

31.08.2022

Petitioner in person 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 on 07.10.2022 before S.B.



(Mian Muhammad)
Member (E)

27.05.2022

Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 28.06.2022 before S.B.



(Mian Muhammad)
Member (E)

28.06.2022

Learned counsel for the appellant present. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for written reply/comments on 11.08.2022 before S.B.

Rs-400/-
Appellant Deposited
Security & Process Fee

A. J. S. / H. R.



(Fareeha Paul)
Member (E)

11.08.2022

Appellant present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents.

Written reply on behalf of respondents not submitted. Learned AAG sought time for submission of written reply. Adjourned. To come up for written reply/comments on 31.08.2022 before S.B.





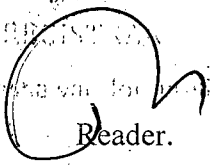
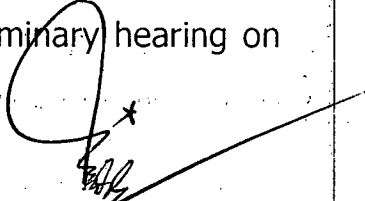
(Fareeha Paul)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/01/2022	<p>The appeal of Mr. Muhammad Ismail presented today by Mr. Javed Iqbal Gulbela 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;"> REGISTRAR</p>
2-	21.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>21/02/22</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 18.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader.</p>
	18.05.2022	<p>Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 27.05.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR
CHECK LIST**

Case Title: M. Ismail vs Dog Health and other

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Javed Iqbal Guibala</u>	✓	
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/ clear?	✓	
13	Whether copy of appeal is delivered to AG/ DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:- Javed Iqbal Guibala
Signature: - _____
Dated: - _____

Guibala

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A. 11 /2021

Muhammad Ismail

VERSUS

D.G Health, Khyber Pakhtunkhwa & Others

INDEX

S#	Description of Documents	Annex	Pages
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5.	Copy of Appointment Order	"A"	7
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8.	Copy of Appointment as Junior Clerk	"D"	16
9.	Copy of Impugned Office order No: 8831/DHO/Khy dated: 16/06/2021	"E"	17
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12.	Other Documents	"H & I"	23-25
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Dated: 03/01/2022

Appellant

Through

Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

In S.A _____/2022

Muhammad Ismail, Ex Junior Clerk (BPS-11), D.H.O Khyber at
Jamrud, Khyber.

-----Appellant

VERSUS

1. Director General Health Services, Khyber Pakhtunkhwa, at
Civil Secretariat, Peshawar.
2. District Health Officer, Khyber at Jamrud Khyber.

-----Respondents

Appeal U/s 4 of the Khyber Pakhtunkhwa
Service Tribunal Act 1974, against the
Impugned Office Order No: 8831/DHO/KHY
Dated: 16/06/2021 of the Respondent
No.2, Whereby The Alleged Resignation Of
The Appellant Has Allegedly Been Accepted
& The Appellant's Service Was Terminated
& Appeal Against The Same Remained
Undecided, Inspite Of Lapse Of Statutory
Period.

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of
Islamic Republic of Pakistan and hails from a respectable
family of District Khyber.
2. That after going through the mandatorily required criteria laid
for selection & recruitment, the Appellant was appointed as
Behishti (BPS-01) vide the Office Order No: 9856-59/AS/KHY
dated 02/10/2017 of the then Agency Surgeon Khyber. (Copy

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of Appointment Order is annexed herewith as Annexure "A")

3. That soon after the appointment, the Appellant was duly issued Service Book. (Copy of Service Book is annexed as Annexure "B").
4. That after assuming duties, the Appellant started performing his duties regularly & punctually & was accordingly sanctioned, issued & extended salaries. (Copy of Pay Slips are annexed as Annexure "C").
5. That thereafter the Appellant was appointed as Junior Clerk (BPS-11) vide Office Order No: 5388-91/DHO/Khyber, dated: 25/08/2020. (Copy of Appointment as Junior Clerk is annexed as Annexure "D")
6. That the Appellant receive salaries till June 2021 whereafter, the same was stopped. The Appellant attended the Respondent No.2 office repeatedly for releasing of his salaries, thereafter, but at the end, the Appellant was informed that the Appellant has allegedly rendered resignation, which has allegedly been accepted vide Office Order No: 8831/DHO/Khy dated: 16/06/2021. (Copy of Impugned Office order No: 8831/DHO/Khy dated: 16/06/2021 is annexed as Annexure "E")
7. That interestingly the service of the Appellant as Junior Clerk is terminated while that of Behishti is restored, which is not appealable to any prudent mind that from upper post one is unhappy and resigned, while is keeping the lower post happy?
8. That the Appellant preferred a Departmental Appeal; but inspite of lapse of statutory period, nothing came up. (Copies of Departmental Appeal & Record are annexed as Annexure "F")

