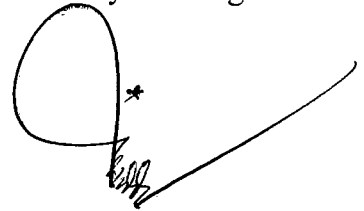


15.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on 16.09.2022 before S.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical line and a long, sweeping horizontal stroke extending to the right. A small asterisk is visible near the top of the vertical line.

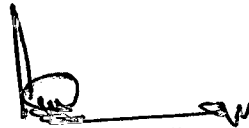

(MIAN MUHAMMAD)
MEMBER(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 613/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/04/2022	<p>The appeal of Dr. Khaled Zaman presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	29.04.2022	<p>Case file received from the office of Registrar on the verbal direction of Hon'ble Chairman.</p> <p>Learned counsel for appellant present.</p> <p>Let pre-admission notice be issued to respondents for reply. To come up for reply/preliminary hearing on <u>15 / 7</u> .2022 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No 613 /2022

Dr Khalid Zaman.....Appellant

V E R S U S

Govt. and others.....Respondents


I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal with affidavit		1-4
2.	Application for condonation of delay with Affidavit		5
3.	Copy of Notification dated 29-01-2002	A	6
4.	Copy of NOC & Notification dated 28-06-2005	B & C	7-8
5.	Copy of Application	D	9
6.	Copy of Notification dated 13-08-2014	E	10-13
7.	Copy of Departmental appeal dated 14-12-2021	F	14-15
8.	Vakalat Nama & Special Power of Attorney		16-17

Dated: 01-04-2022

Through

Dr. Khalid Zaman
Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No _____/2022

Dr Khalid Zaman Ex Medical Officer (BPS-17) District
Headquarters Hospital Abbottabad, S/O Sakhi Jan R/O Village & Post
Office Miranshah (North Waziristan).**Appellant**

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Health
Department, Peshawar.
3. Director General, Health Services, Khyber Pakhtunkhwa,
Peshawar.**Respondents**

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE NOTIFICATION DATED 13-08-2014 TO THE
EXTENT OF THE APPELLANT WHEREBY THE APPELLANT
HAS BEEN REMOVED FROM SERVICE AND AGAINST
WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS
NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF
MORE THAN THE STATUTORY PERIOD OF NINETY DAYS**

PRAYER:-

On acceptance of this appeal the impugned Notification dated
13-08-2014 to the extent of the appellant may kindly be set
aside and the appellant may kindly be ordered to be reinstated
in service with all back benefits.

Respectfully Submitted:-

1. That the appellant along with others was appointed as Medical
Officer (BPS-17) on one year contract vide Notification dated
29-01-2002 and later on, upon the recommendations of Khyber
Pakhtunkhwa Public Service Commission was appointed along
with others as Medical officer (BPS-17) on regular basis and
since appointment the appellant performed his duties with
honesty and full devotion and to the entire satisfaction of his
high ups. **(Copy of Notification dated 29-01-2002 is
enclosed as Annexure A).**
2. That in the year 2005 the appellant while lastly posted as
Medical Officer at District Headquarters Hospital Abbottabad,
requested vide written application for the grant of No Objection
Certificate for proceeding abroad and also requested for the
grant of 730 days Ex Pakistan Leave which was duly processed
and finally NOC was granted by the department and 730 days

Ex Pakistan Leave was also sanctioned in favor of the appellant vide Notification dated 28-06-2005, and accordingly the appellant proceeded abroad with the permission of the department. **(Copy of NOC & Notification dated 28-06-2005 is enclosed as Annexure B & C).**

3. That about one months before the expiry of mentioned Leave and due to the extension in contract for two years by the Kingdom of Saudi Arabia, the appellant requested for extension of Ex Pakistan Leave for 730 days who was assured that sanction would be granted in favor, so the appellant continued his job abroad. **(Copy of Application is enclosed as Annexure D).**
4. That strangely the appellant along with others was removed from service vide Notification dated 13-08-2014 which was not communicated to the appellant. The appellant accordingly reported his arrival on 12-01-2021 which was regretted and finally the appellant obtained copy of the impugned Notification dated 13-08-2014 on 24-11-2021. **(Copy of Notification dated 13-08-2014 is enclosed as Annexure E).**
5. That the appellant filed departmental appeal vide diary No 21396 dated 14-12-2021 which has not been responded so far despite the lapse of more than the statutory period of ninety days **(Copy of Departmental appeal dated 14-12-2021 is enclosed as Annexure F).**
6. That the impugned Notification dated 13-08-2014 to the extent of the appellant is against the law, facts and principles of justice on grounds inter-alia as follows:-

G R O U N D S :-

- A. That the impugned Notification is illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution being his fundamental right.
- C. That Ex-parte action has been taken against the appellant and he has been condemned unheard in violation of Article 10/A of the constitution and law of the land.
- D. That no notice was sent on the home address of the appellant nor were the requirements of Rule 9-A of E & D Rules 2011 were complied with, hence the impugned

Notification is liable to be set at naught on this score alone.

