

19.07.2022

Appellant present through counsel.

SCANNED
KPST
Peshawar

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

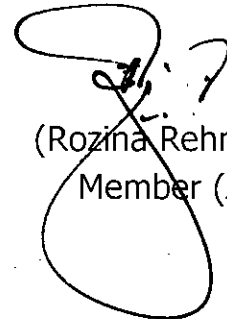
Learned counsel for appellant has produced copy of office order dated 01.02.2020 issued by District Health Officer North Waziristan Miranshah. By virtue of the order, the outstanding salaries of the appellant have been released against any vacant post. Copy of order is placed on file of connected Service Appeal No.1241/2018 titled "Riaz Noor Vs. Government of Khyber Pakhtunkhwa".

In view of the development, learned counsel for appellant states that the appeal in hand has met its purpose.

Disposed of having been infructuous. File be consigned to the record room.

Announced
19.07.2022


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

15.09.2021

Counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G for respondents present.

File to come up alongwith connected Service Appeal No.1241/2018 titled Riaz Noor Vs. Government of Khyber Pakhtunkhwa, on 17.01.2022 before D.B.



(Rozina Rehman)
Member (J)

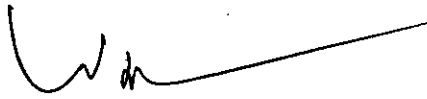


Chairman

17.01.2022

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Former seeks adjournment to further prepare the brief. Request accorded: To come up for arguments on 10.05.2022 before the D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

10.05.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to assist the Tribunal. Last opportunity is granted. To come up for arguments before the D.B on 19.07.2022.



(Fareeha Paul)
Member (E)



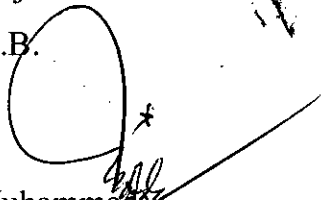
Chairman

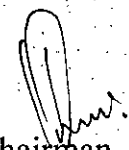
26.11.2020

Counsel for the appellant present. Addl: AG alongwith Mr. Muhammad Faiz, Assistant for respondents present:

Learned AAG states that in some cases office order has been issued by the respondents of release of salaries of appellants therein. In his view it is appropriate to adjourned the proceedings in this matter in order to avail the outcome of departmental decision of the like nature, if any. Learned counsel for the appellant does not object.

Adjourned to 17.02.2020 for further proceedings before D.B.


(Mian Muhammad)
Member (E)


Chairman

17.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 26.05.2021 for the same.


Reader


26.05.2021

Learned counsel for the appellant present.

Mr. Kabirullah Khattak Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment; Adjourned to 15/9/21 for arguments before D.B.

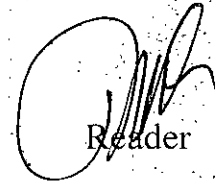

(Atiq Ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)



02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 29.06.2020 before D.B.


Reader

29.06.2020

Due to COVID19, the case is adjourned to 24.09.2020 for the same as before.

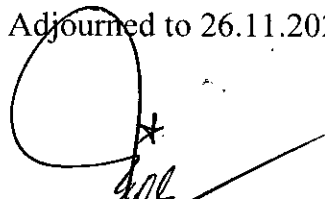

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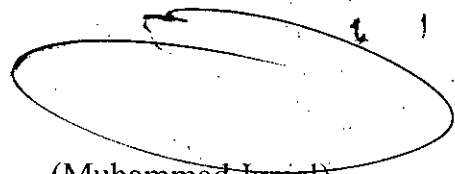
24.09.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General is present.

Appellant submitted that his counsel has proceeded to Bannu for appearance before Hon'ble Peshawar High Court, Bannu Bench. Requested for adjournment.

Adjourned to 26.11.2020 for arguments before D.B.


(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member(J)

23.10.2019

Special Attorney for the appellant present. Mr. Kabirullah Khattak learned Addl: AG for the respondents present.

Former requests for adjournment as learned counsel for the appellant is engaged before Honourable High Court today in various cases.

Adjourned to 26.12.2019 before D.B.


Member


Chairman

26.12.2019

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.02.2020 before D.B.


Member


Member

27.02.2020

Learned counsel for the appellant present. Mr. Riaz Paincakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 02.04.2020 before D.B.


Member

Member

02.04.2019

Counsel for the appellant present. Mr. Kabirullah, Addl: AG alongwith Mr. Rehmat, Supdt for respondents present. Written reply on behalf of respondents no. 1 and 2 already submitted and representative of respondent no.3 rely on the same. Case to come up for rejoinder and arguments on 29.05.2019 before D.B.

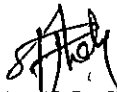


(Ahmad Hassan)

Member

28.05.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 29.07.2019 for rejoinder and arguments before D.B.



(HUSSAIN SHAH)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

29.07.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 23.10.2019 before D.B.



Member



Member

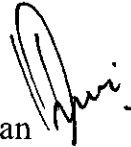
15.1.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for further time to submit reply on behalf of respondent No. 3.

The matter is adjourned to 26.2.2019 on which date the requisite reply shall positively be submitted.

Chairman



26.02.2019

Counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General along with Mr. Suhail Assistant for the respondent No.3 present. Written reply not submitted. Representative of the respondents seeks time to file written reply. Counsel for the appellant submitted an application for restraining the respondents from making appointment on posts which were advertised in daily "AJJ" on dated 05.02.2019 till the disposal of the appeal which is placed on file. Notice of this application be issued to the respondents of reply/arguments. Adjourned. To come up for written reply on main appeal as well as reply/arguments on application on 02.04.2019 before S.B

(Ahmed Hassan)
Member



16.10.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that this is the 2nd round of litigation. Previously vide judgment dated 13.11.2017 these appeals were remitted to the appellate authority to treat them as departmental appeals and decide it within a period of 90 days from the date of receipt of the judgment. The respondents were also directed to pass speaking order regarding the status of the appellant and how did he draw their salary for a period of more than one year and how why their salaries were stopped? That vide impugned order dated 03.10.2018 their appeals for release of salary were rejected. Neither they have been paid salary from September 2012 till date nor their services have been terminated. Learned counsel for the appellant further contended that posts occupied by the appellant/others were advertized on 03.10.2018. A separate application for restraining the respondents from recruitment has also been submitted. The appellant has not been treated according to law and rules.

Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 30.11.2018 before S.B. Notice of stay application be also issued to the respondents for the date fixed.

(AHMAD HASSAN)
MEMBER

30.11.2018

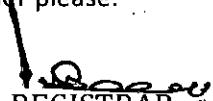

Counsel for the appellant present. Mr. Sahah Nawaz, Litigation Assistant alongwith Mr. Kabriaullah Khattak, Addl: AG for respondents present. Written reply on behalf of respondent no.1 while respondent no. 2 rely on written reply of respondent no.1. None present for respondent no.3. Case to come up for written reply/comments of respondent no. 3 on 15.01.2019 before S.B.

(Ahmad Hassan)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1265/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 09/10/2018 | <p style="text-align: center;">The appeal of Mr. Shahzada presented today by Mr. Taimur Ali Khan 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- | 11-10-2018 | <p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16-10-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1265 /2018

Shahzada VIS Health deptt: (FATA):
Pharmacy technician AHA Hospital
N.W. Agency

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| 5. | Copies of letter dated 28.012.2017 and report | D&E | 15-16 |
| 6. | Copies of nomination letter dated 12.02.2018, letter dated 17.04.2018 and inquiry report | F,G&H | 17-19 |
| 7. | Copies of letter dated 20.08.2018, report dated 03.09.2018 and report dated 17.09.2018 | I,J&K | 20-22 |
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APPELLANT

THROUGH:

(M.ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339103240

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1265 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1493

Dated 09-10-2018

Sher Zada
Pharmacy Technician AHB Hospital
A.N. Agency VERSUS

(Appellant)

1. The Director Health Service Tribal District Peshawar.
2. The Agency Surgeon, Tribal district North Waziristan.
3. The Secretary Finance, KPK, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 03.10.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR ADJUSTMENT AND GRANTING MONTHLY PAY WITH EFFECT FROM SEPTEMBER 2012 TILL DATE HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, ORDER DATED 03.10.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO ADJUST THE APPELLANT ON HIS POST AND RELEASE HIS SALARY WITH EFFECT FROM SEPTEMBER, 2012 TILL DATE AND ONWARD BEING STILL IN SERVICE. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

9/10/18

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Pharmacy Technician (Dispenser) in BPS-9 vide order dated 03.12.2011 on the proper recommendation of the Departmental Selection Committee and took over charge on 04.12.2011 in pursuance his appointment order.
2. That the appellant has been continuously performing his duty as civil servant of the Health Directorate FATA in N.W.A upto the entire satisfaction of the superior and there ^{is} are no complaints against the appellant so far.
3. That all of sudden that without passing any proper order, the pay of the appellant has been stopped since September 2012 and when the appellant asked from the concerned office about the salaries he was orally told that his pay has been stopped by the Agency Surgeon NWA without any reason.
4. That then the appellant forthwith filed an appeal on 02.01.2013 and waited for 90 days, but no action has been taken on departmental appeal of the appellant and after the stipulated period of time, the appellant filed service appeal No. 678 /2013 in this august Service Tribunal. Which was finally decided on 13.11.2017 in which the Honourable Service tribunal remitted the service appeal back to the appellate authority to treat the memo of the appeal as departmental appeal and decide the same within the period of ninety days and they were also directed to pass a speaking order regarding the status of the appellant and how he draw his salaries for a period of one year and how and why his salaries were stopped. (Copy of judgment is attached as Annexure-A)
5. That on the basis of above direction of the Honourable Service Tribunal the DHS (FATA) Peshawar wrote a letter to Agency Surgeon NWA on 29.11.2017 and directed him to submit detail report with the documentary proof regarding the subject that how and why the salaries of the appellant were stopped. In response to the letter dated 29.11.2017 the Agency Surgeon NWA submitted the detail report to DHS (FATA) Peshawar on 19.12.2017 in which Agency Surgeon mentioned that Dr. Muhammad Sadiq, Ex-AS has been stopped the salaries without valid reason and later on his salaries were released reason well known to him. The newly posted Agency Surgeon DR. Azim Wazir not only stopped his salaries, but he appointed 11 blue eye persons in place of the appellant, while the appellant already

lodged appeal against the discriminations of the said officers. When Dr. Azim Wazir was transferred and Dr. Jahan Mir was posted as Agency North Waziristan the remaining post of the appellant was filled by the Agency Surgeon Dr. Jahan Mir by appointing their favorite person in place of the appellant illegally, while he was well aware of the fact that the issue is under consideration in court, but he did not pay any heed to the request which is clear violation of law, rules and regulation. It is further stated that this office has already submitted various detail reports along with documentary proof on 29.04.2016, 20.07.2016 and 12.22.2016, but no action has been taken up till now. **(Copies of letter dated 29.11.2017 and reply of surgeon are attached as annexure- B&C)**

