

26.07.2022

Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.424/2022 titled "Mst. Sadia Vs. Government of Khyber Pakhtunkhwa" on 28.09.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

28.09.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Saeed Muhammad, Litigation Officer and Mr. Safiullah, Focal Person for the respondents present.

Reply/comments on behalf of respondents No. 1 & 2 submitted which are placed on file. Copy of the same is handed over to learned counsel for the appellant. Reply/comments on behalf of respondent No. 3 are still awaited. Representative of the respondent requested for time to submit reply/comments. Adjourned. To come up for reply/comments on behalf of respondent No. 3 on 02.12.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No. 433 /2022**

Mst: Razia W/O Din SharooF, Dai (BPS-04), DHO Office North Waziristan  
.....(Appellant)

Versus

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. District Health Officer, District North Waziristan. ....(Respondents)

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Respondent No. 2.

DHO North Waziristan

*Vetted in the light of S.A. No-7811/2021 do follow  
the same instruction being identical matter.*

*[Handwritten signature]*

①

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No. 433 /2022**

Mst: Razia W/O Din Sharoof, Dai (BPS-04), DHO Office North Waziristan  
.....(Appellant)

Versus

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. District Health Officer, District North Waziristan.  
.....(Respondents)

**Joint Para-wise comments on behalf of respondents No. 1 & 2.**

**Preliminary objections.**

1. That the appellant has got neither cause of action nor did locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention, hence liable to be dismissed.
6. That the appellant has not come to the Honorable Tribunal with clean hands.
7. That the Honorable Tribunal has no jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
9. That the appeal is badly barred by law and limitation.
10. That the appellant is not "AGGRIEVED" person within the meaning of Article 199 of the Constitution of Pakistan by producing fake, bogus and fabricated appointment order.

**ON FACTS:-**

1. Correct:- That pertains to record and Para No.1 needs no comments.
2. Incorrect:- Neither advertisement for the post of Dai has been given by the respondents nor any interview has conducted due to complete ban on recruitments. Moreover the appointment order of the appellant carry dispatch

②

No.225-29 /app: dated 02.07.2020 is also fake, bogus and fabricated, as verified from the dispatched Register of respondent No.2 (Ban letter is attached as Annexure-A).

3. Incorrect:- No official process for appointment has been initiated or carried out in the offices of the answering respondents for the appointment of the appellant.
4. Incorrect:- The appellant has never been appointed by the respondents. As for as the complaint of Minister is concern that was received regarding the appointment of 71 persons. Name of the appellant was not included in those 71 appointees. Moreover, the fake, bogus and fabricated appointment order of the appellant has been issued on 02.07.2020, while complaint of the Minister was lodged on 17.02.2020 long before fake appointment of the appellant.
5. Incorrect and misleading, as the appellant has never been legally appoint by the answering respondents. Moreover her bogus appointment order was cancelled in compliance with Secretary to Government of Khyber Pakhtunkhwa Health Department letter No. SOH (E-V) 4-4/2021/Inquiry Report dated 22.04.2021 and Director General Health Services Khyber Pakhtunkhwa Peshawar endorsement No.7047-50/E-I dated 06.05.2021 (Attached as Annexure-B), in the light of enquiry conducted by Provincial Inspection Team.
6. Incorrect:- Salary of the appellant was stopped due to cancellation of her fake appointment order as explained in preceding Para. As far as the complaint is concerned, that pertained to order 71 employees and the appellant was not included. As far as directions of Peshawar High Court, Bannu Bench are concerned, name of the appellant was not included in Writ Petition No.270-B/2020 as Petitioner (Writ Petition No.270-B/2020 is attached as Annexure-C).
7. Incorrect, misleading as already explained in preceding Paras.
8. Incorrect:- That no Departmental appeal of the appellant has been received till date.
9. Incorrect and misleading:- The appellant had never been appointed lawfully and her fake appointment order was cancelled as explained in preceding Paras.
10. Needs no reply being formal.

**ON GROUNDS:-**

- A) Pertains to record.
- B) Incorrect:- Personal hearing opportunity was given to the appellant by inquiry committee of PIT.
- C) Incorrect:- The fake appointment order of the appellant was cancelled in the light of recommendation of enquiry committee of PIT as already explained in preceding Paras.
- D) Incorrect:- As explained in the above Paras.
- E) Incorrect:- Answering respondents never violated fundamental rights of the appellant, but action taken in connection with safeguarding Government Treasury from unlawful losses is lawful responsibility of all the respondents.
- F) Incorrect as already explained in the above Paras.
- G) Incorrect as already explained in the above Paras.
- H) Incorrect:- The appellant was never appointed lawfully.
- I) The answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may kindly graciously be dismissed with costs.

