

19.07.2022

Appellant present through counsel.


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

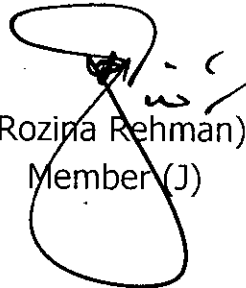
Learned counsel for appellant has produced copy of office order dated 01.02.2020 issued by District Health Officer North Waziristan Miranshah. By virtue of the order, the outstanding salaries of the appellant have been released against any vacant post. Copy of order is placed on file of connected Service 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)

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.



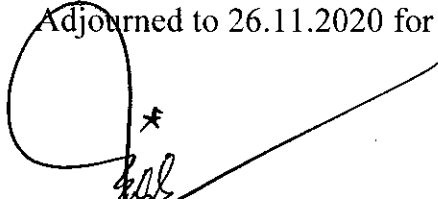
Reader

24.09.2020

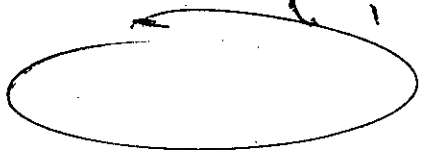
Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General is present.

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 Paidakhel 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 28.05.2019 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

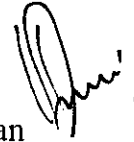
15.1.2019

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 2<sup>nd</sup> 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.

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.

Appellant Deposited  
Security & Process Fee

(AHMAD HASSAN)  
MEMBER

30.11.2018



Counsel for the appellant present. Mr. Sahah Nawaz, Litigation Assistant alongwith Mr. Kabriullah 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. 1256/2018

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. Zia-ud-Din 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-	11-10-18	<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. 1256 /2018

*Zai uddin*  
MALAYIA SUPERVISOR V/S  
NORTH WAGNY ANA HOSPITAL

Health deptt: (FATA):.

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*Zai uddin*  
APPELLANT

THROUGH:

*M. Masif Yousafzai*  
(M.ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,

*Taimur Ali Khan*  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

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



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1256 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1487

Dated 29/10/2018

*Zai-ud-din*  
*Malawi Supervisor AMB Hospital*  
*North-Waziristan*  
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)

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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:**

Filed to-day  
Registrar  
9/10/18

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.

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was appointed as *Malaria Supervisor* 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 <sup>is</sup> 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. 700 /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 officers 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/<sup>Surgeon</sup> 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.

  
APPELLANT

THROUGH:

  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. \_\_\_\_\_/2018

*Zai ud-din* V/S Health deptt: (FATA):.  
*Malania Supervisor AHO Hospital*  
*Nuuzgany*

.....

**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 has no post to adjust the appellant.
4. That as per demand of justice and proprietary, 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.

*Zaira*  
APPELLANT

THROUGH:

*M. Asif Yousafzai*  
( M. ASIF YOUSAFZAI )  
ADVOCATE SUPREME PESHAWAR.  
& *Taimur Ali Khan*  
(TAIMUR ALI KHAN)  
ADVOCATE HGH 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.

*Zaira*  
DEPONENT

**ATTESTED**





# درخواستیں مطلوب ہیں

ذریعہ نقلی کو ذرائع و سڑک نارنگہ وزیرستان کی خالی آسامیوں کیلئے درخواستیں مطلوب ہیں اللہ تعالیٰ تمام امیدوار اس اشاعت کے بعد 15 دن یعنی مورخہ 18/10/2018 تک درخواستیں جمع کرا سکتے ہیں۔ ماکمل یا مسترد تاریخ کے بعد آنے والی درخواستوں پر غور نہیں کیا جائے گا۔ اندر یومندرج ذیل شیڈول کے مطابق پوسٹ 10:00 بجے صبح دفتر ذریعہ نقلی میں ہوگا۔

