat Kot

Attested
[Signature]

District Health Officer
Swat District at Guikada.

Date: 04.02.2014



FEDERAL INVESTIGATION AGENCY
 INTEGRATED BORDER MANAGEMENT SYSTEM
 FIAHQ G -9/4 PESHAWAR MOR, ISLAMABAD
 FaxNo:051-9262376, Tel-No:051-9107219
 R-11(TRAVEL HISTORY)

(C)



TRAVEL HISTORY FOUND ON: 1560122066149
 Required By: district health officer Department: Health Diary No: 03 dated 16-01-2019
 Letter Number: Odmatter Request Date: 06-Dec-2018 Query Date: 16-Jan-2019

TRAVELER'S CNIC/NIC
 1560122066149

PERSONAL INFORMATION:

NAME ALI BACHA ALI BIRTH DATE 01-JAN-1972
 FATHER/HUSBAND NAME KHIASTA BACHA NATIONALITY Pakistan

TRAVEL DETAILS:

S.NO.	TRAVEL DATE	FLIGHT NO.	TRAVEL STATUS	PASSPORT NO.	SITENAME
1	03-Mar-08 15:01:08	SV-796	Arriving	KG188202	PESHAWAR INTERNATIONAL AIRPORT
2	03-Mar-08 15:01:54	SV796	arriving	KG188202	Peshawar International Airport
3	22-Aug-08 11:16:32	SV-795	Departing	KG188202	PESHAWAR INTERNATIONAL AIRPORT
4	22-Aug-08 11:19:51	SV795	departing	KG188202	Peshawar International Airport
5	07-Oct-09 8:18:04	PK-756	Arriving	KG188202	PESHAWAR INTERNATIONAL AIRPORT
6	07-Oct-09 16:18:21	PK3756	arriving	KG188202	Peshawar International Airport
7	26-Mar-10 21:25:36	PK-741	Departing	KG188202	ISLAMABAD INTERNATIONAL AIRPORT
8	26-Mar-10 21:28:40	PK741	departing	KG188202	Benazir Bhutto International Airport Islamabad
9	14-Dec-10 9:31:52	PK-702	Arriving	KG188202	ISLAMABAD INTERNATIONAL AIRPORT
10	14-Dec-10 9:32:17	PK702	arriving	1560122066149	Benazir Bhutto International Airport Islamabad
11	05-Jun-11 16:36:32	PK755	departing	KG188202	Benazir Bhutto International Airport Islamabad
12	26-Jun-12 15:58:19	SV796	arriving	EW9996141	Peshawar International Airport
13	27-Nov-12 14:57:08	SV793	departing	EW9996141	Peshawar International Airport
14	15-Mar-14 8:11:17	PK754	arriving	EW9996141	Benazir Bhutto International Airport Islamabad
15	07-Sep-14 5:04:49	GF785	departing	EW9996141	Peshawar International Airport
16	14-Sep-15 17:09:15	PK754	arriving	EW9996141	Benazir Bhutto International Airport Islamabad
17	01-Mar-16 3:02:15	PK755	departing	EW9996141	Benazir Bhutto International Airport Islamabad
18	07-Mar-16 16:06:51	PK754	arriving	EW9996141	Benazir Bhutto International Airport Islamabad
19	27-Aug-16 1:57:16	PK753	departing	EW9996141	Benazir Bhutto International Airport Islamabad
20	15-Feb-17 16:21:47	NL740	arriving	EW9996142	Benazir Bhutto International Airport Islamabad
21	11-Aug-17 2:45:34	NL739	departing	EW9996142	Benazir Bhutto International Airport Islamabad
22	12-Jan-18 14:20:11	SV724	arriving	EW9996142	Benazir Bhutto International Airport Islamabad

ADMITTED

Officer
 District
 PREPARED BY: [Signature]

Annexure (19)

No. 499

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

30



Received a registered*
 Addressed to Mo-BA Date Stamp Pachga 30

*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer Mo-BA

Insured for Rs. (in figures) 1000 (in words) One thousand

Insurance fee Rs. 50 Ps. 00 Weight 10 Kilo Grams

Name and address of sender Mo-BA

No 445 IPF

Reminder -1

To:

Mr. Ali Bacha S/O Khaista Bacha Beshti BHU: Rahatkot Village and P.O Dursh Khella Tehsil Matta swat.

Subject:-
Memo

EXPLANATION

Reference this office letter No. 15133/C-1 dated 29/4/2014, the reply to the explanation is still awaited. you are absent from Govt: duty without any application /information to the undersigned. therefore you are directed to explain your position with in 3 days after the receipt of this letter, otherwise strict action will be taken against you.

DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.

No 440-49/P

Copy forwarded to the :-

- 01- District Support Manger PPHI Swat for information .
- 02- Account Section of this office for information .
- 03- Medical Officer I/C BHU:Rahatkot swat for information and compliance.

Mushaf

District Health Officer
Swat District Gulkada.

DISTRICT AHEALTH OFFICER
DISKTRICT SWAT AT GULKADA.



(D)

31

DISTRICT HEALTH OFFICER
GULKADA, SAIDU SHARIF SWAT.
Phone No. 0946-9240139,
Fax No. 0946-9240215
Email. edohswat@yahoo.com

34

No. 15206 /PP

Dated 30/4/2014.

TO,
The District Support Manager
PPHI Swat.

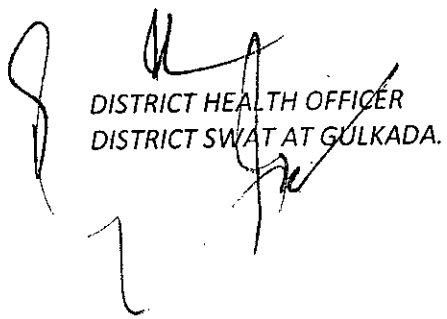
Subject:- SURRENDER OF MR.ALI BACHA BESHTI BHU;RAHAT KOT

Reference your letter pphi/DSU-SS/M&E /02-210 dated 11/3/2014 on the subject noted above.

