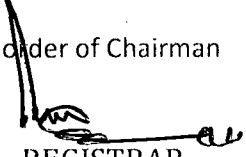


Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 1369/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/09/2022	<p>The appeal of Dr. Sabiha Moeen presented today by Mr. Saifullah Khalil Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellatant and his counsel for the date fixed.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

**BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK,**  
**PESHAWAR**

Appeal No. 1369 /2022

**Dr.Sabiha Moeen.....VERSUS.....Govt. of KPK & Others**

S.No	Description	Annexure	Pages
1.	Appeal		1 to 3
2.	Application		4
3.	Affidavit		5
3.	Addresses of parties		6
4.	Copy Appointment Letter	A	7, 8
5.	Copy of Maternity Leave	B	9
6.	Copy of Application & Performa	C & D	10 to 17
7.	Copy of Impugned Order	E	18
8.	Copy of Departmental Appeal & Post Office Receipts	F, G & H	19 to 23
9.	Wakalat Nama		24

**Dated: 16/09/2022**

  
**Appellant**

**Through**

**SAIFULLAH KHALIL (SR)**

**ZEESHAN KHALIL**

**ASGHAR ALI**

**Adv's, High Court Peshawar**

**BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK,  
PESHAWAR**

Appeal No. 1369 /2022

- Dr. Sabiha Moeen, Ex-Incharge Regional Health Service Center-A, District Nowshehra at present House No.221, Phase 1, Armour Colony No.1, Manki Road Nowshehra.

.....Appellant

**VERSUS**

1. Government of Khyber Pukhtunkhwa through Secretary ~~PWD~~ Peshawar.
2. Chief Secretary Government of Khyber Pukhtunkhwa, Peshawar.
3. Director General Government of Khyber Pukhtunkhwa Population Welfare Directorate, Peshawar.
4. Section Officer (Establishment) Population Welfare Department Khyber Pukhtunkhwa, Peshawar.

.....Respondents

**Appeal U/S 4 of the Khyber Pukhtunkhwa Services Tribunal Act 1974, against the Order No. SOE (PWD) 1-9/2009/PF/7920-26 dated: 21/04/2022 through which the appellant has illegally and unlawfully without conducting any inquiry etc has been removed from service by imposing major penalty under Rule-9 of the Khyber Pukhtunkhwa Servants (Efficiency & Discipline) Rules 2001 with immediate effect by treating the absence period as unauthorized absence from duty against which the appellant filed departmental appeal on which the respondents remain mum & did not reply the same till date.**

**PRAYERS:**

On acceptance of this appeal the Impugned Order No. SOE (PWD) 1-9/2009/PF/7920-26 dated: 21/04/2022 & any Order passed by the departmental authority on the departmental appeal of the appellant (which isn't yet decided or communicated to the appellant) may very kindly be set aside being illegal, unlawful, against the law & facts, coram non iudice, without observing legal & codal formalities & the respondents may very kindly be directed to restore the appellant in the service with all back benefits.

**RESPECTFULLY SHEWETH,**

The Appellant submits as under:

1. That the appellant joined the respondents department (population department) as Woman Medical Officer (WMO) in the year 2009 & posted in RHSC-A Nowshehra.  
**(Copy of Appointment Letter is Annex "A")**
2. That the appellant performed her duties to the entire satisfaction of her superiors & even till date no adverse ACR was given or served on the appellant.
3. That the appellant applied for her maternity leave from 01/12/2020 till 01/03/2021 which was allowed.  
**(Copy of Maternity Leave is Annex "B")**
4. That after availing the maternity leave the appellant was not feeling well & covid-19 was also at its peak, therefore, the appellant informed respondent no.4 for further leave of 15 days from 1<sup>st</sup> March 2021 to 15<sup>th</sup> March 2021, which was verbally allowed & the appellant was directed to avail the said leave as medical leave.
5. That as the appellant was very weak & was having covid-19 & due to the new born baby & her own condition was unable to join the duty as such the appellant applied for her earned leave from 15/03/2021 till 14/03/2022 vide application dated: 12/03/2021 which was forwarded to the competent authority for approval.  
**(Copy of Application & Performa are Annex "C" & "D")**
6. That respondent no.4 through telephonic conversation informed the appellant that her earned leave is in process & will be sanctioned soon as such the appellant start availing the said earned leave from 15/03/2021 to be expired on 14/06/2022.
7. That thereafter when the appellant went to the department to join her duties back, she was informed on 26/05/2022 that she has already been removed from service vide the impugned order dated: 21/04/2022.  
**(Copy of Impugned Order is Annex "E")**
8. That against the above impugned order the appellant filed departmental appeal / representation to the respondents on 09/06/2022 which is not yet replied & the respondents remained mum on the same & till date no order on the departmental appeal of the appellant is communicated to her.  
**(Copy of Departmental Appeal & Post Office Receipts are Annex "F" "G" & "H" respectively)**
9. That now the appellant impugned the original order dated: 21/04/2022 & the appellate order if any before this Hon'ble Tribunal through the instant appeal on the following grounds interalia.