- E. That even otherwise the impugned Notification is void as the law under which action has been taken is not applicable in case of the appellant.
- F. That no charge sheet and show Cause Notice was issued to the appellant nor was any inquiry conducted in the matter, on this score too the impugned Notification to the extent of the appellant is void and no limitation runs against such order.
- G. That the appellant did nothing that amounts to misconduct, as the way the appellant has been proceeded is nowhere provided in law.
- H. That the appellant had proceeded abroad with the permission of the respondents, hence too the impugned notification is not tenable in the eyes of law.
- I. That the appellant has been discriminated, as others removed vide the same Notification have been reinstated by the department as well as by this honorable Tribunal, hence too the appellant deserves the same treatment and should not be discriminated as enshrined in Article 25 of the Constitution and law of the land.
- J. That the appellant was not afforded the opportunity of personal hearing.
- K. That the appellant has more than twelve years' service with unblemished service record and is jobless since his illegal removal from service.
- L. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-01-04-2022

Through


Appellant

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

LIST OF BOOKS

-4-

1. Constitution 1973.
2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.


ADVOCATE

AFFIDAVIT

I, Dr Khalid Zaman Ex Medical Officer (BPS-17) District Headquarters Hospital Abbottabad, S/O Sakhi Jan R/O Village & Post Office Miranshah (North Waziristan), do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

- 5 -

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No _____/2022

Dr Khalid Zaman.....Appellant

V E R S U S

Govt. and others.....Respondents

Application for Condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That since the impugned order is void ab-initio and even otherwise the impugned order was not communicated to the appellant in time rather the appellant obtained copy of the same on 24-11-2021 and as such the instant appeal is well within time furthermore lis are to be decided on merit instead of technicalities.
4. That the impugned order is void being under the law which is not applicable in case of the appellant besides in total disregard of the law and rules on the subject and time factor becomes irrelevant in such cases.
5. That some of the colleagues removed from service vide the same order have been reinstated by the respondents besides some appeals are also allowed by this honorable Tribunal, hence to the case of the applicant is liable to be decided on merit and the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-01-04-2022

Through


Appellant


**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

AFFIDAVIT

I, Dr Khalid Zaman Ex Medical Officer (BPS-17) District Headquarters Hospital Abbottabad, S/O Sakhi Jan R/O Village & Post Office Miranshah (North Waziristan), do hereby solemnly affirm and declare on oath that the contents of this **Application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

- 6- "A"

**GOVERNMENT OF NWFP
HEALTH DEPARTMENT**

Dated Peshawar the 29th of January, 2002.

NOTIFICATION
No.SO(ME)/H-IV/3-18/2001:- The Competent Authority is pleased to appoint the following as Medical Officers (BS-17) on one year contract, facility specific and non-transferable basis, with immediate effect:-

S.No.	Name & Father's Name	Post
1.	Dr. Fozia Tehseen D/o Juma Khan	DHQ Hospital Bannu
2.	Dr. Zeenat Parveen D/o Nawab Ali Khan	DHQ Hospital Bannu
3.	Dr. Hikmatullah Qureishi S/o Fath-ul-Qadir Shah	At the disposal of EDO(H) Bannu
4.	Dr. Farzana Naheed D/o Muhammad Ayub Khan	DHQ Hospital Battagram
5.	Dr. Mehmoos A Jadoon s/o Manzoor A Jadoon	At the disposal of EDO(H) Battagram
6.	Dr. S Umair Hussain S/o S Majid Hussain	At the disposal of EDO(H) Battagram
7.	Dr. Khalid Zaman S/o Sakhi Jan	At the disposal of EDO(H) Battagram
8.	Dr. Rozina Tariq D/o Habibur Rehman	DHQ Hospital Buner
9.	Dr. Fazal Wadood s/o Faramoz	C.H Totalai Buner
10.	Dr. Behroz Khan s/o Shah Raza Khan	BHU Ellai Buner
11.	Dr. Rabia Shahab D/o Abdul Karim	DHQ Hospital Chitral
12.	Dr. Fauzia Naz D/o Akbar Shah	C.H Garam Chishma Chitral
13.	Dr. Shandana Babar D/o Siraj Ali	RHC Ayun Chitral
14.	Dr. Muhammad Taimour S/o Ali Noor Khan	RHC Mastuj Chitral
15.	Dr. Farman Wali s/o Abdul Wali	THQ Hospital Booni Chitral
16.	Dr. Mirajud Din s/o Sher Bahar Shah	RHC Ayun Chitral
17.	Dr. Muhammad Gul s/o Rehmat Gul	BHU Bhamboorat Chitral
18.	Dr. Robina Shabana D/o K.B. Baluch	DHQ Hospital DIKhan
19.	Dr. Sadia Anjum D/o Ghulam Mehmoos	DHQ Hospital DIKhan
20.	Dr. Roomi Kanwal D/o S Chiragh Hussain Shah	C.H. Daraband DIKhan
21.	Dr. Munammad Javed s/o Saadullah Khan	THQ Hospital Kulachi DIKhan
22.	Dr. Yasmin Begum D/o Haji Taus Khan	THQ Hospital Dir Khas
23.	Dr. Faiak Naz D/o Jaffar Khan	THQ Hospital Dir Khas
24.	Dr. Gulnaz Begum D/o Khawaja M Shafi	RHC Barawal Dir Khas
25.	Dr. Robina Gul D/o Badshah Gul	RHC Patrak Dir Khas
26.	Dr. Naima Sarwat D/o Saeed Akhtar Ansari	RHC Warai Dir Khas
27.	Dr. Muhammad Naeem Awan s/o	THQ Hospital Dir Khas

NO 1929

dated Abbottabad

the 27/05/2005

B

From; The Medical Superintendent,
DHQ Hospital Abbottabad.


