



12th Oct, 2022

1. None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Called several times till last hours of the court but neither appellant nor his counsel is present. In view of the above, the instant appeal is dismissed in default.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of October, 2022.*


(Faizeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

2-3-22


Due to Retirement of the Hon,ble
Chairman the case is adjourned to
up for the same as before 16-6-22

Spun
Reader

16.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 01.09.2022 before the D.B.



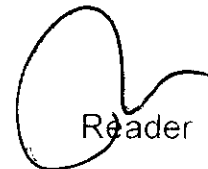
(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

01.09.2022

Bench is incomplete, therefore, case is adjourned to
12.10.2022 for the same as before.

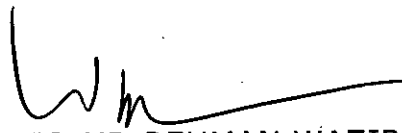



Reader

26.07.2021

Mr. Taimur Ali Khan, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 13.10.2021.


(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

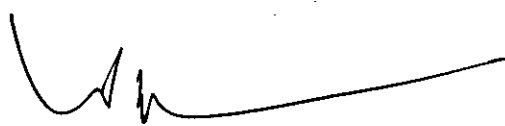

(SALAH-UD-DIN)
MEMBER (JUDICIAL)


14.10.2021

Syed Noman Ali Advocate present on behalf of learned counsel for appellant.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment as learned counsel for appellant is busy before Hon'ble Peshawar High Court, Peshawar; Adjourned by way of last chance. To come up for arguments on 09.12.2021 before D.B.

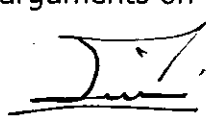

(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

09.12.2021

Counsel for the appellant and Mr. Asif Masood, DDA for the respondents present.

Counsel for the appellant seeks time in order to prepare the brief. Request is accorded. To come up for arguments on 02.03.2022 before the D.B.


(Salah-ud-Din)
Member(J)


Chairman

30.11.2020

Appellant present through counsel.

Kabirullah Khattak learned Additional Advocate General alongwith Nadim H.C for respondents present.

Former made a request for adjournment. Adjourned to come up for arguments on 10.02.2021 before D.B. ✓



(Atiq ur Rehman Wazir)
Member (E)

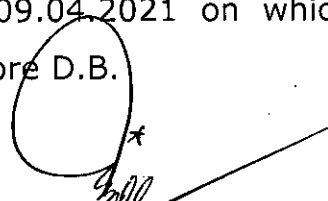


(Rozina Rehman)
Member (J)

10.02.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Learned counsel representing appellant has made request for adjournment. The request is acceded to, the appeal is adjourned to 09.04.2021 on which date file to come up for arguments before D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

9.4.21

due to COVID-19, the case is adjourned to 26.7.2021 for the same.



11-5 .2020

Due to COVID19, the case is adjourned to

28/7/2020 for the same as before.

Reader

28.07.2020

Due to COVID-19, the case is adjourned. To come for the same on 21.09.2020 before D.B.

Reader

21.09.2020

Mr. Muhammad Asif Yousafzai, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present. Learned counsel for the appellant requested for adjournment. Adjourned to 30.11.2020. File to come up for arguments before D.B.


(Mian Muhammad)
Member (Executive)

(Muhammad Jamal Khan)
Member (Judicial)

03.01.2020


Learned counsel for the appellant present. Mr. Kabirullah Khattak Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

06.03.2020


Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.05.2020 before D.B.


Member


Member

13.6.2019

The Bench is incomplete, therefore, the case is adjourn for arguments on 06.08.2019 before D.B.




Reader

06.08.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present.

Learned counsel for the appellant requests for adjournment.

Adjourned to 24.10.2019 before D.B.



Member



Chairman

24.10.2019

Mr. Taimur Ali Khan, Advocate for appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 03.01.2020 for arguments before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

16.11.2018

The Hon'able Chairman has not yet been assumed the charge, therefore, the case is adjourned for the same on 04.01.2019 before D.B.

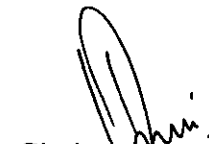

Reader

04.1.2019

Mr. Taimur Ali Shah, Advocate for Mr. Muhammad Asif Yousafzai, Advocate and Addl. AG for the respondents present.

States that learned senior counsel for the appellant is appearing before the Apex Court, Islamabad today, therefore, requests for adjournment. Adjourned to 15.3.2019 for arguments before the D.B.


Member


Chairman

15.03.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant states that he seeks fresh instructions from the appellant who is not available today, therefore, requests for adjournment.


Adjourned to 13.06.2019 before the D.B.