**GROUND:**

- A. That the impugned order is against the law & facts, coram non iudice, having not passed & signed by the competent authority, illegal & unlawful, hence, not sustainable in the eyes of law.

- B. That no show cause notice, explanation notice & statement of allegations etc is issued or served on the appellant.
- C. That no departmental inquiry is conducted against the appellant nor given any opportunity of hearing as such the appellant is condemned unheard.
- D. That before passing the impugned order, the legal & codal formalities have not been observed as such a harsh penalty of removal from service cannot be imposed on the appellant without giving any opportunity of hearing.
- E. That the appellant has unblemished service records & till date there is no explanation or adverse ACR against the appellant.
- F. That the appellant has served the department to the entire satisfaction of her superiors.
- G. That the appellant has applied for earned leave at proper time & to avail the said earned leave is the right of the appellant which shall not be at the mercy of the respondents.
- H. That other points would be raised & discuss at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is therefore, most humbly prayed that on acceptance of this appeal the Impugned Order No. SOE (PWD) 1-9/2009/PF/7920-26 dated: 21/04/2022 & any Order passed by the departmental authority on the departmental appeal of the appellant (which isn't yet decided or communicated to the appellant) may very kindly be set aside being illegall, unlawful, against the law & facts, corum non judice, without observing legal & codal formalities & the respondents may very kindly be directed to restore the appellant in the service with all back benefits.

Dated: /06/2020

  
Appellant

Through

SAIFULLAH KHALIL (SR)

 ZEESHAN KHALIL

ASGHAR ALI

Adv's, High Court Peshawar

**CERTIFICATE:**

It is certified that upon instructions of my client that no such like appeal has been filed earlier by the appellant before this Hon'ble Court.

**ADVOCATE**

**BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK,**  
**PESHAWAR**

Appeal No. \_\_\_\_\_ /2022

**Dr.Sabiha Moeen.....VERSUS.....Gout. of KPK & Others**

**APPLICATION FOR CONDONATION OF DELAY (IF ANY)**  
**IN FILING OF THIS APPEAL.**

**RESPECTFULLY SHEWETH,**

The Appellant submits as under:

1. That the above titled appeal is going to file today before this Hon'ble Tribunal.
2. That the appellant got knowledge about the impugned order on 26/05/2022 against which the departmental appeal was filed which is still pending & not yet replied by the respondents.
3. That if there is any delay in filing of the instant appeal, the same may very kindly be condoned in the large interest of Justice in the light of plethora of judgments of the Superior Courts that the appeal be decided on merits rather than mere technicalities.
4. That the contents of the appeal be considered & deemed as integral part of the instant application.

**It is therefore, most humbly prayed that on acceptance of the instant application the delay if any in filing of this appeal may very kindly be condoned in the large interest of justice & the appeal be decided on merits.**

Dated: 16/09/2022

  
Appellant

Through

SAIFULLAH KHALIL (SR)

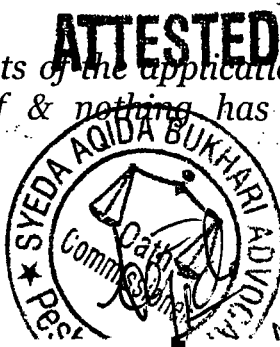
ZEESHAN KHALIL

ASGHAR ALI

Adv's, High Court Peshawar

**AFFIDAVIT:**

Declared on oath that the contents of the application are true & correct to the best of my knowledge & belief & nothing has been concealed from this Honourable Tribunal.



