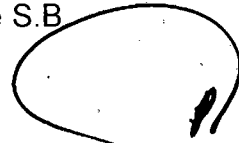


26.07.2022

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

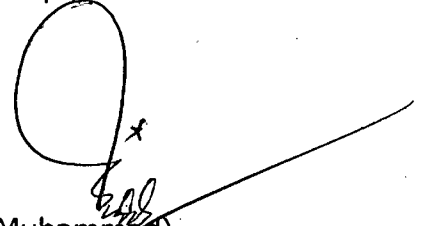


(Rozina Rehman)  
Member (J)

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)

07.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant was appointed as Junior Clinical Technician (Pharmacy) (BS-09) on recommendations of Departmental Selection Committee vide office order dated 12.12.2013. On a complaint received in the respondent-department, an enquiry was conducted against DHO North for 71 illegal appointments in Tribal District of North Waziristan. As a result thereof pay of the appellant was initially stopped verbally and cancelled/withdrawn his appointment order vide impugned order dated 06.08.2021 but communicated to the appellant on 23.11.2021. He preferred departmental appeal on 25.11.2021 which was not decided within the stipulated statutory period, hence, the instant service appeal was filed on 23.03.2022.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 09.06.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

09.06.2022

Junior to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Usman Assistant for respondents present.

File to come up alongwith connected Service Appeal No.424/2022 titled Mst. Sadia Vs. Government of Khyber Pakhtunkhwa on 26.07.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

Rs-400/-  
Appellant Deposited  
Security & Process Fee  
13/4/22


14.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 09.06.2022 before S.B.

Rs-500/-  
Appellant Deposited  
Security & Process Fee

A. H. H. / 12/5/22

  
(Rozina Rehman)  
Member (J)

09.06.2022

Junior to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Usman Assistant for respondents present.

File to come up alongwith connected Service Appeal No.424/2022 titled Mst. Sadia Vs. Government of Khyber Pakhtunkhwa on 26.07.2022 before S.B.




  
(Rozina Rehman)  
Member (J)

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 7812/2021 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/11/2021	<p>The appeal of Mr. Najeebullah resubmitted today by Mr. Bashir Khan Wazir 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> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>17/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>17.01.2022</p> <p>Learned counsel for the appellant present and requested for adjournment on the ground that he has not prepared the brief. Request acceded to. To come up for preliminary hearing on 04.02.2022 before S.B.</p> <p style="text-align: right;">(Mian Muhammad Member (E)</p> <p>04.02.2022</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 14.04.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Barkat Ullah Khan, JCT Pharmacy (BPS-12), North Waziristan received today i.e. on 16.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Appeal has not been flagged/marked with annexure marks.
2. Address of the appellant is incomplete.
3. Copy of Impugned Order dated 06/08/2021 mentioned in the heading of the appeal is not attached with the appeal.
4. Impugned order was passed on 06/08/2021, departmental appeal was made/preferred on 21/07/2021 much before passing the impugned order meaning thereby that there is no departmental appeal.
5. Annexures of the appeal may be attested.
6. Affidavit is not attested by the Oath Commissioner.
7. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 9273 /S.T,

Dt. 16/11/2021

  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Bashir Khan Wazir Adv. Pesh.

As per the objection No 3 the salaries of the Appellant was verbally stopped by the DHO since 21st June 2021 against which the department appeal was filed and the order dated 06-08-2021 has been issued late on the basis of which salaries of the other colleagues of the Appellant has also been stopped, therefore this order was not issued against the Appellant.

The rest of objections are also removed

Re submitted again

PTO

Counsel

  
Am

Dated: 25-11-21

Reply to the objection No 3 the date mentioned and the heading of prayer is not issued against the Appellant and the salaries of the Appellant was verbally stopped therefore the departmental appeal was filed against the verbal order and Appellant aggrieved from the 1st June 2021 order, hence the 1st page has been replaced while corrected the same.

~~B. V. S.~~  
A. M.

Advocate

29-11-21

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

Service Appeal No 7811 /2021


**Barkat Ullah Khan.....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	-	6-7
4.	Affidavit	-	8
5.	<b>Copy of Appointment Order</b>	<b>A</b>	9-
6.	<b>Copy of the Medical and Arrival report</b>	<b>B</b>	10-14
7.	<b>Copy of Writ Petition and Judgment</b>	<b>"C"</b>	15-25
8.	<b>copy of the Order dated 05.05.2020</b>	<b>"D"</b>	26
9.	<b>Copy of Departmental Appeal</b>	<b>"E"</b>	27-28
10.	<b>Wakalat Nama</b>		29

  
Appellant

Through:

  
**(BASHIR KHAN WAZIR)**  
Advocate,  
High Court, Peshawar

Dated:- 28.10.2021

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

Service Appeal No \_\_\_\_\_/2021

Barkat Ullah Khan, JCT Pharmacy (BPS-12), North Waziristan.  
.....Appellant

**V E R S U S**

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
2. District Health Officer, District North Waziristan.
3. Secretary Health, Govt of Khyber Pakhtunkhwa, Peshawar.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE IMPUGNED ORDER, WHEREBY THE  
SALARIES OF THE APPELLANT WAS STOPPED  
SINCE 1<sup>ST</sup> JUNE 2021 AND DESPITE OF THE  
MANDATORY PERIOD EXPIRED OF  
DEPARTMENTAL APPEAL THE RESPONDENT DID  
NOT RELEASE THE SALARIES OF THE  
APPELLANT.**

**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> June 2021 verbally stopped / withheld, the Appellant got the knowledge after 1<sup>st</sup> July, the impugned order and withholding of salary of the Appellant may kindly be set aside and consequently the outstanding salaries of the Appellant may kindly be released, till date.