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9. That feeling aggrieved the Appellant preferred the instant appeal for setting aside the impugned office order No: 8820-24/DHO/Khy dated 16/06/2021 upon the following grounds, inter-alia:-

Grounds:

- A. That the impugned order whereby the alleged resignation of the Appellant has allegedly been accepted is wrong, illegal, void ab-initio, and is liable to be set aside.
- B. That the Appellant has never ever tendered any resignation from service.
- C. That even the inquiry held and conducted firmly established the fact that there is no resignation, whatsoever available in the office of Respondent No.2 or the record of the Appellant. (Copy of Inquiry Report is annexed as Annexure "G").
- D. That even there is no entry of any kind with respect to any resignation in the service book of the Appellant which is sufficient to refute the stance of the Respondent No.2.
- E. That the Appellant is an extremely poor person and can never think of giving any resignation from Government service and that too after few months, of recruitment.
- F. That from every angle, the impugned Office Order No: 8831/DHO/Khy dated 16/06/2021 of Respondent No.2 is wrong, illegal, unlawful and is liable to be set-aside and the Appellant is entitled for the reinstatement into service with all back benefits.
- G. That even the impugned order is also not appealable to any prudent that one would resign from higher post and will happily continue with lower one?.
- H. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

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It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned Office Order No: 8831/DHO/Khy dated: 16/06/2021 of the Office of Respondent No.2 may very graciously be set aside and by doing so the Appellant may very graciously reinstatement into service with all back benefits as Junior Clerk (BPS-11).

Any other relief not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case.

Dated:03-01-2022



Appellant

Through

Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

Matiullah Khan Marwat
&
Hamza Durrani
Advocates High Court
Peshawar.

NOTE:

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Muhammad Ismail

VERSUS

D.G Health, Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

APPELLANT

Muhammad Ismail, Ex Junior Clerk (BPS-11), D.H.O
Khyber at Jamrud, Khyber

ADDRESSES OF RESPONDENTS

1. Director General Health Services, Khyber Pakhtunkhwa,
at Civil Secretariat, Peshawar.
2. District Health Officer, Khyber.

Dated: 03-01-2022

Appellant

Through

Javed Iqbal Gulbela
Advocate Supreme Court of
Pakistan

6

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021


Muhammad Ismail

VERSUS

D.G Health, Khyber Pakhtunkhwa & Others

AFFIDAVIT


I, Muhammad Ismail S/o Bahadar Khan R/o Dhandiyan, Gharib Abad, P.O Badhaber, Mariam Zai, Tehsil & District Peshawar, do hereby solemnly affirm & declare on oath that all content of the instant Service Appeal, are true & correct to the best of my knowledge & belief and nothing has been concealed or misstated from this Hon'ble Tribunal.


DEPONENT
CNIC: 17301-2981971-9
Cell No: 0313-9916548

Identified BY


Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan




03-01-2022.



(7)
**OFFICE OF THE AGENT
KHYBER AT JAMRUD**

GEON

Am-A

OFFICE ORDER

Mr. Muhammad Ismail S/O Bahadar Kahn R/O Dindia Gharib Abad Dak Khan Bada Ber District Peshawar is hereby appointed as Behishti BPS-01 (9130-290-17830) on the Vacant Post of Behisti in following terms and conditions laid below:-

1. He is declared medically fit for this job.
2. His appointment is purely in temporary basis.
3. He shall be bound to serve in Khyber Agency as this is purely Agency Cadre post and is non transferrable out of Agency.
4. He shall not include in any trade, business and any other activity what so ever which has been declared prohibited for the Govt: Servants in Civil Servant Act: 1973.
5. If he wishes to resign the service a prior notice of 60 days will be submitted or pay of 60 days should be deposited in lieu of resignation in Govt: Treasury.
6. He will have to serve anywhere in Khyber Agency.
7. The offer shall be automatically held cancelled, if he fail to join the duty within 15 days of receipt of this order.