سے پوزیشن	تعمیراتی کام	تعمیراتی کام	ذریعہ نقلی	تعمیراتی کام	سے پوزیشن
1	کلیننگ ٹیمیں (پشیمانی)	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	25-10-2018 بروز جمعرات
2	کلیننگ ٹیمیں (OT)	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	25-10-2018 بروز جمعرات
3	کلیننگ ٹیمیں (بلڈ بینک)	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	25-10-2018 بروز جمعرات
4	کلیننگ ٹیمیں (ریڈیالوجی)	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	25-10-2018 بروز جمعرات
5	کلیننگ ٹیمیں (ای سی سی)	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	25-10-2018 بروز جمعرات
6	کلیننگ ٹیمیں (سزیلا ٹیمیں)	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	25-10-2018 بروز جمعرات
7	کلیننگ ٹیمیں (لارڈی)	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	26-10-2018 بروز جمعرات
8	لینڈی ہیلتھ ریفر	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	26-10-2018 بروز جمعرات
9	ای ٹی آئی ٹیمیں	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	26-10-2018 بروز جمعرات
10	سٹور کیپر	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ	30 ف 18 سال	12	26-10-2018 بروز جمعرات
11	ڈرائیور	بندرک سائٹس میڈیکل ٹیم (خیر بخت خواہ) سے متعلقہ شعبہ میں دو سالہ پلہ مشورہ LTV لائسنس ہونے والی عمر	30 ف 18 سال	06	26-10-2018 بروز جمعرات

## شرائط

روزنامہ آج  
بھومبر 3/10/18

- (1) نارنگہ وزیرستان ذرائع و سڑک سے تعلق رکھنے والے کوریج دی جائے گی۔ بصورت دیگر ترقیاتی اصلاح کے امیدواروں کی درخواستوں پر غور کیا جائے گا۔
- (2) ترقیاتی سہولتی حکومت کے ہر پروجیکٹ اور ضوابط کے تحت عمل میں لائی جائے گی۔
- (3) اندر یومندرج تمام اصل اسناد لانا لازمی ہوگا۔
- (4) ترقیاتی بصورت مختلف کاغذات متعلقہ اداروں سے جانچ پڑتال کے بعد کی جائے گی۔ غلط اسناد برائے ثابت ہونے کی صورت میں قانونی کارروائی کی جائے گی۔
- (5) سرکاری ملازمین حکمرانہ سطح سے درخواستیں نہیں۔
- (6) اندر یومندرج کیلئے کوئی TA / DA نہیں دیا جائے گا۔
- (7) خواہشمند امیدوار تمام اسناد کی تصدیق شدہ متعلقہ درخواست کے ساتھ منسلک کر کے بند کپڑوں اور لٹاؤ کا رڈ کی نقل قبول، دفتر پبلیک اشاعت کے 15 دن کے اندر داخل کر سکتے ہیں۔
- (8) ذریعہ نقلی کو اختیار ہے کہ مندرجہ بالا ایڈورٹائزمنٹ خیر بخت خواہ سے منسوخ کر سکتا ہے۔

## نوٹ

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

ڈاکٹر محمد یونس داؤد

ڈسٹرکٹ سرجن

نارنگہ وزیرستان ذرائع و سڑک ڈسٹرکٹ میرانشاہ

PID (P) 101178/18

Amir

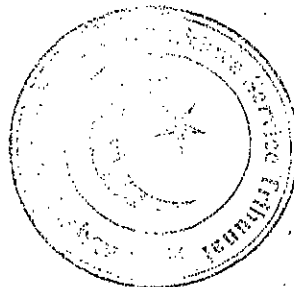
✍

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 678/2013

Date of Institution ... 18.04.2013

Date of Decision ... 13.11.2017



Sherazada 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, ... MEMBERJUDGMENTNIAZ MUIHAMMAD 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.

TESTED

Niaz Muhammad Khan  
Chairman,  
Peshawar

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.

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,

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.

*[Handwritten signature]*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

ANNOUNCED  
13.11.2017

*[Handwritten signature]*  
Certified true copy  
*[Handwritten signature]*

13/11/2017  
*[Handwritten signature]*



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

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

24

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 13.11.2017 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

22

C-12

**OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN**

Phone & Fax: (0928)300788-311662 Email: [agency surgeon nwa@gmail.com](mailto:agency surgeon nwa@gmail.com)  
No. 6027 /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 STIERZADA 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.

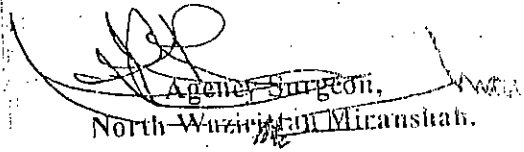
It is worth mention that Dr. Muhammad Sadiq Ex-Agency has been stopped their salaries without valid reason and later on their salaries were released reason well known to him.