*Shahar Afzade*  
 Director General Health Services  
 Khyber Pakhtunkhwa Peshawar.  
 Respondent No.1

*[Signature]*  
 District Health Officer  
 North Waziristan Miranshah  
 Respondent No.2

*[Handwritten signature]*

*Attested*

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

- No. \_\_\_\_\_ / Personnel
1. PS to Minister for Health, Khyber Pakhtunkhwa
  2. PS to Secretary to Government of Khyber Pakhtunkhwa Health Department
  3. PA to Director General Health Services, Khyber Pakhtunkhwa

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

*[Handwritten signature]*

The above instructions should be followed in letter to spirit approved by the Competent Authority.

You are hereby decided that all kind of recruitment process in the merged areas in your control has been stopped with immediate effect till further order as

Reference to the subject noted above.

**Subject: BAN ON RECRUITMENT.**

All Deputy District Health Officers,  
PH Merged Areas Khyber Pakhtunkhwa

All Medical Superintendents  
DHO Hospital Merged Areas in Khyber Pakhtunkhwa.

All District Health Officers  
Merged Areas in Khyber Pakhtunkhwa.



No. 5083-JS/Personnel  
 Date: 4/4/2020

**DIRECTORATE GENERAL HEALTH SERVICES**  
**KHYBER PAKHTUNKHWA PESHAWAR**

*Amended A*

P=9

(Annexure-B)

5

(Annexure-B)



MINISTRY OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

NO SOH/E-V/4-4/2021 Inquiry Report  
Dated Peshawar the April 22<sup>nd</sup>, 2021

4136  
27/4/21

To: The Director General Health Services,  
Khyber Pakhtunkhwa,  
Peshawar

Subject: REQUEST FOR INQUIRY AGAINST DHO NORTH WAZIRISTAN

Dear Sir, I am directed to refer to the subject noted above and state that the Establishment & Admin Department (Regulation Wing) has submitted Inquiry Report of Khyber Pakhtunkhwa Provincial Inspection Team regarding illegal appointment/regularization made by Dr. Hameedullah, Ex-DHO North Waziristan. The following recommendations may be implemented:-

1. Cancel/ withdraw all the irregular adjustments/ regularizations and appointment of the employees during the tenure of Dr. Hameedullah and Dr. Israr ul Haq, Ex-DHO, North Waziristan as indicated in the inquiry report.
2. The credentials/ antecedents of all the employees working under the administrative control of DHO, North Waziristan may be verified from the concerned Boards/ Universities/ Faculties under the prevailing rules.
3. The clerical staff working in the office of DHO, North Waziristan were found involved in concealment of the office record for their vested interest, therefore, they may be transferred out of District of North Waziristan and must never be posted in North Waziristan in future.

I am, further directed to state that the above mentioned recommendations may be implemented under intimation to this Department, please.

Yours faithfully,

*(Signature)*  
(Latif Ur Rehman)  
SECTION OFFICER (E-V)

*(Signature)*

IMPORTANT/URGENT

OFFICE OF THE DIRECTORATE GENERAL HEALTH KPK PESHAWAR

Dated:- 05/05/2021

7047-50/E.1

Copy of the above is forwarded to the:-

1. Deputy Director Paramedics DGHS Office Khyber Pakhtunkhwa, Peshawar.
2. AD/In-charge (Personnel Section) DGHS KP, Office.
3. The District Health officer North Waziristan Merged District at Miranshah.

For information and immediate necessary action.

*(Signature)*  
ADDL. DIRECTOR GENERAL (HRM) HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