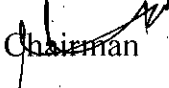

Member


Chairman

13.04.2018


Counsel for the appellant and Addl. AG alongwith Hazrat Shah, Supdt. for the respondents present. The court time is over. To come up for arguments on 28.06.2018 for arguments before the D.B.



Member


Chairman

28.06.2018

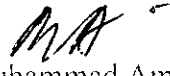
Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.08.2018 before D.B.

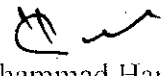

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

10.08.2018


Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 02.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

02.10.2018

Junior to counsel for appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Junior to counsel for appellant seeks adjournment as counsel for appellant is not in attendance. Adjourn. To come up for arguments on 16.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

16/10/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Jafar Ali, Senior Clerk for the respondents present. Representative of respondents submitted written reply which is placed on file. To come for rejoinder and arguments on 10/1/2018 before DB.



(GUL ZEB KHAN)
MEMBER

10.01.2018

Clerk of counsel for the appellant and Mr. Kabir Ullah Khattak, AAG for the respondents present Clerk of counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance today. Granted. To come up for rejoinder, if any, argument on 15.02.2018 before D.B.



Member



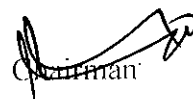
Chairman

15.02.2018

Clerk of the counsel for appellant present. Mr. Zia Ullah, DDA for the respondent present. Rejoinder submitted. Clerk of the counsel for appellant seeks adjournment. Granted. To come up for arguments on 13.04.2018 before D.B.



Member



Chairman

31.07.2017

Counsel for the appellant alongwith appellant present. The learned counsel for the appellant argued that the appellant was recruited as Dai in the Health Department on 08.01.2015 on contract basis which was regularized on 21.09.2016. That the order of regularization was withdrawn on 21.02.2017 on the basis of her Dai certificate as fake/bogus. That the appellant then filed a departmental appeal on 20.3.2017 which was not responded to and hence the present appeal on 14.07.2017 which is within time.

The ground for challenging the original order is that no enquiry was conducted by the department before declaring the certificate as bogus.

The points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents. To come up for written reply/comments on 30.08.2017 before S.B.

Appellant Deposited
Security & Process Fee

7105-P-MS
7105-P-15

Chairman

30.08.2017


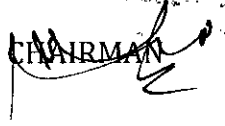
Counsel for the appellant present. Mr. Yar Gul, Senior Clerk alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on 16.10.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 748/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14/07/2017	<p style="text-align: center;">The appeal of Mst. Shagufta presented today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24-7-2017	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-07-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 748 /2017

Miss. Shagufta

V/S


Health Deptt:

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-03
2.	Copy of Order dated 8.1.2015	--A--	04
3.	Copy of Appreciation certificate	--B--	05-06
4.	Copy of Letter	--C--	07
5.	Copy of Order dated 21.09.2016 and Arrival Report.	--D--	08-09
6.	Copy of Impugned order dt. 21.02.2017	--E--	10
7.	Copy of Departmental Appeal	--F--	11
8.	Copy of SC Judgment	--G--	12-17
15.	Vakalat Nama	-----	18

APPELLANT

THROUGH:


(M.ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,


S. NOMAN ALI BUKHARI
(ADVOCATE PESHAWAR)

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt.
Cell # 03339103240

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 748 /2017

Khyber Pakhtukhwa
Service Tribunal

Miss. Shagufta D/O Sikandar Shah

Diary No. 810

Resident of Mohallah Syeddán Khewesgi Payan District Nowshera.

Dated 14-7-2017

(Appellant)

VERSUS

1. The Secretary Health Deptt: KPK Peshawar.
2. The Director General Health Services KPK, Peshawar.
3. The District Health Officer, Nowshera.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 21.02.2017 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN WITHDRAWN WITH IMMEDIATE EFFECT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.02.2017 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed 14/7/17 day
Sontheb
Registrar

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was firstly appointed on contract basis as Dai in BHU Gandari District Nowshera vide order dated 8.01.2015 and work with full zeal and zest. The appellant was also awarded with appreciation certificate. Copy of the order and appreciation certificate are attached as Annexure-A, B.

2. That the District Support Manager, DSU-PPHI Nowshera wrote letter to District Health Office Nowshera in which he stated that Miss. Shagufta has been working since 2 years against the Dai post. Her performance excellent and all respect. This office has no objection if her service regularize against the post working. Then District Health Office Nowshera on the approval of departmental selection committee appointed the appellant as Dai against the vacant post BPS-4 on regular basis vide order dated 21.09.2016 and the appellant give her arrival report on 22.09.2016. **Copy of the letter and appointment order and arrival are attached as C, and D.**

3. That after five months District Health Office Nowshera withdraw the appointment order dated 21.09.2016 in respect of appellant vide order dated 21.02.2017. Against the order dated 21.02.2017 the appellant prefer departmental appeal which was not replied in statutory period of 90 days hence the present appeal on the following grounds amongst the others. **Copy of the Impugned order and Departmental Appeal is attached as Annexure-E & F.**

GROUND:

- A) That the impugned order dated 21.02.2017 and not taken action against the departmental appeal within statutory period of 90 days are against the law, facts, norms of justice, and material on record, therefore not tenable and liable to be set aside.