6. That the DHS (FATA) also asked from Agency Surgeon through letter dated 28.12.2017 to submit sanctioned, filled, vacant position of NWA Agency on which Agency Surgeon submitted of photocopies of sanction, filled and vacant position on the strength of the Agency Surgeon NWA and Medical Superintendent AHQ Hospital Miran Shah for information and further proceeding, in matter as desired please. It is further added that there is no vacant post of para medics, however, if the appellant may be adjusted against the vacant post of Charge Nurse (BPS-16) for the purpose of drawl of pay and allowances, later on he will be adjusted after a availability of clear vacancies of para medics. **(Copies of letter dated 28.12.2017 and report are attached as Annexure-D&E)**
7. That despite the situation cleared by the Agency Surgeon, the DHS nominated Dr. Sahibzada Muhammad Khaild as inquiry officer on 12.02.2018, however he did not conducted inquiry reason best known to him and after that DHS (FATA) made another inquiry committee on 17.04.2018, which conducted inquiry in the matter and submitted detail report in which it was mentioned that the appellant receiving his salaries regularly to the entire of satisfaction of his superior since 31.08.2012 without no complaint, his salaries was stopped without any written order, termination order by the Ex-Agency Surgeon NWA. But not only stopped his salaries but appointed blue eye person in his place illegally without codal formalities and recommended that the frozen salaries of the employment (appellant) may be released in the larger interest of justice being innocent and also gave certificate that the most of of the record of the Agency Surgeon NWA has been completely destroyed/ misplaced due to military operation Zarb-e-Azb. **(Copies of nomination letter dated 12.02.2018, letter dated 17.04.2018 and inquiry report are attached as Annexure-F,G&H)**

8. That DHS (FATA) sought report from Agency surgeon on 20.08.2018 about the status of the appellant and as well as sought report from Agency Account Office NWA on which both officer submitted report to DHS FATA on 03.09.2018 and 17.09.2018 respectively in which they clearly mentioned that the appellant was not terminated, but his name was retrenched from the manual pay bill. **Copies of letter dated 20.08.2018, report dated 03.09.2018 and report dated 17.09.2018 are attached as Annexure-I,J&K)**
9. That as the appellate authority did not decide the departmental of the appellant within the stipulated period of time, therefore the appellant filed execution petition No.52/2018 for implementation of judgment dated 13.11.2017 and during the pendency of execution petition the departmental appeal of the appellant was rejected on 03.10.2018 for no valid reason. **(copies of execution petition and rejection order are attached as Annexure-L&M)**
10. That now the appellant comes this august Service Tribunal on the following grounds amongst others.

GROUND:

- A) That order dated 03.10.2018 and not paying the monthly salaries to the appellant w. from September 2012 till date are against the law, facts, norms of justice, therefore, not tenable.
- B) That the appellant is still on the strength of the department as he has not been terminated so far which is also endorsed by the different letters and reports mentioned above, therefore, the appellant is entitled for his salaries w.e.f September 2012.
- C) That not paying the monthly salaries to the appellant and stoppage of pay without any proper order, actually amounts to an arbitrary act on the part of the respondents which is not tenable in the eyes of law.
- D) That the appellant has not been treated according to law and rules and has been deprived from the monthly salaries despite proper performance of duty, thus the action of the respondents is totally illegal and without lawful authority.
- E) That being a civil servant, the appellant is entitled to the salaries of the post in accordance with Section-17 of the Civil Servant Act, 1973.

- F) That the appellant has regularly performed his duty which can be endorsed by different letter and reports and stoppage of salaries to the appellant come in the ambit of force labour which is violation of Article-11 of the Constitution of Pakistan.
- G) That the appellant has been condemned unheard and no prior chance of defenses or hearing was provided to the appellant while stopping his monthly salaries.
- H) That the appellant was discriminated as some of the colleagues who were appointed along with the appellant, but they are regularly receiving their salaries till date on which the appellant filed application to Agency Surgeon on which report was sought from the head Clerk which responded on positive, but the salaries of the appellant was stopped without any reason and justification. **Copies of application and head clerk report is attached as Annexure-N&O)**
- I) That in the rejection order the appellate authority mentioned that there is non availability of clear vacant post but on other hand the department advertised various cadre of posts in which the post of the appellant is also included. **(Copies of advertisement and various cadre of posts are attached as Annexure-P&Q)**
- J) That the Agency/^{Surgeon} mentioned in its report that the appellant can be adjusted against the vacant post for the purpose of drawl of pay and allowances and will be adjusted after a availability of clear vacancies of para medics, but the appellant was not adjusted on that post, while other officials were adjusted against vacant post of different cadre for the purpose of drawl of salary, which means that the appellant was discriminated which is violation of Article 25 of the constitution of Pakistan. **(Copy of list is attached as annexure-R)**
- K) That letters, reports and inquiry was in the favour of the appellant, but despite that the departmental appeal of the appellant was rejected by the appellate authority without giving any reason with not agreeing with those letter, reports and inquiry.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

اپیلر
APPELLANT

THROUGH:


(M.ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____/2018

Sherzad V/S
Pharmacy Technician AHB
Hospital NWA

Health deptt: (FATA):.

.....

APPLICATION FOR RESTRAINING THE
RESPONDENTS FROM MAKING APPOINTMENT ON
POSTS WHICH WERE ADVERTISED IN DAILY "AJJ"
ON DATED 03.10.2018 TILL THE DISPOSAL OF THE
APPEAL.

RESPECTFULLY SHEWETH:

1. That the appellants has filed the appeal for adjustment on his post and for release of salary with effect from September 2012 till date and onward in which no date has been fixed so for.
2. That the respondents department has advertised different posts including the post of the appellant in daily News Paper "Ajj" dated 03.10.2018 against which the appellants was working and as the appellant has filed the instant appeal for his adjustment on his post along with release of his salary w.e.f September 2012. **(Copy of advertisement is attached as annexure-A-1)**
3. That if the respondents are not restrained from making appointment from those posts on which the appellant was working then legal complication will be created in adjustment of the appellant if the instant appeal decide in the favour of the appellant as the respondents will raise the issue that they have no post to adjust the appellant.
4. That as per demand of justice and propriety, it would be just and fair to restrain the respondents from making appointment on those post on which the appellant was working.
5. That the application is based on cogent and legal aspect of the case and all the legal position is in favour of the appellant.

It is, therefore, most humbly prayed that on the acceptance of this application, the respondents may be restrain from making appointment on the post which was advertised in daily "Ajj" on 03.10.2018 as the appellant has filed the instant appeal for adjustment on his post along with release of his salary w.e.f September 2012 and if the instant appeal is decide in the favour of the appellant then complication will be created in the adjustment of the appellant on his post.


APPELLANT

THROUGH:

(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME PESHAWAR.

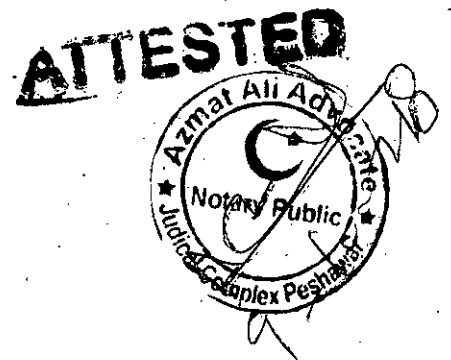
&

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

AFFIDAVIT

It is hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.


DEPONENT



درخواستیں مطلوب ہیں

A-1

ذریعہ عملی کو برائے کل ڈسٹرکٹ ناٹھہ وزیرستان کی مالی آسامیوں کیلئے درخواستیں مطلوب ہیں۔ لہذا تمام امیدوار اس اشاعت کے بعد 15 دن یعنی مورخہ 18/10/2018 تک درخواستیں جمع کرا سکتے ہیں۔ نامکمل یا مسترد تاریخ کے بعد آنے والی درخواستوں پر غور نہیں کیا جائے گا۔ انٹرویو مندرجہ ذیل شیڈول کے مطابق وقت 10:00 بجے تک دفتر ذریعہ عملی میں ہوگا۔

| سیریل نمبر | نام آسامی | فی بی این | سال | تعلیمی قابلیت | انٹرویو تاریخ |
|------------|----------------------------|-----------|-------|--|-----------------------|
| 1 | کلیدیں کلکیشن (ایس بی) | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 25-10-2018 روز جمعرات |
| 2 | کلیدیں کلکیشن (OT) | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 25-10-2018 روز جمعرات |
| 3 | کلیدیں کلکیشن (ہلڈ پیک) | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 25-10-2018 روز جمعرات |
| 4 | کلیدیں کلکیشن (ریڈیالوجی) | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 25-10-2018 روز جمعرات |
| 5 | کلیدیں کلکیشن (ای سی بی) | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 25-10-2018 روز جمعرات |
| 6 | کلیدیں کلکیشن (سٹریٹوٹھین) | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 25-10-2018 روز جمعرات |
| 7 | کلیدیں کلکیشن (لارڈی) | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 26-10-2018 روز جمعرات |
| 8 | لیڈی ہیلتھ ریفرنس | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 26-10-2018 روز جمعرات |
| 9 | ای لی آئی کلکیشن | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 26-10-2018 روز جمعرات |
| 10 | سنو کیم | 12 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 26-10-2018 روز جمعرات |
| 11 | ڈراما ٹیچر | 06 | 30 18 | بیک سائٹس میڈیکل ٹیکنالوجی (خیرہ پختونخوا) سے حلقہ شعبہ میں دو سالہ پلہ۔ | 26-10-2018 روز جمعرات |

شرائط

- 1) ناٹھہ وزیرستان برائے کل ڈسٹرکٹ سے تعلق رکھنے والے کو ترجیح دی جائے گی۔ بصورت دیگر قریبی اضلاع کے امیدواروں کی درخواستوں پر غور کیا جائے گا۔
- 2) تقرری صوبائی حکومت کے موجودہ قواعد و ضوابط کے تحت عمل میں لائی جائے گی۔
- 3) انٹرویو کیلئے تمام اصل اسناد لانا لازمی ہوگا۔
- 4) تقرری بصورت حلقہ کاغذات متعلقہ اداروں سے جانچ پڑتال کے بعد کی جائے گی۔ غلط دستاویزات ثابت ہونے کی صورت میں قانونی کارروائی کی جائے گی۔
- 5) سرکاری ملازمین حکمانہ سلسلے سے درخواستیں نہیں۔
- 6) انٹرویو کیلئے کوئی TA / DA نہیں دیا جائے گا۔
- 7) خواہشمند امیدوار تمام اسناد کی تصدیق شدہ نقول درخواست کے ساتھ منسلک کر کے ہمد کیمپوز انڈسٹری کارڈ کی نقول دفتر ذریعہ اشاعت کے 15 دن کے اندر داخل کر سکیں۔
- 8) ذریعہ عملی کو اختیار ہے کہ مندرجہ بالا ایڈورٹائزمنٹ بغیر وجہ بتائے منسوخ کر سکتا ہے۔

مندرجہ بالا آسامیوں کی تعداد کم یا زیادہ ہو سکتی ہے۔

ڈاکٹر محمد یونس داوڑ
 ڈسٹرکٹ سرجن
 ناٹھہ وزیرستان برائے کل ڈسٹرکٹ میرانشاہ

PID (P) 101178/18

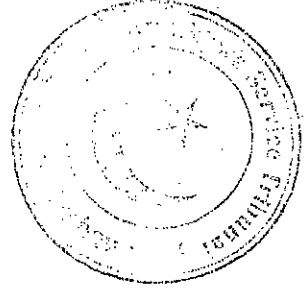
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 678/2013

Date of Institution ... 18.04.2013

Date of Decision ... 13.11.2017



Sherzada Pharmacy Technician, North Waziristan Agency. ... (Appellant)

VERSUS

1. The Director Health (FATA) Department, Warsak Road, Peshawar and another. ... (Respondents)

MR. MUHAMMAD ASIF YOUSAFZAI, ... For appellant
AdvocateMR. KABEERULLAH KHATTAK, ... For respondents.
Addl. Advocate General.MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBERJUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN.- This judgment shall

also disposed of connected service appeals No.679/2013 Hafiz Ullah, No. 680/2013

Safeer Ullah, No. 681/2013 Asif Ullah, No. 682/2013 Hashim Faraz, No. 683/2013

Fida Ullah, No. 684/2013 Riaz Noor, No. 685/2013 Kaleem Ullah, No. 686/2013

Shahid Ullah, No. 687/2013 Shahan Zeb, No. 688/2013 Mst. Safia Bibi, No.