**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 the Appellant being competent and having the meritorious qualification was appointed as Junior Clinical Technician (JCT) BPS-12 on the recommendation of Departmental Selection Committee.



**(Copy of Appointment Order is attached as annexure A)**

3. That after his appointment the Appellant got Medical as well as assumed the charge of the subject post and was continuously performing his duty with great zeal and zest, therefore he was being paid salaries as per his duty. **(Copy of the Medical and Arrival report are attached as annexure B)**
4. That the Appellant was being appointed in the Erstwhile FATA and he was posted at DHO Office North Waziristan and the salaries of the employees of Erstwhile FATA was in manual position, meanwhile due to the Operation Zarb e Azab, the inhabitant of North Waziristan were badly affected, consequently the people of the locality migrated to different districts and the Govt offices were also badly affected.
5. That after the rehabilitation of the District North Waziristan the salaries of the number of employees were stopped on the reasons of non-computerization. The salary of the Appellant was also stopped / withhold and the Appellant time and again submitted his Appeal before the competent authority but lastly when the Appellant along with his other colleagues were got helpless, thereafter the Appellant along with his other colleagues have filed a Writ Petition No. 7299/2019 at Peshawar High Court Peshawar, in which Interim Relief was granted and the case was sent to the Peshawar High Court Bannu Bench being in the Jurisdiction of the Circuit Bench, whereby the Writ Petition was modified as WP No. 1308-B/2019. The Comments were called which was received to the Peshawar High Court Bannu Bench and after hearing both the parties, the Writ Petition of the Appellant along with other colleagues was allowed with the directions to the Respondents to release the salaries of the Appellant along with his other colleagues from date of stoppage. **(Copy of Writ Petition and Judgment is attached as annexure C)**
6. That the office of Respondent No 2 being the competent authority issued an office order No 2306-9 on dated 05.05.2020, vide which the salaries of the Appellant along with his other colleagues have been released. **(copy of the Order dated 05.05.2020 is attached as annexure D)**

7. That since then the Appellant is performing his duty with great zeal and zest on his subject post and after almost one year the salaries of the Appellant once again stopped by the Respondent No 2 verbally without having any plausible reasons, the Appellant salary is stopped /withheld from the 1<sup>st</sup> June 2021 till date and in this respect the Appellant was got the knowledge when he checked his salary in Bank in the month of July, thereafter the Appellant submitted his Appeal before the Competent Authority, but without fruitful result. **(Copy of Departmental Appeal is attached as annexure E)**
8. That the Appellant time and again visited to the office of Respondents and also requested to decide his departmental Appeal, but despite of the mandatory period of his departmental Appeal no order whatsoever has been passed by the Respondents.
9. 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 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 post 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 Appellant, is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.
- C) That the fundamental rights of the Appellant has blatantly violated by the Respondents and the Appellant has been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- D) 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

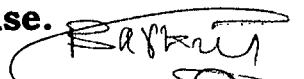
duties with full devotions, the Appellants being eligible for releasing of outstanding salaries which was illegally been retained by the respondents is illegal and violation of natural justice, because of the fundamental rights/entitlement of the Appellants has been denied to them by the Respondents.

- E) 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.
- F) 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.
- G) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

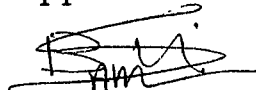
**PRAYER:-**

**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> June 2021 verbally stopped / withheld, the Appellant got the knowledge after 1<sup>st</sup> July, the impugned order and withholding of salary of the Appellant may kindly be set aside and consequently the outstanding salaries of the Appellant may kindly be released, till date.**

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

  
Appellant

Through:

  
**(BASHIR KHAN WAZIR)**  
Advocate,  
High Court, Peshawar

Dated:- 28.10.2021

5

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

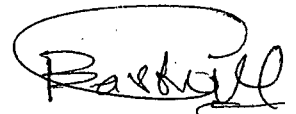
Service Appeal No \_\_\_\_\_/2021

**Barkat Ullah Khan .....Appellant  
VERSUS**

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

**AFFIDAVIT**

I, Barkat Ullah Khan, JCT Pharmacy (BPS-12), 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.



**DEPONENT**

6

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

Service Appeal No \_\_\_\_\_/2021

**Barkat Ullah Khan .....Appellant  
VERSUS**

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

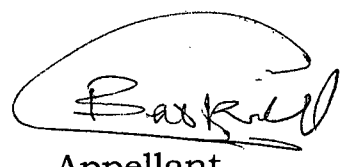
**APPLICATION FOR SUSPENSION OF THE  
IMPUGNED Verbal ORDER, WHEREBY THE  
SALARIES OF THE APPELLANT WAS  
STOPPED SINCE 1<sup>ST</sup> JUNE 2021 AND IN THE  
LIGHT OF SAID ORDER THE SALARIES OF  
THE APPELLANT HAS BEEN STOPPED /  
WITHHELD AND CONSEQUENTLY THE  
CURRENT SALARY OF THE APPELLANT MAY  
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 25.06.2021 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.

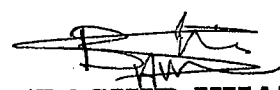
7

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.