  
Deponent

**BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK,**  
**PESHAWAR**

Appeal No. \_\_\_\_\_/2022

**Dr.Sabiha Moeen.....VERSUS.....Govt. of KPK & Others**

**AFFIDAVIT**

**I, Dr. Sabiha Moeen Ex-Incharge Regional Health Service Center-A, District Nowshehra at present House No.221, Phase 1, Armour Colony No.1, Manki Road Nowshehra, do hereby solemnly affirm and declare on oath that the contents of the Appeal are true, correct & to the best of my knowledge & nothing has been concealed from this Hon'ble Tribunal.**

**ATTESTED**

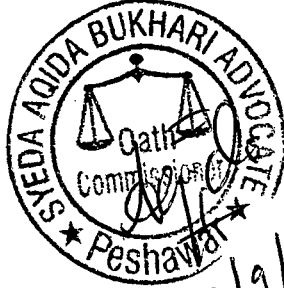
*Sabiha*  
**DEPONENT**

CELL NO: 17301-1305056-0

CNIC NO: 0333-9024069

**IDENTIFIED BY:**

**Saifullah Khalil**  
**Advocate, High Court**  
**Peshawar.**



17/9/22

**BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK,**  
**PESHAWAR**

Appeal No. \_\_\_\_\_/2022

**Dr. Sabiha Moeen.....VERSUS.....Govt. of KPK & Others**

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

- Dr. Sabiha Moeen Ex-Incharge Regional Health Service Center-A, District Nowshera at present House No.221, Phase 1, Armour Colony No.1, Manki Road Nowshera.

**RESPONDENTS:**

1. Government of Khyber Pukhtunkhwa through Secretary Peshawar.
2. Chief Secretary Government of Khyber Pukhtunkhwa, Peshawar.
3. Director General Government of Khyber Pukhtunkhwa Population Welfare Directorate, Peshawar.
1. Section Officer (Establishment) Population Welfare Department Khyber Pukhtunkhwa, Peshawar.

**Dated: 16/09/2022**

  
**Appellant**

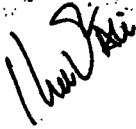
**Through**


**SAIFULLAH KHALIL (SR)**

**ZEESHAN KHALIL**

**ASGHAR ALI**

**Adv's, High Court Peshawar**







**GOVERNMENT OF NWFP**  
**POPULATION WELFARE DEPARTMENT**  
 F.C. TRUST BUILDING, SUNEHRI MASJID ROAD,  
 PESHAWAR CANTT.

Dated Peshawar the, 25<sup>th</sup> July, 2009.

**NOTIFICATION.**

**NO.SOE(PWD) 4-34/07/KC/Vol-II-** The competent authority in consultation with the NWFP Public Service Commission and in pursuance of the provisions contained in sub-section (2) of Section 19 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act No. XVIII of 1973), as amended by the North -West Frontier Province , Civil Servants (Amendment) Act, 2005 (N.W.F.P. Act No. IX of 2005) is pleased to order appointment of the following candidates as Woman Medical Officers BS-17 (Rs.8210-615-20510) in the Population Welfare Department NWFP on regular basis, subject to the terms & condition mentioned here under:-

S.NO.	Name with Father's Name.
1.	Dr. Saeeda Yousuf D/O Syed Yousuf Shah
2.	Dr. Ambreen Afridi D/O Muzaffar Ali Afridi
3.	Dr. Amina Yousuf D/O Syed Yousuf Shah
4.	Dr. Bushra Rubab D/O Ifikhar Hussain
5.	Dr. Maria Zil-e-Huma D/O Ghulam Sarwar
6.	Dr. Sadia Shahid D/O Mian Shahid Alam
7.	Dr. Somaya Bibi D/O Attaullah Khan
8.	Dr. Shabana Rahman D/O Muhammad Rahman
9.	Dr. Beenish Parveen D/O Yaqoob Khan
10.	Dr. Ghazala Nawaz D/O Muhammad Nawaz
11.	Dr. Sara Gul D/O Nazar Gul Mohmand
12.	Dr. Mahvish Javed D/O Syed Javed Akbar Shah
13.	Dr. Nadia Shah, D/O Mukaram Shah Advocate
14.	Dr. Saira Khan D/O Hamid Ullah Khan
15.	Dr. Salma Afzal D/O Sher Afzal Khan
16.	Dr. Sabiha Moeen Orakzai D/O Majid Moeen Khan Orakzai
17.	Dr. Qurat-ul-Ain Wahid D/O Abdul Wahid
18.	Dr. Hoor-ul-Ain Kundi D/O, Muhammad Iqbal Khan Kundi
19.	Dr. Nazia Gul D/O Haji Muhammad Ashiq
20.	Dr. Gul Mehnaz D/O Muhammad Rafiq