-sd-

Agency Surgeon
Khyber at Jamrud
Dated: 21/10/2017.

No. 9856-89 AS/Khy

Copy forwarded to the:-

1. Director Health Services FATA, Peshawar.
2. Political Agent Khyber Agency Khyber House cantonment Peshawar
3. Agency Account Office Khyber at Jamrud.
4. Official concerned.



Dep
Agency Surgeon
Khyber at Jamrud

This page should be renewed or re-attested at least every five years and the
of the date

7
Ane

9 and 10

Am-B
2

Name: Government Servant

Rank: ...

Address: Alhaji Road P.O. Kaduna State
Lehli and Dist. Kaduna

Father's name and residence:

Bahadur Khan As above

Date of birth by Christian era as
nearly as can be ascertained:

11-03-1996

Exact height by measurement:

5' 6"

Personal mark for identification:

NIL

Left hand thumb and Finger impression
of (Non-Gazetted) officer:

Little Finger

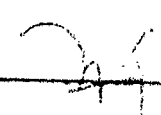
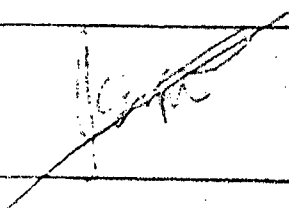
Ring Finger

Middle Finger

Fore Finger

Name

Signature of Government Servant



OFFICER

10	11	12	13		14	15
Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		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	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		
				TR-125 dt. 6/3/19		
				(1) From Account No. 5/146/ 2019 to 28/2/19 in the of two steps of promotion w.e.f. 2/12/19 to 28/2/19	Signature of Agency Accounts Officer Jamrud 6/9/19	
30-11-2019	Annual Increment Allowed			Service Verified upto 30-11-2019		
		District Health Officer Khyber at Jamrud		District Health Officer Khyber at Jamrud		
				Appointed as Junior Clerk BPK-II at the strength of District Health Officer Khyber vide office order No 5588-91 DHO/Khy Dated 25-08-2020		
				District Health Officer Khyber at Jamrud		

Dist. Govt. KP-Provincial
District Accounts Office khyber
Monthly Salary Statement (December-2020)

10



Personal Information of Mr MUHAMMAD ISMAIL d/w/s of BAHDAR KHAN

Reference Number: 51351197 CNIC: 1730129819719 NTN:
Date of Birth: 01/03/1996 Entry into Govt. Service: 02.10.2017 Length of Service: 03 Years 03 Months 00 Days

Employment Category: Active Temporary

Designation: JUNIOR CLERK 55925118-DISTRICT GOVERNMENT KHYBE

DDO Code: KH0006-DHO Health Khyber

Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A.C.No. Interest Applied: Yes GPF Balance: 25,300.00

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 11 Pay Stage: 2

Stage type	Amount	Wage type	Amount
1210 Basic Pay	14,330.00	1000 House Rent Allowance	1,853.00
1219 Convey Allowance 2095	2,856.00	1300 Medical Allowance	1,500.00
1523 Unattractive Area Allow	1,000.00	2211 Adhoc Relief All 2016 10%	1,051.00
2224 Adhoc Relief All 2017 10%	1,433.00	2247 Adhoc Relief All 2018 10%	1,433.00
2224 Adhoc Relief All 2019 10%	1,433.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
1301 GPF Subscription	-1,290.00	3501 Benevolent Fund	-600.00
1404 R. Benefits & Death Compr	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till DEC-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 26,889.00 Deductions: (Rs.): -2,490.00 Net Pay: (Rs.): 24,399.00

Payee Name: MUHAMMAD ISMAIL

Account Number: 9010647895100013

Bank Details: ALLIED BANK LIMITED, 250319 Kohat Rd. Peshawar Kohat Rd. Peshawar, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KHY AGENCY JAMRUD Domicile: - Housing Status: No Official

Temp. Address:

City: Email: ismailkhan669900@gmail.com

District Accounts Office khyber
Monthly Salary Statement (March-2021)

11



Personal Information of Mr MUHAMMAD ISMAIL d/w/s of BAHDAR KHAN

Personnel Number: 50361197

CNIC: 1730129819719

NTN:

Date of Birth: 01.03.1996

Entry into Govt. Service: 02.10.2017

Length of Service: 03 Years 06 Months 000 Days

Employment Category: Active Temporary

Designation: JUNIOR CLERK

80926118-DISTRICT GOVERNMENT KHYBE

DDO Code: KH6006-DHO Health Khyber

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

29,170.00

Vendor Number: 30456814 - MUHAMMAD ISMAIL S/O BAHDAR KHAN

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 11

Pay Stage: 2

Wage type		Amount	Wage type		Amount
000	Basic Pay	14,330.00	1000	House Rent Allowance	1,853.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1526	Unattractive Area Allow	1,000.00	2211	Adhoc Relief All 2016 10%	1,051.00
2224	Adhoc Relief All 2017 10%	1,433.00	2247	Adhoc Relief All 2018 10%	1,433.00
2264	Adhoc Relief A.I 2019 10%	1,433.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3011	GPF Subscription	-1,290.00	3501	Benevolent Fund	-1,200.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till MAR-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 26,889.00 Deductions: (Rs.): -3,090.00 Net Pay: (Rs.): 23,799.00

Payee Name: MUHAMMAD ISMAIL

Account Number: 0010047895100013

Bank Details: ALLIED BANK LIMITED, 250319 Kohat Rd. Peshawar Kohat Rd. Peshawar, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address.

City: KHY AGENCY JAMRUD

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: ismailkhan669900@gmail.com

Accounts Office khyber
 PAYROLL REGISTER
 For the month of May ,2021

Page : 1

Date : 31.05.2021

DDO : KH6006 DHO Health Khyber

Payroll Section : 001 Payroll 1

50361197 MUHAMMAD ISMAIL

CNIC: 1730129819719

Desig: JUNIOR CLERK

(80936032) Grade: 11 NTN:

Buckle No.:

Gazetted/Non-Gazetted: N

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALA
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198

0001 Basic Pay	14,330.00	3011 GPF Subscription	1,290.00-	GPF#:		31,750.00	
1000 House Rent Allowance	1,853.00	4200 Professional Tax	1,000.00-				
1210 Convey Allowance 20	2,856.00	3501 Benevolent Fund	1,200.00-				
1300 Medical Allowance	1,500.00	4004 R. Benefits & Death C	600.00-				
1528 Unattractive Area A	1,000.00						
2211 Adhoc Relief All 201	1,051.00						
2224 Adhoc Relief All 201	1,433.00						
2247 Adhoc Relief All 201	1,433.00						
2264 Adhoc Relief All 201	1,433.00						

PAYMENTS	26,889.00	DEDUCTIONS	4,090.00-	NET PAY	22,799.00	01.05.2021	31.05.20
Branch Code:250319	Kohat Rd. Peshawar	ALLIED BANK LIMITED		Kohat Rd. Peshawar	Peshawar		Accnt.No:
0010047895100013							

Dist. Govt. KP-Provincial
District Accounts Office khyber
Monthly Salary Statement (September-2020)

13



Personal Information of Mr MUHAMMAD ISMAIL d/w/s of BAHDAR KHAN

Account Number: 50301147
Date of Birth: 01.03.1996

CNIC: 1730129819719
Entry into Govt. Service: 02.10.2017

NTN:
Length of Service: 03 Years 00 Months 00 Days

Employment Category: Active Temporary

Designation: BEHISHTI

80926118-DISTRICT GOVERNMENT KHYBE

Division Code: KH6006-DHO Health Khyber

Post Section: 001

GPF Section: 001

Cash Center:

Account No:

Interest Applied: Yes

GPF Balance:

21,430.00

Account Number: -

Grants and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 03

Pay Stage: 2

Wage type		Amount	Wage type		Amount
01	Basic Pay	10,390.00	1000	House Rent Allowance	1,413.00
02	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
03	Quadruplicate Area Allow	1,000.00	2211	Adhoc Relief All 2016 10%	804.00
04	Adhoc Relief All 2017 10%	1,039.00	2247	Adhoc Relief All 2018 10%	1,039.00
05	Adhoc Relief All 2019 10%	1,039.00			0.00

Deductions - General:

Wage type		Amount	Wage type		Amount
05	GPF Subscription	-770.00	3501	Benevolent Fund	-300.00
04	R Benefits & Death Comp:	-300.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till SEP-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 20,009.00 Deductions: (Rs.): -1,370.00 Net Pay: (Rs.): 18,639.00