Appellant

Through:



**(BASHIR KHAN WAZIR)**

Advocate,  
High Court, Peshawar

Dated:- 28.10.2021

8

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

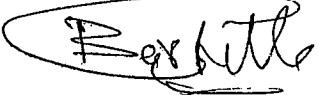
Service Appeal No \_\_\_\_\_/2021

**Barkat Ullah Khan .....Appellant  
VERSUS**

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

**AFFIDAVIT**

I, Barkat Ullah Khan, JCT Pharmacy (BPS-12), 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.



**DEPONENT**

9  
A

**OFFICE OF THE AGENCY SURGOEN  
NORTH WAZIRISTAN MIRANSHAH.  
PHONE & FAX: 0928-300783.**

\*\*\*\*\*  
**OFFICE ORDER:**

On the recommendation of Departmental Selection committee, Mr. Barkanullah S/O Asmatullah Khan resident of village Omerzai PO Tehsil & District Bannu is hereby appointed as a JCT (Pharmacy) in BPS-09 (6200-380-17600) plus usual allowances as admissible under the rules against the existing vacant post at Civil Dispensary Arzimand Kot North Waziristan Agency in the best interest of public services with immediate effect.

**His appointment shall be subjected on the following terms and conditions.**

- 1-He is declared medically fit for this job.
- 8- His appointment will be purely on contract /temporary basis and are liable to be terminated at any time without assigning any notice/reasons.
- 9- He will be governed by such rules and order issued by the Government from time to time for the category of staff to which he belongs.
- 10-If he 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.
- 11- His pay will be released after the verification of all the documents from the required Board /Faculty according to the Government rules.
- 12-He will not be entitled for any TA/DA for joining the service.
- 13-If he accepts the above terms and condition he will have to report for duty to the Incharge Civil Dispensary Arzimand Kot within 15 days of the receipt of this offer, otherwise the order will be considered as cancelled.

Sd:xxxxxxxxxxxx  
Agency Surgeon  
North Waziristan Miranshah

No 2725-9 /App: dated: Miranshah the: 22/1/2013.

**Copy forwarded to the:-**

5. Agency Account officer North Waziristan Miranshah.
6. Accounts/Pay Bill Clerk of this office.
7. Incharge Civil Dispensary Arzimand Kot.
8. Official concerned.

For information and necessary action.

  
Agency Surgeon  
North Waziristan Miranshah

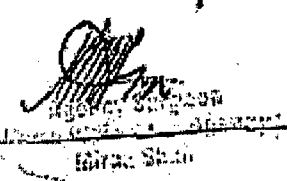


10

N.W.F.P. Med No. 4

MEDICAL CERTIFICATE

Name of Official Barkatullah  
 Caste or race Muslim  
 Father's Name Asmatullah Khan  
 Residence Village Ommezai Tehsil G Plo  
Distric Bamal  
 Date of Birth 28-6-1992  
 Exact height by measurement 5-5"  
 Personal Mark of Identification Nil  
 Signature of the Official Barkatullah  
 Signature of head of Office \_\_\_\_\_


Seal of Office  
  
 Agency Surgeon  
 North Waziristan Agency

I do hereby certify that I have examined Mr./Miss. Barkatullah  
 Candidate for employment in the Office of the Health Department  
 And can not discover that he/She had any disease communicable or other constitutional effect join or  
 bodily infirmity except Nil

I do not consider this as disqualification for employment in this office of the  
Health Department his/her age according to his own statement 29  
 Years and by appearance about twenty nine only years.

LEFT HAND THUMB AND FINGER

IMPRESSION 03 112 1213

  
 Agency Surgeon,  
 North Waziristan Agency

11

To

The Agency Surgeon,  
North Waziristan Agency Miranshahi.

Subject: Arrival Report.

R/Sir,

In compliance with the Agency Surgeon, NWA office order  
No. 2705-2 dated 02/10/2013.

I have the honour to submit herewith my arrival report for duty as a

Tet (Pharmacy) BPS-12 today on 03/10/2013.

FN.

Dated: 03/10/2013

Thanks

Yours Obediently,

Barkat Ullah

Tet (Pharmacy) BPS-12

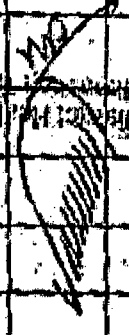
Seen

[Signature]  
Agency





Director, Public Health Service



Name of Post	Whether Substitutive or Official and whether temporary	If including a substitution of appointment or position under the Act of October 3, 1917, section 1104 (40 Stat. 1641)	Pay to Substitutive position	Additional pay for performing	Other amount and time period	Date of appointment	Signature of Government
EPS-12	12-10	1330-960-11200	15.00	12.00	13-1812	13-1812	13-1812
EPS-9	9-10	801-451-2281	12.00	10.00	13-1812	13-1812	13-1812
EPS-12	12-10	1114-500-3710	12.00	10.00	13-1812	13-1812	13-1812
EPS-12	12-10	1330-960-11200	12.00	10.00	13-1812	13-1812	13-1812
EPS-12	12-10	1330-960-11200	12.00	10.00	13-1812	13-1812	13-1812