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

**ATTACHED**  
✓

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.

No. \_\_\_\_\_/DHS/FATA/Liti

Copy to the:

Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

Director Health Services,  
FATA, Peshawar.

ATTESTED  
/



E 16

OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN

Phone&Fax(0928)300788-311662 =email:agencysurgeonnwa2018@gmail.com

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

To

✓  
The Director Health Services.

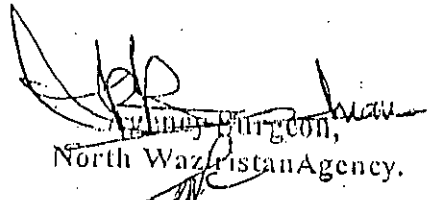
FATA, Warsak Road Peshawar.

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.

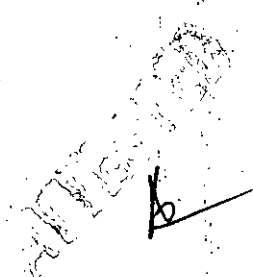
It is further added that there is no vacant post of Paramedics. However, if the applicants may be adjusted against the vacant posts of Charges Nurses BPS-16 for the purpose of drawl of pay and allowances. Latter then they will be adjusted after availability of clear vacancies of Paramedics to avoid COC 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) DHS 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 31-8-2017 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.  
7/1/18





# 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

ADMITTED  
A



H/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.

RECEIVED  
17/07/2018

Medical Superintendent,  
DHQ Hospital Miranshah.



# DIRECTORATE OF HEALTH SERVICES

TRIBAL DISTRICTS SECRETARIAT WARSAK ROAD PESHAWAR

NO. 2/007 PH # 091-9210212 /DHS/ADMIN

FAX # 091-9212110 DATED: 20 / 18 / 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. 1<sup>st</sup> 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.

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

Attention Sir Sahib Zada Usaid  
66.

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

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

Email: [agency Surgeon nwa2018@gmail.com](mailto:agency Surgeon nwa2018@gmail.com)

1011

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.

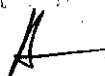
AGENCY SURGEON  
N.W. TRIBAL DISTRICT

No \_\_\_\_\_ /

Copy forwarded to the :  
1-Director Health Services Tribal Districts Peshawar for information please.

  
AGENCY SURGEON  
N.W. TRIBAL DISTRICT  


AGENCY SURGEON  
N.W. TRIBAL DISTRICT





**OFFICE OF THE AGENCY ACCOUNTS OFFICER**

**NORTH WAZIRISTAN AGENCY MIRAN SHAH**

No. AAO/MRN/NWA/2018-19/ 3085 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

*[Signature]*  
17/9/18

*[Signature]*  
17/9

**ATTESTED**  
*[Signature]*

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.

ATTESTED  




**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)**

ACCEPTED  
X

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*  
**M. ASIF YOUSAFZAI**  
**ADVOCATE SUPREME COURT,**  
 & *Taimur Ali Khan*  
**TAIMUR ALI KHAN**  
**ADVOCATE HIGH COURT.**

**ATTESTED**  
 \*

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.

*[Signature]*

DEPONENT

ATTORNEY

*[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-1 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.

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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,

&



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.



DEPONENT

~~ATTESTED  
Oath Commissioner  
Zafoor Advocate  
Distt: Cdu. Peshawar~~

20 FEB 2018

~~ATTESTED~~  
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# DIRECTORATE HEALTH SERVICES

TRIBAL DISTRICTS, PESHAWAR.

No: \_\_\_\_\_/DHS/Lit: date: 3-09-2018

23289-23308/

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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.

ATTESTED  
\*

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Handwritten signature or name, possibly "P. P. P."

Handwritten signature and date: "A. Sultan" and "2017".

Handwritten text on the left side, possibly a name or title.

Handwritten text: "H/c" and "Per report".

Main body of handwritten text, appearing to be a list or report with several lines of cursive script.

Handwritten text: "N 30" inside a circle.

Handwritten text at the bottom of the page, possibly a signature or date.

X

Report of Head Clerk

(31)

It is stated that the appeal regarding Justice is based on facts with the remarks that the Justice of the appeal's maintenance in the appeal has been stopped with out any termination order/court's permission. The appeal on their basis has been rejected by the Ex. Agency - Surgeon. The reasons known to best him.