689/2013 Nek Zatullah, No. 690/2013 Haj Akbar, No. 691/2013 Zahid Noor, No.

692/2013 Saleem Ullah, No. 693/2013 Fateh Ullah, No. 694/2013 Farhat Ullah, No.

695/2013 Muhammad Yousaf, No. 696/2013 Azim Ullah, No. 697/2013 Fawad Khan, No. 698/2013 Amir Afghan, No. 699/2013 Nasrullah, No. 700/2013 Zain Ud Din, No. 701/2013 Said Awar Jan, No. 702/2013 Arshadullah, No. 703/2013 Zahib Ullah as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. Pay of the appellants was stopped w.e.f. September, 2012 and now the appellants have approached this Tribunal for the release of their pay.

ARGUMENTS.

4. The learned counsel for the appellant argued that the appellants were appointed in the department and had been receiving pay for about one year and thereafter their pay was stopped on verbal orders of the department. That they have no written order, however, against the verbal order they filed a departmental appeal on 08.01.2013 which was not responded to and thereafter the present appeals. The learned counsel for the appellants further argued that the department may be directed to decide the departmental appeals of the appellants by taking into consideration a report of the Agency Surgeon, North Waziristan Agency dated 20.07.2016 addressed to the concerned Secretary in which the said officer had admitted the payment of pay to the appellants and the recruitments of new persons in their place.


5. On the other hand, the learned Addl. Advocate General argued that the present appeal is not maintainable because there is no original or appellate order. Secondly the department has disowned the appellants in their parawise comments.

(11)

He also argued that no departmental appeal was ever filed as alleged by the appellants.

CONCLUSION.

6. The service books available on the files depict that the appellants were appointed as Pharmacy Technician on 01.01.2012, therefore, it cannot be believed that the appellants were not appointed in the department. According to the appellants they have been drawing their salaries for about one year. In the memorandum of appeals in para- 3 it has been clearly written that no proper order was passed by the department for the stoppage of their salary and that it was only stopped by the Agency Surgeon. It appears that in the parawise comments the department has tried to wriggle out from this scenario by raising technical grounds like appointment made without advertisement and non holding of Departmental Selection Committee, non production of appointment letters; But this Tribunal is of the view that how the appellants had been drawing their salary for a considerable period. Under the law this Tribunal has the jurisdiction only when there is original or appellate order but nowhere it is mentioned in the law that this order should be in written form. If this Tribunal is made to believe that there was some oral order whereby any civil servant is aggrieved then, of course, this Tribunal can seize the jurisdiction. Payment of pay, entry in service book and then stoppage of pay are ample proofs of the appellants being in service of the department, rightly or wrongly. The appellants allegedly filed departmental appeals against the oral order which have been denied by the department. At this stage, this Tribunal is not in a position to determine whether the stance of the appellant is correct or that of the department is correct regarding filing of department appeals. However, keeping in view the peculiar circumstances of the present appeals and in the interest of justice,

ATTESTED


★

the present memo. of appeals can be treated as departmental appeals, if departmental appeals are not preferred by the appellants. The appeals are remitted back to the appellate authority to treat these memo. of appeals as departmental appeals and decide the same within a period of 90 days from the date of receipt of this judgment. They are also directed to pass a speaking order regarding the status of the appellants and how did they draw their salaries for a period of one year and how and why their salaries were stopped.

7. In view of the above, all these appeals are disposed of. Parties are left to bear their own costs. File be consigned to the record room.

(Signature)
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
13.11.2017

Certified
true copy
(Signature)
RECORDED

(Signature)



DIRECTORATE HEALTH SERVICES FATA
FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

No: 22580 /DHS/FATA/Liti: date: 29-11-2017

BH

B 13

To

The Agency Surgeon,
NW Agency.

Subject:- JUDGMENT IN APPEAL NO. 678/13, MR. SHERZADA AND OTHERS.

Enclosed please find herewith a judgment announced by Khyber Pakhtunkhwa Service Tribunal on 13.11.217 in the subject appeal.

The appellants were appointed by the then Agency Surgeon NWA in the year 2012 and get salaries for about one year and then stopped their salaries on verbal direction.

You are, therefore, directed to submit detail report with documentary proof regarding the subject appeal that how and why the salaries of the concerned appellants were stopped. The same must be reached to this Directorate within three days after receipt of this letter, in order to proceed the appeal in proper direction.

Director Health Services,
FATA, Peshawar.

90

ATTN

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C 12

OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN

Phone & Fax: (0928)300788-311662 Email: agency Surgeon nwa@gmail.com
No. 607 /C-2, Dated Miranshah the 19 /12/2017.

To

✓
The Director Health Services,
FATA, Warsak Road Peshawar.

Subject:- JUDGMENT TO APPEAL NO.678/013 MR SHERZADA AND OTHERS.

Memo:-

Kindly refer your letter No.22580 dated 29/11/2017 and remainder dated 12/12/2017 on the subject noted above and to state that they were appointed under the control of this office in the year, 2011-2012 and were drawing their salaries upto 31/08/2012 regularly. they were not terminated up till now. But their salaries were stopped without any written orders, i.e. verbally.

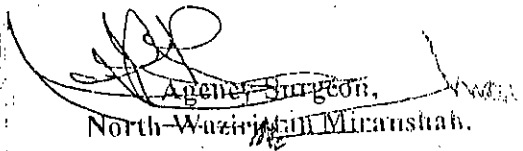
It is worth mention that Dr. Muhammad Sadiq Ex-Agency has been stopped their salaries without valid reason and later on their salaries were released reason well known to him.

The newly posted Agency Surgeon Dr. Azam Wazir not only stopped their salaries but he appointed 11 blue eye persons in place of the appellants, while the appellants had already lodged appeal against the discrimination of the said officers.

When Dr. Azam Wazir was transferred and Dr. Jahan Mir was posted as Agency North Waziristan Agency the remaining posts of the appellants were filled by the Agency Surgeon Dr. Jahan Mir by appointing their favourite persons in place of the appellants illegally, while he was well aware of the fact that the issue is under consideration in the court but he did not pay any heed to their request which is clear violation of law, rules and regulations.

It is further stated that this office has already submitted various detail reports along with documentary proofs on the subject case to your good office, SSD FATA and courts as well as also on 29/04/2016, 20/07/2016 and 22/12/2016, but no action has been taken up till now.

Therefore, it is requested that this office may kindly be guided to release their salaries or otherwise, to avoid COC and more litigations of the honorable court please.


Agency Surgeon,
North-Waziristan Miranshah.

Copy forwarded to the Registrar Khyber Pakhtunkhwa Service Tribunal
Peshawar w/r to his letter No. 2491/ST dated 20/11/2017.

Agency Surgeon,
North Waziristan Miranshah

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DIRECTORATE HEALTH SERVICES FATA
FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

No: 24332-33/DHS/FATA/Liti date: 28-12-2017

D (15)

The Agency Surgeon,
NW Agency.

Subject: JUDGMENT TO APPEAL NO. 678/13-MR. SHERZADA AND OTHERS.

Reference your letter No. 6007/C-2 dated 19.12.2017 on the subject noted above and to direct you to submit updated sanctioned filled vacant positions of NW Agency to enable this Directorate to proceed further in the matter before the next date of hearing in the court.

Director Health Services,
FATA, Peshawar. J

In: _____/DHS/FATA/Liti

Copy to the:

Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar:

Director Health Services,
FATA, Peshawar.

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E 16

OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN

Phone&Fax(0928)300788-311662 =email:agency surgeon nwa2018@gmail.com

No. 6822 /C-2 Dated Miran Shah the 12 /01/2018.

To

✓
The Director Health Services.

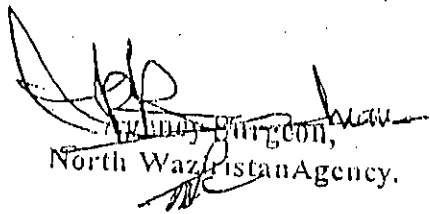
FATA, Warsak Road Peshawar.

Subject: - JUDGMENT TO APPEAL No. 678/2013- R. SHERZADA AND
& OTHERS.

Memo: -

Reference your letter No.24332-33/DIN/FATA/Liti: dated 28/12/2017 on the subject noted above. I have the honour to submit herewith photo copies of sanctioned, filled and vacant position on the strength of Agency Surgeon North Waziristan Agency.) and Medical Superintendent AHQ Hospital Miran Shah for information and further proceeding, in matter as desired please.

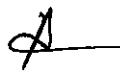
It is further added that there is no vacant post of Paramedics. However, if the applicants may be adjusted against the vacant posts of Charges Nurses BPS-16 for the purpose of drawl of pay and allowances. Latter then they will be adjusted after availability of clear vacancies of Paramedics to avoid COC and more litigation of honourable court.


Agency Surgeon,
North Waziristan Agency.

No. _____ /C-2.

Copy forwarded to the Registrar Khyber Pakhtoonkhwa Service Tribunal Peshawar for information

Agency Surgeon,
North Waziristan Agency.





DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT WARSAK ROAD PESHAWAR

PH # 091-9210212 FAX # 091-9212110

F 17
17

OFFICE ORDER

Dr. Sahibzada Muhammad Khalid Assistant Director (Admn) DH FATA, is hereby nominated as inquiry officer to conduct fact-finding inquiry in the attached judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar regarding appointed Mr. Sherzada and others against various categories by the then Agency Surgeon North Waziristan in the year 2011 and received their salaries upto 31-8-2011 and submit the report with clear recommendations and fixation of responsibility, within ten (10) days of the receipt of this office order.