*(Signature)*

Secretary to Govt: of Khyber Pakhtunkhwa Health Department for inform

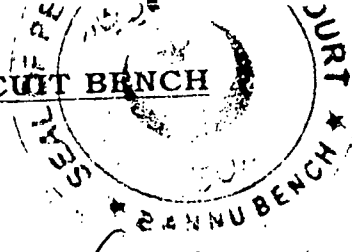
*(Signature)*

*(Signature)*

District Health Officer,  
Tribal District North Waziristan  
Miranshah

*(Signature)*

**BEFORE THE PESHAWAR HIGH COURT, CIRCUIT BENCH  
BANNU**



Writ Petition No. 270-B of 2020

Amendure - C

1. Yasir Iqbal S/o Habib Nawaz R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.
2. Ali Johar Iqbal S/o Muhammad Iqbal R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.
3. Zubair Ali S/o Hazrat Ali R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.
4. Miss. Sania Bibi D/o Arsala Jan R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.
5. Nasir Ahmad Khan S/o Zafar Ali R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
6. Asif Ali S/o Noor Ali Jan R/o Village Karamkot, Tehsil Miran Shah, District North Waziristan.
7. Miss. Nofhia Bibi D/o Ameer Ullah R/o Village Ghazlamai, Tehsil Datta Khel, P.O. Boya, District North Waziristan.
8. Fida Hussain S/o Mir Ghulam R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
9. Muhammad Imran S/o Atta Ullah Jan R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
10. Wasiq Ullah S/o Muhammad Abdul Hai R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
11. Miss. Bas Niaza D/o Muhammad Noshar Khan R/o Village Mussaki, Tehsil Mir Ali, District North Waziristan.
12. Hussain Ahmad S/o Haider Ali R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.

Filed Today  
25/11/2020  
Registrar

*Attested*

**ATTESTED**  
EXAMINER  
Peshawar High Court



13. Muhammad Israr S/o Saadullah Jan R/o Village Hamzoni, Patti Khel, Tehsil Miran Shah, District North Waziristan.
14. Niamat Ullah S/o Syed Khan Majan R/o Village Danday, Saidgai, Zakir Khel. Tehsil Ghulam Khan, District North Waziristan.
- 
15. Tahir Iqbal S/o Malik Zaman R/o Village Mussaki, Tehsil Mir Ali, District North Waziristan.
16. Asad Aziz S/o Muhammad Farooq R/o Village Tappi, Tehsil Miran Shah, District North Waziristan.
17. Muhammad Abdullah S/o Muhammad Shahid R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
18. Muhammad Zamin S/o Abdul Sattar R/o Village Issori, Tehsil Mir Ali, District North Waziristan.
19. Miss. Hajra Naz D/o Latif Ullah R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
20. Akmal Khan S/o Abdullah Qayyum R/o Village Darpa Khel, Tehsil Miran Shah, District North Waziristan.
21. Shoukat Ullah S/o Yaqoob Khan R/o Village Zirraki, Tehsil Mir Ali, District North Waziristan.
22. Wali Rehman S/o Pir Rehman R/o Village Khushali, Tehsil Mir Ali, District North Waziristan.
23. Azmat Ullah S/o Raees Khan R/o Village Khushali Malik Khel, Tehsil Mir Ali, District North Waziristan.
24. Muneeb Rehman S/o Zari Jan R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
25. Wali Ullah S/o Muhammad Rafiq R/o Village Hamzoni Ali Khel, Tehsil Miran Shah, District North Waziristan.
26. Nasir Azam S/o Noor Azam Jan R/o Village Danday Bora Khel, Tehsil Miran Shah, District North Waziristan.

FILED  
10/10/2011  
MIRAN SHAH

*Attest*

TESTED

*[Signature]*  
District Head Office,  
Tribal District North Waziristan  
Miran Shah

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- 27. Miss. Rizwana Sadiq D/o Muhammad Sadiq R/o Village Dawar Tappi, Tehsil Miran Shah, District North Waziristan.
- 28. Muhammad Alim Shah S/o Muhammad Karim Shah R/o Village Edak Khadi, Tehsil Mir Ali, District North Waziristan.
- 29. Amcer Mehmood S/o Hayat Khan R/o Village Dawir Banda, Tehsil Miran Shah, District North Waziristan.

..... PETITIONERS

**VERSUS**

- 1. Govt. of Khyber Pakhtunkhwa through Director Health Services, Merged Areas, Peshawar.
- 2. District Health Officer, District North Waziristan.
- 3. District Accounts Officer, District North Waziristan.
- 4. Muhammad Iqbal Khan Wazir, DDAC Chairman/Member, Provincial Assembly PK-111.

..... RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199**  
**OF THE CONSTITUTION OF ISLAMIC**  
**REPUBLIC OF PAKISTAN, 1973 AS**  
**AMENDED UP-TO DATE.**

*Atk86*

Filed Today  
 17/07/2020  
 [Signature]  
 District Registrar

**Respectfully Sheweth:-**

The Petitioners humbly submit as under:-

District Health Officer,  
 Tribal District North Waziristan  
 Miranshah

[Signature]  
 [Signature]

(9)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No. 433 /2022**

Mst: Razia W/O Din SharooF, Dai (BPS-04), DHO Office North Waziristan  
.....(Appellant)

Versus

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. District Health Officer, District North Waziristan.  
.....(Respondents)

**AFFIDAVIT.**

I Mr. Syed Muhammad Litigation Assistant do affirm & declare on oath on behalf of the respondents that the contents of the Para wise comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this honourable Court.