14

BEFORE THE HONOURABLE PESHAWAR HIGH COURT

PESHAWAR

ATTESTED



EXAMINER  
Peshawar High Court

Writ Petition No 7299 of 2019

1. ✓ Nisar Ahmad S/o Muhammad Subhan R/o House No 419 Street No 10, Phase-VII Hayatabad Peshawar.
2. ✓ Noor Shahideen S/o Reshmeen Gul R/o House No 188 Street No 9, F-1 Phase-6 Hayatabad Peshawar
3. ✓ Saif ud Din S/o Awal Khan R/o Canal Road, Khalil Street University Town Peshawar.
4. ✓ Muhammad Firdous S/o Bazid Khan R/o Village Hasu Khel, Tehsil & P.O Meer Ali North Waziristan Agency.
5. ✓ Khalida Zia D/o Samad Shah R/o Village Khadi Tehsil & P.O Meer Ali North Waziristan Agency.
6. ✓ Saleem Ullah S/o Bilawal Khan R/o Village Dawar Tappi Tehsil & P.O Meeran Shah North Waziristan.
7. ✓ Najeem Ullah S/o Konawas Khan R/o Hanzoni Ali Khel Tehsil & P.O Miranshah North Waziristan.
8. Miss Noreen Naz D/o Naimat Ullah R/o Village Hasukhel Tehsil & P.O Mirali North Waziristan.
9. ✓ Nasir ud Din S/o Awal Khan R/o Village Palangzai Bora Khel Tehsil & P.O Miranshah North Waziristan.
10. ✓ Zia ud Din S/o Rehmat Ullah R/o Village Eidak Tehsil Mirali North Waziristan.
11. ✓ Islam Ullah S/o Haji Saley R/o Village Eidak Tehsil Mir Ali North Waziristan.
12. ✓ Mujahid Shah S/o Muhammad Usman R/o Village Mubarak Shahi Tehsil Mirali North Waziristan.
13. ✓ Gul Nasib S/o Wali Subhan R/o village Eidak Tehsil Mir Ali North Waziristan.

District Health Officer  
Mirali North Waziristan

wpt/259/2018 Nisar, Ahmad vs Govt full USA 91 PG

ATTESTED  
EXAMINER  
Peshawar High Court

Scanned with CamScanner

Miss Bushra Noreen D/o palol Khan R/o village Asad Khel  
tehsil Dossali North Waziristan.

- 15. Safi Ullah Khan S/o Naqeeb Ullah Khan R/o canal Road,  
Opp Al-badar Hospital University Town, Peshawar.
- 16. Barkat Ullah Khan S/o Asmat Ullah Khan R/o Gulberg No.  
1, Peshawar Cant Saddar.
- 17. Mehboob Alam S/o Marwat Khan R/o Fazal Haq Malwana.  
Suranni Bannu.
- 18. Waseema Tahir W/o Imran Khaliq R/o Village Eidak Tehsil  
Mir Ali North Waziristan.
- 19. Mst Hafsa W/o Bakhtali Khan R/o Village Hamzoni  
Patikhel Tehsil Miranshah North Waziristan.
- 20. Salim Ullah S/o Abdul Quadeer R/o Village Haider Khel  
Tehsil Mirsali District North Waziristan.
- 21. Muhammad Iddress S/o Muhammad Khan r/o District  
Lalchi Marwat.
- 22. Rashid Ullah S/o Sher Qader R/o Village Darpa Khel Tehsil  
Miranshah North Waziristan.
- 23. Ameer Ullah S/o Peer Muhammad Khan R/o District North  
Waziristan

*[Signature]*  
Petitioners

V E R S U S

- 1. Government of Khyber Pakhtunkhwa Through director  
Health Services Merged areas, Khyber Pakhtunkhwa  
Peshawar.
- 2. District Health Officer, District North Waziristan.
- 1. District Account officer, District North Waziristan.

..... Respondents

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


**ATTESTED**  
EXAMINER  
Peshawar High Court

District  
Muzir  
Chamber  
of  
Chief  
Justice  
Peshawar  
*[Signature]*

17

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
<u>03/01/2020</u>	<p><u>WP No. 7299-P/2019</u></p> <p><u>Present:</u> Mr. Bashir Khan Wazir, Advocate, for the petitioners.</p> <p>====</p> <p>Comments be called from respondents so as to reach this Court within fortnight.</p> <p><u>Interim Relief</u></p> <p>Notice for a short date. In the meanwhile, the respondents are directed to release salaries of the petitioners immediately, if they perform their duties.</p> <p style="text-align: right;"><u>Chief Justice</u> </p> <p style="text-align: right;"><u>Judge</u></p> <p>No. <u>20540</u></p> <p>Date of Presentation of Application <u>24/11/2019</u></p> <p>No of Pages <u>16-7</u></p> <p>Copying fee <u>70</u></p> <p>Total .....</p> <p>Date of Preparation of Copy <u>06/11/2020</u></p> <p>Date of Delivery of copy <u>06/11/2020</u></p> <p>Received By <u>M. J. Khan</u></p>

S. M. Khan  
**GERTIFIED TO BE TRUE COPY**  
 EXAMINER  
 Peshawar High Court, Peshawar  
 Authorized Under Article 177 of  
 The Constitution of Pakistan  
 06 JAN 2020

  
 Clerk  
 Peshawar High Court



(8)

JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
BANNU BENCH.

(Judicial Department)

W.P No. 1308-B of 2019.

Nisar Ahmad & others  
Ys  
Govt. of Khyber Pakhtunkhwa  
and others

JUDGMENT

Date of hearing :- 26-02-2020

Petitioner by: Mr. Bashir Khan Wazir advocate.

Respondent by: Mr. Shahid Hameed Qureshi Addl: A.G.