Employee Name: MUHAMMAD ISMAIL

Account Number: 0010047895100013

Bank Details: ALLIED BANK LIMITED, 250319 Kohat Rd. Peshawar Kohat Rd. Peshawar, Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KHY AGENCY JAMRUD

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: ismailkhan669900@gmail.com

Accounts Office khyber
 PAYROLL REGISTER
 For the month of May ,2021

Page : 1
 Date : 31.05.2021

DDO : KH6006 DHO Health Khyber Payroll Section : 001 Payroll 1
 50361197 MUHAMMAD ISMAIL CNIC: 1730179819719 Desig: JUNIOR CLERK (80936032) Grade: 11 NTN: Buckle No.:

Gazetted/Non-Gazetted N

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
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51

0001 Basic Pay	14,330.00	3011 GPF Subscription	1,290.00-	GPF#:		31,750.00	
1000 House Rent Allowance	1,853.00	4200 Professional Tax	1,000.00-				
1210 Convey Allowance 20	2,855.00	3501 Benevolent Fund	1,200.00-				
1300 Medical Allowance	1,500.00	4004 R. Benefits & Death C	600.00-				
1528 Unattractive Area A	1,000.00						
2211 Adhoc Relief All 20	1,051.00						
2224 Adhoc Relief All 20	1,433.00						
2247 Adhoc Relief All 20	1,433.00						
2264 Adhoc Relief All 20	1,433.00						

PAYMENTS	26,889.00	DEDUCTIONS	1,090.00-	NET PAY	22,799.00	01.05.2021	31.05.20
Branch Code:250319	Kohat Rd. Peshawar	ALLIED BANK LIMITED		Kohat Rd. Peshawar	Peshawar		Acct No:
0010047895100013							

Dist. Govt. KP-Provincial
District Accounts Office khyber
Monthly Salary Statement (September-2020)

15



Information of: **MR. MUHAMMAD ISMAIL d/w/s of BAHDAR KHAN**

Account Number: 50301197
Date of Birth: 01.03.1990

CNIC: 1730129819719
Entry into Govt. Service: 02.10.2017

NTN:
Length of Service: 03 Years 06 Months 00 Days

Department: Health Khyber
Division: BEHSHTI

80926118-DISTRICT GOVERNMENT KHYBE

Code: KH6006-DHO Health Khyber

Section: 001

GPF Section: 001

Cash Center:

Post No:

Interest Applied: Yes

CPF Balance:

21,430.00

Post Number: -

Grants and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 03

Pay Stage: 2

Wage type	Amount	Wage type	Amount
1. Convey Allowance 2005	10,390.00	1000 House Rent Allowance	1,413.00
2. Charismatic Area Allow	1,785.00	1300 Medical Allowance	1,500.00
3. Adhoc Relief All 2017 10%	1,000.00	2211 Adhoc Relief All 2016 10%	904.00
4. Adhoc Relief All 2018 10%	1,039.00	2247 Adhoc Relief All 2018 10%	1,039.00

Deductions - General

Wage type	Amount	Wage type	Amount
1. GPF Subscription	-770.00	3501 Benevolent Fund	2.00
2. K. Benefits & Death Comp:	-500.00		

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till SEP-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 20,009.00 Deductions: (Rs.): -1,370.00 Net Pay: (Rs.): 18,639.00

Employee Name: MUHAMMAD ISMAIL
Account Number: 0013047895100013
Bank Details: ALLIED BANK LIMITED, 250319 Kohat Rd. Peshawar Kohat Rd. Peshawar, Peshawar

Investment: Monthly Salary: Amount: Earned: Balance:

Permanent Address:

HEALTH AGENCY JAMKUD

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: ismailkhan669900@gmail.com

OFFICE OF THE DISTRICT HEALTH
KHYBER AT JAMRUD

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OFFICE ORDER

As recommended by the Selection Committee Mr. Muhammad Ismail S/O Bahdar Khan is hereby appointed as Junior Clerk BPS-11 (12570-880-38970) against the vacant post of Junior Clerk at the strength of District Health Officer Khyber on the following terms and conditions

1. He is declared medically fit for this job.
2. He shall be bound to serve for at least 5 years in Khyber District.
3. He shall not indulge in any trade, business and any other activity what so ever which has been declared prohibited for the Government Servants in Civil Servant Act 1973.
4. He shall be entitled for all those allowances which were admissible under the rules.
5. If he wishes to resign the services a prior notice of 30 days will be submitted or pay of 30 days should be deposited in lieu of resignation in Govt.
6. The offer shall be automatically held cancelled if he fails to join the duty within 15 days of the receipt of this offer.
7. If he accepts the above terms and conditions, he is directed to report for duty.