"B"
- 7 -

To, The Director General Health,
services NWFP Peshawar.

Subject; NOC REGARDING PROCEEDING ABROAD.

Dear Sir,

I have the honour to enclose here with an application in original in respect of Dr Khalid Zaman MD DHQ Hospital Abbottabad, about the subject captioned above for further n/a.


Medical Superintendent,
DHQ Hospital Abbottabad.

13

GOVERNMENT OF N.W.F.P.
HEALTH DEPARTMENT.

Dated Peshawar, the 28th June 2005.

NOTIFICATION

No.SO(E)H-II/1-5/2004-05:- Sanction is hereby accorded to the grant of 730 days Extra Ordinary Leave Ex-Pakistan with effect from the date of availing (not later than 21 days) in favour of Dr. Khalid Zaman, Medical Officer, DHQ Hospital, Abbottabad.

2. The Provincial Health Department has no objection on his proceeding abroad.

SECRETARY HEALTH.

Endst. No. & date even.

Copy to the:-

1. Director General, Health Services, NWFP, Peshawar.
2. EDO (H) Abbottabad.
3. DAO Abbottabad.
4. Doctor concerned.

(Ilam Khan Khattak)
Section Officer - II.

"D"

-9-

4

FROM : CSC ATD

FAX NO. : 0092992330918

Jun. 30 2007 04:42PM P1

EXTENSION DR KHALID

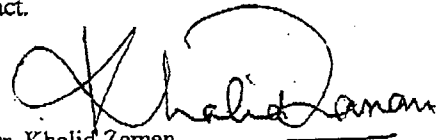
To The Director General Health Services,
Govt of NWFP Peshawar.
Fax No. 091-9210230.

Subject REQUEST FOR EXTENSION OF EX-PAKISTAN
LEAVE FOR 730 DAYS.

Respected Sir,

I have the honour to stated that my Ex- Pakistan leave for 730-days with out pay granted me vide Govt of NWFP Health Department notification No. SO (E) H-II / 1-5/2004/2005/ dated 28-06-2005 is going to be expired on 16-07-2007.

The Kingdom of Saudi Arabia has extended 2-yeears another contract in favour of me. It is requested the 730-days Ex-Pakistan leave may please be extended in order to enable me to full fill the afore said contract.



Dr. Khalid Zaman
Ex-Medical officer
DHQ Teaching Hospital
Abbottabad

Copy to

- Medical Superintendent DHQ Teaching Hospital Abbottabad.



GOVERNMENT OF KHYBER PAKHTUNKHWA.
HEALTH DEPARTMENT

Dated Peshawar, the 13th August, 2014

NOTIFICATION

No. SOE (H-II/10-25/2014): WHEREAS, disciplinary proceedings were initiated against the following doctors for their continuous willful absence from duty:

S. #	NAME OF DOCTOR/FATHER'S NAME/PLACE OF POSTING	DATE OF ABSENCE
1	Dr. Anjad Iqbal S/O Mohammad Iqbal Ex-Instructor (BPS-17) PIMT, Swat	01.03.2011
2	Dr. Asghar Ali Shah S/O Ghulam Ali Shah Ex-MO (BPS-17) HMC Peshawar	01.01.2013
3	Dr. Atique-Ur-Rehman S/O Fazal-ur-Rehman Ex-MO (BPS-17) BHU Miahiti Mela Orakzai Agency (FATA)	10.02.2010
4	Dr. Azhar Zahir Shah S/O Muhammad Zahir Shah Ex-JR (BPS-17) KTH Peshawar	01.11.2010
5	Dr. Aziz-ur-Rehman S/O Muhammad Azim Ex-Demonstrator (BPS-17) SMC Swat	00.01.2011
6	Dr. Danish Manzoor D/O Ghulam Sarwar Ex-WMO (BPS-17) BHU Shewa District Swabi	05.12.2010
7	Dr. Ejaz Ahmad S/O Muhammad Iqbal MO (BPS-17) Health Department	19.05.2013
8	Dr. Farhana Nawaz D/O Muhammad Nawaz Khan Ex-WMO (BPS-17) DHQH Karak	21.02.2013
9	Dr. Fawad Irshad S/O Muhammad Saleem Khan Ex-MO (BPS-17) DHQH Haripur	04.11.2008
10	Dr. Fayyaz Shah S/O Syed Sanowar Shah Ex-MO (BPS-17) BHU Salam Khand District Haripur	15.06.2009
11	Dr. Fazal Rahim S/O Shah Bali Jan Ex-MO (BPS-17) CH Kabal District Swat	08.10.2012
12	Dr. Ghulam Muhammad S/O Jan Muhammad Ex-Junior Registrar (BPS-17) KTH Peshawar	05.01.2011
13	Dr. Hamida Begum D/O Shereen Wali Ex-WMO (BPS-17) IKD Hayatabad Peshawar	00.00.2010
14	Dr. Hina Ejaz D/O Mohammad Ejaz Hussain Ex-WMO (BPS-17) attached to DHO Abbottabad	01.01.2008
15	Dr. Hussan Zeb Khan S/O Sar Buland Khan Ex-TMO (BPS-17) PGMI Peshawar	01.01.2005
16	Dr. Imtiaz Khan Afridi S/O Raza Khan Ex-MO (BPS-17) Govt. LRH Peshawar	01.06.2010
17	Dr. Irfan Shaikat S/O Shaikat Hayat Khan MO (BPS-17) Health Department	24.09.2010
18	Dr. Javed Iqbal S/O Noor Muhammad Ex-MO (BPS-17) CH Doosali N.W Miranshah	00.12.2010
19	Dr. Kalsoom Bakhtiar D/O Fazle Subhani Ex-WMO (BPS-17) DHQH Timergara	20.09.2004
20	Dr. Khalid Mehmood Khan S/O Misal Khan Bethni Ex-MO (BPS-17) BHU Dengi District Haripur	31.08.2010
21	Dr. Khalid Zaman S/O Sakhi Jan Ex-MO (BPS-17) DHQH Abbottabad	16.07.2007
22	Dr. Liaqat Ali S/O Qudrat Ali MO (BPS-17) Health Department (Absented himself after submitting his arrival report)	14.04.2011
23	Dr. Loreena Gul D/O Akhtar Gul Ex-WMO (BPS-17) LRH Peshawar	15.02.2013
24	Dr. Mansoor Ahmad Qureshi S/O Mehfooz Ahmad Qureshi Ex-MO (BPS-17) attached to DHO Nowshera	05.08.2013
25	Dr. Mehboob Raziq Khan S/O Shams-ur-Raziq Khan Ex-MO (BPS-17) BHU Kair Dara, Upper Dir	23.02.2005
26	Dr. Muhammad Aftab S/O Syed Qamar Shah Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Swabi)	17.09.2009

-11-

27.	Dr. Muhammad Ajmal Khan S/O Anwar ul Islam Ex-Lecturer (BPS-17) SMC Swat	01.10.2011
28.	Dr. Muhammad Fahim S/O Muhammad Qasim Ex-MO (BPS-17) CH Shakar Dare District Kohat	12.03.2008
29.	Dr. Muhammad Ijaz S/O Shuja Khan Ex-MO (B-17) Attached to DHO Charsadda	00.09.2011
30.	Dr. Muhammad Jali S/O Muhammad Khalil Ex-MO (BPS-17) BHU Kadda Orakzai Agency	07.07.2010
31.	Dr. Muhammad Nasir Khan S/O Muhammad Nazir Khan Ex- MO (BPS-17) HMC Peshawar	20.10.2005
32.	Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid Ex-TMO (BPS-17) PGMI Peshawar	00.12.2012
33.	Dr. Muhammad Saeed S/O Muhammad Akram Ex-MO (BPS-17) BHU Qasim District Mardan	30.11.2010
34.	Dr. Muhammad Zia Khattak S/O Azmat Khan Ex-MO (BPS-17) KTH Peshawar	01.04.2013
35.	Dr. Naeem Khan S/O Sikandar Ali Khan Ex-MO (BPS-17) Under transfer to DHQ Hospital Bannu	29.07.2002
36.	Dr. Nigar Akhtar D/O Akhtar Nowaz Khan Ex-WMO (BPS-17) Type C Hospital Takhti Nasrati District Karak	03.10.2012
37.	Dr. Rafiullah S/O Sad-ud-Din Khan Ex-TMO (BPS-17) PGMI HMC Peshawar	20.07.2010
38.	Dr. Sajjad Hussain S/O Hussain Ali Bangash Ex-MO (BPS-17) Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar	06.08.2011
39.	Dr. Sakhawat Khan S/O Gulber Khan Ex-MO (BPS-17) DHQH Battagram	17.01.2011
40.	Dr. Samina D/O Jan Muhammad Ex-WMO (BPS-17) KTH Peshawar	01.07.2013
41.	Dr. Satwat Qadir D/O Abdul Qadir Khan Ex-WMO (B-17) Maternity Hospital Peshawar.	00.08.2007
42.	Dr. Shumaila Hadi D/O Abdul Hadi Ex-TMO (B-17) PGMI Peshawar under transfer to at the disposal of DHO Swabi	05.03.2008
43.	Dr. Syed Abdullah Shah S/O Syed Ghafoor Shah Ex-TMO (BPS- 17) PGMI LRH Peshawar	05.11.2010
44.	Dr. Syed Muhammad Shahab S/O Syed Muhammad Ayaz Ex- TMO (BPS-17) PGMI Peshawar	00.07.2003
45.	Dr. Tauqir Ahmad S/O Muhammad Haroon Ex-TMO PGMI Peshawar (Under transfer to DHQH Battagram)	19.03.2009
46.	Dr. Umar Zia Khan Mahsud S/O Umar Farooq Khan Mahsud Ex- TMO (BPS-17) PGMI LRH Peshawar	00.05.2011
47.	Dr. Wajid Akram Shah S/O Syed Fazle Akram Ex-MO (BPS-17) BHU Babi Khel Mohmand Agency	00.00.2006
48.	Dr. Wasia Azhar D/O Muhammad Shakeeb Ex-WMO (BPS-17) KTH Peshawar	01.11.2010
49.	Dr. Zahid Khan S/O Mohammad Nawaz Khan Ex- MO (Anesthesia) (BPS-17) KTH Peshawar	01.09.2005
50.	Dr. Zia-ur-Rahman S/O Habib-ur-Rahman Ex-MO (BPS-17) Govt. LRH Peshawar	13.10.2012
51.	Dr. Amjad Hussain S/O Said Lal Khan Ex-TMO (BPS-17) PGMI LRH Peshawar	00.06.2011
52.	Dr. Athar Mahmood Ahmad Khan Safi S/O Shams-o-Qamar Safi Ex-MO (BPS-17) KTH Peshawar	14.08.2011
53.	Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan Ex-WMO (BPS-17) CH Khanispor District Abbottabad	28.11.2011
54.	Dr. Rashid Hameed S/O Fazli Hameed Ex-MO (B-17) BHU Regi District Peshawar	01.07.2009
55.	Dr. Saeed Anwar S/O Sher Afzal Khan MO (BPS-17) Health Department	26.02.2012
56.	Dr. Shahid Abdullah S/O Abdullah Khan Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Karak)	22.02.2011
57.	Dr. Emma Mumtaz D/O Mumtaz Mehdi Ex-WMO (BPS-17) Forensic Medicine Department KMC Peshawar	25.05.2012