\*\*\*\*\*

9

SAHIBZADA ASADULLAH, J.- Through the instant Writ Petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners Nisar Ahmad and others have invoked the Constitutional Jurisdiction of this Court, praying that:-

*"It is therefore, most humbly prayed that on acceptance of this Writ Petition an appropriate Writ may please be issued declaring that petitioners have been validly appointed on their respective vacant posts, the petitioners are still working against the said posts with no complaint whatsoever,*

ATTESTED  
EXCISE  
Peshawar High Court  
Bannu Bench

9

*the respondents reluctant from release of the due salaries of the petitioners since April 2015 till now, the acts and conduct in respect of withholding of salaries of the petitioners, is illegal, unlawful, without lawful authority and of no legal effect, the same is liable to be struck down, the petitioners are also entitled their due and order to be released the entire outstanding salaries of the petitioners and further they may be restrained from do so in future.*

9

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

2. Briefly stated the facts giving rise to the instant writ Petition are that the petitioners were appointed by the petitioners in 2013; that later on they applied against the vacant posts and after fulfillment of codal formalities, they were appointed on their respective posts by the competent authority in the office of Agency Surgeon North Waziristan and after fulfillment of codal formalities, they were performing their duties at their respective posts without having any complaints whatsoever; that the petitioners have served the respondents department for about seven years and are still performing duties but the respondents stopped the salaries of the petitioners since 2015 without giving any

ATTESTED:  
[Signature]  
[Name]  
[Title]

20

cogent reasons, despite the fact that the nature of the posts of the petitioners are permanent nature; that the petitioners filed an appeal before the respondents for releasing their salaries but of no avail, hence the instant Writ Petition.

9

3. In pursuance of order of this court, comments were submitted by respondents No.1,2 & 3 wherein they have categorically stated that they have no objection on release of their salaries however, the petitioners were intimated to open their Bank Accounts for release of their salaries but up-till now they had not opened the said account and as per the guidelines and directives of the Government of Khyber Pakhtunkhwa without online Banking System the salaries of the employees will not disbursed.

4. Considering the arguments and perusing the record made available, it is observed that the petitioners were appointed in Health Department after observing all codal formalities in the Office of Agency Surgeon North Waziristan in 2013 and since their appointment, they are performing duties on their respective posts efficiently and they were being paid salaries upto March, 2015, however, abruptly, the respondents, without any reason stopped the onward salaries of petitioners. It is sad to note that while the spirit of the fundamental rights was to protect the property of

TESTESTED  
BANKING

every citizens of Pakistan and no one could be deprived from their due rights, the incompetence and ineptness of the respondents to withhold the salaries of petitioners resulted in its failure. In addition to above, the respondents in their comments raised the objection that as per direction issued by the Government regarding online banking system, the petitioners were intimated to open their bank accounts but they had not opened the same is not a valid ground for the reason that any employee performing any kind of duty is entitled to be treated in accordance with law and equity so that he gets his remuneration for the work done. Grant of salary is not bounty of the State but one of the basic fundamental rights.

5. By now it has been settled that, if appointment order was made against established procedure, appointing authority would be responsible for committing irregular appointments and as the petitioners were performing their duties then their salary cannot be stopped only for the reason that they had not opened their bank account, as there exists no provision of stoppage of salary in service laws, hence, they are entitled for the same. If the employee is made to work without payment of salary it would be against the injunctions of Islam, which envisages payment of wages before sweat of toil is dried up. This act would also be

ATTESTED  
 F. W.  
 ENCLINER  
 Peshawar High Court  
 Bannu Bench

22

violative of the principles of policy contained in Chapter 2 part-II of the constitution and also Article 3 of the Constitution, which cast duty on the state to eliminate all forms of exploitation.

6. In view of above situation, illegality, mala fide of respondents/ department is palpable on the record. The pay of petitioners cannot be stopped in presence of the appointment order, charge report, performance of duties, which facts have not denied by the respondents. In similar nature case titled "*Mujeebur Rehman and 24 others Vs Province of Sindh through Secretary Education, Education Department, Government of Sindh and 3 others*" (2012 PLC (C.S) 708, it was held:

*"We could not understand as to how a person in service can be stopped salary on the ground that he has been unauthorizedly appointed and he is also allowed to work. As long as a person after appointment is working in the Department, his salary cannot be stopped. Law provides procedure for removal of a civil servant which the government should follow. We in the given circumstances, direct the respondents and the Finance*

ATTESTED  
Peshawar High Court  
Dinpana Bench

department to release the salaries of the petitioners forthwith and they will continue to get their salaries as long as they are not removed from the Department in accordance with law. We may observe that such instruction of the finance department to withhold salaries of the petitioner, without their removal from service in accordance with law, is contrary to the Civil Servants law. We in future, if confronted with such an eventuality would take action against the finance department. Non-compliance of any of the directives of this Court will expose the concerned official to contempt proceedings. Compliance to be made within 15 days."

7. For the foregoing reasons and deriving guidance from the superior Courts, we accept this writ petition and declare impugned act of the respondents regarding stoppage of pay/salaries void ab initio and direct the respondents to release salary of petitioners forthwith from the date of stoppage of their pay/salaries. Besides, the petitioners are directed to open their bank Accounts forthwith.