--sd--

Director Health Services,
FATA, Peshawar.

No. 2441-42 /DHS/FATA/Admin

Dated 12 / 02 / 2018

Copy forwarded to the:-

- 1) Assistant Director (Admn) DHS FATA.(Inquiry Officer)
- 2) Agency Surgeon North Waziristan Agency.

For information and necessary action.

Deputy Director (Admin),
DHS, FATA.

[Handwritten signature]
7/1/18

[Handwritten mark]



DIRECTORATE OF HEALTH SERVICES FATA

FATA SECRETARIAT, WARSAK ROAD, PESHAWAR.

Phone: 091-9210212

FAX: 091-9212110

9-18

OFFICE ORDER

In pursuance of court proceedings in Writ Petition No. 678/2013-Sherzada and others VS ACS FATA and others, the following officers are hereby appointed as inquiry officers to conduct a fact finding inquiry in the recruitment process in the office of Agency Surgeon NWA at Miranshah during the year 2012:

- i. Dr. Hameedullah, Medical Superintendent AHQH Miranshah
- ii. Dr. Shams ur Rehman, Coordinator HSRU FATA.

They are directed to submit report alongwith recommendations to this Directorate within a week of time before the next date of hearing in the court, i.e., 02.05.2018.

Sd/xxxxx
Director Health Services,
FATA Peshawar

No. 8879-87 /DHS/Admn/FATA Dated: 17 / 04 / 2018

Copy for information and necessary action to:

1. Agency Surgeon NWA. He is directed to extent his full cooperation to the inquiry officers so as to complete the inquiry in time.
2. Officers concerned.

Director Health Services,
FATA Peshawar

17/4/18

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HQ/19

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TDNW.

No. 1757 /Inquiry, Dated Miranshah the 30 /07/2018.

To

The Director Health Services,
FATA, Warsak Road Peshawar.

Subject:- INQUIRY.
Memo :-

Reference Your letter No.8879-81/DHS/FATA and 14079-81/DHS/FATA/Admn dated 17/04/2018 and 8/06/2018 respectively on the subject noted above, I have the honour to state as per your direction I inquired into the matter and all the employee were called for physical verification. All of them were personally present alongwith original CNICs and personally collected other related documents i.e, Aquitance Roll, Pay bills and charge reports etc, Except of some was misplaced due to military operation Zarb-e-Azb. Beside this most of the appellants were appeared before the inquiry officer Dr. Shams U Rehman and later on submitted all the documents with Dr. Shahib Zada Khalid Asst: Director Admin, as per report of the said inquiry officer.

It is further stated that all the employees (38) were appointed during the year, 2011-12 and receiving their salaries regularly to the entire satisfaction of his superior since 31/08/2012 without no complaints, their salaries were stopped without any written orders / termination orders by the Ex-Agency Surgeons NWA. But not only stopped their pays but appointed blue eyed persons in their places illegally without codal formalities.

Recommendation:-

The frozen salaries of the employees may be released in the larger interest of justice being innocent.

Certificate:-

It is certified that most of the record of the Agency Surgeon North Waziristan Office has been completely destroyed/ misplaced due to military operation Zarb-e-Azb.

Medical Superintendent,
DHQ Hospital Miranshah.

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DIRECTORATE OF HEALTH SERVICES
TRIBAL DISTRICTS SECRETARIAT WARSAK ROAD PESHAWAR

I 20

NO. 2/2018

PH # 091-9210212
/DHS/ADMIN

FAX # 091-9212110

DATED: 28/8/2018

By FAX, E Mail & Post

To

The Agency Surgeon,
Tribal District - North Waziristan.

Subject:- ENQUIRY.

It is to inform you that Mr. Sherzada and others made an appeal for restoration their services and the appeals have lastly been sent to the undersigned as an enquiry officer to probe into.

1. Names
2. Date of appointment
3. 1st salary drawn (Month & Year)
4. All the time line in which salary stopped and released amongst anyone of the aggrieved.
5. When last salaries stopped. (Month & Year)
6. Any record at office to unveil the reason of stoppage.
7. Appointing authority at the time of stoppage of pay
8. Have their termination orders been served upon them?
9. Who was the head clerk and dealing account clerk by them?

The information shall reach to the undersigned within two days (02) after Eid ul Azha vacations. The letter shall be treated as the most urgent and any laxity or negligence shall not be over-looked as justice delayed is in-justice.

[Signature]
Assistant Director (Admin),
DHS, Tribal Districts.

No. _____/DHS/Admin

Copy for information to the :-

1. Director Health Services, Tribal Districts, Peshawar.
2. Deputy Director (Admin), Tribal Districts, Peshawar.

Assistant Director (Admin),
DHS, Tribal Districts.

A

Attention Sir Sahibzada Khuda
66.

**OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH**

Tel: (0928) 300788 FAX: (0928) 311662

Email: agency surgeon nwa 2018@gmail.com

10/11

3/9/2018

To,

J (21)

The Assistant Director Admn:
DHS Tribal District Peshawar.

Subject:- ENQUIRY
Dear Sir,

Reference your office letter No. 21067/DHS/Admn: dated 20/08/2018 on the subject cited above.



I have the honour to state that there is no record which shows the termination of related staff, and also there is no record of their termination, submitted for further necessary action please.

AGENCY SURGEON
N.W. TRIBAL DISTRICT

No _____/

Copy forwarded to the :

1-Director Health Services Tribal Districts Peshawar for information please.


AGENCY SURGEON
N.W. TRIBAL DISTRICT






OFFICE OF THE AGENCY ACCOUNTS OFFICER
NORTH WAZIRISTAN AGENCY MIRAN SHAH

No. AAO/MRN/NWA/2018-19/ 2085 Dated 17 / 9 /2018

To,

K 22

The Director Health Services,
FATA Peshawar.

SUBJECT:- ENQUIRY.

Memo,

Kindly refer to your memo No. 22054/DHS/Tribal District/Admn dated 14/09/2018 on the above subject.

In this regard it is stated that pay of 26 officials mentioned in the above memo was retrenched from manual pay bills by one reason & other by the department not known to this office at that time. Manual pay bills now are not available in this office due to operation Zarb-e-Azab conducted Pak Army in 06/2014.

To proceed in the matter further you are requested to approach Agency Surgeon Office NWA as maintenance of non gazetted record is their responsibly.

Note: No record of termination/suspension available in this office

[Signature]
Agency Accounts Officer
NWA Miran Shah

[Signature]
17/9/18

[Signature]
17/9

[Handwritten marks]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

L (23)

Execution Petition No. 252 /2018
In Service Appeal No.678/2013 to 703/2013

- | | |
|----------------------|---------------------|
| 1. Mr. Sherzada | appeal No. 678/2013 |
| 2. Hafiz Ullah, | appeal No.679/2013 |
| 3. Safeer Ullah, | appeal No. 680/2013 |
| 4. Asif Ullah, | appeal No.681/2013 |
| 5. Hashim Faraz, | appeal No.682/2013 |
| 6. Fida Ullah, | appeal No. 683/2013 |
| 7. Riaz Noor, | appeal No.684/2013 |
| 8. Kaleem Ullah, | appeal No. 685/2013 |
| 9. Shahid Ullah, | appeal No. 686/2013 |
| 10. Shahanzeb, | appeal No. 687/2013 |
| 11. Safia Bibi, | appeal No. 688/2013 |
| 12. Nek Zatullah, | appeal No. 689/2013 |
| 13. Haj Akbar, | appeal No. 690/2013 |
| 14. Zahid Noor, | appeal No. 691/2013 |
| 15. Saleem Ullah, | appeal No. 692/2013 |
| 16. Fateeh Ullah, | appeal No. 693/2013 |
| 17. Farhat Ullah, | appeal No. 694/2013 |
| 18. Muhammad Yousaf, | appeal No. 695/2013 |
| 19. Azi Ullah, | appeal No. 696/2013 |
| 20. Fawad Khan, | appeal No. 697/2013 |
| 21. Ameer Afghan, | appeal No. 698/2013 |
| 22. Nasr Ullah, | appeal No. 699/2013 |
| 23. Zain Uddin, | appeal No. 700/2013 |
| 24. Said Anwar, | appeal No. 701/2013 |
| 25. Arshad Ullah, | appeal No. 702/2013 |
| 26. Zabeeh Ullah, | appeal No. 703/2013 |

PETITIONER

VERSUS

1. The Director, Health Services (FATA), warsak Road Peshawar.
2. The agency Surgeon, North Waziristan Agency, Miranshah.

RESPONDENTS

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 13.11.2017 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**

R

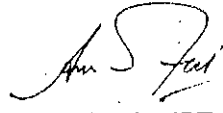

RESPECTFULLY SHEWETH:

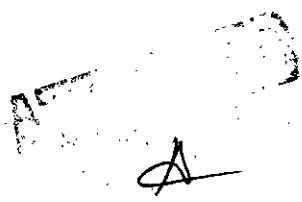
1. That the petitioners have filed appeals bearing No. 678/2013 to 703/2013 in this august Tribunal for directing the respondents to pay monthly salaries to the appellant with effect from September, 2012 till date and onward and against not taking any action on the departmental appeal of the appellant within statutory period.
2. That the said appeals were heard by the Honourable Tribunal on 13.11.2017 in which the august Tribunal remitted the appeals back to the appellate authority to treat these memo of appeals as departmental appeal and decide the same within a period of 90 days from the date of receipt of the judgment. They are also directed to pass a speaking order regarding the status of the appellant and how did they draw their salaries for a period of one year and how and why their salaries were stopped. The said judgment was issued by the Registrar KPK, Service Tribunal, Peshawar vide letter dated 20.11.2017. **(Copy of judgment and letter of letter are attached as Annexure-A&A1)**
3. That on the basis of above direction of this august Tribunal, the Director Health Services (FATA) Peshawar wrote a letter to Agency Surgeon NWA on 29.11.2017 and directed him to submit detail report with documentary proof regarding the subject appeal that how and why the salaries of the appellants were stopped. In response to the letter dated 29.11.2017 the Agency surgeon submitted the detail report to the Director Health Services (FATA) Peshawar on 19.12.2017 in which the Agency Surgeon mentioned that Dr. Muhammad Sadiq Ex-Agency has been stopped their salaries without valid reason and later on their salaries were released reason well known to him. The newly posted Agency Surgeon Dr. Azam Wazir not only stopped their salaries but he appointed 11 blue eye persons in place of the appellants, while the appellants had already lodged appeal against the discrimination of the said officers. When Dr. Azam Wazir was transferred and Dr. Jahan Mir was posted as Agency North Waziristan Agency the remaining posts of the appellants were filled by the Agency Surgeon Dr. Jahan Mir by he was well aware of the fact that the issue is under consideration in the court, but he did not pay any heed to their request which is clear violation of law, rules and regulations. It is further stated that this office has already submitted various detail reports along with documentary proofs on the subject case to your good office, SSD FATA and courts as well as also on 29.04.2016 , 20.07.2016 and 22.12.2016, but no action has been taken up till now. Therefore, it is requested that this office may kindly be guided to release their salaries or otherwise, to avoid COC and more litigations of the honorable court please. **(Copy of letter dated 29.11.2017 and reply of Agency Surgeon are attached as Annexure-B&C)**

4. That the Director Health Services (FATA) also asked from Agency Surgeon through letter dated 28.12.2017 to submit sanctioned, filled, vacant positions of NWA Agency on which the Agency Surgeon submitted report of photo copies of sanctioned, filled and vacant position on the strength of Agency Surgeon (North Waziristan Agency) and Medical Superintendent AHQ Hospital Miran Shah for information and further proceeding, in matter as desired please. It is further added that there is no vacant post of Paramedics. However, if the applicants may be adjusted against the vacant posts of Charges Nurses BPS-16 for the purpose of drawl of pay and allowances. Latter then they will be adjusted after availability of clear vacancies of Paramedics to avoid COC and more litigation of Honourable court. **(Copies of letter dated 28.12.2017 and report are attached as Annexure-D&E)**
5. That despite the direction of honorable Tribunal to treat memo appeal as departmental appeal and same is decided within 90 days and the report submitted by the agency surgeon NWA, the Director Health FATA, passed an order on 12.02.2018 to conduct fact finding inquiry against the petitioners which is total violation of the direction of the august Tribunal .
6. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
7. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 13.11.2017 of this Honourable Tribunal in letter and spirit.
8. That the petitioner has having no other remedy except to file this execution petition.