Deponent

  
Name: Syed Muhammad.

Designation :- Litigation Assistant.

CNIC #. 21506-4089120-5

Mob: 0333-1901113

Attested

  
Oath Commissioner  
Advocate High Court



**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**

Service Appeal No 433 /2022

**Mst Razia.....Appellant  
VERSUS  
Director General Health Services & others ...Respondents**

**I N D E X**

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal	-	1-4
2.	Affidavit	-	5
3.	Application for Suspension	-	6
4.	Affidavit	-	7
5.	<b>Copy of the Appointment Order</b>	<b>A</b>	8
6.	<b>Copies of the Order and Complaint</b>	<b>B</b>	9-10
7.	<b>Copy of letter dated 26.08.2020</b>	<b>"C"</b>	11
8.	<b>Copy of the order dated 05.08.2021</b>	<b>"D"</b>	12
9.	<b>Copy of the Impugned Order dated 06.08.2021</b>	<b>"E"</b>	13
10.	<b>Copy of Departmental Appeal along with receipts</b>	<b>"F"</b>	14-15
11.	<b>Wakalat Nama</b>		16

Through:

رقيب  
Appellant

  
**(BASHIR KHAN WAZIR)**

Advocate,

High Court, Peshawar

Dated:- 24.03.2022

(9)

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**

Service Appeal No \_\_\_\_\_/2022

Mst Razia W/o Din SharooF, DAI (BPS-04), DHO Office North Waziristan  
.....Appellant

**V E R S U S**

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
2. District Health Officer, District North Waziristan.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST  
THE IMPUGNED ORDER DATED 06.08.2021, VIDE OFFICE  
ORDER NO 13024/DHO NWT D WHICH WAS RECEIVED TO  
THE APPELLANT ON 23.11.2021, ISSUED BY THE  
RESPONDENT NO 2 WHEREBY THE APPOINTMENT OF THE  
APPELLANT HAS BEEN CONSIDERED CANCEL /  
WITHDRAWN AND CONSEQUENTLY THE SALARIES OF THE  
APPELLANT HAS BEEN STOPPED / WITHHOLD AGAINST  
WHICH THE DEPARTMENTAL APPEAL VIDE DATED  
25.11.2021 FILED, BUT INSPITE OF THE COMPLETION OF  
MANDATORY PERIOD OF THE DEPARTMENTAL APPEAL,  
NO ORDER HAS BEEN PASSED.**

**Prayer in Appeal:**

On acceptance of the instant Appeal, the Impugned Orders when initially the salaries of the Appellant was stopped/withheld since 1<sup>st</sup> August 2021 verbally and later on a written impugned Order No. 13024/DHO NWT D dated 06.08.2021, which was communicated to the Appellant on 23.11.2021, issued by the Respondent No 2 on the basis of which the Appointment of the Appellant being considered cancelled / withdrawn, the impugned order dated 06.08.2021 and withholding of salaries of the Appellant may kindly be set aside and consequently the Appellant may kindly be reinstated / restored into his service with all back benefits.

**Respectfully Sheweth:-**

The Appellant humbly submits as under:-

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973..
2. That briefly stated the fact relevant for the purpose of this Appeal are that, the Respondents had advertised number of posts, which were laying vacant in District Health Office, North Waziristan, the Appellant was being qualified and eligible candidate applied for the post as per his qualifications.
3. That after fulfillment of all codal formalities, as the vacant posts were advertised and invited applications from the eligible and suitable Applicants, the Appellant accordingly submitted his Application as well as his academic qualifications and as per the prevailing SOPs of the provincial Government for making inductions in respect of the subject posts, the process for

selection was initiated by verification of the degrees of the candidates who applied for these posts. In this respect a property selection Committee was constituted. The Committee so constituted duly interviewed the candidates and after following the process of law/ rules, the successful candidates were issued the Appointment letters. **(Copy of the Appointment Order is attached as annexure A)**