In this connection it is to state that there is no vacant post of Besthi under the control of the undersigned at this stage.

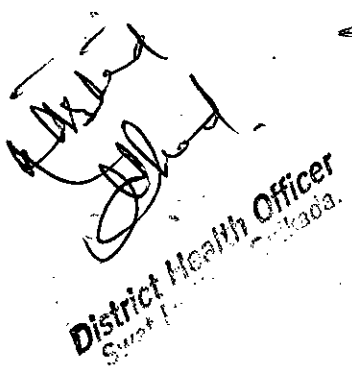
However explanation have been called from the official concerned vide this letter NO.15133/C-1 dated 29/4/2014.to report for his duty.

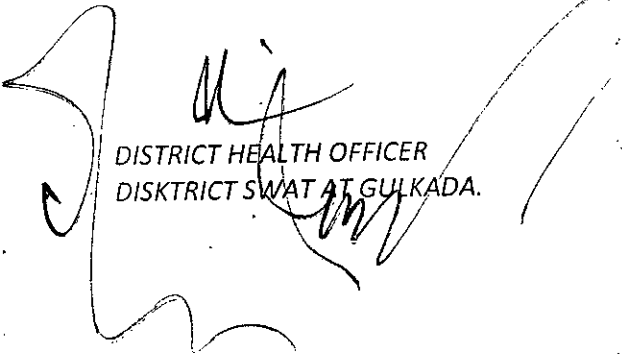
NO 15207-8


DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.

- Copy forwarded to the :-
- 01- Medical Officer I/C BHU:Rahatkot swat
 - 02- Account Section of this office.
 - 03- Mr.Ali Bach Beshti attached Rahat Kot For information.

Rahman Ali


District Health Officer
Swat


DISTRICT HEALTH OFFICER
DISKTRICT SWAT AT GULKADA.

32

DISTRICT HEALTH OFFICER
SWAT AT GULKADA.
Phone No. 0946-9240199,
Fax No. 0946-9240215
Email. edohswat@yahoo.com

Dated 25/4/2014

3

Postage Stamp
 Registered letter, "postcard", "packet" or "parcel"
 and the word "insured" before it when necessary.
 Signature: Baicha
 Weight (in words) 100gms
 Name and address of sender: Dursh Khella Swat

naista Bacha Behishti BHU Rahat Kot,
Village and P.O Dursh Khella Tehsil Matta.

Subject:- EXPLANATION.

As reported by District Mangar KPH Swat vide his letter NO.PPHI/DSU-SS/M&E/02-210 Dated.11/3/2014 That you are absent since long from Govt: duties without any Application/Information .

Therefore You are directed to Explain your position with in three days after the receipt of this letter, other wise strict action will be taken against you under E&D rules.

No 15134-35/01

[Signature]
DISTRICT HEALTH OFFICER,
DISTRICT SWAT.

Copy forwarded to the :-

- 1-District Manager KPH Swat vide his NO. cited above for information.
- 2-Account Section of this office for information .
- 3-Medical Officer Incharge BHU Rahat Kot.

[Signature]
[Signature]
 District Health Officer
 Swat District Gulkada.

[Signature]
DISTRICT HEALTH OFFICER,
DISTRICT SWAT.

**District Support Unit,
Khyber-Pakhtunkhwa Primary Healthcare (KPH)
District Swat**

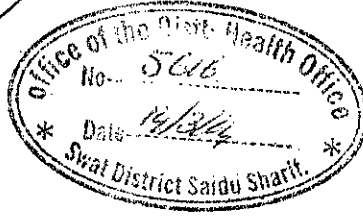
Phone No. 0946-721240, Fax No. 0946-721241, Email:pphiswat@gmail.com

33

No: PPHI/DSU-SS/M&E/02-210
Dated: 11-03-2014

To

District Health Officer,
District Swat



32

Subject: **Surrender of Mr. Ali Bacha Behishti BHU Rahat Kot**

It is stated that Mr. Ali Bacha is absent since long from his duty at BHU Rahat Kot. This office has stopped his salary but no response from his side.

Keeping in view the above facts the services of Mr. Ali Bacha are no more required to this office and he is hereby surrendered to your good office for further posing in any health facility under your kind control.

District Manager,
KPH Swat

Copy forwarded to:

1. Chief Operating Officer KPH Peshawar

Handwritten notes and signatures:
E-1
mt. Rahat Kot
Dr. E. I.
Dr. H. A. J.
Dr. H. A. J.

District Manager,
KPH Swat

Handwritten signature:
Ali Bacha

District Health Officer
Swat District, Saidu Sharif

430 IC-11DP

dated: 21/08/2013.

(D)

34

31

The District Health Officer
District Swat.

To,

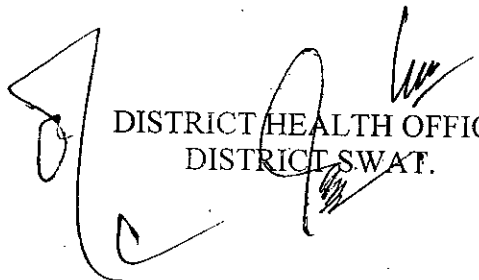
Mr. Ali Badshah
Beshti P.No.00094433 S/O Khaista Bacha
BHU Rahatkot Swat.
r/o village & P.O. Dureshkhela Tehsil Matta
District Swat.

Subject:-
Memo;

EXPLANATION.

During the visit of the undersigned of BHU Rahatkot on dated: 20/08/2013, you were found absent on the same date as well as from since along (1-7-13) period from Government duty with out any prior permission/application.

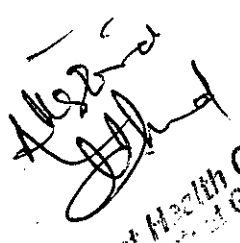
You are hereby directed to explain your Position within seven days after the receipt of this letter in case of failure strict disciplinary action will be taken against you.