It is, therefore, most humbly prayed that the department may be directed to implement the judgment dated 27.10.2017 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

THROUGH:


M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT,
 & 
TAIMUR ALI KHAN
ADVOCATE HIGH COURT.



AFFIDAVIT:

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.

Dei

DEPONENT

[Faint stamp]
[Signature]

❖ BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. _____/2018
In Service Appeal No.678/2013 to 703/2013

1. Mr. Sherzada and Others.

.....PETITIONER

VERSUS

- 3. The Director, Health Services (FATA), Warsak Road Peshawar.
- 4. The Agency Surgeon, North Waziristan Agency, Miranshah.

.....RESPONDENTS

APPLICATION FOR RESTRAINING THE RESPONDENTS TO CONDUCT FACT FINDING INQUIRY AGAINST THE PETITIONER TILL THE DISPOSAL OF EXECUTION PETITION

RESPECTFULLY SHEWETH:

- 1. That the petitioners has filed the execution petition for implementation of judgment dated 13.11.2017 in which no date is fix so for.
- 2. That this august Tribunal directed the respondents to treated the memo of appeal as departmental appeal and decide them within ninety days but despite the clear direction of this Honourable Tribunal the respondents instead of taking action on the direction of this august Tribunal respondent No.1 issued an order on 12.02.2018 to conduct fact finding inquiry against the petitioners which is total violation of the direction of the august Tribunal. *Copy of order dt 12-2-2018 attached as Annex - f*
- 3. That the grounds of execution petition may also be considered as integral part of this application.
- 4. That the petitioners has a good prima facie case and all the three ingredients are in favour of the petitioners.



A

It is therefore most humbly prayed that on acceptance of this application the respondents may please be restrain from conducting fact finding inquiry against the petitioners till the disposal of execution petition.

PETITIONERS

THROUGH:

M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT,

& *[Signature]*

TAIMUR ALI KHAN
ADVOCATE HIGH COURT.

AFFIDAVIT:

It is affirmed and declared that the contents of the above application are true and correct to the best of my knowledge and belief.

[Signature]

DEPONENT

~~ATTESTED
Oath Commissioner
Zahoor *[Signature]* Advocate
Distt: Court, Esfwar~~

20 FEB 2018

~~ATTESTED~~

[Signature]



DIRECTORATE HEALTH SERVICES

TRIBAL DISTRICTS, PESHAWAR.

No: 23289-23308 /DHS/Lit: date: 3-10-2018

M 29

To

1. Mr. Sherzada Pharmacy Tech
2. Mr. Hafiz Ullah, Malaria Supervisor
3. Mr. Safer Ullah, Pharmacy Tech.
4. Mr. Asif Ullah, Malaria Supervisor.
5. Mr. Hashm Faraz, Pharmacy Tech.
6. Mr. Fariullah, Laboratory Tech.
7. Mr. Riaz Noor, Malaria Supervisor.
8. Mr. Kaleemullah, Malaria Supervisor.
9. Mr. Shahidullah, Malaria Supervisor
10. Mr. Shahanzeb, EPI Tech.
11. Miss. Safia Bibi, LHV
12. Mr. Nek Zatullah, Malaria Supervisor.
13. Mr. Haji Akbar, Malaria Supervisor.
14. Mr. Zahid Noor, Malaria Supervisor.
15. Mr. Saleemullah, Lab. Tech.
16. Mr. Fatehullah, EPI Tech.
17. Mr. Farhatullah, Malaria Supervisor.
18. Muhammad Yousaf, J/Pharmacy Tec
19. Mr. Azeemullah, Malaria Supervisor.
20. Mr. Fawad Khan, Malaria Supervisor.
21. Mr. Amir Afghan, Malaria Supervisor.
22. Mr. Nasrullah, Malaria Supervisor.
23. Mr. Zainuddin, Malaria Supervisor.
24. Mr. Said Anwar, Malaria Supervisor.
25. Mr. Arshadullah, Malaria Supervisor.
26. Mr. Zabihullah, Malaria Supervisor.

Subject:- APPEAL NOS. 678/13 TO 703/13-MR. SHERZADA AND OTHERS.

Reference to your appeals received in this Directorate through Khyber Pakhtunkhwa Service Tribunal order dated 13.11.2017. In light of the said order, a departmental enquiry was constituted which has submitted its report alongwith recommendation that the said appeals are not maintainable due to the following reasons.

- i. Non availability of clear vacant posts.
- ii. Codal formalities in the recruitment process were not fulfilled.

In the light of above reasons, your appeals for release of salaries and reinstatement are hereby rejected.

Director Health Services,
Tribal Districts, Peshawar.

No. _____ /DHS/FATA/Liti

Copy to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Agency Surgeon NW Agency.
3. Agency Accounts Officer, NW Agency.

Director Health Services,
Tribal Districts, Peshawar.

ATTACHED
#

مختصر انگریزی میں لکھی جانے والی کتاب

تعمیراتی ادب کا مطالعہ، کہ یہ کتاب کے ساتھ کچھ لکھنؤ کے
تعمیراتی فنکاروں نے۔ لیکن انہوں نے سیاسی اور ادبی طور پر لکھے ہوئے ہیں
ریپبلک کے دور میں، تعمیراتی فنکاروں نے 2012 سے اب تک
ریپبلک کے دور میں، تعمیراتی فنکاروں نے 2012 سے اب تک
تعمیراتی فنکاروں نے 2012 سے اب تک

تعمیراتی فنکاروں نے 2012 سے اب تک
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تعمیراتی فنکاروں نے 2012 سے اب تک
تعمیراتی فنکاروں نے 2012 سے اب تک

H/c.
Rev report

A. S. 20/7

P.T.O

سرزادہ عبدالرزاق

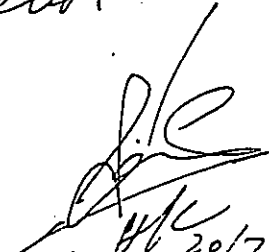
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Report of Head Clerk

31

It is stated that the appeal regarding for justice is based on facts with the remarks that the salary of the appellants mentioned in the appeal has been stopped without any termination order / Cripple formalities. Let's on their salaries has been released by the Ex-Agency - Surgeon? ^(Original) The reasons known to best him.

The above actual and factual report is submitted for further necessary action as desired please.


20/7/16

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درخواستیں مطلوب ہیں

ذریعہ دستی کوڑا کیل ڈسٹرکٹ نارنگورستان کی خالی آسامیوں کیلئے درخواستیں مطلوب ہیں۔ لہذا تمام امیدوار اس اشاعت کے بعد 15 دن یعنی مورخہ 18/10/2018 تک درخواستیں جمع کر سکتے ہیں۔ نامکمل یا متفرق تاریخ کے بعد آنے والی درخواستوں پر غور نہیں کیا جائے گا۔ انٹرویو مندرجہ ذیل شیڈول کے مطابق وقت 10:00 بجے جمع روز بروز دستی میں ہوگا۔

| سے پندرہ | نام آسامی | ذاتی لائسنس | م | تعمیراتی قابلیت درجہ | انحصاری تاریخ |
|----------|-------------------------------|-------------|-------------|---|------------------------|
| 1 | کھوپڑی ٹیکسٹائل (ایسٹریڈ) | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 25-10-2018 بروز جمعرات |
| 2 | کھوپڑی ٹیکسٹائل (OT) | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 25-10-2018 بروز جمعرات |
| 3 | کھوپڑی ٹیکسٹائل (ملڈیک) | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 25-10-2018 بروز جمعرات |
| 4 | کھوپڑی ٹیکسٹائل (ریلی یا ٹی) | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 25-10-2018 بروز جمعرات |
| 5 | کھوپڑی ٹیکسٹائل (ای سی ٹی) | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 26-10-2018 بروز جمعرات |
| 6 | کھوپڑی ٹیکسٹائل (سٹریٹ یا ٹی) | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 25-10-2018 بروز جمعرات |
| 7 | کھوپڑی ٹیکسٹائل (ٹائی) | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 26-10-2018 بروز جمعرات |
| 8 | لیڈی ہینڈ ویئر | 12 | 60 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 26-10-2018 بروز جمعرات |
| 9 | ای ٹی آئی ٹیکسٹائل | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 26-10-2018 بروز جمعرات |
| 10 | سٹریٹ ویئر | 12 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 26-10-2018 بروز جمعرات |
| 11 | ڈرائیو | 08 | 30 ۴ 18 سال | ہیکڑ سائنس میڈیکل ٹیکسٹائل (غیر پختہ خواہ) سے متعلق شعبہ میں دو سالہ لپہہ | 26-10-2018 بروز جمعرات |

شرائط

- (1) نارنگورستان ڈسٹرکٹ ڈسٹرکٹ سے تعلق رکھنے والے کو ترجیح دی جائے گی۔ بصورت دیگر قریبی اضلاع کے امیدواروں کی درخواستوں پر غور کیا جائے گا۔
- (2) تقرری صوبائی حکومت کے ہر جہتہ امد و ضوابط کے تحت مل میں لائی جائے گی۔
- (3) اطلاع کیلئے تمام اصل اسناد لانا لازمی ہوگا۔
- (4) تقرری بصورت متعلقہ کاغذات متعلقہ اداروں سے جانچ پڑتال کیے بعد کی جائے گی۔ غلط دستاویزات ثابت ہونے کی صورت میں قانونی کارروائی کی جائے گی۔
- (5) سرکاری ملازمین ٹیکسٹائل سے درخواستیں نہیں۔
- (6) انٹرویو کیلئے کوئی TA / DA نہیں دیا جائے گا۔
- (7) خواہشمند امیدوار تمام اسناد کی تصدیق شدہ متعلقہ اداروں سے درخواست کے ساتھ منسلک کر کے جمع کیں۔ لہذا شناختی کارڈ کی نقول، دستخطی اشاعت کے 15 دن کے اندر اندر جمع کرائیں۔
- (8) ذریعہ دستی کو اختیار ہے کہ مندرجہ بالا ایڈورٹائزمنٹ نمبر و دیگر متعلقہ شعبہ میں داخل ہو سکتا ہے۔