4. That whenever the competent authority as well as the Selection Committee have been appointed the Appellant on his respective posts, after adopting all the codal formalities, meanwhile the political figure as Minister for Relief and Rehabilitation MR. Iqbal Khan Wazir while using his good office forwarded a letter with the subject **“Complaint against illegal appointments made by DHO North Waziristan without fulfilling of codal formalities / bogus diploma holders”**, and directed the District Account Officer District North Waziristan to stop the salaries of 71 Appointees in the DHO North Waziristan Office and it was alleged that their appointments have been made without compliance of codal formalities and the appointees are holding bogus degrees vide letter dated 20.02.2020, the District Account Officer has been requested for the investigation of the matter in question and further the pay and allowances of the Appellant has been requested to be stopped till the finalization of the complaint filed by the Minister Concerned. **(Copies of the Order and Complaint are attached as annexure B)**
5. That some of the aggrieved employees approaches the Hon'ble Peshawar High Court Bannu Bench, whereby the salaries those employees have been ordered to be released forthwith, thereafter the political person as mentioned above Minister for Relief and Rehabilitation again interfered in the same matter, while issued another letter from his letter head to the Minister of Health, whereby he has requested for interference in the official work and the Minister of Health has been compelled to constitute another inquiry on the subject matter vide letter dated 26.08.2020. **(Copy of letter dated 26.08.2020 is attached as annexure C)**
6. That the Respondent No 2 without keeping in view the above mentioned record once again stopped the salaries of the Appellant on the personal grudges with the collusion of Minister concerned, thereafter the Appellant along with others preferred a combined Appeal to the Respondent No 2 which was forwarded through his endorsement letter dated 05.07.2021 to the Respondent No 1, accordingly the Respondent No 1 accepted the Appeal of the Appellant vide letter dated 05.08.2021 and realized that the case of the Appellant does not fall in the capacity of the letter mentioned above and the Respondent No 2 was directed to implement the judgment of the Hon'ble Peshawar high Court Bannu Bench, vide which the salaries of the Appellant was ordered to be release. **(Copy of the order dated 05.08.2021 is attached as annexure D)**
7. That it is pertinent to mention here that as per the above mentioned direction issued by the Respondent No 1, the Respondent No 2 is bound to act accordance with the directions issued by Respondent No 1, but he despite of the clear cut

directions issued by the Respondent No 1 refused to implement the same and issued the impugned order dated 06.08.2021, which was even not communicated to the Appellant and the Appellant was kept unaware about the said letter, thereafter when the Appellant insisted for release of his salaries the Respondent No 2 while given the impugned order to the Appellant on 23.11.2021. **(Copy of the Impugned Order dated 06.08.2021 is attached as annexure E)**

8. That thereafter the Appellant filed Departmental Appeal, wherein statutory period had been elapsed and no order whatsoever has been issued. **(Copy of Departmental Appeal along with receipts are attached as annexure F)**
9. That inspite of the clear cut direction of the competent authority as Respondent No 1, the Respondent No 2 having personal grudges and for ulterior motives not following the order of the Respondent No 1 and due to which the salaries of the Appellant is being stopped without any lawful authority.
10. That feeling aggrieved from the act of Respondents, having no other adequate and efficacious remedy, approaches this Honourable Tribunal on the following grounds inter-alia:-

**GROUND:-**

- A) That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B) That even the impugned Order has been issued without given personal hearing opportunity to the Appellant, the same act of the Authority is illegal, unlawful and without lawful authority.
- C) That no show cause notice was issued to the Appellant and due to the malaifde intention of the Respondent NO 2 the impugned order was issued just to deprive the Appellant from his valuable service.
- D) That the acts of the Respondents of not following the same criteria which has been safeguarded by the law and rules and guidelines provided by the apex courts that when the employee serving on respective posts the competent authority should have in retaliation to delivered remuneration to the employee as accordance his service, while in the instant case the respondents have not yet been considered the case of the Appellantss, is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.
- E) That the fundamental rights of the Appellants has blatantly violated by the Respondents and the Appellants has been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- F) That the Appellants is appointed according to rules and on adopted procedure but the respondents and after his appointments he has never ever given an opportunity of any complaint to the respondents and performed his duties with full devotions, the Appellants being eligible for releasing of outstanding salaries which was illegally been retained by the respondents is illegal and violation of natural justice, because of