8	Dr. Shabana Rahman D/O Muhammad Rahman.	DDPWO (Tech.) DPW Office, Karak.
9	Dr. Beenish Parveen D/O Yaqoob Khan.	DDPWO (Tech.) DPW Office, Swabi.
10	Dr. Ghazala Nawaz D/O Muhammad Nawaz.	DDPWO (Tech.) DPW Office, Swabi.
11	Dr. Sara Gul D/O Nazar Gul Mohmand.	Services placed at the disposal of FATA Secretariat for further posting.
12	Dr. Mahvish Javed D/O Syed Javed Akbar Shah.	DDPWO (Tech.) DPW Office, Shangla.
13	Dr. Nadia Shah D/O Mukaram Shah Advocate.	RHSC-A, Nowshera.
14	Dr. Saira Khan D/O Hamid Ullah Khan.	RHSC-A Charsadda.
15	Dr. Salma Afzal D/O Sher Afzal Khan.	Services placed at the disposal of FATA Secretariat for further posting.
16	Dr. Sabiha Moeen Orakzai D/O Majid Moeen Khan Orakzai.	RHSC-A Swabi.
17	Dr. Qurat-ul-Ain D/O Abdul Wahid.	DPWO (Tech.) DPW Office, Dir (Lower).
18	Dr. Hoor-ul-Ain Kundi D/O Muhammad Iqbal Khan Kundi.	DDPWO (Tech.) D.I. Khan.
19	Dr. Nazia Gul D/O Haji Muhammad Ashiq.	RHSC-A, D.I. Khan.
20	Dr. Gul Mehnaz D/O Muhammad Rafiq.	DDPWO (Tech.) DPW Office, Abbottabad.

If the above terms & conditions are acceptable to them, they should report for duty to the District Population Welfare Officer concerned within one month of the issuance of this Notification otherwise the appointment orders will stand cancelled.

SECRETARY TO GOVT. OF NWFP,  
POPULATION WELFARE DEPTT:

Endst: NO. SOE(PWD) 4-34/07/KC/Vol-II-

1878-1956

Dated Peshawar the, 25<sup>th</sup> July, 2009.

Copy forwarded for information & necessary action to the:-

1. Secretary (A&C) FATA Secretariat, Warsak Road, Peshawar.
2. Accountant General, NWFP, Peshawar.
3. Accountant General, PR Sub Officer Peshawar.
4. Director General, Population Welfare, NWFP, Peshawar.
5. Secretary NWFP Public Service Commission, Peshawar w/r to his letter No. NWFP-PSC-SR-VI / 28250 dated 18-5-2009. Dr. Uzma D/O Shah Jehan of Buner District has shown her un-willingness to join the job.
6. P.S to Chief Secretary, NWFP, Peshawar.
7. P.S. to Minister for Population Welfare, NWFP, Peshawar.
8. P.S to Secretary, Population Welfare, NWFP, Peshawar.
9. Deputy Director Population Welfare FATA, FATA Secretariat, Warsak Road, Peshawar.
10. District Accounts Officers, Charsadda, Nowshera, Karak, Haripur, Dir (Lower), Battgram, Swabi, D.I. Khan, Hangu, Mardan, Swat, Abbottabad, Shangla and Tank.
11. District Population Welfare Officers, Peshawar, Charsadda, Nowshera, Karak, Haripur, Dir (Lower), Battgram, Swabi, D.I. Khan, Hangu, Mardan, Swat, Abbottabad, Shangla and Tank.
12. Manager Government Printing Press, Peshawar.
13. Officers concerned (under registered cover).
14. Personal files of officers concerned.

(USMAN SHAH)  
SECTION OFFICER (ESTT)

Subject: EARNED LEAVE WITHIN YEAR.

Dear Sir,

Kindly enclosed find herewith an application (in original) in the name of Dr. Samiullah Khan of RHSC "A" Nowshera for the grant of one year earned leave w.e.f. 15-03-2020 to 15-03-2021 wherein no proper justification/reasons shown that for what purpose the leave is required.

It is also submitted that this office is not in position to spare the concerned officer Dr. Samiullah Khan because the performance of the District relies on RHSC "A", which is already badly affected due to his long leave.

It is further stated that the concerned doctor was continuously on leave w.e.f. 21-03-2020 to till date about one year detail of the leave availed is as under please.