نوٹ

مندرجہ بالا آسامیوں کی تعداد کم یا زیادہ ہو سکتی ہے۔

روزنامہ آج
بشمول 3/10/18

ڈاکٹر محمد یونس داؤد

ڈسٹرکٹ سرچین

نارنگورستان ڈسٹرکٹ ڈسٹرکٹ میرانشاہ

PID (P) 101178/18

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TYPE "D" HOSPITAL, RAZMAK NW AGENCY

| # | Designation | BPS | Posts in the Yardstick | Existing Posts | Posts sanctioned |
|----|---------------------|-----|------------------------|----------------|------------------|
| 1 | Administrator/SMO | 18 | 1 | 1 | 0 |
| 2 | Surgical Specialist | 18 | 1 | 0 | 1 |
| 3 | Medical Specialist | 18 | 1 | 0 | 0 |
| 4 | Gynaecologist | 18 | 1 | 0 | 1 |
| 5 | Paediatrician | 18 | 1 | 0 | 0 |
| 6 | GDMOs | 17 | 11 | 1 | 7 |
| 7 | Nurses | 16 | 9 | 0 | 9 |
| 8 | Anaesthesia Tech: | 12 | 2 | 0 | 2 |
| 9 | OT Tech: | 12 | 2 | 1 | 1 |
| 10 | Blood Bank Tech: | 12 | 1 | 0 | 1 |
| 11 | Lab: Tech: | 12 | 2 | 1 | 1 |
| 12 | X-ray Tech: | 12 | 2 | 1 | 1 |
| 13 | ECG Tech: | 12 | 1 | 0 | 1 |
| 14 | Sterilization Tech: | 12 | 1 | 0 | 1 |
| 15 | Dental Tech: | 12 | 1 | 1 | 0 |
| 16 | Pharmacy Tech: | 12 | 5 | 2 | 2 |
| 17 | LHV | 12 | 1 | 0 | 1 |
| 18 | EPI Tech: | 12 | 2 | 0 | 1 |
| 19 | Store keeper | 12 | 1 | 0 | 1 |
| 20 | Clerk | 11 | 1 | 0 | 1 |
| 21 | Driver | 6 | 1 | 0 | 1 |
| 22 | Dai | 4 | 4 | 1 | |
| 23 | OT Attend: | 3 | 0 | 1 | |
| 24 | X-ray attend: | 3 | 0 | 1 | |
| 25 | Lab: Attend | 3 | 0 | 1 | |
| 26 | Dental Attend: | 3 | 0 | 1 | |
| 27 | Ward Attendants | 3 | 6 | 2 | |
| 28 | Sweeper | 3 | 4 | 2 | |
| 29 | Mali | 3 | 1 | 2 | |
| 30 | Qowkidars | 3 | 5 | 2 | |
| 31 | N/Qasid | 3 | 2 | 0 | |
| 32 | Laundry | 3 | 2 | 0 | |
| 33 | Cook | 3 | 0 | 1 | |
| | Total | | 72 | 22 | 33 |

APPROVED

X

Creation of DISE For NWA

34

| | | | | |
|-------|---|---|----------------------------------|----------------------------------|
| 12 | Civil Dispensaries at Sher Ajam Kot Tehsil Dosali | Pharmacy Tech: Chowkidar | 12 03 | 01 01 |
| 13 | Civil Dispensaries at Hakim Jan Mir Ali | Pharmacy Tech: Chowkidar | 12 03 | 01 01 |
| 14 | Civil Dispensaries at Mamtaz Mir Ali | Pharmacy Tech: Chowkidar | 12 03 | 01 01 |
| 15 | Labour Suit at Rashid Khan Kot in CD Wozi Tehsil, Mir Ali | Lead Health Visitor Dai Chowkidar | 12 04 03 | 01 01 01 |
| 16 | Labour Suit at CD Tariq Aziz Kot Khaddi Tehsil Mir Ali | Lead Health Visitor Dai Chowkidar | 12 04 03 | 01 01 01 |
| 17 | Labour Suit at Farid Khan Kot Tehsil Mir Ali | Lead Health Visitor Dai Chowkidar | 12 04 03 | 01 01 01 |
| 18 | Mother Child Health Center at Abdul Manan Kot Aba Khel Spinwarm | Lead Health Visitor Dai Chowkidar | 12 04 03 | 01 01 01 |
| 19 | Community Health Center at Mamal Kala NWA | Pharmacy Tech: Lead Health Visitor EPI Tech: Dai Sweeper Chowkidar | 12 12 12 04 03 03 | 01 01 01 01 01 01 |
| Total | | | | 55 |

2. The expenditure involved shall be debitible to the major Head 07-Health, 073-Hospital Services, 0731-General Hospital Services, 073101-General Hospital Services under DDO Code PR0049, and shall be met out within the sanctioned Budget Grant under Demand No.99-FATA in the current financial year 2017-18, subject to observance of all codal formalities under intimation to Finance Department FATA, Secretariat and Additional Accountant General, Pakistan Revenues, Sub Office, Peshawar.

DDO, FATA
S.No. 4400
Date: 8-6-18

Yours faithfully

Sadia Asghar
(Sadia Asghar)
Section Officer (FATA-II)

Copy forwarded to the:-

1. Secretary Social Sectors Department, FATA
2. Secretary A,I&C Department, FATA
3. Director Health Services (FATA)
4. PS to Additional Chief Secretary, FATA.
5. PS to Secretary Finance, FATA.

for information and necessary action.

for information.

Sadia Asghar
(Sadia Asghar)
Section Officer (FATA-II)

ASA/O.S/SNE/PO
1/2/6/18

AA
A.I.I
AD

Reminder



DIRECTORATE GENERAL HEALTH
SERVICES, GOVT. OF KHYBER PAKHTUNKHWA
PESHAWAR.

NO 5284-79 / PERSONNEL
DATED 8 / 05/2015.

To,

1. The Chief Executive of Teaching Hospital in Khyber Pakhtunkhwa
2. The DHS (FATA) Peshawar.
3. The All DHOs/MSs in Khyber Pakhtunkhwa.

Subject: OFFICE ORDER.
Memo:

D.H.S. FATA OFFICE

Diary No. 3886

18-05-2015

Please refer to this Directorate office order bearing Endst. No. 3620-87/Personnel dated 26.03.2015, on the subject noted above.

You are once again directed to submit a certificate to the effect that no officers/officials is posted on Ex-cadre post or on general duty.

The certificate duly signed by the DDO/Controlling officer must reach to this Directorate with in one week but later then 15.05.2015.

DDA

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[Handwritten signature]

[Handwritten signature]

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DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR

DIRECTORATE OF HEALTH SERVICES FATA, PESHAWAR

No 14935-55 DHS/FATA/Admn

Date. 11 / 06/2015

Copy is forwarded to the:-

1. All Agency Surgeons in FATA/FRs.
2. All Medical Superintendents AHQs in FATA
For information and early response.

[Handwritten signature] 16/15
Director Health Services,
FATA, Peshawar

[Handwritten signature]

OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN AGENCY MIRANSHAH.
AT PRESENT BANNU PHONE & FAX NO.0928-620995.

36

No. 3289 /S-2-A, Dated Bannu the 12/06/2015

To The Director Health Services
 FATA, Warsak Road Peshawar

Subject: OFFICE ORDER.
 Memo

Reference your letter endorsement No 14235-55/DHS/FATA/Admn dated 04/06/2015 on the subject noted above. I have the honour to submit the requisite information i.e. officers/officials posted on Ex-cadre post or on general duty as per detail given below for favour of information and further necessary action as desired please.

| S.# | Name and Designation with grade. | Ex-cadre post. | Justification / Remarks |
|-------|---|----------------------|--|
| 1. | Mr. Goharullah JCT(Pharmacy)BPS-9. | Charge Nurse BPS-16. | He was surplus in NWA and was adjusted by DHS FATA for the purpose of drawal of pay against the post of Charge Nurse. |
| 2. | Mr. Ashraf Ali Khan, JCT(Pharmacy)BPS-9 | LHV BPS-9 | He was transferred from other Agency by DHS FATA and was adjusted against the post of LHV due to non availability of clear vacant post of JCT(Pharmacy). |
| 3. | Mr Saeed Noor, JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 4. | Mr. Najeebullah JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 5. | Mr. Mahir Khan JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 6. | Mr. Zahoor Badshah JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 7. | Mr. Azizullah JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 8. | Mr. Bastabaz JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 9. | Mr Srah Nawaz JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 10. ✓ | Mr. Muhammad Yousaf JCT(Pharmacy)BPS-9 | LHV BPS-9 | Reinstated through KPK Service Tribunal Peshawar and was adjusted against the post of LHV due to non availability of clear vacant post of JCT(Pharmacy). |
| 11. ✓ | Mr Ahmadullah JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 12. ✓ | Mr. Sakhi Muhammad JCT(Pharmacy)BPS-9 | LHV BPS-9 | -do- |
| 13. ✓ | Mr. Irfan Ali Shah Dental Technician BPS-9 | LHV BPS-9 | He was surplus in District Bannu and was adjusted by DHS FATA for the purpose of drawal of pay against the post of LHV. |
| 14. | Mr. Ashraf Ali Khan Dental Technician BPS-9 | LHV BPS-9 | -do- |
| 15. | Mr. Tariq Khan Malaria Supervisor BPS-9 | LHV BPS-9 | -do- |
| 16. | Mr. Subghatullah, Malaria Supervisor BPS-9 | LHV BPS-9 | He was surplus in District Bannu and was adjusted by DHS FATA for the purpose of drawal of pay against the post of LHV. |
| 17. ✓ | Mr. Sahib Noor, Driver BPS-4 | MT BPS-9 | He was surplus in NWA and was adjusted by DHS FATA for the purpose of drawal of pay against the post of MT. |
| 18. ✓ | Mr. Shohabullah, Malaria Supervisor BPS-9 | LHV BPS-9 | Appointed against the post of LHV. |
| 19. ✓ | Mr. Wahidullah, Malaria Supervisor BPS-9 | LHV BPS-9 | Appointed against the post of LHV. |
| 20. ✓ | Mr. Nizamullah Malaria Supervisor BPS-9 | LHV BPS-9 | Appointed against the post of LHV. |
| 21. | Satichullah Malaria Supervisor BPS-9 | LHV BPS-9 | Appointed against the post of LHV. |