Announced Sd/ Justice Ms. Musarrat Hilali, J  
 Dt. 26.02.2020 Sd/ Mr. Justice Sahibzada Asadullah, J  
 Hasnaini

CERTIFIED TO BE TRUE COPY

(D.B)  
 Hon'ble Ms. Justice Musarrat Hilali  
 Hon'ble Mr. Justice Sahibzada Asadullah

Prescribed by the Government of Punjab  
 Authority vested in the Government of Punjab  
 by the Government of Punjab Ordinance 1934

16/04/2020

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH

C.M No. \_\_\_\_\_ of 2020

In

WP No. 1308/2019

Nisar Ahmad & others .....Petitioners  
**VERSUS**  
Govt of KPK & others .....Respondents

APPLICATION FOR IMPLEADMENT OF  
APPLICANTS BEING IMPORTANT AND  
NECESSARY PARTY IN THE NOTED  
WRIT PETITION IN THE PANEL OF  
PETITIONERS.

Respectfully Sheweth:

**The Applicants humbly submits as under:-**

1. That the above mentioned case is pending adjudication before this Hon'ble Court which is fixed for 26.02.2020.

2. That the names of the Applicants which are necessary parties and are liable to be impleaded are as under:-

- i. Nazir Ullah S/o Nawab Khan R/o District North Waziristan.
- ii. Ahmad Ali S/o Habib Khan R/o district North Waziristan.
- iii. Nizam ud Din Qureshi S/o Noorza Khan Qureshi R/o District North Waziristan.
- iv. Siraj ud Din Qureshi S/o Noora Khan Qureshi R/o District North Waziristan
- v. Zakir Ullah S/o Khan Nawaz R/o District North Waziristan
- vi. Muhammad Yaseen S/o Afsar Khan r/o District North Waziristan
- vii. Nasir Iqbal S/o Ayub Khan R/o District North Waziristan
- viii. Wasih ur Rehman S/o Gul Zaman R/o District North Waziristan
- ix. Mst Safia Naz D/o Minhaj ud Din R/o District North Waziristan

*Handwritten signature*


3

- 3. That the Applicants are appointing in the Respondents Department on their respective posts and are performing their duties zeal and zest. (Copies of Appointment Letters are attached as annexure A)
- 4. That it is well settled and equitable principles of law for just and proper decision of the instant case, the necessary parties who have intentionally not been made party.
- 5. That if the Application for impleadment is not allowed the Applicants would suffer extreme irreparable loss.
- 6. That there is no bar in such like application and the necessary parties may be made party as in the panel of Petitioners.
- 7. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Court.

It is, therefore, most respectfully prayed that on acceptance of this application, the above noted parties may kindly be impleaded as important and necessary party in the panel of Petitioner for just and proper decision of the present cases.

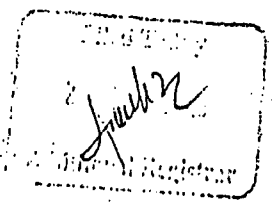
Petitioners

Through



**BASHIR KHAN WAZIR**  
 Advocate, High Court  
 Peshawar

Date: 18.02.2020





OFFICE ORDER

In compliance of Honorable Peshawar High Court Bannu Bench Judgment No. WP No.1308-B of 2019, and endorsement by the Director Health Services Merged Areas, Peshawar letter No. 8405/DHS-MAs/Lit dated 20-04-2020. The salaries of following staff are hereby released from the date of stoppage of their salaries in the best interest of Justice.

S#	Name	Designation with BPS
1	Mr. Najeebullah	Junior EPI Technician BPS-12
2	Mr. Nasirud Din	Junior EPI Technician BPS-12
3	Mr. Saif U Din	Junior EPI Technician BPS-12
4	Mr. Nisar Ahmad	JCT (Pharmacy) BPS-12
5	Mr. Zia Ud Din	Laboratory Assistant BPS-12
6	Mr. Islamullah	Junior EPI Technician BPS-12
7	Mr. Mujahid Shah	JCT (Pharmacy) BPS-12
8	Mr. Noor Shahid Din	Junior EPI Technician BPS-12
9	Mr. Gul Nasib	Junior EPI Technician BPS-12
10	Mr. Salimullah	JCT (Pharmacy) BPS-12
11	Mr. Muhammad Firdoos	JCT (Pharmacy) BPS-12
12	Miss. Nooreen Naz	LHV
13	Mst. Bushra Noreen	LHV
14	Mr. Salimullah	JCT (Pharmacy) BPS-12
15	Mst. Khalida Zia	LHV
16	Mst. Wasima Tahir	LHV
17	Mst. Hafsa	LHV
18	Mr. Rashidullah	JCT (Pharmacy) BPS-12
19	Ameerullah	JCT (Pharmacy) BPS-12
20	Muhammad Idress	JCT (Pharmacy) BPS-12
21	Nazirullah	Malaria Supervisor
22	Safiqullah Khan	JCT (Pharmacy) BPS
23	Barkatullah Khan	JCT (Pharmacy) BPS
24	Mehboob Alam	JCT (Pharmacy) BPS

NB: Necessary entry may be made in their service book for record.

Sd/xxx

District Health Officer

North Waziristan Tribal District

No. 2306-9 / Adjustment/release Dated Miranshah the 5/5 2020.

Copy forwarded for information and further necessary action to the:

1. District Account Officer NWTD with the request to release the salaries of the above officials from the date of stoppage of their salaries in the best interest of Justice.
2. Director General Health Services KPK.
3. Director Health Services Merged Areas Peshawar w/r caption-letter above please.
4. Register Peshawar High Court Bannu Bench for information please.

District Health Officer  
North Waziristan Tribal District

27

**SUBJECT : TO THE DIRECTOR GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR, DEPARTMENTAL APPEAL FOR REALEASE OF SALARIES STOPPED/WITHHELD BY THE DISTRICT HEALTH OFFICER NORTH WAZIRISTAN, SINCE 1<sup>ST</sup> JUNE,2021 ILLEGALLY UNLAWFULLY ANY PLAUSABLE REASON.**

RESPECTED SIR,

The Appellant submit as under:

With due respect it is stated that am performing my duties as junior clinical Technician BPS\_12 under the control of district health officer North Waziristan.