The above action and appeal as desired is submitted for further necessary action as desired.

Please

*[Signature]*  
 20/17/016



# درخواستیں مطلوب ہیں

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ذریعہ تخطی کو رائل ڈسٹرکٹ نارٹھ وزیرستان کی مالی آسائیں کیلئے درخواستیں مطلوب ہیں لہذا تمام امیدوار اس اشاعت کے بعد 15 دن یعنی مورخہ 18/10/2018 تک درخواستیں جمع کرا سکتے ہیں۔ تاہم اس مقررہ تاریخ کے بعد آنے والی درخواستوں پر غور نہیں کیا جائے گا۔ انٹرویو سنڈے روز بل شہدول کے مطابق ہفتہ 10:00 بجے تک دفتر تخطی میں ہوگا۔

سیریل نمبر	نام آسانی	ذاتی نمبر	تعلیمی قابلیت و تجربہ	انٹرویو تاریخ
1	کلیننگ ٹیلیفون (ایکسیو)	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	25-10-2018 بروز جمعرات
2	کلیننگ ٹیلیفون (OT)	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	25-10-2018 بروز جمعرات
3	کلیننگ ٹیلیفون (بلڈ بینک)	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	25-10-2018 بروز جمعرات
4	کلیننگ ٹیلیفون (ریڈیالوجی)	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	25-10-2018 بروز جمعرات
5	کلیننگ ٹیلیفون (ای سی سی)	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	25-10-2018 بروز جمعرات
6	کلیننگ ٹیلیفون (سز پلانٹیشن)	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	25-10-2018 بروز جمعرات
7	کلیننگ ٹیلیفون (فارمیسی)	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	26-10-2018 بروز جمعرات
8	لیڈی ہیلتھ ویرنر	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	26-10-2018 بروز جمعرات
9	ای سی سی ٹیکنیفون	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	26-10-2018 بروز جمعرات
10	سنو کیمپر	12	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔	26-10-2018 بروز جمعرات
11	ڈراما پور	06	میٹرک سائنس میڈیکل ٹیکنی (خیر بخت خواہ) سے متعلق شعبہ میں دو سالہ دلچہ۔ مشترکہ لٹریچر / سائنس / سوشل سائنس / سائنس	26-10-2018 بروز جمعرات

## شرائط

- (1) نارٹھ وزیرستان رائل 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 مروجہ قواعد و ضوابط کے تحت عمل میں لائی جائے گی۔
- (3) انٹرویو کیلئے تمام اصل اسناد لانا لازمی ہوگا۔
- (4) تقرری بصورت متعلقہ کالغذات متعلقہ اداروں سے جانچ پر تال کے بعد کی جائے گی۔ غلط دستاویزات ثابت ہونے کی صورت میں قانونی کارروائی کی جائے گی۔
- (5) سرکاری ملازمین ٹھکانہ آفس سے درخواستیں بھیجیں۔
- (6) انٹرویو کیلئے کوئی TA / DA نہیں دیا جائے گا۔
- (7) خواہشمند امیدوار تمام اسناد کی تصدیق شدہ نقل اور خواہت کے ساتھ منسلک کر کے ہمدرد پور انڈسٹری کارڈ کی نقول دفتر پرائس اشاعت کے 15 دن کے اندر داخل کر سکیں۔
- (8) ذریعہ تخطی کو اختیار ہے کہ سندھ ہلال اولہ و نارٹھ وزیرستان ہمدرد پور ہوائی سٹیشن پر سٹوڈنٹس رہ سکتے ہیں۔

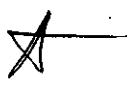
روزنامہ آج  
بشمول 3/10/18

ڈاکٹر محمد یونس داوڑ

ڈسٹرکٹ سرجن

نارٹھ وزیرستان رائل ڈسٹرکٹ میڈیکل ایڈمنسٹریشن

PID (P) 101178/18



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	0	1
23	OT Attend:	3	0	0	1
24	X-ray attend:	3	0	0	1
25	Lab: Attend	3	0	0	1
26	Dental Attend:	3	0	0	1
27	Ward Attendants	3	6	2	2
28	Sweeper	3	4	2	2
29	Mali	3	1	2	2
30	Chowkidars	3	5	2	2
31	N/Qasid	3	2	0	0
32	Laundry	3	2	0	0
33	Cook	3	0	1	1
Total			72	22	33