- B) That the appellant appointment order was withdrawn without given 1 month prior notice which is against the law and Supreme Court Judgment reported as 1997 SCMR 1552. Copy of judgment is attached as Annexure-G.

- C) That the whole proceeding conducted by the respondent department is against the law and rules.

- D) That the appellant has been condemned unheard as no chance of personal hearing and defence was provide to the appellant while passing the impugned order.

- E) That even there is no need of any qualifications for the post of Dai, but despite that the appellant has been removed from service on lame excuses.

F) That the appellant is not treated according to law and rules.


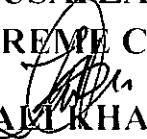
G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT

Miss. Shagufta

THROUGH:


(M. ASIF YOUSAEZAI)
ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,


S. NOMAN ALI BUKHARI
(ADVOCATE PESHAWAR)



FA' (4)

People's Primary Healthcare Initiative (PPHI)
District Support Unit Nowshera
Anwar Shah House, Main Pirpai village, District Nowshera
Tel. No. 0923-580414, Fax No. 0923-580978
Email: dsu_nsr@yahoo.com

Letter No. 1535/MON/DSU/NSR

Dated: 8th January, 2015

Office Order:

No: 1535/MON/DSU/NSR. On the recommendation of the selection committee and upon the acceptance of the offer of appointment given by PPHI/DSU Nowshera, Miss. Shagufta W/O Saifdar Ali Khan is hereby appointed as Dai in BIU Ganderi District Nowshera according to the terms & conditions of the contract signed by her with this office with immediate effect in the public interest.

District Support Manager,
DSU-PPHI Nowshera

Copy to:

1. The Chief Operating Officer PPHI/FATA, Peshawar..
2. The District Health Officer Nowshera.
3. Executive (F&A) DSU Nowshera.
4. Official Concerned.

District Support Manager
DSU- PPHI Nowshera

Attached to Sarhad Rural Support Program (Regd. under section 42 of Companies Ord., 1984)
Village Pirpai Nowshera
Telephone No: 0923-580414, Fax No: 0923-580978
E-mail: dsu_nsr@yahoo.com

ATTESTED



**International Rescue Committee
Country Office**

House No. 11-B, Street No. 4, F-6/3
P.O. Box 568 Islamabad, Pakistan.
Telephone : +92 (51) 2822214 & 16
 : +92 (51) 2822258 & 83
Fax : +92 (51) 2822284
Web Address : www.rescue.org

B" (5)

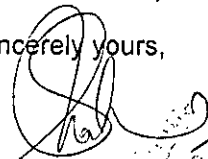

March-07, 2014

To Whom It May Concern

This is to certify that Ms. Shagufta has worked with the International Rescue Committee (IRC), Pakistan from April 19, 2013 to December 31, 2013 as "MCH Dai", Health based in Peshawar, Khyber Pakhtunkhwa.

If you have any queries regarding employment with IRC, feel free to contact us.

Sincerely yours,


Shahnaz Badshah
Sr. Human Resources Manager


Cc: Personnel File: 11959MDH

The International Rescue Committee (IRC) is a leading global relief and development organization, working in 42 countries worldwide. Established in Pakistan for 28 years, IRC manages and delivers large, complex programs to meet needs in health, education, protection and livelihoods for displaced, poor and conflict-affected communities. IRC works in partnership with local government and non-governmental organizations and currently works in the Khyber Pakhtunkhwa, Sindh and Azad Jammu Kashmir.

ATTESTED


Khyber Pakhtunkhwa Main Office:
80-E, Old Bara Road, University Town,
GPO Box 504, Peshawar, Pakistan.
Tel : +92 91 5703310 / 1921 / 1576
Fax: +92 91 5840283

Sindh Main Office:
House 282 & 283, Block B, Friends Cooperative,
Society (Akhawat Nagar) Airport Road, Sukkur, Pakistan.
Telephone: +92 (71) 5632122 / 24
Fax: +92 (71) 5632123

6

CERTIFICATE OF APPRECIATION

2013 - 2015

INTERNATIONAL RESCUE COMMITTEE (IRC)

hereby presents this certificate of appreciation to

Ms. Shagufta

In recognition for sustained and sincere dedication
towards FP PACE Program, Nowshera.