S.#	Period of Leave	Total days	Remarks
1	21-03-2020 to 31-05-2020	02 months 12 days	due to Covid-19 → without prior application/information
2	01-06-2020 to 17-08-2020	02 months 16 days	On medical ground vide Notification No. SOE(PWD)1-9/2019/PF dated: 07-09-2020
3	18-08-2020 to 15-11-2020	90 days	without prior application/information
4	15-11-2020 to 30-11-2020	15 days	Maternity leave ground vide Notification No. SOE(PWD)1-9/2009/PF dated: 08-01-2021
5	01-12-2020 to 01-03-2021	90 days	without prior application/information
6	01-03-2021 to 15-03-2021	15 days	

In light of the above it is requested, that the same leave may not be entertained in the best interest of public/ department because the overall performance of the district will be badly affected.

Submitted for your kind information and further necessary action please.

(Samiullah Khan)  
District Population Welfare Officer,  
Nowshera.

Copy to:-

1. Deputy Commissioner Nowshera for information Please.
2. Officer concerned for information.
3. Personal file.
4. Master file.

District Population Welfare Officer,  
Nowshera

Director General  
Population Welfare Deptt.  
KPK.

SCF. EARNED LEAVE FOR 1 YEAR

With due respect I state that  
I have the right to earned leave for 1 yr.  
based upon days of my service hence  
earned leave for days is requested from  
01-03-2021 to 14-03-2022

Thanks in anticipation.

Dr. Sabiha Memon,  
WMO, I/C RHSC-A,  
DHQ Hospital, Nowshera.

Dated: - 12-03-2021

Forwarded to  
Director General  
KPK. with the  
request for  
approval and the  
request will be  
effected.

1/1

## APPLICATION FOR LEAVE

Note: - Item 1 to 9 must be filled in by all applicants. Item 12 applies only to Government servants of P.B.S. 16 and above.

Government servants of P.B.S. 16 and above.

1. Name of applicant: DR. SAGHAI MOHAMMAD ORANGZAI
2. Leave Rules applicable: 1981
3. Post held: JUNIOR RNHC & DHO HOSPITAL NOWSHERA
4. Department or office: POPULATION WELFARE DEPT., KPK
5. Pay: Rs. 27,000 per month BPS-17
6. House Rent Allowance/ Conveyance Allowance or other compensatory allowances drawn in the present post: Rs. 4000/- per month
7. (a) Nature of leave applied for: EARNED LEAVE
- (b) Date of return from last leave: 01-03-2021
- (c) Period of leave in days: 365 DAYS ✓
- Date of commencement: 15-03-2021

8. Particular Rules which leave is admissible Leave Rules 1981.
    - (a) Date of return from last Leave: 01-03-2021
    - (b) Nature of Leave: MATERNITY LEAVE ←
    - (c) Period of Leave in days: 90 DAYS
- Date: 18-11-2020

*[Signature]*  
Signature of applicant

9. Remarks & recommendation of the Controlling Officer.

10. Certified that leave applied for is admissible under Rules 1981 and necessary conditions are fulfilled.

Date .....

Signature  
Designation  
District Population Welfare office  
Nowshera.

11. Report of Audit Officer.  
Date: 15/3/20  
365 days  
12/14/21  
Certified that 90 days Maternity Leave is admissible

*[Signature]*  
Signature  
Designation

12. Orders of the sanctioning authority certifying that on the date of application applicant is likely on the same post carrying the compensatory allowance drawn by him.

Date .....

Signature  
Designation

*[Handwritten initials]*

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE GENERAL POPULATION WELFARE  
Plot No. 18, Sector E-7, Phase VII, Peshawar

To


ENo 200/2021/Admn

Dated Peshawar the 15/04/2021

The District Population Welfare Officer,  
Nowshera.

Subject: - EARNED LEAVE FOR ONE YEAR

I am directed to refer your letter No.1(4)/Admn-2020-21/Leave dated 17-03-2021 on the subject cited above and to enclose herewith a copy of the Section Officer (Estt), Population Welfare Department, Peshawar letter No.SOE(PWD)1-9/2009/PP/1237-38 dated 23-04-2021, with the request to submit your comments/views on the said letter at the earliest to proceed further in the matter.

  
(Arif Abbas)  
Assistant Director (Admn)

Copy forwarded to the: -

1. Section Officer (Estt), Population Welfare Department, Peshawar w/r to his letter quoted above.
2. PS to Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar.
3. Master File Admn Section.