AND WHEREAS, absence notices were served upon them at their home addresses and also through press with the direction to resume duty within stipulated period. AND WHEREAS, they failed to resume duty in the stipulated period given in the notices.

NOW THEREFORE, in exercise of power conferred under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Disciplinary) Rules 2011, Competent Authority is pleased to impose the major penalty of **(REMOVAL FROM DUTY)** upon the above mentioned doctors with immediate effect. The period from the date of absence till the date of imposition of penalty in respect of the above, shall be treated as unauthorized absence from duty without pay.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA.

OFFICE OF THE DIRECTOR GENERAL HEALTH SERVICE KPK PESHAWAR

No. 15527-699/E-1

Dated the Pesh: 25/8 /2014

Copy forwarded to the:-

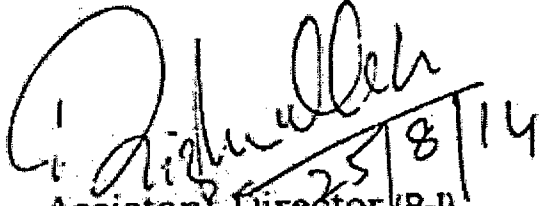
- 1. Accountant General Khyber Pakhtunkhwa Peshawar.
- 2. Deans PGMJ Peshawar.
- 3. Director Health Services FATA.
- 4. Director PHSA Peshawar.
- 5. To 11. All Chief Executives in Khyber Pakhtunkhwa.
- 12 To 14. MS Govt: LRH/KTH/HMC, Peshawar.
- 15 To 39. All District Health Officers in Khyber Pakhtunkhwa.
- 40 To 69. All Medical Superintendents of DHQ Teaching Hospitals in Khyber Pakhtunkhwa.
- 70 To 76. All Principals of Medical Colleges in Khyber Pakhtunkhwa.
- 77. Principal KMC Peshawar for information with the request to make arrangement for recovery from Dr. Emma Mumtaz WMO.
- 78. Vice Principal PIMT Swat.
- 79. I/C Govt: Maternity Hospital Peshawar.
- 80. To 111. All DAOs/AOs in Khyber Pakhtunkhwa.
- 112. Assistant Director Account DGHS KPK Peshawar.
- 113. DHIS DGHS Office.
- 114. AE-I, AE-II & AE-IV DGHS Office Peshawar.
For information & necessary action.

REGISTERED

- 115. Dr. Amjad Iqbal s/o Muhammad Iqbal Akakhel Village & PO Barikoi District Swat.
- 116. Dr. Asghar Ali Shah s/o Ghulam Ali Shah Village & PO Pushti Khara Payan Tehsail & District Peshawar.
- 117. Dr. Atqi-ur-Rehman s/o Fazal-ur-Rehman C/O Younis Property Deale Muzzafar Abad Canal Road Adjacent Danisabad University Town Peshawar.
- 118. Dr. Azhar Zahir Shah s/o Muhammad Zahir Shah C/O Zahir Shah House No P-4, University Campus Peshawar University.
- 119. Dr. Aziz-ur-Rehman s/o Muhammad Azim Village Punjigram Tehsil Baboc District Swat.
- 120. Dr. Danish Manzoor D/O Ghulam Sarwar C/O, Dr. Manzoor Ali Village & Tur Landi Tehsil & District Swabi.
- 121. Dr. Ejaz Ahmad s/o Muhammad Iqbal near Masjid Sarban Village PO La District Kohat.
- 122. Dr. Farhana Nawaz D/O Muhammad Nawaz Khan Village Algadi Kar PO Tehsil & District Karak.
- 123. Dr. Fawad Irshad s/o Muhammad Saleem Khan Village Sikandarj Masjid Talab Tehsil & District Haripur.
- 124. Dr. Fayyaz Shah s/o Syed Sanowar Shah Village Main Dehol Tel Ghazi District Haripur.