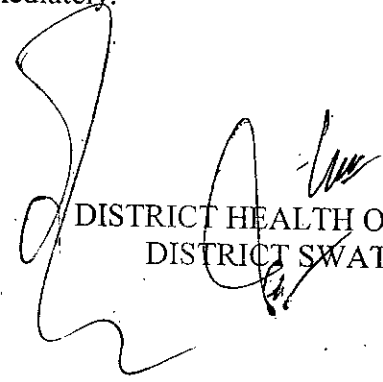

DISTRICT HEALTH OFFICER
DISTRICT SWAT.

No. 6431-33 Pp/c-1

Copy of the above is forwarded to the :-

1. District Support Manager District Swat, for information and he is requested to stop the pay of the above named official concerned through DAO Swat as well as freez his Salary account till the satisfactory reply.
2. Medical Officer I/C BHU Rahatkot Swat for information and he is directed to submit P.Copy of daily attendance register to the undersigned to clear the absent period of the above named official concerned immediately.


District Health Officer
Swat District Gulkada.


DISTRICT HEALTH OFFICER
DISTRICT SWAT.

35
21/2/11
242

The Ex. Distt Officer (Health)

Distt Govt

Subj: REPLY TO THE EXPLANATION.

With ref to memo that your office

Order No. 1760/PF. Dated 15.2.2011 Mr. Ali Basha

is absent from his duty from 8.3.2010. His absence

report will be submitted your kind office, again and

again. Now he come back for your office

order to submit the arrived report. Now

he will submit the arrived report on 19.02.2011

with thanks and oblige

M. T. Ravi Ravi
District Health Officer
Svat Distt. at Gulistan

Agree
M. T. Ravi Ravi

Medical Officer
M. T. Ravi Ravi
District Swat

Final Report
Submitted on 19.2.2011 AM
Forwarded to RDC/PHC
for consideration please

Final Report
Submitted on 19.2.2011 AM
Forwarded to RDC/PHC
for consideration please

M. T. Ravi Ravi
District Health Officer
Svat Distt. at Gulistan

36

1260 pf Dated the 15/12/2011

The Executive District Officer
Health District swat,

Mr. Ali Bacha Beshti
BHU: Rahatkot swat.

28

Subject:-
Memo

REPLY TO THE EXPLANATION

Refer this office letter NO.472/C-1 dated 19-01-2011

Your report to the explanation was returned to you with direction to forward your reply through M.O I/C BHU: Rahakhot.

On 27-1-2011 Medical Officer I/C BHU: Rahatkot has submitted his report on the body of this letter quoted that since the arrival M.O I/C BHU: Rahatkot on 25-10-2010, you are absent from duty till date 27-1-2011.

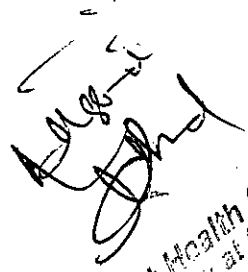
Therefore you are once again directed to report for duty with in three (3) days after the receipt of this letter. otherwise strict disciplinary action will be taken against you.

EXECUTIVE DISTRICT OFFICER
(HEALTH) SWAT AT GULKADA.

No 1261-62/c-1/pf

Copy forwarded to the Medical Officer I/C BHU: Rahatkot swat for information with the remarks to communicated report of the above named official that whether he is to perform of duty regularly or otherwise..

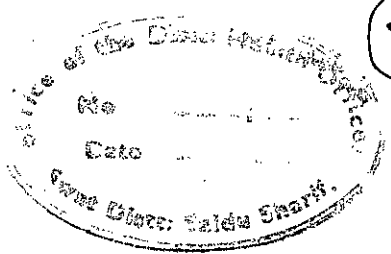
02-District Support Manager PPHI swat for information.


District Health Officer
Swat District at Gulkada.

EXECUTIVE DISTRICT OFFICER
(HEALTH) SWAT AT GULKADA.

37

Dated the 19/1/2011



The Executive District Officer
Health District Swat.

Mr. Ali Bacha Beshti
BHU: Rahatkot Swat.

27

Subject: REPLY TO THE EXPLANATION.

Memo: Reference your reply to the explanation NO. Nil dated Nil

Enclosed please find herewith original reply to the explanation is returned and forward through M.O Incharge BHU: Rahatkot immediately, so as to proceed further in the matter.

EXECUTIVE DISTRICT OFFICER
(HEALTH) SWAT AT GULKADA.

No. _____
Copy forwarded to the Medical Officer I/C BHU: Rahatkot Swat for information.

EXECUTIVE DISTRICT OFFICER
(HEALTH) SWAT AT GULKADA.

*Since 25/10/2010
I have taken charge of
the BHU I don't
know regarding the person -
S/O*