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| | | | |
|-------|---|----------------------|--|
| | Muhammad Ayaz Malaria Supervisor BPS-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| | Mr. Ahmad Malaria Supervisor BPS-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 24. | Mr. Said Ghawas, Malaria Supervisor BPS-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 25. | Mr. Dil Abass Malaria Supervisor BPS-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 26. | Mr. Abdul Nasir Laby: Technician BPS-9 | MT BPS-9 | Appointed against the post of MT BPS-9 |
| 27. ✓ | Mr. Ferooz Shah, Laby: Technician BPS-9 | MT BPS-9 | Appointed against the post of MT BPS-9 |
| 28. ✓ | Mr. Shahidullah, Laby: Technician BPS-9 | MT BPS-9 | Appointed against the post of MT BPS-9 |
| 29. ✓ | Mr. Subghatullah, Laby: Technician BPS-9 | MT BPS-9 | Appointed against the post of MT BPS-9 |
| 30. | Mr. Ajab Noor, Laby: Technician BPS-9 | MT BPS-9 | Appointed against the post of MT BPS-9 |
| 31. | Mr. Muhammad Shafiq, Laby: Technician B-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 32. | Mr. Iftehar Ahmad, Laby: Technician BPS-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 33. | Mr. Mehtabullah, Laby: Technician BPS-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 34. | Mr. Abdul Saboor, JCT(Pharmacy) BPS-09 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 35. | Mr. Sadiqullah EPI Technician BPS-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 36. | Mr. Zia-ul-Haq, EPI Technician BPS-9 | LHV BPS-9 | Appointed against the post of LHV BPS-9 |
| 37. | Mr. Mukhtar Ali Junior Clerk BPS-7. (At present BPS-11). | Senior Clerk BPS-14. | Appointed against the post of Senior Clerk BPS-9 (At present BPS-14) |
| 38. | Mr. Ulhafullah Junior Clerk BPS-7. (At present BPS-11). | Senior Clerk BPS-14. | Appointed against the post of Senior Clerk BPS-9 (At present BPS-14) |

It is further added that One Mr. Mian Wahid Jan JCT(Pharmacy) BPS-09 is drawing pay against his original post under the control of this office and working on detailment basis in Mobile Hospital Programme FATA.

AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH,
AT PRESENT BANNU.

OFFICE OF THE AGENCY SURGOEN NORTH WAZIRISTAN MIRANSHAH.

PHONE & FAX: 0928-300788.

NO 2801 / DATED: MIRANSHAH THE 30 / 9 / 2011.

To The Director Health Services.
FATA Warsak Road Peshawar.

SUBJECT: APPOINTMENT DURING THE LAST THREE(3) YEARS.

Memo: Reference your Telephonic Message to day on 30-09-2011.


I have the honour to submit herewith the detail list of appointment during the last three years as follows.

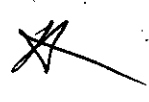
| S.NO | NAME | F:/NAME | Domicile | Designation | Date of Arrival |
|------|--------------------------|----------------------|----------|----------------------------------|-----------------|
| 1 | Mr. Khaista Rehman | Fateh Said | Bajaur | Medical Tech | 3-11-2009 |
| 2 | Mr. Shaheed Ullah Jan | Jan Behader | NWA | Medical Tech | 03-11-2009 |
| 3 | Mr. Zahid Iqbal | Danat Khan | NWA | Medical Tech | 3-11-2009 |
| 4 | Mr. Akhtar Ayub | Janabat Khan | NWA | Medical Tech | 3-11-2009 |
| 5 | Mr. Safer Elahi | Noor Elahi | NWA | Medical Tech | 3-11-2009 |
| 6 | Mr. Arifullah | Khushal Khan | NWA | Medical Tech | 06-12-2009 |
| 7 | Mr. Naveed Iqbal | Khan Behader | NWA | Medical Tech | 12-11-2009 |
| 8 | Mr. Wadood Ali Shah | Muhammad Nawaz Shah | Banru | Medical Tech | 10-01-2010 |
| 9 | Mr. Farhad Ullah | Made Jan | NWA | Medical Tech | 18-06-2010 |
| 10 | Mr. Shahid ullah | Muhammad Nawaz | NWA | Dispenser | 3-11-2009 |
| 11 | Mr. Abdul Hanan | Gul Faraz Khan | Bajuar | Dispenser | |
| 12 | Mr. Zaheer ud Din | Noor Adil Shah | NWA | Dispenser | 3-11-2009 |
| 13 | Mr. Inam Ullah | Shahadat Khan | NWA | Dispenser | 22-11-2009 |
| 14 | Namat Rasool | Azad Khan | NWA | Dispenser | 25-03-2010 |
| 15 | Mr. Nazeer Ahmad | Muhammad Younas | Bajaur | Dispenser | 20-12-2009 |
| 16 | Mr. Muhammad Qasim (ADP) | Muhammad Zuman | NWA | Dispenser | 22-11-2009 |
| 17 | Mr. Sayed Nawaz (ADP) | Sahed Nawaz | NWA | Dispenser | 18-11-2009 |
| 18 | Mr. Habib ullah (ADP) | Ber Mullah Khan | NWA | Dispenser | 22-11-2009 |
| 19 | Mr. Imran Ullah (ADP) | Muhammad Niaz | NWA | Dispenser | 24-11-2009 |
| 20 | Mr. Muhammad Zunir (ADP) | Noor Madat Khan | NWA | Dispenser | 06-11-2009 |
| 21 | Mr. Muhammad Akram | Muhammad Saleem Shah | NWA | Dispenser / Adjusted Against DHV | 06-11-2009 |
| 22 | Mr. Rafi Ullah | Mir Sahab Khan | NWA | Dispenser / Adjusted Against EHV | 15-11-2009 |

| | | | | | |
|----|---------------------|-------------------|--------------|--|-----------------|
| | Mustafa Khan | Rashid Khan | NWA | Dispenser Adjusted Against LHV | 25-12-2010 |
| 24 | Hafiz Noor | Sayed Manoor | NWA | Dispenser Adjusted Against LHV | 1-1-2010 |
| 25 | Miss. Basnoor Bibi | Samin Ullah | Bnnu | LHV | 12-11-20 |
| 26 | Miss. Tabsuam | Gul Naib Khan | Bannu | LHV | 15-11-20 |
| 27 | Miss Husai | Adil Khan | NWA | LHV | 15-11-20 |
| 28 | Miss. Zubida Khanam | Kari mud Din | D.I. KHAN | LHV | 19-12-20 |
| 29 | Miss. Komal Saba | Palol Khan | NWA | LHV | 23-12-20 |
| 30 | Miss: Romana Akram | Muhammad Akram | D.I.Khan | LHV | 23-12-20 |
| 31 | Faiqa | Habib Ullah | Bannu | LHV | 31-12-20 |
| 32 | Zar Taj | Hukam Zada | Bannu | LHV | 6-1-201 |
| 33 | Miss Permeen Gul | Gul Shah Zada | BANNU | LHV | 30-1-20 |
| 34 | Miss. Nasima Bibi | Noor Bad Shah | Bannu | LHV | 20-02-2 |
| 35 | Miss Zakishah | Din Bad Shah | NWA | LHV | 18-06-2 |
| 36 | Miss. Waheeda LHV | Aman ullah | NWA | LHV | 2-6-201 |
| 37 | Mr. Altaur Rehman | Wali Muhammad | NWA | Assistant Superintendent Malaria | 25-06- 2010. |
| 38 | Mr. Sajid Khan | Murad Ali | NWA | Dental Tech | 18-11-2 |
| 39 | Mr. Feroz Shah | Hakim Shah | NWA | Lab: Asstt Against Dispense | 18-11-2010 |
| 40 | Sayel Khan | Zarbab Khan | NWA | EPL Tech Against LHV | 12-11-2010 |
| 41 | Mr. Asif Mehmood | Taj Muhammad | NWA | X-Ray Against LHV | 3-12-2010 |
| 42 | Mr. Sabghat ullah | Zaffar Ali | NWA | Lab Tech Against LHV | 3-12-2010 |
| 43 | Sardar Ayub | Ayub Khan | NWA | EPL Tech Against LHV | 6-12-2010 |
| 44 | Mr. Khatib Ullah | Saeed Khan | NWA | EPL Tech Against TSM | 3-12-2010 |
| 45 | Mr. Gul Rehman | Inayat Khan | NWA | Dispenser Against LHV | 10-12-010 |
| 46 | Mr. Salim ullah | Hanif ullah | NWA | Lab: Asstt Against ECG | 17-12-010 |
| 47 | Mr. Shahid Ullah | Muhammad Noor Gul | NWA | Lab: Asstt Against LHV | 25-12-010 |
| 48 | Mr. Noor Hayat | Salim Muhammad | NWA | Dispenser Against LHV | 15-01-010 |
| 49 | Mr. Ajab Noor | Shamaraz | NWA | Lab: Astt Against LHV | 2-4-2010 |
| 50 | Mr. Niazam ud Din | Fazal Ghani | NWA | MT Against LHV | 2-4-2010 |
| 52 | Sher Ali BAZ | Niaz Khan | NWA | EP TECH | 8-4-2010 |
| 53 | Zia ullah | Abdul Hamid | NWA | Lab: Asstt Against Physiotherapist | 21-03-2010 |
| 54 | Asif | Yqoob | NWA | Lab: Asstt Against Dispenser | 22-11-2010 |

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| | | | | | |
|----|----------------|----------------|-----|-------------------|------|
| 57 | Safdar Ali | Dilawar Khan | NWA | Junior Clerk | 06-0 |
| 58 | Mansoor Ahmad | Qamar Ali | NWA | Junior Clerk | 03-0 |
| 59 | Jamil Ahmad | Nasib Akhtar | NWA | Junior Clerk | 01-0 |
| 60 | Muhammad Niaz | Nawshar Khan | NWA | Junior Clerk | 03-0 |
| 61 | Abdur Rehman | Zainullah | NWA | Malaria Inspector | 23-0 |
| 62 | Noor Ayub | | NWA | EPI Tech | |
| 63 | Muhammad Tariq | Gul Zarooi | NWA | EPI Tech | |
| 64 | Zainullah | Madaraz | NWA | EPI Tech | 29-0 |
| 65 | Azmat ullah | Lair Jan | NWA | EPI Tech | |
| 66 | Abdullah | Aslam Khan | NWA | Sweeper | 28-0 |
| 67 | Nazullah Khan | Mather Khan | NWA | Behishity | 10-0 |
| 68 | Manoor Khan | Hajji Adil Mir | NWA | Sweeper | 12-0 |
| 69 | Asmad ud Din | Abdul Hakim | NWA | Mali | 2-01 |
| 70 | Din Faraz | Juma Gul | NWA | Cook | 31-0 |


 AGENCY SURGEON
 NORTH WAZIRISTAN MIRANSHA



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TEMPERARY BILL FOR LESS DRAWAL OF AD-HOC RELIEF ALLOWANCE W.E.FROM 01/07 2013 TO 31/10 2014=16-MONTHS)