  
Assistant Director (Admn)

(4)



**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
POPULATION WELFARE DEPARTMENT**  
2<sup>nd</sup> Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

160

No. SOE (PWD) 1-9/2009/PF/1237-39  
Dated Peshawar the 23<sup>rd</sup> April, 2021

To

The Director General,  
Population Welfare, Khyber Pakhtunkhwa,  
Peshawar.

Date 1000  
27-4-2021

Subject: - **EARNED LEAVE FOR ONE YEAR.**

Dear Sir,

→ P2 S1/C

I am directed to refer to your letter No. 2(1)/2021/Admn/1040-43 dated 13-04-2021 on the subject noted above and to state that the leave application of Dr. Sabiha Moeen, WMO (BS-17) was examined in the light of report of District Population Welfare Officer, Nowshera forwarded to this Department vide your above quoted letter. However, it has been observed that the applicant time and again availed unauthorized leave but her absenteeism was not reported for initiation of disciplinary proceedings against the delinquent.

2- In order to proceed further into the matter, I am further directed to request to clarify that why her absenteeism was not reported to the Competent Authority for initiation of disciplinary proceedings against the officer in question.

Yours faithfully,

*(Signature)*  
(LAL SAEED KHATTAK)  
SECTION OFFICER (ESTT)

Assistant

CC to the:

- ❖ Copy forwarded to PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)  
Phone No. 091-9223623

*(Handwritten signatures and initials)*

*(Handwritten initials)*

AD(A) P3 Put up on file 23/4/21

19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE GENERAL POPULATION WELFARE

Plot No.18, Sector E-8, Phase-VII, Hayatabad, Peshawar

\*\*\*\*\*

F.No.2(1)/2021/Admn

Dated Peshawar the 19/5/2021.

1552-55

To

The District Population Welfare Officer,  
Nowshera.

Subject: - **EARNED LEAVE FOR ONE YEAR**

I am directed to refer your letter No.1(4)/Admn-2020-21/Leave dated 17-03-2021 on the subject cited above and to enclose herewith a copy of the Section Officer (Estt), Population Welfare Department, Peshawar letter No.SOE(PWD)1-9/2009/PF/1237-38 dated 23-04-2021, with the request to submit your comments/views on the said letter at the earliest to proceed further in the matter.

*Arif*  
(Arif Abbas)

Assistant Director (Admn)

Copy forwarded to the: -

1. Section Officer (Estt), Population Welfare Department, Peshawar w/r to his letter quoted above.
2. PS to Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar.
3. Master File Admn Section.

*Arif*  
Assistant Director (Admn)

(u)



15

Through Registered AD



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE GENERAL POPULATION WELFARE**

Plot No.18, Sector E-8, Phase-7, Hayatabad, Peshawar

\*\*\*\*\*

F.No.2(1)/2021/Admn /3072-76  
Dated Peshawar the 25/08/ 2021.

To

Dr. Sabiha Moeen Orakzai D/o Maj (R) Moeen Khan Orakzai,  
Women Medical Officer/Incharge RHSC-A Nowshera,  
House No. 34-F, Army Officers' Colony-02,  
Qayyum Stadium Road, Peshawar.

Subject: - **ABSENCE NOTICE**

I am directed to refer to the above noted subject and to enclosed herewith Section Officer (Estt), Population Welfare Department, Khyber Pakhtunkhwa, Peshawar letter No.SOE(PWD)1-9/2009/PF/2575-78 dated 05.07.2021 for strict compliance.

(Arif Abbas)

**Assistant Director (Admn)**

Copy forwarded to the: -

1. Section Officer (Estt), Population Welfare Department, w/r to his letter No. quoted above please.
2. District Population Welfare officer, Nowshera.
3. PS to Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar.
4. Master File Admn Section.

**Assistant Director (Admn)**

16

To

The MS,  
Civil Hosp. Akora Khattak.

SUB. : ARRIVAL REPORT

Sir,

With due respect I submit my  
arrival report as per department / DHO Nowshera  
orders, till further orders.

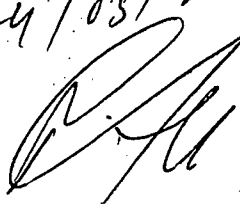
★

Dr. Sabiha Moeen,  
WMO, I/C RHSC-A,  
DHQ Hosp. Nowshera.  
Population Welfare Deptt. KPK.