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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	Ledy Health Visitor Dai Chowkidar	12 04 03	01 01 01
16	Labour Suit at CD Tariq Aziz Kot Khaddi Tehsil Mir Ali	Ledy Health Visitor Dai Chowkidar	12 04 03	01 01 01
17	Labour Suit at Farid Khan Kot Tehsil Mir Ali	Ledy Health Visitor Dai Chowkidar	12 04 03	01 01 01
18	Mother Child Health Center at Abdul Manan Kot Aba Khel Spinwarm	Ledy Health Visitor Dai Chowkidar	12 04 03	01 01 01
19	Community Health Center at Mamal Kala NWA	Pharmacy Tech: Ledy 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 debitable 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.

D.D. No. 4400  
 D.No. 8-6-18  
 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.

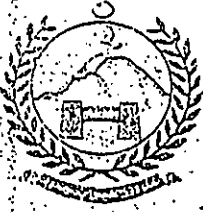
Sadia Asghar  
 (Sadia Asghar)  
 Section Officer (FATA-II)

*Handwritten notes and signatures:*  
 SA/O.S/SNE/PS  
 1/7/6/11b  
 A  
 A.I.I

ATTACHED  
*Handwritten signature*

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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.

D.H.S. FATA OFFICE

Dir. No. 3884

18-5-15

Subject: OFFICE ORDER.

Memo:

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  
D  
K.P.K.

MSM

DIRECTOR GENERAL HEALTH SERVICES, K.P.K. PESHAWAR

DIRECTORATE OF HEALTH SERVICES FATA, PESHAWAR

No. 14935-55 DHS/FATA/Admn

Date. 4/06/2015

Copy is forwarded to the:-

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

4/6/15  
Director Health Services,  
FATA, Peshawar

**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 Shah 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.raf 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 Shohidullah, 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	Mr. Faridullah 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
24.	Mr. Said Ghawas, Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV
25.	Mr. Dil Abass Malaria Supervisor BPS-9	LHV BPS-9	Appointed against the post of LHV
26.	Mr. Abdul Nasir Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
27. ✓	Mr. Ferooz Shah, Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
28. ✓	Mr. Shahidullah, Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
29. ✓	Mr. Subghatullah, Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
30.	Mr. Ajab Noor, Laby: Technician BPS-9	MT BPS-9	Appointed against the post of MT
31.	Mr. Muhammad Shafiq, Laby: Technician B-9	LHV BPS-9	Appointed against the post of LHV
32.	Mr. Iftehar Ahmad, Laby: Technician BPS-9	LHV BPS-9	Appointed against the post of LHV
33.	Mr. Mehtabullah, Laby: Technician BPS-9	LHV BPS-9	Appointed against the post of LHV
34.	Mr. Abdul Saboor, JCT(Pharmacy) BPS-09	LHV BPS-9	Appointed against the post of LHV
35.	Mr. Sadiqullah EPI Technician BPS-9	LHV BPS-9	Appointed against the post of LHV
36.	Mr. Zia-ul-Haq, EPI Technician BPS-9	LHV BPS-9	Appointed against the post of LHV
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 Peshawal.

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 Sudd	Bajaur	Medical Tech	3-11-2009
2	Mr. Shaheed Ullah Jan	Jan Behader	NWA	Medical Tech	03-11-2009
3	Mr. Zahid Iqbal	Banat Khan	NWA	Medical Tech	3-11-2009
4	Mr. Akhtar Ayub	Janabat Khan	NWA	Medical Tech	3-11-2009
5	Mr. Salder 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	Bannu	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	Bajaur	Dispenser	
12	Mr. Zahcer 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 LHM	06-11-2009
22	Mr. Rafi Ullah	Mir Sahab Khan	NWA	Dispenser / Adjusted Against LHM	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. Attaur 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	EPI 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	EPI Tech Against LHV	6-12-2010
44	Mr. Khatib Ullah	Saeed Khan	NWA	EPI Tech Against ESM	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	EPI 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

A



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 Zarooq	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	Behishty	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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AGENCY BILL FOR LESS DRAWAL OF AD-HOC RELIEF ALLOWANCE VIE FROM 01/07/2013 TO 31/10/2014 (16 MONTHS)