*Forwarded to
DGM
(DPH) Swat
for N/A*

Ali Bacha Beshti

Dr. Bahht Ali
MD. MBBS. DCH
IIC MIO BHU Rahat Kot

Dated 27/1/2011

*5-11
Send this report to
DPH Swat*

Ali Bacha Beshti

کے حضور ضابطہ ریگیزیکٹور ڈسٹرکٹ ایسیسٹنٹ کمشنر فیصلہ

188
17/11/11

جواب طلبی

کلو

ضابطہ کا گزارش صید کو اسے اپنی چھٹی بڑی / 32³ 2011 کا جواب سونپا
 خدمت میں کہ آپ صاحبان کی ارسال آڑہ چھٹی چھٹی آگے آگے
 اس سلسلے میں مزید گزارشیں کر رہے ہیں اور نہ اپنی پوری پور جائیداد کو
 اپنی کاروبار سے ڈیوٹی سے روک لیتا ہے اور یہی ہے کہ یہی جگہ دوسری نو اور
 اس سے قبل ریلوے والی میں سیر 1/3 مہینے کی حالت کا نسبت سیر دستوری ہے جو
 مگر اس کا بھروسہ سٹیٹ کا دائرہ میں ہے اور یہ تو ہر سال اور اس میں
 خدمت میں دہرائی کہ اس ضمن میں بھی ہے اس کے لئے اس کے لئے
 کے کبہ میں دوبارہ اپنی ڈیوٹی پر حاضر ہوا لیکن نقلیہ کارہ 31
 لکھنؤی ارکوٹ نہ جھے ڈیوٹی سے روک رہا۔ اور بار بار میری فرائیڈ پورٹس
 کرتا رہا یہ۔ نیز اس سے قبل سٹیٹ نے جو دو سال اپنی کی تھا اس کے بعد باقاعدہ
 میں نہ حاضر ہے۔ سیر اور پورٹس کے لئے یہ ہے۔
 گذشتہ آٹھ ماہ میں سٹیٹ کا تنخواہ بند ہے۔ اور میرا گزارہ شکم ہو گیا ہے۔
 جھے دو ماہ سے تنخواہ آزاد ہے۔ اور اس کے لئے میرا سٹیٹ چھٹی
 غیر فرائیڈ کے لئے out of the order ہے۔ تو جھے اس کے لئے سٹیٹ میں ہے۔

حضور ضابطہ

العارض

علی باجا

کاپی تیار اطلاع

بمستثنیٰ B H 11 ارکوٹ

ڈسٹرکٹ سبورت مینجر PPH 1 سورت

ڈی سی۔ آر ضلع سورت

سکندریہ درج ذیل کلمہ مشورہ

11/11/11

Handwritten signature

39

1 OF Insurance Notices see reverse. Stamps affixed except in case of unsecured letters or not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Dated the 26th [Signature] Date Stamp

Executive District Officer Health District Swat.

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Insured for Rs. (in figures) [Signature] (in words)

Ali Bacha Beshti BHL Rahatkot swat.

Insurance Fee Rs. [Signature] Ps. [Signature] Weight [Signature] Kilo [Signature] Grams [Signature] Name and address of sender [Signature] 23/9/05 3/2011

25

EXPLANATION.

Reference to this office letter NO.3823/C-1 dated 12-4-201 and NO.4507/C-1 dated 20-4-2010. your reply to the explanation is still awaited. you are absent from Govt: duty with out any application/information to the undersigned on 08-3-2010. you are directed to explain your position with in 3 days after the receipt of this letter, otherwise strict disciplinary action will be taken against you.

[Signature]
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

629, c-1

Copy forwarded to the :-
Account Section of this office for information to stop pay of the above named official concerned.
Incharge BHU: Rahatkot swat for information

[Signature]
EXECUTIVE DISTRICT OFFICER
(HEALTH) SWAT AT GULKADA.

[Signature]
District Health Officer
Swat

Be taken, you will

40

Dated. 11 /1/2011

To Executive District Officer,
Health District Swat.

Mr. Ali Bacha Beshti
BHU: Rahatkot

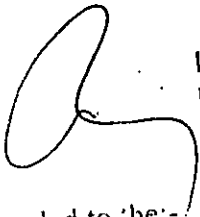
24

EXEPLANATION:

Reference to this office letter no.3823/C-I dated 12-4-2010,
C-I dated 30-4-2010 and NO.6628/C-I dated 26/8/2010.

Your reply to the explanation is still awaited, you are absent from Govt:
with out application/ information to the undersigned

You are hereby directed to explain your position with in 3 days after the
date of this letter, otherwise strict disciplinary action will be taken against you.



EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

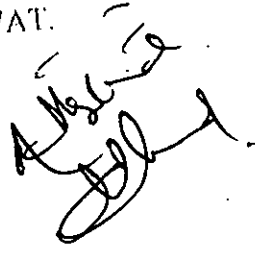
NO. 322-24 /C-I

Copy forwarded to the:-

- 1- I/C BHU Rahat Kot swat for information.
- 2- Acctt: Section of this office for information..
- 3- District Support Manager PPHI swat for information with the request to stop pay of the above named official concerned.



EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.



Dated. 30 /4/2010.

(41)

Executive District Officer
Health District Swat.

Mr. Ali Bacha Bashti
BHU Rahat Kot.

23

EXPLANATION.

As reported by the Incharge BHU Rahat Kot swat you are absent from
work, c.f. 08/3/2010 with out any application/information.


You are hereby directed to explain your position with in three days after
receipt of this letter, otherwise strict disciplinary action will be taken against you.

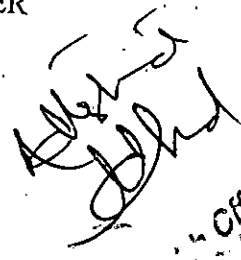
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

4508-91C-1

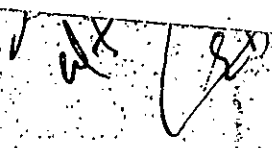
Copy forwarded to the:-

- 1-Incharge BHU Rahat Kot swat for information.
- 2-Acctt: section of this office to stop pay of the above name official concerned for
information. From D.A.O Office Swat.


EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT



Officer
District Swat



27/4/10

(92)

The Ex. Distt. office (Health)
Swat Distt. S. Sharif

ABSENT REPORT

(92)

With the state of honour that
Mr. Ali Bacha (Basha) is still absent from
his duty w.e.f. 08.3.10 for information
and further necessary action please

Obediently Yours
Kamran
BHU Rahat Kot

needed
action for necessary
please

Ali Bacha
District Officer

Kamran Rahim,
Medical Technologist,
B.H.U. Rahat Kot

Call exp. stop pay from DAO
Ali Bacha
27/4/10 (H)

3523 C-1

Dated: 12/4/2010.

43

The Executive District Officer
Health District Swat.

Mr. Ali Bacha Beshti
BHU: Rahatkot.

21

EXPLANATION.