152. DR. Sajjad Hussain s/o Hussain Ali Village & PO Lodhi Khel Tehsil & District Hangu.
153. Dr. Sakhawat Khan s/o Gulbar Khan Kandai Marozai Village & PO Deh Bahadar Peshawar.
154. DR. Samina D/O Jan Muhammad Afzal Abad House No. 36 Old Bara Road University Town Peshawar.
155. Dr. Satwat Qadir D/O Abdul Qadir Khan Flat 1-A, Army Housing Defence Colony Behind Gora Qabristan Peshawar Cantt Peshawar.
156. Dr. Shumila Hadi D/O Abdul Hadi Rahman Village Darmangi Warsak Road PO Terahi Payan Tehsil & District Peshawar.
157. Dr. Syed Abdullah Shah s/o Syed Ghafoor Khan Sadat Street Gul Bagh Hoti Mardan.
158. DR. Syed Muhammad Shahab s/o Muhammad Aynz Village and PO Dagi Tehsil & District Mardan.
159. Dr. Tauqir Ahmad s/o Muhammad Haroon Village Pathcel PO Sherwan Tehsil & District Abbottabad.
160. DR. Umar Zia Khan Mahsud s/o Umar Farooq Khan Mahsud Village Ahmad Wam, Tehsil Sararogha SW Agency.
161. Dr. Wajid Akram Shah s/o Syed Fazle Akram Aasim House, Near Kausoor Masjid Canal Town Peshawar University.
162. Dr. Wasia Azhar D/O Mohammad Shakeeb Al-Zahir House No. 137, Street No. 10, H-3, Phase-2, Hayatabad Peshawar.
163. Dr. Zahid Khan s/o Muhammad Nawaz Khan House No. SD-53, Defence Officer Colony Khyber Road Peshawar.
164. Dr. Zia ur Rehman s/o Habib ur Rehman Tehsil & District Peshawar Village & PO Badaber Mohallah Sheheed Ghari.
165. DR. Amjad Hussain s/o Said Lal Khan Village Bazgarah (Maira) Kajoori Tehsil Bara, Khyber Agency.
166. DR. Athar Mehmoed Khan Safi s/o Shamsu Qamar Safi House No. 3, Near Bara Bridgh Mohallah Qada Kheil Village Chamkani Peshawar.
167. Dr. Noor-ul-Ain Aisy D/O Muhammad Irshad Khan Prof. Arif Naseem House No. E/B-81, Street 5B, Canal Town Peshawar.
168. Dr. Rashid Hameed s/o Fazli Hameed House No. R-26, University Campus University of Peshawar. (Village & PO Kangra Tehsil & District Charsadda).
169. Dr. Saeed Anwar s/o Sher Afzal Khan House No. 1476/1341, Mohallah Chah Peepal Wala District Dikhan.
170. Dr. Shahid Abdullah s/o Abdullah Khan Khattak House No. 144, Street No. 07, Sector P-1, Phase-4, Hayatabad Peshawar.
171. Dr. Emma Mumtaz D/O Mumtaz Mehdi Model Colony Tehkal Payan Defence Town Street No. 1, Peshawar.

For information.


Assistant Director (P-I)
DIRECTORATE GENERAL HEALTH
Services Khyber Pakhtunkhwa

Cc:-

Secretary to Govt of Khyber Pakhtunkhwa Health Department for information.