TEMPERORY BILL  
MW0031

9/11/14

AGAINS	PAY BILL	CATA	AO-15% NEW	16/07/2013 TO 31/10/2014	16 Months Due	Total	16 Months Due	11 Months Due	11 Months Due	11 Months Due	Total	Grand Total
Feroz Shah Lab Tech. Against D.S. RHC Swat	B	77201	110	734	357x5=1835	1835	1158	772(357x11)=4248	4248	1509	1509	✓
Shahidullah Lab Technician Against LHV CH Bova	A	77201	110	734	357x5=1835	1835	1158	772(357x11)=4248	4248	1509	1509	✓
Shahidullah Lab Technician Against LHV CH Hassan Khan	A	77201	110	734	357x5=1835	1835	1158	772(357x11)=4248	4248	1509	1509	✓
Shahidullah EPI Technician Against LHV	A	77201	110	734	357x5=1835	1835	1158	772(357x11)=4248	4248	1509	1509	✓
Shahidullah MS Technician Against LHV	A	77201	110	734	357x5=1835	1835	1158	772(357x11)=4248	4248	1509	1509	✓
Shahidullah MS Against LHV	A	77201	110	734	357x5=1835	1835	1158	772(357x11)=4248	4248	1509	1509	✓
Shahidullah Maria supervisor against LHV	IB	73401	104	655	348x5=1740	1740	1101	734(357x11)=4037	4037	1509	1509	✓
Wahidullah Malaria Supervisor against LHV	IB	73401	104	655	348x5=1740	1740	1101	734(357x11)=4037	4037	1509	1509	✓
Total						14490				33550	146040	✓

Asy Noor  
Shahidullah  
Wahidullah

CLASSIFICATION.	Amount
AO-15% NEW	48040
105000 G.Total	48040
Deductions:	0
Net Total:	48040

Against Day bill

- 1- Feroz Shah Lab Tech against MCT (MT)
- 2- Shahidullah Lab Tech against LHV Tech
- 3- Shahidullah Lab Tech against LHV
- 4- Shahidullah EPI Tech against LHV
- 5- Asy Noor Malaria Supervisor against LHV
- 6- Muhammad Safoor Malaria Supervisor against LHV
- 7- Zahidullah Malaria Supervisor against LHV
- 8- Wahidullah Malaria Supervisor against LHV

227  
2014

AGENCY SURGEON,  
NORTH WAZIRISTAN MIRANSHAH

AGENCY SURGEON,  
NORTH WAZIRISTAN MIRANSHAH

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-2 T-13  
29/12/13

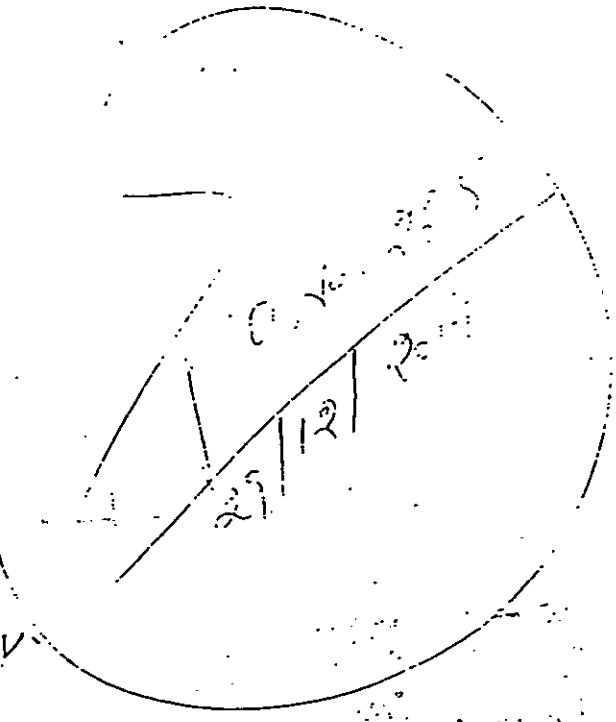
OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN MIRANSHAH.  
 Hospitals And Services: 0731-G.H.S. :073101-G.H.S. Demand No.111  
 APPRAISAL FOR LESS DRAWAL OF AD-HOC RELIEF ALLOWANCE W.E.FROM 01/07/2013 TO 31/10/2014=16-MONTHS).