As reported by the I/C BHU: Rahatkot swat you are absent from Govt:
try with out any application/information. w.e.f 6-3-2010

You are hereby directed to explain your position with in three days after
receipt of this letter, otherwise strict disciplinary action will be taken against you.

9

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

3524 IC-1

Copy forwarded to the:-
I/C BHU: ~~Rahatkot~~ swat for information.
10/1

9

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

Signature

District Health Officer
Swat Distt: at Gulkada.

swat

3078
6.4.10.

44

20

The Sp. Distt Officer
(Health) Distt Swat.

Subj- ABSENCE REPORT.

With the state of honour that ~~Mr~~
Mr. Ali Bacha (Bashti) is absent from
his duty w.e.f 08.03.2010. and till date.

Kindly for information
and further necessary action please.

Thanks

Smallly
action against
him

Dr. Kamran Rahim,
Medical Technologist,
B.H.U. Rahatkot.

6/4/10.

Yours, Obediently

Kamran Rahim
BHU Rahatkot.

Amir
D.D.

Distt
Swat

[Signature]

(H) Swat

45

47

O. P. S. S.

Mr. A.C. Zuberi S/O Khister Baccia

پانڈو سواری
کریب جلا لیا

Health
District Health Officer

نیرا واری

District Health Officer (Matter)

16-3-2009

دکٹر کے پاس
بھائی صاحب
BHU

R.L. No. 1387
Date of Booking 4/3
City/Town of Booking Sakeri Sakeri GPO

RECEIVED,
Office of the D. H. O. Sakeri

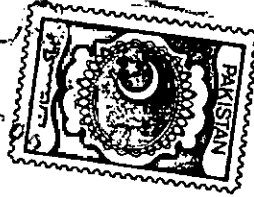
A. M. S. S. S.

District Health Officer
Sakeri District

پاکستان

48

پوسٹ کارڈ
POST CARD
(پاکستان کے لیے)



B. D. Hallett

کراچی

نام
پتہ
ڈاکخانہ
ضلع

Postal code boxes: [] [] [] [] []

(پوسٹ کوڈ)

3

سورڈی
Bachai
پلاٹ نمبر
ایس

(MATTER)

GPO

DESPATCHED,
Office of the P. H. O. Sindh

A. No. 1
[Signature]

District Health Officer
S

dated: 21/08/2013.

The District Health Officer
District Swat.

To,

Mr. Ali Badshah
Beshti P.No.00094433 S/O Khaista Bacha
BHU Rahatkot Swat.
r/o vilage & P.O.Dureshkhola Tehsil Matta
District Swat.

Subject:-
Memo;

EXPLANATION.

During the visit of the undersigned of BHU Rahatkot on dated:20/08/2013, you were found absent on the same date as well as from since along (1-7-13) period from Government duty with out any prior permission/application.

You are hereby directed to explain your Position within seven days after the receipt of this letter in case of failure strict disciplinary action will be taken against you.

DISTRICT HEALTH OFFICER
DISTRICT SWAT

No. _____

Copy of the above is forwarded to the :-

1. District Support Manager District Swat, for information and he is requested to stop the pay of the above named official concerned through DAO Swat as well as freez his Salary account till the satisfactory reply.
2. Medical Officer I/C BHU Rahatkot Swat for information and he is directed to submit P.Copy of daily attendance register to the undersigned to clear the absent period of the above named official concerned immediately.

Ali Badshah
District Health Officer
Swat District Office
DISTRICT HEALTH OFFICER
DISTRICT SWAT.

اندرسی

کمیسیون سولج (اعلامه قاضی سولج سوات

مقررہ رقم 10/1 سال 2014ء رجب 06/5 14 تاخیر سے 14/7/14

علی بابا مع سیدتی سوات

مقررہ رقم - نوعیت کاغذات - تعداد

1 - 01. - انڈیکس - آرڈر سٹیٹس - 02. - 01. - Pmt - 09. =

2 - درجہ دستاویزی سوات - مکاتبات مع مختار سوات - 01. - 02. - 04. =

3 - تقریباً سوات (اورڈر) - 02. - 07. - 04. - 13. =

4 - رسیدات کئی - 04. - 04. =

37 - کل صفحات

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صاف کالہ سول سوات (37) صفحات پر مشتمل ہے - محمد رفیق سوات

سرٹیفکیٹ - کمیٹی کا نامی ہے کہ سوات سوات

چالان وصول 45 مقررہ رقم - Canton Sigid - 18.7.15 - 02

محمد جمیل 14/07/14 سول جج اعلامہ قاضی سوات

CS III Swat

53

4

ALI BACHA VS SECRETARY HEALTH ETC

OS-----09
14-07-2014

Parties appeared through counsels. Learned counsel for the plaintiff submitted an application seeking withdrawal of the suit on the ground that the plaintiff does not want to pursue the case.

2) In view of the above, the suit in hand stands dismissed as withdrawn with no order as to cost.

File be consigned to record room after necessary completion and compilation.

Announced:
14-07-2014

[Handwritten Signature]

(MUHAMMAD JAMIL KHAN)
Civil Judge/Illaqa Qazi-III, Swat

14/07/14

محمد جمیل
سولج اعلا قاضی سوم سوات



18006

Date of Presentation of Application: 24-11-18
Date on which copy completed: 27-11-18
No of words: 12
Urgent Fee: 100/-
Name of copyist: M. J. Khan
Signature: M. J. Khan
Copying Fee: 100/-
Date of Delivery: 27-11-18

[Handwritten Signature]
JISE
Swat

ATTESTED TO BE TRUE COPY

[Handwritten Signature]
EXAMINER
District & Sessions Judge/
Illa Qazi, Swat. 27/11/18

گعدالت جناب سید رسول / علی علاقہ قاضی صاحب سوات

علی باجا / نام / سید شری

دعویٰ حتم تا کیدی

بیان حلفی

حلفاً وصدقاً کہ جاتی ہے کہ مجموعہ رقم کا دعویٰ مابین فریقین
کسی بھی جواز عدالت میں زیر سماعت نہیں ہے۔
اور نہ ہی مجموعہ رقم کا دعویٰ مابین فریقین کسی
بھی جواز عدالت میں مصلح کیا ہے۔