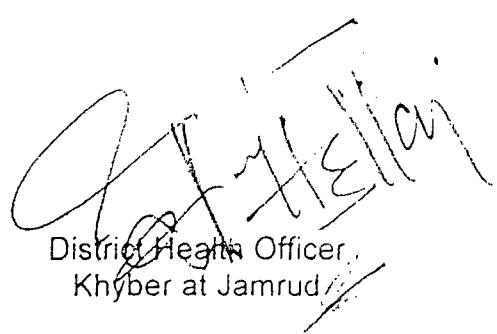
--Sd--
District Health Officer
Khyber at Jamrud

No. S382-91 /DHO-Khyber

Dated: 25/8 /2020.

Copy forwarded to the:-

1. Director Health Services Merged Areas Peshawar.
2. Deputy Commissioner Khyber
3. District Accounts officer Khyber.
4. Official Concerned.


District Health Officer,
Khyber at Jamrud

Annex-I

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OFFICE OF THE DISTRICT HEALTH OFFICER
KHYBER AT JAMRUD

No. 8831

DHO/Khy

Dated 16/6/2021

To

The District Accounts Officer
Khyber at Jamrud.

Subject: RESTART THE PAY OF BEHSHTI POST IN RESPECT OF MR. MUHAMMAD ISMAIL.

It is submitted for your information that the Resignation of Mr. Muhammad Ismail from the post of junior clerk has been accepted with effect from 31.05.2021 which is attached herewith for ready reference.

In this regard the source II form one for the stoppage of pay of Junior clerk post and 2nd for restarting the pay of his original post of Behshti from 1.06.2021 are attached herewith for favour of further necessary action please.

District Health Officer
Khyber at Jamrud.

District Health Officer
Khyber at Jamrud.

No. _____ / DHO-Khy

Copy forwarded to the:

01. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
02. Deputy commissioner District Khyber.

District Health Officer
Khyber at Jamrud.

13 Pen
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28727
13-08-21

The Director General Health Services
Khyber Pakhtunkhwa Peshawar.

Subject: APPEAL FOR CANCELLATION OF LETTER BEARING SUBJECT"
RESTART THE PAY OF BEHISHTI POST

Respected Sir,

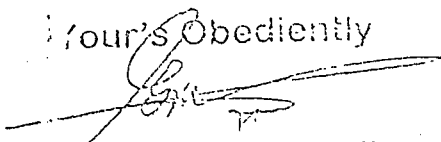
Reference letter No. 8831/DHO/Khy dated 10.06.2021 on the subject noted above quoted subject and to submit my appeal as under.

I was appointed as Behishti (BPS-03) under the strength of DHO Khyber on 02.10.2017 and subsequent appointed as Junior Clerk (BPS-11) vide office order No. 5388-91/DHO/Khyber dated 25.03.2020.

I was not aware all this activity viz a viz all other correspondences / order initiated in this matter. It came to my knowledge when my monthly salary for the month of June 2021 was not credited to my bank account. Sir, I very humbly submit that Neither I resigned from my post nor do I own any statement in this matter.

It is therefore requested that action my please be taken on the basis of fraudulent statement and cancel the above quoted Office Order.

Yours Obediently


Muhammad Ismail
Junior Clerk BPS-11
DHO Office Khyber.

Copy to:

1. PS to Governor Khyber Pakhtunkhwa.
2. PS to Minister Health Government of Khyber Pakhtunkhwa.

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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**

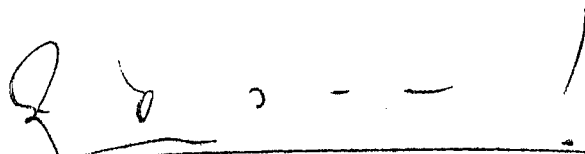
E-Mail Address: dghepeshawar@yahoo.com Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 5698 / Personnel Dated: 13/09/2021

The District Health Officer
Khyber.

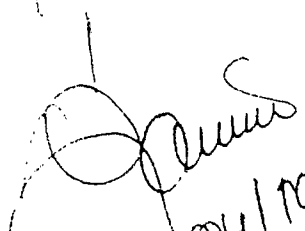
Subject: APPEAL FOR CANCELLATION OF LETTER BEARING SUBJECT
RESTART THE PAY OF BEHISHTI POST.