125. Dr. Fazal Rahim s/o Shah Bali Jan Village Kala Kalay Tehsil Kabal District Swat.
126. Dr. Ghulam Muhammad s/o Jan Muhammad House No. 36-A Budhia Road Chungi No. 11, Mohallah Raja Abad Multan.
127. Dr. Hamida Begum D/O Shereen Wali House No. 3, Canal Road Suphaid Dehri Near Albadar Hospital University Town Peshawar.
128. Dr. Hina Ejaz D/O Muhammad Ijaz Hussain House No. 786-B, Narian Jaboon Colony Tube Well Colony Abbottabad.
129. Dr. Hussan Zeb s/o Sarbuland Khan C/O Shafat Khan O.G-III State Bank of Pakistan, Peshawar.
130. Dr. Imtiaz Khan Afridi s/o Raza Khan Afridi House No. 22, Bilal lane Sadiq Abad New Arbab Colony Tehkal Bala Peshawar.
131. Dr. Irfan Shaukat s/o Shaukat Hayat Khan Village Sangota Bhattai, PO Manglawar Tehsil & District Swat.
132. Dr. Javed Iqbal s/o Noor Muhammad Village Muski PO & Tehsil Mirali NW Agency.
133. Dr. Kalsoom Bakhtiar D/O Fazal-e-Sobhani Mohallah Mina Khel Tehsil & district Lakki Marwat.
134. Dr. Khalid Mehmood Khan Bhattani s/o Misal Khan Bhattani Gulshan Colony near Opp: School Fort Road DIKhan.
135. Dr. Khalid Zaman s/o Sakhi Jan Village & PO Miran Shah North Waziristan Agency. (C/O DHQ: Hospital Abbottabad.)
136. Dr. Liaqat Ali s/o Qudrat Ali Village Kalish Tehsil & District Manshra.
137. Dr. Loreena Gul D/O Akhtar Gul House No. 2478, Krishan Pura GT Road Peshawar.
138. Dr. Mansoor Ahmad Qureshi s/o Mahfuz Ahmad Qureshi House No. 11S, Gul Bahar No. 2, Peshawar.
139. Dr. Mehboob Raziq Khan s/o Shams-ur-Raziq Village & PO Khall Mohalla Zoormandi District Dir.
140. Dr. Muhammad Aftab s/o Syed Qamar Shah House No. 5, Block B ASC Housing Colony Nowshera Cantt.
141. Dr. Muhammad Ajmal Khan s/o Anwar ul Islam 05-Patti Centre Street Rahim Abad District Swat.
142. Dr. Muhammad Fahim Qasim s/o Muhammad Qasim House No. 172, Street No. 04, Sector J-2, Phase-II Hayatabad Peshawar.
143. Dr. Muhammad Ijaz s/o Shuja Khan Village Kuladand PO Tehsil & District Charsadda.
144. Dr. Muhammad Jalil s/o Muhammad Khalil Village Baber Mela PO & District Hangu.
145. Dr. Muhammad Nasir Khan s/o Muhammad Nazir Khan 94-E-1 Street No. 5, Phase-1, Hayatabad Peshawar.
146. Dr. Muhammad Saad Bin Zahid s/o Muhammad Zahid Village & PO Khunda Tehsil Lahore, District Swabi. (House No. 56, Street-5, Askari-Peshawar Cantt, Peshawar).
147. Dr. Muhammad Saeed s/o Muhammad Akram Village & PO Rashak District Nowshera.
148. Dr. Mohammad Zia Khattak s/o Azmat Khan Village & PO Dak Isma Khel Mohallah Zafar Khel Tehsil & District Nowshera.
149. Dr. Naeem Khan s/o Sikandar Ali Khan 41-A Circular Road Opp: U University Town Peshawar.
150. Dr. Nigar Akhtar D/O Akhtar Nawaz Khan House No. 187, Street No. 09, F Phase-VI, Hayatabad Peshawar.
151. DR. Rafi Ullah s/o Sad-ud-Din Khan Village & PO Tarkha District & Tel Nowshera.

-14- "F" #

Dairy No. 21396

Date. 14.12.21

Health Department

**BEFORE THE HONORABLE SECRETARY HEALTH, KHYBER
PAKHTUNKHWA PESHAWAR.**

**Subject:- Appeal against the Notification dated 13-08-2014 to
the extent of the appellant whereby the appellant has been
removed/terminated from service from the date of absence.**

Respectfully Submitted:-

1. That the appellant along with others was appointed as Medical Officer (BPS-17) on one year contract vide Notification dated 29-01-2002 and later on, upon the recommendations of Khyber Pakhtunkhwa Public Service Commission was appointed along with others as Medical officer (BPS-17) on regular basis and since appointment performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That in the year 2005 the appellant while lastly posted as Medical Officer at District Headquarters Hospital Abbottabad, he made request vide written application for the grant of No Objection Certificate for proceeding abroad and also requested for the grant of 730 days Ex Pakistan Leave which was duly processed and finally NOC was granted by the department and 730 days Ex Pakistan Leave was also sanctioned in favor of the appellant vide Notification dated 28-06-2005, and accordingly the appellant proceeded abroad.
3. That about one months before the expiry of mentioned Leave, the appellant requested for extension of Ex Pakistan Leave for 730 days who was assured that sanction would be granted in favor, so the appellant continued his job abroad.
4. That finally the appellant along with others was removed/terminated from service vide Notification dated 13-08-2014 which was not communicated to the appellant however the appellant obtained copy of the Impugned Notification dated 13-08-20214 on 24-11-2021.
5. That the impugned Notification dated 13-08-2014 to the extent of the appellant is illegal, unlawful, without lawful authority, on grounds inter-alia as follows:

GROUND:

- A. That the Impugned Notification to the extent of the appellant is illegal and void ab-initio being passed in utter violation of law and rules on the subject.
- B. That mandatory provisions of law and rules have badly been violated and the appellant has not been treated according to law and rules as required under Article 4 and


-15-

25 of the Constitution and the appellant did nothing that amounts to misconduct.