محمد علی باجا

محمد علی باجا

ATTESTED
Akbar Ali Usman Khel Advocate
OATH COMMISSIONER
District Courts Swat
No 107 Date 27/11/2017

گندہ التعداد سیریل سولج ماہی / علی علاء خاص ماہی سوات

9029
8/5/16

علی باجا ولد خاٹہ ساکن برہ دریشیلیم، پستی، B.H.U. راحت کوٹ

فصلیہ ضلع سوات - - - - - مدعی

ایضاً
9029
8/5/16

سوات
[Signature]

[Signature]

نام

(1) سیریل سولج ماہی کیتاویہ سیریل سولج کیتاویہ

(2) D.H.O. ماہی بنام گل کدہ سید شریف سوات -

(3) سیریل سولج ماہی D.H.O. گل کدہ سوات -

(4) رجائی علی دریشیلیم کوٹ D.H.O. ماہی بنام گل کدہ سوات -

(5) سجاد علی D.S.M. P.H.U. ماہی لیدیز پارک کالج کالوا

سید شریف سوات -

(6) شاہ خالد سوات P.H.U. ماہی لیدیز پارک

کالج کالوا سید شریف سوات -

(7) سید ٹیکل شہین راحت کوٹ B.H.U. فصلیہ سوات -

دعویٰ صدور حکم ناکندہ کی یہ میں مراد کہ وہ علی علیہم کو حکم دیاجا کر

من مدعی کو ڈیوٹی پر بحال کریں - اور سطل شدہ / بندہ نتخواہ

کو Release کریں - کیونکہ وہ علی علیہم نے سیاسی بنیادوں اور

یہ بنیادوں سے من مدعی کی نتخواہ اور ڈیوٹی پر بحال

ہیں رکھا ہے جو کہ غیر قانونی ہے

بلا و صدور حکم ناکندہ اور یہ مراد کہ وہ علی علیہم کو حکم دیاجا کر

بہاوردوں اور یہ بینی تاجروں سے مدعی کی منتخواہ اور ڈیوٹی/Service وغیرہ میں مداخلت سے باز و ممنوع رکھا جائے۔

حالیہ لغرض کو روٹ بینس اور اختیار سماعت بنائے دعویٰ کے بعد یوم قبیل بعد از انکار مبلغ دو سو روپے مقرر شد۔ نیز دعویٰ عدا کو ماعلیہم یہاں آسم۔ اور عدالت عدا انڈیا میں ہے۔ کو اختیار سماعت حاصل شد

جناب عالی! مدعی حسب ذیل عرض گزار ہے۔

1. یہ کہ میں مدعی راحت کوٹ B.H.U. قبیل منہ صلح سوات میں رہتی تھی، کوٹ پیر پورٹ اردو 1028۔ مورخہ 3-12-1990ء کی تقرری ہوئی تھی۔ اور تاحال مذکورہ کوٹ پیر پورٹ سرانجام دیتا ہوں۔ (نقل اردو طرف ہے)

2. یہ کہ میں مدعی نے اپنے رخصت کے اظہار ان/حجاز اتھارٹی کو ڈومینوں کے لیے ڈیجیٹل درخواست دی۔ اور ضروری کام کے سلسلے میں کواچی گیا۔ اور واپس آنے پر جب D.H.U. کو join کیا۔ تو میں مدعی کو اطلاع کی۔ لیکن میں مدعی کے حلال گنہگار ہو چکی ہے۔ اور مذکورہ اتھارٹی کو سکریٹری کو بیع بھی ہے۔

3. یہ کہ میں مدعی نے کراچی آنے کے بعد Arrival رپورٹ بھی کی ہے۔ لیکن مدعی نے من سائل کی منتخواہ کو بند کی تھی۔ اور ڈیوٹی کیلئے کو join کرنے کیلئے اجازت بھی نہیں دیتے ہیں۔ کیونکہ مدعی نے من مدعی کو رجسٹرڈ حاضری میں دستخط کا اجازت نہیں دیتا ہے۔

1011

کرتے ہے اجازت نہ دینا سیاسی وجوہات اور بدینتی آدھ سے ہے۔ کیونکہ انہوں نے عام اور علاقہ کا سہ گم سیاسی کارکن ہونے سے منہ ہٹاتے تاکہ نا انصافی اور غیر قانونی Action نہ لیا جاتا ہے۔ اس طرح دعائیں عدالت میں درج کیے تاکہ Personal بعد لیا جاتا ہے۔ اور دفتر (B.H.U) آئے ہیں مختلف روکاوشیں ڈالتے ہیں۔

5۔ یہ کہ دعائیں عدالت میں درج کی گئی ہیں۔ کہ من درجہ کو ریلیف دیا جائے۔ یہ دعائیں عدالت کی منتخواہ Release کرنے ہیں۔ آئین کا حق ہے کہ ان کے لئے عدالت میں درخواست کی جائے۔ اور بالآخر جیل سے رہا ہوگی۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

6۔ یہ کہ عدالت میں درخواستیں درج کی گئی ہیں۔ اور یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

7۔ یہ کہ عدالت میں درخواستیں درج کی گئی ہیں۔ اور یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

8۔ یہ کہ عدالت میں درخواستیں درج کی گئی ہیں۔ اور یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

کھانا ہے کہ ڈگری سندھو بہ حق من درجہ
 یہ خلاف دعائیں عدالت میں درج کی گئی ہیں۔ اور یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

بہ حق من درجہ
 یہ خلاف دعائیں عدالت میں درج کی گئی ہیں۔ اور یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

بہ حق من درجہ
 یہ خلاف دعائیں عدالت میں درج کی گئی ہیں۔ اور یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

بہ حق من درجہ
 یہ خلاف دعائیں عدالت میں درج کی گئی ہیں۔ اور یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