Memo:

Enclosed please find herewith a copy of an application submitted by Mr. Muhammad Ismail Junior Clerk which is self explanatory for further necessary action with the remarks to furnish your comments so as to proceed further.



DIRECTOR (ADMINISTRATION),
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.
07/09/2021

ESTD/Accounts

04/10/2021



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DISTRICT HEALTH OFFICE KHYBER
GOVERNMENT OF KHYBER PAKHTUNKHWA
Email: gskhyber@gmail.com, Phone/Fax: 091-5820301

No. 12030-32 /DHO/Khyber


Dated: 14 10 2021

The Director General
Health Services, Khyber Pakhtunkhwa

SUBJECT: APPEAL FOR CANCELLATION OF OFFICE ORDER

Dear Sir

Reference to Director (Administration) letter No: 5648/Personnel dated: 16-09-2021 on the subject cited above, enclosed please find herewith a fact finding inquiry report of the committee constituted by the undersigned vide Office Order No: 1583-36/DHO/Khyber dated: 24-09-2021 in respect of Mr. Ismail Khan, Junior Clerk, which is self-explanatory for further necessary action.


District Health Officer
District Khyber
14-10-2021

Copy forwarded for information to:

1. Deputy Commissioner, District Khyber.
2. PA to Director (Administration) Health Services, Khyber Pakhtunkhwa.

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SUBJECT FACT FINDING INQUIRY REPORT

The inquiry is conducted to probe into the matter of appeal submitted by Mr. Muhammad Ismail, Behishti, BPS-03, DHO Khyber Office regarding Cancellation of Office Order or his resignation from the post of junior clerk BPS-11.

BACKGROUND:

Mr. Muhammad Ismail, Behishti, BPS-03, DHO Khyber office submitted an appeal to DGHS for the cancellation of letter bearing subject Restart the pay of Behishti post (Copy attached at annex I-A). A letter from Director General Health Services, Khyber Pakhtunkhwa bearing no. 5648/personnel dated: 13/9/2021(Attached at annex I-B), was issued to the District Health Officer Khyber having subject "APPEAL FOR CANCELLATION OF LETTER BEARING SUBJECT RESTART THE PAY OF BEHISHTI POST" for necessary action Mr. Muhammad Ismail was reappointed as Junior Clerk and later on reverted to his previous post of Behishti by the then DHO copy attached at Annex-I. An inquiry committee was constituted to probe in to the matter and find the facts. The proceedings and findings are given as under.

PROCEEDINGS:

DHO Khyber office was requested to provide the following documents in respect of Mr. Muhammad Ismail, Behishti, in order to proceed further in the matter.

- 1- Original Appointment Order.
- 2- Salary Slips for the period mentioned above.
- 3- Original Service Book of the appellant.
- 4- Original Resignation of the appellant.
- 5- Original Office Order of resignation acceptance.

FACTS & FINDINGS:

The office clerk was directed vide letter No.11959-63/DHO/Khyber dated (8/10/2021) attached at Annex II), for provision of the above mentioned documents. The resignation letter of the appellant was not provided. According to the then office in-charge Mr. Mohammad Imran the copies of the resignation is not in his possession. Copy of his statement (attached at Annex- III)

According to statement of Mr. Muhammad Ismail, (attached at annexure VIII) he was appointed as Behshti BPS-03, vide office order No.9856-59/AS/khy dated 02/10/2017 attached at Annex- IV and he was reappointed as junior clerk BPS-11 vide office order bearing no. 5388-91/DHO/Khyber dated: 25-08-2020 attached at Annex-V. He further said that he was drawing his salary on the position of junior clerk smoothly. All of a sudden he got to know that his salary was stopped without any reason, communicated during the month of June, 2021. Feeling aggrieved upon he submitted an application to the District Health Office regarding release of his salary which has not yet been responded. instead his salary of previous position of Behshti started by immediate authority. In this connection grievances remained unaddressed, so he further submitted

appeal to Director General Health Services Khyber Pakhtunkhwa for consideration, as per the prevailing rules.

In light of the documents provided by the DHO Khyber Office and the documents provided by the appellant, the following facts were verified.