9

- the fundamental rights/entitlement of the Appellants has been denied to them by the Respondents.
- G) That according to the articles 23 & 24 (1) of the constitution of Pakistan the property of every citizens of the Pakistan have been protected and no one could be deprived from their due rights and property, hence the entire due salaries being the fundamental right of the Appellants and the respondents is liable to be directed for releasing of the entire due salaries of the Appellants.
- H) That once the Appellants was duly appointed/posted and was allowed to join the service, after thorough verifications entries was also made in his service books, since then he is performing his duties, and after having performed his duties, he is certainly entitled to be paid his salaries, but all of sudden the respondents have been stopped the salaries of the Appellants, these acts of the respondents are illegal unlawful and liable to be declared so.
- I) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

**PRAYER:-**

It is, therefore, most humbly prayed that, On acceptance of the instant Appeal, the Impugned Orders when initially the salaries of the Appellant was stopped/withheld since 1<sup>st</sup> August 2021 verbally and later on a written impugned Order No. 13024/DHO NWTD dated 06.08.2021, which was communicated to the Appellant on 23.11.2021, issued by the Respondent No 2 on the basis of which the Appointment of the Appellant being considered cancelled / withdrawn, the impugned order dated 06.08.2021 and withholding of salaries of the Appellant may kindly be set aside and consequently the Appellant may kindly be reinstated / restored into his service with all back benefits.

Any other relief, not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Through:

Appellant

(BASHIR KHAN WAZIR)

Advocate,

High Court, Peshawar

Dated:- 24.03.2022

**CERTIFICATE:**

It is certified that no such like Appeal has earlier been filed before this Hon'ble Tribunal.

DEPONENT



**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**

5

Service Appeal No \_\_\_\_\_/2022

**Mst Razia .....Appellant  
VERSUS**

**Director General Health Services & others ...Respondents**

**AFFIDAVIT**

I, Mst Razia W/o Din Sharoof, DAI (BPS-04), DHO Office North Waziristan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

افیدہ  
**DEPONENT**

H  
Humaira Nisaman Advocate  
Oath Commissioner  
Enrol. No. 3370-75

24-03-2022

(6)

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**

Service Appeal No \_\_\_\_\_/2022

**Mst Razia.....Appellant  
VERSUS**

**Director General Health Services & others ...Respondents**

**APPLICATION FOR SUSPENSION OF THE IMPUGNED  
ORDER DATED 06.08.2021, ON THE BASIS OF  
WHICH THE SALARIES OF THE APPELLANT WAS  
STOPPED AND CONSEQUENTLY THE CURRENT  
SALARY OF THE APPELLANT MAY KINDLY BE  
ORDERED TO RELEASED, TILL THE FINAL  
DECISION OF THE SERVICE APPEAL.**

**Respectfully Sheweth:**

1. That the above noted Service Appeal is being filed before this hon'ble court, in which no date of hearing has yet been fixed.
2. That the Appellant has got a good prima facie case in their favour, and is sanguine about its success.
3. That the balance of convenience also lies in favour of the Appellant.
4. That if the Impugned Order dated 06.08.2021 is not suspended, the Appellant would suffer extreme irreparable loss.
5. That the facts and grounds of the Appeal may kindly be read as an integral part of this application.

**It is, therefore, respectfully prayed that on acceptance of this application, the relief as prayed for in the heading of the Application may kindly be allowed in favour of the Appellant, till the final decision of the case.**

Through:

Appellant

(BASHIR KHAN WAZIR)

Advocate,

High Court, Peshawar

Dated:- 24.03.2022

(7)

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**

Service Appeal No \_\_\_\_\_/2022

**Mst Razia.....Appellant**

**VERSUS**

**Director General Health Services & others ...Respondents**

**AFFIDAVIT**

I, Mst Razia W/o Din Sharoof, DAI (BPS-04), DHO Office North Waziristan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

رَضِيَا  
**DEPONENT**

A

Oath Commission  
Enrol. No. 3370-75

24.03.2022

A<sup>2</sup>  
8

**OFFICE OF THE DISTRICT HEALTH OFFICER**  
**NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH**  
Tel: (0928) 300788 FAX: (0928) 311662. Email: agency Surgeon nwa2018@gmail.com  
\*\*\*\*\*

**OFFICE ORDER:**

On the recommendation of departmental selection committee,  
Mst: Razia W/o Din SharooF Village Hamzoni Tehsil Miranshah Tribal District  
North Waziristan is hereby appointed as a DAI BPS-04 (9900-440-23100)  
against the vacant post, plus usual allowances as admissible under the rules  
with immediate effect in the best interest of public services.

Her appointment shall be on the following terms and condition.