بہ حق من درجہ
 یہ خلاف دعائیں عدالت میں درج کی گئی ہیں۔ اور یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔ یہ دعائیں عدالت میں درج کی گئی ہیں۔

ATTESTED
 Namankhela Advor
 15/5/2018

گعدالت صواب سنیہ رسول ص / اعلیٰ علاقہ قاضی صاحب سوات

علی باجا نام شکیہ ٹری

دعویٰ صلح کا کیدی

بیاحلفی

حلفاً الصداق کی جاتی ہے۔ یہ مجموعہ قسم کا دعویٰ مابین فریقین

تھی یعنی حجاز عدالت میں زیر سماعت نہیں ہے۔

اور نہ ہی مجموعہ قسم کا دعویٰ مابین فریقین کی

یعنی حجاز عدالت میں صلح کیا ہے۔

اکبر علی

بد المذموم
علی باجا

ATTESTED

Akbar Ali Usman Khel Advocate
OATH COMMISSIONER
District Courts Swat
No 107 Date 27/11

کہالت جناب سیر سولج ماہی/ علی علیہ السلام ماہی سوات

9329
8/5/14

علی باجا ولد خاٹنہ ساکن پورہ در شہیلہ، پستی B.H.U راجت کوٹ

مخبر مٹ ضلع سوات

بیت

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نام

Distt

- (1) سیر سولج ماہی کشتاور سیکرٹریٹ کشتاور
- (2) D.H.O ماہی مقام گل کدہ سید و شریف سوات
- (3) سیر انٹنڈنٹ آفس D.H.O گل کدہ سوات
- (4) رجسٹری علی ڈویژن گل کدہ سوات
- (5) سجاد علی D.S.M P.H.1 مقام لیڈیز پارک کالج کالواہ

(6) شاہ خالد منالین آفس P.H.1 مقام لیڈیز پارک

کالج کالواہ سید و شریف سوات

(7) سید یحییٰ شہین راجت کوٹ B.H.U مخبر مٹ

دعویٰ صدر حکم نالہ ی نہ بن نہ د کہ دعا علیہم کو حکم و اجازت
 من مدعی کو ڈیوٹی پر بحال کریں۔ اور سطل شدہ / بندہ نتخواہ
 کہ Release کریں۔ کیونکہ دعا علیہم سیاسی بنیادوں اور
 بہ ہستی آج صبر سے من مدعی کی نتخواہ اور ڈیوٹی پر بحال
 نہیں رکھا ہے جو کہ غیر قانونی ہے

دعا علیہم صدر حکم نالہ ی نہ بن نہ د کہ دعا علیہم کو حکم و اجازت

بہاؤدوں اور یہ بنی توجہ سے مدعی کے منتخواہ اور ڈیوٹی/Service وغیرہ میں دخلت سے باز و ممنوع رکھا جائے۔

حالیہ لغزش کو رٹ فینس داخلہ سماعت کے لئے دعوے کی جگہ پر جمع ہونے سے پہلے ہی سے مدعی نے درخواست کی ہے اور عدالت نے اس پر رٹ فینس داخلہ سے منع کیا ہے۔

حنا - عالی! مدعی حسب ذیل عرض گزار ہے۔

1. یہ کہ میں مدعی داحت کوٹن B.H.U. تحصیل منہ ضلع سوات میں رہتا تھا۔ پوسٹ پر بہرہ آرڈر 1028 مورخہ 12-3-1990 کی تقرری پر مدعی نے تاحال مذکورہ پوسٹ پر Duty سر انجام دیتا ہوں۔ (نقل ارد طرف ہے)

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DISTRICT COURT stamp.

2. یہ کہ میں مدعی نے اپنے دفتر کے اہلکاران/مجاز اتھارٹی کو ڈوٹیشن کے لئے چھٹی کی درخواست دی۔ اور ضروری کام کے سلسلے میں کراچی گیا۔ اور واپس آنے پر جب Duty کو join کیا۔ تو میں مدعی کو اطلاع کی بغیر میں مدعی نے خلاف ghering ہو چکی ہے۔ اور مذکورہ انکوائری کو سکریٹری کو بھیج دیا ہے۔

3. یہ کہ میں مدعی نے کراچی آنے کے بعد Arrival رپورٹ بھیجی ہے۔ لیکن مدعی نے من سائل کی منتخواہ کو منہ کی تھی۔ اور ڈیوٹی کیلئے کو join کرنے کیلئے اجازت بھی نہیں دیتے ہیں۔ کیونکہ مدعی نے من مدعی کو رجسٹرڈ حاصل نہیں کیا ہے۔ دستخط کا اجازت نہیں دیتا ہے۔

4. Join ...

کریں گے۔ احازت نہ دینا سیاسی وجوہات اور بدینتی سے ہے۔
 سے جو ایک کوئی ایک اور علاقہ کا سہ ٹرم سیاسی
 کارکن ہوئے ہیں وہ سے من مدعی کے ساتھ نا انصافی اور غیر
 قانونی ہے۔ اس طرح دعویٰ میں مدعی سے
 Personal ہے اور دفتر (B.H.U) آئے ہیں مختلف روکاوٹیں
 ڈالتے ہیں۔

5۔ یہ کہ دعویٰ میں سے ہی بار کیا گیا۔ کہ من مدعی کو شکایت
 حال کرتے ہیں مدعی کی شکایت کو Release کریں۔ آئین
 دعویٰ میں مثال سے ہے۔ اور بالا حضرت من مدعی
 کا بیان کرتے ہیں انکار کی ہوئی ہے۔ یہ من و مدعی کا
 کئی ضرورت لایق ہوگی۔

6۔ یہ کہ جو عین انہر رعدیات عدالت عذار بل لٹن ہے اور بنا دعویٰ
 انہر رعدیات عدالت عذار ہے۔ اس لیے عدالت عذار
 کو اختیار سماعت حاصل ہے۔

Handwritten signature or note on the right margin.