TEMPERARY BILL
NW/0031

| Name | CATA | AO:151 Pay | 17/2013-30/04/2013 5-Months= Due | Rate | Total | 17/2013 to 31/10/2014 11-Months= Due | Cr. Am | Debit | Total | Grand Total |
|--|------|------------|----------------------------------|------|------------|--------------------------------------|--------|-----------------|-------|-------------|
| Feroz Shah Lab Tech. Against DSD RPO Swat | B | 7720 | 110 | 734 | 367x5=1835 | 1835 | 1158 | 7721355x11=4245 | 4245 | 1835 |
| Muhammad Usman Lab Technician Against: LHV CH Bawa | IA | 7720 | 110 | 734 | 367x5=1835 | 1835 | 1158 | 7721355x11=4245 | 4245 | 1835 |
| Muhammad Usman Lab Technician Against LHV CH Hassan Khan | IA | 7720 | 110 | 734 | 367x5=1835 | 1835 | 1158 | 7721355x11=4245 | 4245 | 1835 |
| Sahar Aziz EPI Technician Against LHV | IA | 7720 | 110 | 734 | 367x5=1835 | 1835 | 1158 | 7721355x11=4245 | 4245 | 1835 |
| Muhammad MS Technician Against LHV | IA | 7720 | 110 | 734 | 367x5=1835 | 1835 | 1158 | 7721355x11=4245 | 4245 | 1835 |
| Muhammad MS Against LHV | IB | 7340 | 100 | 698 | 348x5=1740 | 1740 | 1101 | 7341357x11=4037 | 4037 | 1740 |
| Shahidullah Maria supervisor against LHV | IB | 7340 | 100 | 698 | 348x5=1740 | 1740 | | | | 1740 |
| Wahidullah Maria Supervisor against LHV | | 6190 | | | | 14490 | | | | 14490 |
| Total | | | | | | | | | 33550 | 46040 |

Asy Noor
Shahidullah
Wahidullah

| CLASSIFICATION | Amount |
|-----------------|--------|
| AO:151 NEW | 46040 |
| (05030) G.Total | 46040 |
| Deductions | 0 |
| Net Total:- | 46040 |

Against Day bill:

- 1- Feroz Shah Laby: tech against Mal Toke (MT)
- 2- Shahidullah. Laby: tech against LHV Tech:
- 3- Sahidullah Lab Tech against LHV.
- 4- Sahar Aziz Epi tech against LHV.
- 5- Asy Noor malaria supervisor against LHV.
- 6- Muhammad shafiq malaria supervisor against LHV.
- 7- Zahidullah malaria supervisor against LHV.
8. Wahidullah malaria supervisor against LHV.

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2014

AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH

AGENCY SURGEON,
NORTH WAZIRISTAN MIRANSHAH

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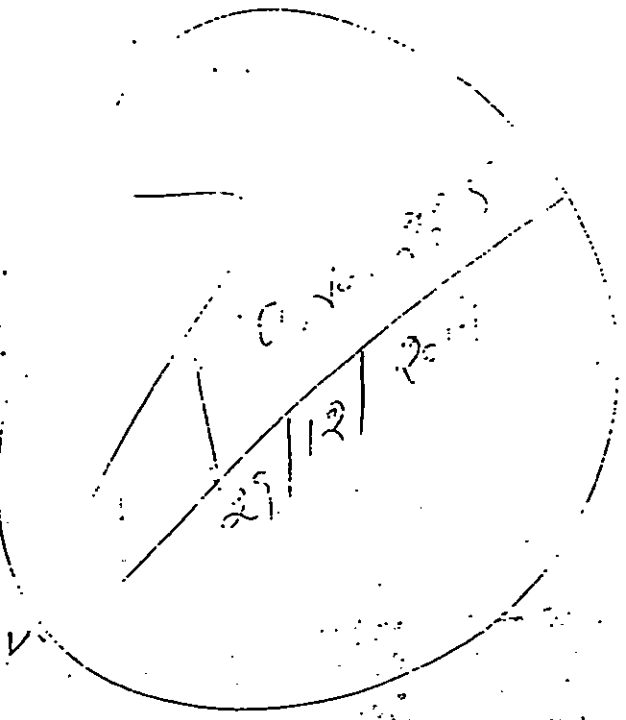
OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN MIRANSHAH.
 Hospitals And Services: 0731-G.H.S. :073101-G.H.S. Demand: No.111
 PREPARE BILL FOR LESS DRAWN OF AD-HOC RELIEF ALLOWANCE W.E.FROM 01/07/2013 TO 31/10/2014=16(MONTHS).

| Sl. No. | Name | CATA GARY | ADHOC Pay | 1/7/2013 to 30/11/2013 5 Months Due | Drawn | Ditto | Total | 1/12/2013 to 30/10/2014 | Drawn | Ditto | Total | Grand Total |
|---------|--------------------------------------|-----------|-----------|-------------------------------------|-------|--------------|---------|-------------------------|-------|---------------|---------|-------------|
| | | | | | | | | 11 Months Due | | | | |
| 1 | Mir Ali Shah Dental Tech:THO Mir Ali | A | 17600 | 2533 | 1722 | 851x5=4255/- | 4305/- | 2640 | 1750 | 880x11=9680/- | 9990/- | 13990/- ✓ |
| 2 | Sahib Noor Driver SPS-4 | A | 9970 | 1446 | 964 | 482x5=2410 | 2410/- | 1481 | 937 | 494x11=5414/- | 5431/- | 7845/- ✓ |
| 3 | Abdul Nasir Lab: Tech: | B | 8850 | 1272 | 848 | 424x5=2120/- | 2120/- | 1329 | 855 | 443x11=4873/- | 4873/- | 6993/- ✓ |
| 4 | Muhammad Zubair M.T | A | 8850 | 1272 | 848 | 424x5=2120/- | 2120/- | 1329 | 855 | 443x11=4873/- | 4873/- | 6993/- ✓ |
| 5 | Kamal Hussain Against M.T | B | 8460 | 1215 | 810 | 405x5=2025/- | 2025/- | 1272 | 734 | 397x11=4377/- | 4377/- | 5777/- ✓ |
| 6 | Waheed Ali Shah M.T | A | 7340 | 1044 | 696 | 348x5=1740/- | 1740/- | 1101 | 1700 | 686x11=7546/- | 7546/- | 13772/- ✓ |
| | 17 | B | 17350 | 2532 | 1688 | 344x5=1720/- | 1720/- | 2607 | | | 43120/- | 62050/- ✓ |
| | 18 | | 78350 | | | | 13940/- | | | | | |
| | Total | | | | | | | | | | | |

| | |
|-----------------|-------|
| CLASSIFICATION | 62050 |
| AR-154/NEW | 62050 |
| (01000) G.Total | |
| Deductions: | |
| Net Total | |

Against pay bill.

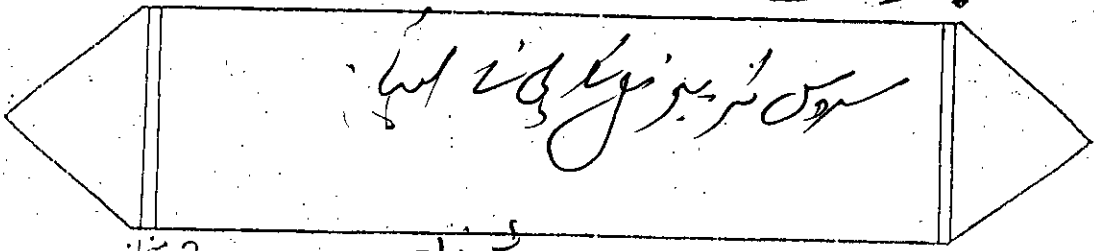
- 1- Ashraf Ali Dental Tech against LHV.
- 2- Sahib Noor Driver against M.T.
- 3- Abdul Nasir Lab.Tech: against M.T.
- 4- M. Zubair M.T. against Lab.Tech.
- 5- Kamal Hussain M.T against Lab.Tech.
- 6- Waheed Ali Shah M.T against LHV.



AGENCY SURGEON
 NORTH WAZIRISTAN MIRANSHAH

AGENCY SURGEON
 NORTH WAZIRISTAN MIRANSHAH

بعدالت



مورخہ
مقدمہ
دعویٰ
جرم

سند رائے
سوشل رائے

2 منجانب
بنام خلیفہ مسیحی

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام لنہادر کیلئے اصغر سواتی رند محرم علی خان
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور
بسورت ڈگری کرنے اجراء اور وصولی چیک در و سپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بسورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نمبرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی وی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساتھ
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فرج چہ ہر جہات التوا اس کے مقدمہ کے سبب سے وہ
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Handwritten signature and date: 20

المرقوم
واہ الع

بمقام
کے لئے منظور ہے۔
سند رائے

BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 1265 /2018

Mr. Sher Zada PharmacyPetitioner

technician

Versus

Director Health Services, Tribal Districts and othersRespondents

Para wise comments on behalf of respondent No. 1 & 2

Respectfully Sheweth;

Preliminary objections

1. That the appellant has got no locus standi to file the instant appeal.
2. That the appellant has not come to this Honorable Court with clean hands and concealed the factual position of his service.
3. That the appellant has got no cause of action to file the instant appeal.
4. That, the appellant is not an "AGGRIEVED" person within the meaning of Article 199 of the Constitution of Pakistan.

ON FACTS:

1. Pertain to record and the record is silent about departmental selection committee through written in order.
2. Pertain to record and are not on duty after stoppage of pay.
3. Correct to the extent of stoppage of salaries without any written orders by the then Agency Surgeons NW Agency.
4. Correct to the extent of order of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 13.11.2017 and speaking order has been reflected in rejection of appeals.
5. Correct to the extent of record submitted by the then Agency Surgeon NW Agency (attached with the appeal).
6. Correct to the extent of letter but plea taken for adjustment against charges Nurses is illegal.
- 7- *Correct pertain to record*
8. Correct.
9. Correct to the extent of order dated 03.10.2018 and very much valid reasons are forwarded for rejection of appeals.

ON GROUNDS

- A. Correct to the extent of order dated 03.10.2018. The appointment made was void ab initio, hence salaries were not released rather recovery is required.
- B. Correct as stated in para-5 of the fact above.
- C. Incorrect, pertain to record.
- D. Incorrect, the appellants were treated accordingly to law as per order dated 03.10.2018.
- E. Incorrect, no violation has been made in the matter.
- F. Pertain to record, which says no duty has been performed.
- G. Incorrect, pertain to record.
- H. Pertain to record.
- I. Correct, pertain to record.
- J. Correct, but it is pertinent to mention here that non-availability of clear vacant posts means at the time of appointment of the appellants and adjusted against the other position is illegal.
- K. Correct but it is pertinent to mention here that the adjustment against other posts are not considerable in the eyes of law.
- L. Incorrect, the appeals of the appellants have been rejected on the basis of two reasons (i) Non-availability of clear vacant posts (ii) Without codal formalities.
- M. The department will also produce other proofs at the time of hearing.

It is, therefore, requested that the appeal may please be dismissed.


Director Health Services,
Tribal Districts, Peshawar