- 1- She is declared medically fit for this job.
- 2- Her appointment will be on permanent basis from the date of his joining in service. She will not be indulging in any trade business and any other activity what so ever which has been declared prohibited for the Government Servants in Civil Servant Act 1973.
- 3- If She wished to resign the services a prior notice of 30 days will be submitted, otherwise one month pay should be deposited in Government treasury through challan.
- 4- She will have to serve any where in North Waziristan Agency.
- 5- She will not be entitled for any TA/DA for joining the service.
- 6- If she accepts the above terms and condition he have to report for duty to the **District Health Officer North Waziristan Tribal District at Miranshah** within 15 days of the receipt of this offer , otherwise the order will be considered as cancelled.

Sd:xxxxxxxxxxxxxxxx

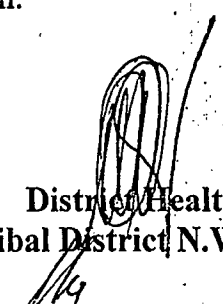
**Dr. Muhammad Israr Ul Haq**  
**District Health Officer**  
**Tribal District N.W. Miranshah.**

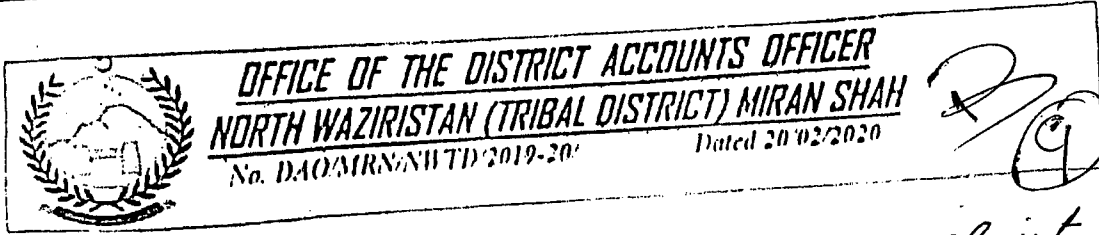
No 225-29 /App: dated: Miranshah the : 02/07/2020.  
**Copy to the:**

1. District Account Officer Tribal District North Waziristan Miranshah.
2. I/C **District Health Officer North Waziristan Tribal District at Miranshah.**
3. Accounts/Pay Bill Clerk of this office.
4. Official concerned.

For information and necessary action.

ATC  
①

  
**District Health Officer**  
**Tribal District N.W. Miranshah.**



①

*complaint and  
list of the employees*

To,

The District Health Officer  
NWTD Miran Shah.

**SUBJECT:-** COMPLAINT AGAINST ILLEGAL APPOINTMENT MADE BY  
DHO NORTH WAZIRISTAN WITHOUT FULFILLING CODAL  
FORMALITIES/BOGUS DIPLOMA HOLDER.

Memo.

Please refer to the letter issued by Mr. Muhammad Iqbal Khan Wazir, Minister for Relief (DDAC) chairman/Member Provincial Assembly PK 111 vide No. DDAC /MPA-PK111/2020/Health/dated 17/02/2020 on the subject cited above.

In this connection it is requested that the matter may be investigated at your end and computer change profarma may send to this office for stoppage of pay & Allowance of the employees as per list attached till the complaint to be set a side.

2. It is also pertinent to mention that as per the verbal directions of the worthy Minister that before processing fresh appointment/recruitment of any kind and of any department prior permission may be obtained from the Minister concerned.

*ATC*

*[Signature]*  
District Accounts Officer  
NW (Tribal District) Miran Shah

Copy forwarded to:

1. The Accounts officer (C&M) O/O the Accountant General Khyber Pakhtunkhwa Peshawar with the request to guide this office for appropriate action in the subject case please.
2. The Deputy Commissioner NWTD Miran Shah for information and necessary action please.

*[Signature]*  
District Accounts Officer  
Scanned with CamScanner

10

2



**MUHAMMAD IQBAL KHAN WAZIR**  
**(DDAC) CHAIRMAN/MEMBER**  
**PROVINCIAL ASSEMBLY PK-111**

No. DDAC/MPA-PK-111/2020/Health  
Dated: The Peshawar February 17, 2020

Subject: COMPLAINT AGAINST ILLEGAL APPOINTMENTS MADE BY DHO NORTH WAZIRISTAN WITHOUT FULFILLING CODAL FORMALITIES/BOGUS DIPLOMA HOLDER

TO:

Honour's Member of mine will find you in the best of your health.