Dated:- 24-03-2020

Arrival Accepted

on 24/03/2020



Medical Superintendent  
Civil Hospital  
Akora Khattak

17



**OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA**

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

**OFFICE ORDER**

With reference Government of Khyber Pakhtunkhwa Directorate General Population Welfare Department Office Order No. **PS/DG/PWD/1-2/2020** dated. 20.03.2020 and with subsequent arrival to this office on 24.03.2020, the services in respect of Dr. Sabiha Moeen WMO is hereby placed at Civil Hospital Akora Khattak, in the interest of public with immediate effect.

Sd/ \_\_\_\_\_  
**District Health Officer  
Nowshera**

No. 1168-70 /DHO/NSR

Dated. 24/03/2020.

Copy forwarded to.

1. Director General Population Welfare Department Khyber Pakhtunkhwa.
2. Medical Superintendent, Civil Hospital Akora Khattak.
3. Doctor concerned.

  
**District Health Officer  
Nowshera**

**NOTIFICATION**

No. SOE (PWD) 1-9/2009/PF: WHEREAS, Dr. Sabiha Moeen, WMO (BPS-17), Incharge RHSC-A Nowshera was absent from duty w.e.f 01-03-2021. She was required to join the duty as the request of the lady officer for earned Leave was regretted, still she absented herself from duty without intimation to Population Welfare Department.

2. AND WHEREAS, a notice was issued to her on her home address vide letter No. SOE (PWD)1-9/2009/PF/2575-78 Dated 5<sup>th</sup> July, 2021 directing her to resume duty within fifteen (15) days of the receipt of the notice under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and in case of failure, disciplinary action would be initiated against her under the rules ibid;

3. AND WHEREAS, the lady officer did not report for duty within the stipulated period and in order to proceed further under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, notice was published in Daily "Mashriq Peshawar" on 05.11.2021 and Daily "Quaid Peshawar" on 04.11.2021 directing her to resume duty within 15 days of publication of the notice and intimate the cause of her absence, failing which ex-parte decision would be taken against her under the relevant law / rules;

4. AND WHEREAS, the stipulated period expired on 19.11.2021 and the officer did not resume her duty.

5. NOW THEREFORE, the Chief Secretary, Khyber Pakhtunkhwa being the competent authority, has been pleased to impose major penalty of "Removal From Service" upon Dr. Sabiha Moeen, WMO (BPS-17), Incharge RHSC-A Nowshera under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, with immediate effect. The absence period w.e.f. 01-03-2021 till date is treated as unauthorized absence from duty.

**Chief Secretary  
Khyber Pakhtunkhwa**

Endst: No. SOE (PWD) 1-9/2009/PF/7920-26 Dated Peshawar the 21<sup>st</sup> April, 2022

Copy forwarded for information & necessary action to the: -

1. Director General Population Welfare, Khyber Pakhtunkhwa, Peshawar.
2. District Population Welfare Office, Nowshera.
3. District Account Officer, Nowshera.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa, Peshawar.
6. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
7. Officer concerned.

  
(SAID BACHA)

**Section Officer (Establishment)**  
Population Welfare Department  
Phone No. 091-9223623

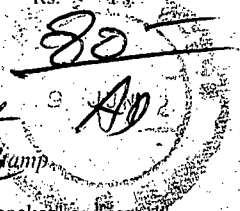
No. 410

For RGL81890709

19 Annex F

Rs. Ps.

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.



Received a registered\* addressed to

*Chief Manager* Date Stamp

\*Write here "letter", "postcard", "packet" or "parcel"

Initials of Receiving Officer

with the word "insured" before it when necessary.

Insured for Rs. (in figures)

*1000* (in words)

Insurance fee Rs. Ps.

(in words)

Weight

Kilo

Grams

Name and address of sender

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

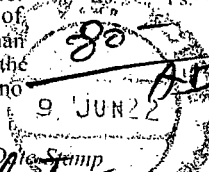
No. 1547

RGL81890640

20 Annex G

For In \_\_\_\_\_ 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.