- Mr. Muhammad Ismail was appointed as Behshti, BPS-03 vide DHO Khyber Office Order No: 9856-59/AS/Khy dated: 02-10-2017, copy attached at Annex-IV. He was reappointed as Junior Clerk BPS-11 in the same office vide Office Order bearing No. 5388-91/DHO/Khyber dated 25/8/2020 attached at Annex- V.
- Mr. Muhammad Ismail, Personal Number: 50361197 drawn salary against the post of Junior Clerk as confirmed from the Salary Slips of DAO Khyber for the period August, 2020 till June, 2021, Salary slips attached at Annex-VI.
- Original Service Book in respect of Mr. Muhammad Ismail, Behshti, copy attached at Annex-VII, clearly confirms that entry of his appointment as Junior Clerk has been made in the service book. However entry of his resignation / termination has not been made in the service book.
- Original Resignation letter in respect of Mr. Muhammad Ismail, BPS-11 was not submitted by the office.
- Resignation of Mr. Muhammad Ismail, Junior clerk, BPS-11 was accepted by the DHO Khyber vide Office Order No: 8831/DHO/Khy dated: 16-06-2021, copy attached at Annex-I. Subsequently his salary as Junior Clerk was stopped by the DHO Khyber and the pay of his previous post as Behshti from 1/6/2021 was restarted vide the same Office Order.
- During the personal hearing, Mr. Muhammad Ismail, ex Junior Clerk BPS-11, he denied that he has given resignation from the post and has stated that during the preparation of Service Book he was asked for his thumb impression/signature on a blank paper as a pre requisite for starting his salary from Account Office. He has also stated that his thumb impression/signature was taken on a blank paper with mala fide intentions and he was kept in dark regarding his resignation and stoppage of pay. The written statement of the appellant is attached at Annex-VIII.

Dr. Khalid Saleem
Focal Person, IVMP, Khyber

Dr. Muhammad Usman
FSMO, Khyber

Dr. Shams Ur Rehman
Assistant District Health Officer, Khyber

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The Assistant
District Health Officer
District of Khyber

Subject: Provision of Record

please refer to your good letter
no. 2759.63/DHO/Khyber dated 8/10/2021, on the
subject noted above.

In this regard I have the honour to
state that both the employees were appointed
on 25/8/2020, copies are already attached.

The copies of their resignations, is not in
my possession.

The report is submitted for your kind
information please

Your Sincerely
12/10/2021
Mohammad Amin
C. o P. K. DHO

To



The Inquiry Officer
District Health Office Khyber

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Annex VIII
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Subject:- PERSONAL HEARING / STATEMENT.

R/Sir,

Reference your letter No. 11583-86/DHO/Khyber dated 24.09.2021 for personal appearance to the inquiry proceeding and to submit my statement. This is to bring in to your kind notice that :


1. I was appointed as Behishti BPS-01 vide Office Order Bearing No. 9856-59/AS/Khy Dated 02.10.2017.
2. I was upgraded as Junior Clerk BPS-11 vide Office order bearing No. 5388-91/DHO/Khyber, dated 25.08.2020.
3. I was drawing my salary on my latest position i.e Junior Clerk smoothly. All of a sudden I got to know that my monthly salary is stopped without any reason communicated to me during the month of June 2021.
4. Feeling aggrieved upon, I submitted an application to the District Health Office Khyber regarding release of my salary. Keeping me un-heard my salary of previous position of BEHISHTI was started by the immediate authority since June 2021, in lieu of a letter addressed to DAO Khyber, bearing No. 8831/DHO Khyber, dated 16.06.2021, stating wherein that: ***"It is submitted for your information that the resignation of Mr. Muhammad Ismail from the post of Junior Clerk has been accepted with effect from 31.05.2021 which is attached herewith for ready reference"***.
5. Sir, it is pertinent to mention here that, I have not submitted such like resignation but it is a fake document which has been produced fraudulently by someone having bad intentions and also who is not known to me and.

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in this connection when my salary was placed back in BPS-1, I submitted an application to DHO Khyber office to register my grievances & removal of misappropriation in salary from BPS-03 to BPS-11. But my grievances remained un heard again. So adopting the remedial steps as per the prevailing rules, I further submitted an appeal to the worthy Director General Health Services KP, for consideration.

The statement above is submitted for to your information please.

Yours Obediently


Muhammad Ismail
Ex-Junior Clerk
BPS-11

16/10/21