7۔ یہ کہ مالیت یعنی حق کوٹ جیسے اختیار سماعت درج عنوان غیر مدعی
 نیز دعویٰ ہے انہر رعدیات۔

8۔ یہ کہ دعویٰ ہے اس پر نظام عدل ریگولیشن سے دفعہ 9 میں حوالہ ہے۔

بیا حلفی
 کہ اس نے عیناً کہ ڈگری سند کو یہ بحق من مدعی
 کے خلاف دعویٰ میں صادر فرمایا جائے۔ نیز دیگر دادرسی
 جو بھی قریب انصاف بحق من مدعی صادر فرمایا جائے۔
 تا صوبہ علیہ بلقین کے
 مطابق درست آئے ہیں۔
 اور کوئی اور عدالت سے اس کا حق
 نہیں رکھتی ہے۔
 عمر
 مدعی علی با جا طلبہ
 رہت کوٹہ تحصیل
 ضلع سوات
 ATTESTED
 Usamkhan Advocate
 District Sوات

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 426 of 2018

*Ali Bacha Behishti BHU (Basic Health Unit) Rahatkot,
Drushkhela, Tehsil Matta, District Swat.*

...Appellant

VERSUS

*The Director General Health Services Government of
Khyber Pakhtunkhwa, Peshawar and Another.*

...Respondents

REJOINDER BY THE APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless, against the law, rules and Shariah, hence are specifically denied. Moreover the appellant has approached this honourable tribunal well within time with clean hands and this honourable tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

- I. *Para 1 of the comments being admission needs no reply.*

- II. *Para 2 of the comments as drafted is incorrect, misconstrued and illusive as well thus the same is denied specifically.*
- III. *Para 3 of the comments as drafted is vague and evasive thus is amounting to admission, hence needs no reply.*
- IV. *Para 4 of the comments as drafted is also incorrect, misconstrued, vague and illusive. Moreover in case of any misconduct the authorities should have initiated timely actions, which has not been done till date to the detriment of the appellant and at this stage are making the appellant mere a scape goat, thus the para is denied specifically.*
- V. *Para 5 of the comments as drafted is also incorrect and misleading, thus the para is denied as well.*
- VI. *Para 6 of the comments as drafted is incorrect and based on misstatements and concealment of facts, thus the para is denied specifically.*
- VII. *Para 7 of the comments as drafted is vague and evasive as no departmental proceedings have been initiated even till date, thus the para is denied as well.*
- VIII. *Para 8 of the comments as drafted is incorrect, based on misstatements and is against the facts, hence denied specifically.*

- IX. *Para 9 of the comments as drafted is vague, evasive, illusive and devoid of merits, hence the para is denied specifically.*
- X. *Para 10 of the comments as drafted needs no comments, but will be taken at the time of arguments, with the leave of the honourable tribunal.*

On Grounds:

- a. *Ground A of the comments as drafted is devoid of merits and there is nothing on record showing any disciplinary action taken against the appellant for denying the appellant his vested right, thus the para is denied specifically.*
- b. *Ground B of the comments as drafted is also devoid of merits and is vague and evasive, thus the para is denied specifically.*
- c. *Ground C of the comments as drafted also is vague and evasive, hence the same is denied as well.*
- d. *Ground D of the comments as drafted is incorrect, vague, evasive, devoid of merits and in need of solid evidence, thus the para is denied specifically.*
- e. *Ground E of the comments as drafted is vague and evasive and amounting to admission as the appellant is the employee of the respondent department only and nowhere else employed, thus the para is denied in the manner.*


It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally.

Appellant

6435

Ali Bacha

Through Counsel,


Imdad Ullah

Advocate Swat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 426 of 2018

*Ali Bacha Behishti BHU (Basic Health Unit) Rahatkot,
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...Respondents

AFFIDAVIT

*It is solemnly stated on Oath that all the contents of
this rejoinder are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this honourable
tribunal.*

Deponent

Ali Bacha



SUMMARY OF ALI BACHA

- I. He was appointed on 03/12/1990
- II. He was on Leave off and on for about thirteen (13) years from 4/05/1998 to 19/02/2011. The detail is as under:
 1. 730 days leave unite out pay from 2/05/1998 vide this office No 6841-44/L. 2 Dated 4/5/1998.
 2. Grated 120 days E/leave unite pay from 1/11/2000 to 28/2/2001 vide this office No.24903-6/L-2 dated 16/11/2000.
 3. 142 Days E/Leave unite out pay from 1/3/2001 to 20/7/2001 vide this office No. 15171-75/L-2 dated 3/10/2001.
 4. As sent w.e.f 21/7/2001 According to Medical Officer I/C
 5. Granted 600 days from 1/6/2002 to 31/5/2003.
 6. Arrival form 10/09/2003 at BHU D/Leave unveiled leave for 10/9/2003 103 days.
 7. Granted 300 days E/leave a half pay w.e.f 1/3/2004 to 25/12/2004.
 8. Granted pay unite out leave w.e.f 1/1/2006 to 18/6/2006.
 9. Granted 730 day 1/1/2007 to 31/12/2008 can celled from 22/4/2008 CH Matta 254 days
 10. Arrival 17/6/2008
 11. Absent period 8/3/2010 to 18/2/2011 regularized vide No1588-89 dated 2/3/2011 released pay w.e.f 19/2/2011.
- III. He was under the control of PPHI from 2008 to 2018

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 833 /ST

Dated 29-4-1 2019

To

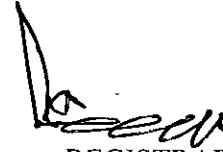
The District Health Officer,
Government of Khyber Pakhtunkhwa,
Swat at Gulkada.

Subject: -

JUDGMENT IN APPEAL NO. 426/2018, MR. ALI BACHA.

I am directed to forward herewith a certified copy of departmental application alongwith Judgement dated 04.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above



REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.