That since my appointment I am performing my duties with great zeal and zest without giving any opportunity of being complaint to my high up, but in meanwhile in 2015, my salaries was stopped /withheld on the reason that the computerization of manual system has to be connected, due to which my salaries were stopped/ withhold and thereafter I submitted a number of application to the competent authority for release of my salaries but in when and lastly into 2019 I along with other aggrieved employees have been filed a writ Petition No- 7299/2019 before the August, High court Peshawar for release of salaries in which interim relief was granted in our'sfavour and the case was sent to Peshawar High court, Bannu bench whereby the comments were submitted by the respondent and the Writ petition number was changed as Writ petition No 1308-B/2019.

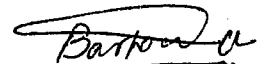
That the case was fixed for final arguments and in the light of arguments delivered by our counsel and the case allowed resultantly the high ups of the health department was directed to release our salaries since, it has been stopped.

That after the announcement of the Judgment the salaries of the appellant was released , and till 1<sup>ST</sup> June of 2021 I was receiving the monthly salary, in the meanwhile when the month of June was expired and I have got the knowledge that my salary has been stopped without any cogent reason and requested to the competent the than DHO, and submitted the judgment and implementation order but in which has the instant appeal.

It is therefore humbly prayed that an acceptance of this appeal and the salaries of the appellant may kindly be ordered to be released with the effect from stoppage.

I shall be very thankful to you.

Appellant



Name: Brakat Ullah

Designation: JCT\_BPS 12

Contact: \_\_\_\_\_

27A

**OFFICE OF THE DISTRICT HEALTH OFFICER  
TRIBAL DISTRICT AT MIRANSHAH**

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

Email: [agency surgeonwa2018@gmail.com](mailto:agency surgeonwa2018@gmail.com)

No. 13024 /DHO NWTD

Dated

06 / 08 / 2021


To

The Director General Health Services  
KP, Peshawar

Subject:  
R/Sir,

**REQUEST FOR INQUIRY AGAINST DHO NORTH WAZIRISTAN**

In compliance to your office endorsement No.7047-50/E.I dated 06/05/2021 in response to Secretary Health Office Letter No. SOH (E-V) 4/20201/Inquiry Report dated Peshawar the April 22<sup>nd</sup>, 2021, the undersigned is pleased to cancel/withdraw all the irregular adjustment/regularization and appointment of the employees during the tenure of Dr. Hamid Ullah and Dr. Jazir Ul Haq EX-DHO North Waziristan as indicated in the inquiry report with immediate effect.


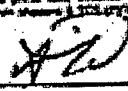
  
District Health Officer  
Tribal District Miranshah  
Dated the: 06/08/2021

No. \_\_\_\_\_ /DHO NWTD

**Copy forwarded to the:**

1. Deputy Commissioner Tribal District Miranshah.
2. PA to Secretary Health KP, Peshawar.
3. HQ-7 Dive Camp Area Miranshah.
4. All Officials Concerned.

~~District Health Officer  
Tribal District Miranshah~~

Sales Tax Invoice		Acct./Coupon	Consignment Rate No.			Org	Dist
 Call 1-800-495-455 GST NO. 12-00-0808-032-73		470	9758926				PEW
Mode of Payment <input type="checkbox"/> Coupon <input type="checkbox"/> C/O <input type="checkbox"/> C/O <input type="checkbox"/> Account <input type="checkbox"/> Cash		Insured <input type="checkbox"/> Yes <input type="checkbox"/> No	Dimension L x W x H			Wt. (kgs)	Pcs.
From (Shipper)		To (Consignee)			Service Type		
D/D Union office		Bankal Wil... jet pharmacy			<input type="checkbox"/> Overnight <input type="checkbox"/> Holiday <input checked="" type="checkbox"/> Extra Sp. <input type="checkbox"/> Same Day <input type="checkbox"/> Second Day		
Phone		Phone			Service Charges		
<small>I warrant that I have read the terms and conditions on the reverse of this consignment form and that all articles given herein are safe and correct. I further warrant that the consignee of this consignment will be given full possession of the merchandise at any time between 9:00 a.m. and 5:00 p.m. EST.</small>		E-mail			Weight		
Shipper's Signature 		Description			Handling		
		PICKUP INFORMATION			Other		
		Counter Code	Date	Time	GST		
			2/17/21		Insured Price <b>TOTAL 350</b>		

28

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

**Service Appeal No. 7811 /2021**

Barkat Ullah, JCT Pharmacy (BPS-12), North Waziristan.....(Appellant)

Versus

Through Secretary Health & others.....Respondents

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Respondent No. 2.