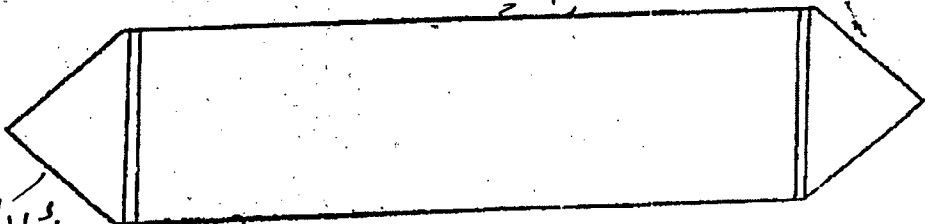
- C. That Ex-parte action has been taken against the appellant and he has been condemned unheard in violation of Article 10/A of the constitution and law of the land.
- D. That no notice was sent on the home address of the appellant nor were the requirements of Rule 9-A of E & D Rules 2011 were fulfilled, hence the impugned Notification is liable to be set at naught on this score alone.
- E. That even otherwise the impugned order is void as the law under which action has been taken is not applicable in case of the appellant.
- F. That no charge sheet and show Cause Notice was issued to the appellant nor was any inquiry conducted in the matter.
- G. That the appellant had proceeded abroad with the permission of the respondents, hence too the impugned notification is not tenable in the eyes of law.
- H. That the appellant has been discriminated, as others removed/terminated vide the same Notification have been reinstated by the department as well as by the honorable Service Tribunal Khyber Pakhtunkhwa, hence too the appellant deserves the same treatment and should not be discriminated as enshrined in Article 25 of the Constitution and law of the land.
- I. That the appellant has long years of service with unblemished service record and is jobless since his illegal from service.

It is therefore prayed that on acceptance of this appeal, the impugned Notification dated 13-08-2014 to the extent of the appellant may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Dated:-09-12-2021


Dr Khalid Zaman
Ex Medical Officer (BPS-17) District
Headquarters Hospital Abbottabad
S/O Sakhi Jan R/O Village & Post Office
Office Miranshah (North Waziristan).

بعد الت عالیہ ور



ڈاکٹر خالد عثمان
2022ء جناب ڈاکٹر خالد عثمان
ڈاکٹر رضوان بنام بوگنٹا وٹری

موزیہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ منظر الا وکل کے
آن مقام لسنور کیلئے منصف شاہ احمد ASC + راجہ منظر الا وکل
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریرات و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی براندگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جادہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
مذکور کریں۔ لہذا اوقات نامہ لکھد یا کہ سند ہے۔

Dr. Khalid Usman
Khalid Usman

الرقوم 01
ماہ 2022

واہ العیہ

بمقام لسنور کے لئے منظور ہے۔

Attested & Accepted
[Signature]

Accepted
[Signature]

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
 JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. S.B

No.

Appeal No. 613 of 20 22By: Khalid Zaman Appellant/Petitioner

Versus

Govt. of KPK Chief Secy: Peshawar RespondentRespondent No. 3

Notice to: —

Director General Health Services
KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice for ReplyCopy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 3thDay of June 20 22

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

BEZHANVAR
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
BEZHANVAR

Date of June 30 25

Cases under my hand and the seal of this Court at Bezhavar, this 30th

office notice No. dated

Copy of appeal is returned. Copy of appeal and process been sent to you vide this

notice besides to the address of registered boss will be received and process to the address of
address given in the appeal petition will be returned to you. correct address and further
address. If you wish to furnish such address your address contained in this notice and the
given to you by registered boss, you should inform the Registrar of my court, in your
notice of any variation in the date fixed for hearing of this appeal petition will be

Handwritten note: *Handwritten note for subject*

appeal petition will be heard and decided in your presence
absence of you, substance on the date fixed and in the manner aforementioned, the
alongwith any other documents upon which you rely. Please also take notice that in
this Court at least seven days before the date of hearing 4 copies of written statement
advocate, duly supported by you, power of attorney, you are, therefore, required to file in
the case may be postponed either in person or by authorized representative or by any
appeal petition. you are at liberty to do so on the date fixed, or any other day to which
you at 8:00 A.M. If you wish to urge anything against the
regularly informed that the said appeal petition is fixed for hearing before the Tribunal
the above case by the petitioner in this Court and notice has been ordered to issue. You are
Province Service Tribunal Act, 1974 has been presented/registered for consideration in

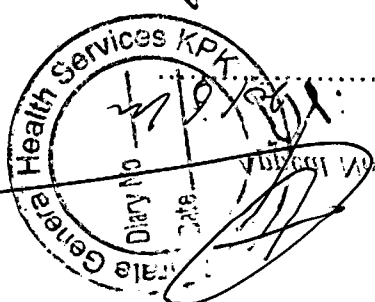
WHETHER an appeal petition under the provision of the Khyber Pakhtunkhwa

Handwritten: *15th June 2025*

Notice to: — *Director General Health Services*

Respondent No. 3

Handwritten: *Director General Health Services*



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BEZHANVAR
JUDICIAL COMPLEX (OGD), KHYBER BOYD
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, BEZHANVAR

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD S.B
PESHAWAR.

No.

613
Appeal No. of 20 22

Dr: Khalid Zaman Appellant/Petitioner

Govt. of KPK ^{Versus} Chief Secy. Peshawar Respondent

Respondent No. 1

Notice to: —

Govt. of KPK through Chief Secretary
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....15/1/22.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Pre-Admission Notice for Reply

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....June 20 22

SECRETARY
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR
27-6-22

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