I would like to say that District Health Officer North Waziristan recently made illegal appointments of bogus degree holders on taking office and without fulfilling of codal formalities.

In view of the above the salaries of 73 appointees (list attached) may be stopped till their original documents are furnished.

(Muhammad Iqbal Wazir)

District Accounts Officer  
District North Waziristan

CC:

1. Deputy Commissioner North Waziristan with the request to look into the matter personally.
2. DHO North Waziristan

AKC

11

CHIEF SECRETARY  
DEPARTMENT OF HEALTH  
ISLAMABAD

48

Document No: H/2620/1-2011  
Date: 22/10/2011

MUHAMMAD WAZIR

Subject: **REQUEST FOR INQUIRY**

My Dear,

Hope this letter of mine will find you in the best of your health.

I would like to enclose herewith a letter addressed to your good self with regard to conduct inquiry against DHO North for 71 illegal appointments in Tribal District North Waziristan (appointees list attached). It is also mention here that Mr. Amjad Salim Junior Clerk is also involved in all these illegal activities and in taking bribe from these appointees.

It is also pointed out that the present DHO North Waziristan again made illegal appointments in Tribal District North Waziristan (copies attached).

In view of the above, it is requested to kindly direct the quarter concerned to conduct inquiry against DHO North Waziristan on top priority basis, please.

Yours Sincerely,

SOV

*Handwritten signature and initials*  
26/10/11 AS/Bsh

*Handwritten notes and signatures*  
It is not on...  
eng...  
with...  
week...  
22/10/11

Mr. Taimoor Saleem Khan Jhagra,  
Minister for Health, Khyber Pakhtunkhwa.

Copy forwarded for similar action to:-

1. The Secretary Health, Govt. of Khyber Pakhtunkhwa.
2. The Director General Health, Khyber Pakhtunkhwa.
3. The Director Merged Area Health, Khyber Pakhtunkhwa.
4. The Director Anti-corruption, Khyber Pakhtunkhwa.

*Handwritten signature*

ADDRESS 2ND FLOOR MINISTERS BLOCK CIVIL SECRETARIAT ISLAMABAD  
KHYBER PAKHTUNKHWA PH# 011-9210111

*Handwritten marks*  
37  
25



TRUST A LEADER TO DELIVER

Call: 111-123-456  
GST NO.  
12-00-9808-002-73

Acct / Coupon		Consignment Note No.			Sales Tax Invoice	
		470	39872718		Org.	Dest.
Mode of Payment		Insured		Dimension		Wt. (kgs)
<input type="checkbox"/> Coupon <input type="checkbox"/> FOC <input type="checkbox"/> COD		<input type="checkbox"/> Yes <input type="checkbox"/> No.		L(cm)	W(cm)	H(cm)
<input type="checkbox"/> Account <input type="checkbox"/> Cash		Value				
From (Shipper)		To (Consignee)			Service Type	
union office		Rajia			<input type="checkbox"/> Overnight <input type="checkbox"/> Holiday	
DAD TRN		DAI			<input type="checkbox"/> Extra Sp. <input type="checkbox"/> Same Day	
Phone		D.G. Heath			<input type="checkbox"/> Second Day	
E-mail		Description			Service Charges	
Description		PICKUP INFORMATION			Weight	
Courier Code		Date	Time	Handling		
Shipper's Signature		Insurance Premium			Other	
AS PER R.O. ACT 1998. TCS WILL NOT CARRY LETTER/POST CARDS.		TOTAL			350	

Shipper's Copy

I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment note do not contain any letter. The execution of this consignment note is prima facie evidence of the conclusion of contract between shipper & TCS (PVT) LTD.

Shipper's Signature

AS PER R.O. ACT 1998. TCS WILL NOT CARRY LETTER/POST CARDS.

Any suggestions / complaints about service may be mailed to PO Box 62842, Karachi-75400



بعد الت سروس ٹریبونل کے لیے ( )

B.C.No 09-205  
۸۸۱۰۵۳۳۳ ۹۷۳۲۶۱۵

2۰۲۲ء پنجاب  
بنام

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام کے لیے سید محمد خان دزیرا کیلئے سید محمد خان دزیرا کے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ  
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ نہ ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Accepted by the Court

الرقوم 24  
ماہ مارچ 2022

العبد \_\_\_\_\_ واہ العبد \_\_\_\_\_

بمقام \_\_\_\_\_ کے لیے منظور ہے۔

ذرا لکھو