  
DHO North Waziristan

①

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

**Service Appeal No. 7811 /2021**

Barkat Ullah, JCT Pharmacy (BPS-12), North Waziristan.....(Appellant)

Versus

Through Secretary Health & others.....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, as he has filed no departmental 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. Pertains to record and Para No.1 needs no comments.
2. Incorrect. The appellant has never appeared for test/interview and never selected on any post under the control of answering respondents. The

- appointment order already annexed with the appeal as annexure-A is totally bogus and fabricated. The same has been issued in 2013, while no advertisement or recruitment was made in 2013 by Agency Surgeon / DHO North Waziristan.
- 3. Incorrect. The appellant was neither selected nor has given arrival report in 2013. Moreover, the Medical Fitness Certificate attached with the appeal as annexure-B is issued by the Incompetent Authority. The claim of the appellant regarding receiving of salaries is also baseless. No salary to the appellant was paid during the period from 2013 to 2019.
- 4. Incorrect & baseless. Name of the appellant was not found in the manual monthly pay bills of 2013 to 2019. Moreover, payroll of the DAO (District Accounts Office) North Waziristan was computerized in 2015. The appellant should produce documentary proof to the effect that he was regularly paid from 2013 to 2019.
- 5. Misleading. Salary of the appellant was not started in 2013, so the question of stoppage does not arise. When the appellant was not employee of the Department, how can he send an appeal? Moreover, it is very strange that salary of the appellant was stopped w.e.f. 2013, but he approached the Honorable Court in 2019. Furthermore, if relief was given by Peshawar High Court, Peshawar, then why the appellant has filed this appeal, instead of going for a COC in Peshawar High Court, Peshawar.
- 6. Incorrect. Appointment order of the appellant along with his other colleagues has been cancelled / withdrawn by the answering respondent No. 2 in the light of inquiry report of Provincial Inspection Team Khyber Pakhtunkhwa vide Notification No. SOH(E-V)4-4/2021/Inquiry Report dated 22/04/2021 (Annex-A). The letter for release of salary annexed as Annexure-D with the appeal has been issued with malafide intension by the then DHO just to extend legal favor to the appellant and other illegal appointees.
- 7. Illegal appointment orders of the appellant and others were cancelled in the light of Notification at Annex-A and their salaries were stopped.
- 8. No Departmental Appeal received from the appellant so far.
- 9. Needs no reply.

**ON GROUNDS:**

- A. That Ground A needs no comments.
- B. Incorrect. That after conducting proper inquiry and probed the illegalities in the recruitment, all the appointment letters have been cancelled in accordance with law.
- C. Incorrect. Proper inquiry was conducted by Provincial Inspection Team Khyber Pakhtunkhwa and appointment order of the Appellant was declared illegal and thereafter cancelled.
- D. Incorrect, misleading as already explained in preceding Paras.

- (3)
- E. Incorrect:- Neither fundamental rights of the Appellant have been violated nor treated him in discriminatory manner, because all cancellation orders / letters have been issued on recommendation of Provincial Inspection Team Khyber Pakhtunkhwa.
- F. Incorrect:- The answering Respondents being the competent authorities have the power to issue orders at any stage on the recommendation of inquiry committee according to law.
- G. 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 very graciously be dismissed with costs.

*Shah Afendi*  
Director General Health Services  
Khyber Pakhtunkhwa Peshawar.  
Respondent No. 01

*[Signature]*  
District Health Officer  
North Waziristan Miranshah.  
Respondent No. 02



ARTIAD

P=9

Amir Raza A

4

MINISTRY OF HEALTH  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

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

6136  
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 own 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,

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

22/4/21

IMPORTANT/URGENT

OFFICE OF THE DIRECTOR GENERAL HEALTH KPK PESHAWAR

Dated: 26/05/2021

Copy of the above is forwarded to the:-

1. Deputy Director Parasitology 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.

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

Attested

Secretary to Govt of Khyber Pakhtunkhwa Health Department for information

Attested

(Signature)  
Dist. Health Officer,  
Tribal District North Waziristan  
Miranshah

(Signature)

(5)

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

**Service Appeal No. 7811 /2021**

Barkat Ullah Khan, JCT Pharmacy (BPS-12), North Waziristan.....(Appellant)

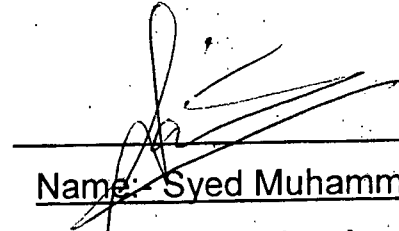
Versus

Government of Khyber Pakhtunkhwa through Secretary to Govt: of KP Health  
Department Peshawar and Others.....(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.

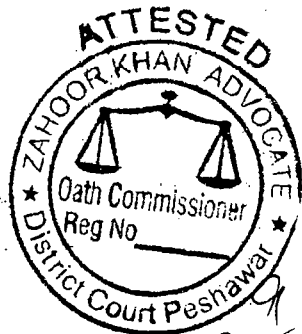
CNIC #. 21506-4089120-5

Mob:0333-1901113

Attested



Oath Commissioner  
Advocate High Court



28/7/21

6

**OFFICE OF THE DISTRICT HEALTH OFFICER**  
**NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH.**

Tel: (0928) 300788 FAX: (0928) 311662 Email: [agency Surgeon nwt2019@gmail.com](mailto:agency Surgeon nwt2019@gmail.com)

No. /Litigation/Court Case, Dated Miranshah the 05/08/2022.

**AUTHORITY LETTER.**

Mr. Syed Muhammad Litigation Assistant attached to this office is hereby fully authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the undersigned as representative of Health Department North Waziristan Tribal District in Service Appeal No. 7811 /2021.

N.B:- TA/DA will be paid by this office as per Government rules.

SD/x x x  
District Health Officer,  
North Waziristan Tribal District.

No. 7217-18 /Litigation/Court Case,  
Copy forwarded to:-

1. The Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Mr. Syed Muhammad Litigation Assistant of this office.

District Health Officer,  
North Waziristan Tribal District.