Sl. No.	Name	CATA GARY	ADHOC Pay	17/12/2013 to 30/11/2014 5 Months Due	Drawn	Diff	Total	17/12/2013 to 30/10/2014 11-Months Due	
								Drawn	Diff
	Dental Tech & Driver Working Against MTech: and Lab: Tech: EPS-3 & BFS-4							2640	1780:890x11=20580 - 9550=18330 ✓
1	Ashraf Ali Shah Dental Tech:THO Mir Ali	A	17650	2533	1722:651x5=10350	13050	1431	937:494x11=10304 - 5430=4874 ✓	
2	Sahib Noor Driver SPS-4	A	9875	1445	964:482x5=2410	2410	1329	665:443x11=4903 - 4573=699 ✓	
3	Abdul Nasir Lab: Tech:	B	8850	1272	848:424x5=2120	2120	1329	665:443x11=4903 - 4573=699 ✓	
4	Muhammed Zubair MT	A	6850	1272	848:424x5=2120	2120	1272	643:424x11=4664 - 4554=699 ✓	
5	Kamal Hussain Against MT	B	8460	1215	810:405x5=2025	2025	1101	734:367x11=4037 - 4037=577 ✓	
6	Waheed Ali Shah MT	A	7340	1044	696:348x5=1740	1740	2607	1734:867x11=19137 - 6553=1377 ✓	
	<del>18</del>	B	17350	2532	1688:844x5=4220	4220		45120 - 52000 ✓	
	Total		78390						

CLASSIFICATION	62080
AR-15/REV	62080
(62080) G.Total	
Deduction:	
Net Total:	

Against pay bill.

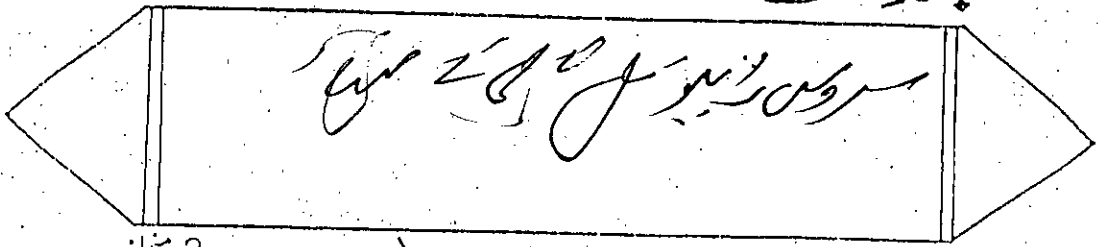
- 1- Ashraf Ali Dental Tech against LHV.
- 2- Sahib Noor Driver against M.T.
- 3- Abdul Nasir Lab: Tech: against M.T.
- 4- M. Zubair M.T against Lab: Tech
- 5- Kamal Hussain MT against Lab: Tech
- 6- Waheed Ali Shah M.T against LHV



AGENCY SURGEON  
 NORTH WAZIRISTAN MIRANSHAH

AGENCY SURGEON  
 NORTH WAZIRISTAN MIRANSHAH

بعدالت



موزخہ	ضیاء الدین	جی، منجانب
مقدمہ	ضیاء الدین	بنام محمد احمد علی
دعویٰ		
جرم		

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
 آن مقام سکسور کیلئے احمد یوسف علی اشرا محمدر علی خان  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر حالت فیصلہ پر حلف دینے جو جانب دہی اور اقبال دعویٰ اور  
 بسورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زیرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز بسورت عدم پیروی یا ڈگری یا طرف یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل ٹکرانی 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 امراء یا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی ہنملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
 پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجات التوا ہے مقدمہ کے سبب ہوگا۔  
 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 رہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20 \_\_\_\_\_  
 الب \_\_\_\_\_ وان الب \_\_\_\_\_

بمقام کے لئے منظور ہے۔

*(Signature)*

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

APPEAL NO. 1256 /2018

Mr. Zai u din .....Petitioner

Malavica Supervisor

Versus

Director Health Services, Tribal Districts and others .....Respondents

**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.

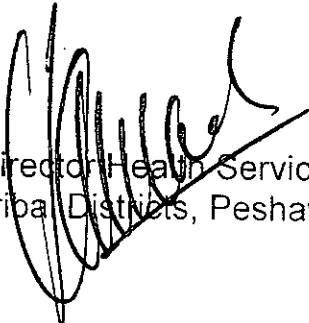
**ON FACTS:**

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