Received a registered\*  
addressed to \_\_\_\_\_

DG

Date Stamp

Initials of Receiving Officer \_\_\_\_\_  
\*Write here "letter" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Weight

Kilo

Grams

Name and  
address  
of sender

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

21

Annex H

To

Director General,  
Population Welfare Department  
Government of Khyber Pakhtunkhwa, Peshawar

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDER REF NO. SOE(PWD)1-9/2009/PF DATED 21<sup>ST</sup> APRIL 2022 OF CHIEF SECRETARY KHYBER PAKHTUNKHWA, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE UNDER RULE 9 OF THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANT (EFFICIENCY AND DISCIPLINE) RULES, 2011 ON ACCOUNT OF LONG ABSENCE FROM DUTY.**

**RESPECTFULLY SUBMITTED:**

1. That the appellant is a bonafide citizen of Pakistan and permanent residing at District Nowshera.
2. That the appellant was discharging her duty as WMO Grade-17 incharge RHSC-A Nowshera in Population Welfare Department and later on, in the year 2020; the appellant was required to submit its arrival report to the City Hospital Akora Khattak.
3. That the appellant had applied for the maternity leave on 18.11.2020 for a period of 90 days and later on the appellant on 12.03.2021 again applied for the grant of 1 year leave i.e. 15.03.2021 to 14.03.2022 on account of medical leave.  
Copy of Medical Reports of RMI is attached
4. That the appellant moved a good number of replications regarding his absence from duty before the High ups in which the appellant prayed for the grant of a medical leave.
5. That on 26.05.2022, Dr. Kamran (Husband of appellant) approached the department through Mr. Kamran regarding the status of reapplication preferred by the appellant; on whom the he was informed that the applicant was already remove from the service by imposing major penalty on 21.04.2022 and handed over the removal order to Dr. Kamran. Furthermore the delay for preferring the instant appeal has not been made on the part of appellant hence the same is well within time.

6. That the appellant was unaware from the order of removal as well as neither the worthy office issued any information, notices and even no publication has been seen by the appellant in this regard as well.
7. That the appellant as aggrieved from the order dated 21.04.2022, invoke the jurisdiction of this Honorable forum, on the following grounds inter alia:

**GROUNDS:**

- A. That the impugned order dated 21.04.2022 is illegal and void-ab-initio.
- B. That appellant has not been treated accordance with law and the essence of fair trial has been ignored by the respected department.
- C. That no proper inquiry was conducted, nor noticed neither informed the appellant regarding the absences from his duty, such act of the worthy office is illegal, unlawful and against the law and facts.
- D. That it is pertinent to mention here that the impugned order was passed on 21.04.2022 onward the same was posted to the Population Welfare Department on 07.05.2022 but the Department with malafide intention did not sent the removal order to the appellant nor he was informed regarding the same and later on when the husband of the appellant approached the Department on 26.05.2022, so he was informed that removal order has been passed against the appellant.
- E. That the appellant time and again informed and brought into notice of his concerned High ups regarding his health conditions, which is still under process but the worthy office ignored the above mentioned reasons and issued removal order against the appellant which is based on the malafide and ulterior motive.
- F. That the appellant was not summoned and given opportunity for personal hearing.
- G. That even in case of awarding major penalty regular inquiry is mandatory which has not been conducted in my case.



- H. That the absences from duty on the part of the appellant are not intentionally and deliberately.
- I. That the appellant has a large numbers of family members and there is no any source of income for his livelihood.

**It** is, therefore, requested that on acceptance of this Appeal, the order Ref No. SOE(PWD)1-9/2009/PF dated 21st April 2022 of Chief secretary Khyber Pakhtunkhwa may kindly be set aside and the appellant may be reinstated in service with all back benefits.

Dated: 09-June-2022

Appell



**Dr. Sabiha Moheen**

WMO BPS-17

Contact No. 0333-9024069

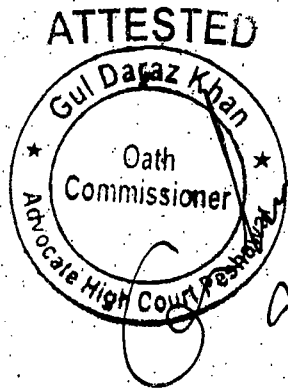
0332-5807822

**VERIFICATION ON OATH:-**

Verified that the contents of appeal are true and correct to the best of my knowledge and nothing has been concealed from this Hon. authority.






**DEPONENT**




24

Saifullah Khalil .adv77@gmail.com  
17301-4134473-3

قیمت 50 روپے	39556			
ایڈوکیٹ: سیف اللہ خلیل		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: BC-10-7499				
رابطہ نمبر: 0313-594143				

بعدالت جناب: سر سید بیسول سفار

منجانب: Appellant	دعویٰ: Appeal
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>باعت تحریر آگہ</b>	

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

المرقوم:  
PESHAWAR BAR ASSOCIATION  
KHYBER PAKHTOONKHWA

العبد \_\_\_\_\_ العبد \_\_\_\_\_  
مقام سفار کے لیے منظور ہے

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