[Signature]
Health Coordinator

[Signature]
Country Director

ATTESTED



International Rescue Committee



People's Primary Healthcare Initiative (PPHI)
District Support Unit Nowshera
Phone# 0923-580414

7

Letter No.2079/MON/DSU/PPHI NSR

Dated: 21st September, 2016

To,

The District Health Officer,
District Nowshera.

Subject: Regularization of the Services.

Kindly find enclosed application received in original in respect of Ms. Shagufta Dai, BHU
Ghanderi, District Nowshera.

The above mentioned employee has been working since 2 years against the post. Her
performance is excellent in all respect.

This office has no objection if her service is regularized against the post working.

District Support Manager,
DSU-PPHI Nowshera

A part of the Sarhad Rural Support Program (Regd. under section 42 of Companies Ord., 1984)
Village Pirpai Nowshera
Telephone No: 0923-580414, Fax No: 0923-580978
E-mail: dsu_nsr@yahoo.com

ATTESTED



OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

OFFICE ORDER

On recommendation / approval of departmental selection committee, Mrs. Shagufta D/O Sikandar Shah Mohallah Syeddan, Kheweshgi Payan District Nowshera is hereby appointed as Dai against the vacant post of Dai BPS-04 under the control of DSM PPHI Nowshera with the following terms and conditions.

1. The appointment shall be subject to the Medical fitness and initially on probation for a period of 01-years.
2. The services can be dispensed with during the probation period on unsatisfactory performance.
3. The appointment will be governed by such rules and order issued by the Government from time to time.
4. In case of acceptance, he should submit his arrival report within 07-days.

Sd _____

District Health Officer
Nowshera

No. 8487-92 / DHO NSR

Date: 21 / 09 / 2016

Copy forwarded to the:

1. Senior District Accounts Officer Nowshera.
2. District Support Manager DSU-PPHI Nowshera for information w/r letter No. 2079/MCN/DSU/PPHI NSR, dated 21-09-2016.
3. Accounts Section DHO Office Nowshera.
4. Mrs. Shagufta D/O Sikandar Shah Mohallah Syeddan, Kheweshgi Payan District Nowshera.
5. Office record.

District Health Officer
Nowshera

ATTESTED

(9)

To, The DHO Dst. Nowsheera.

Sub: Arrival Report.

Sir, Ref your letter No. 8487-92 dated 21/9/16.

I beg to submitted my arrival.

Report at BHU Grandhri as

Dai.

Date: 22-9-16.

Your obediently

Shagufta

~~Sir~~

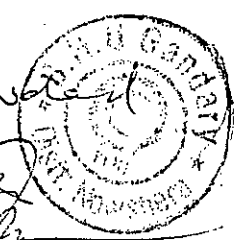
Dai BHU Grandhri.

Copy to DSM.

Copy to DHO.

Nowsheera for N/A. For water

ATTESTED



Handwritten signature/initials.



OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

OFFICE ORDER

In pursuance of this office letter No. 1370/DHO/NSR dated. 03.02.2017 with subsequent Directorate General Health Services Khyber Pakhtunkhwa letter No. 73/MCHN dated. 08.02.2017, the appointment order No. 8487-92/DHO/NSR dated. 21.09.2016 in respect of Mrs. Shagufta D/O Sikandar Shah R/O Moh: Syeddan Kheweshgi Payan District Nowshera is hereby withdrawn with immediate effect, after declaration of her Dai Certificate found Fake / Bogus.

Moreover, in future she will not be entitled for such type of post.

Sd/ _____
District Health Officer
Nowshera

1967-70
No. _____ / DHO NSR

Date: 21 10 2017

Copy forwarded to the:

1. District Accounts Officer, Nowshera.
2. SMO Incharge BHU Gandheri.
3. Accounts Section DHO Office Nowshera.
4. Mrs. Shagufta D/O Sikandar Shah R/O Moh: Syeddan Kheweshgi Payan District Nowshera

District Health Officer
Nowshera

ATTESTED

محکمہ صحت وائریبل جنرل ہیلتھ سیکرٹری

اسٹیشن برائے بحالی

(11)

جناب عالی

صوبانہ گزارش ہے کہ میں 2016-09-01 کو

ڈسٹرک ہیلتھ آفیسر کے حکم سے DSM: PPHI نوٹیفیڈ

میں کیریئر میں ریٹائر ہوئے نوٹری کرنے کے بعد مجھے

نوٹری سے نکال دیا گیا ہے جو کہ سراسر ڈیبارنگ ہے

2017-05-01 کا آرڈر خلاف عملوں سے اور مجھے نوٹری سے

برخاست کرنے سے پہلے نوٹری نوٹس ہی نہیں دیا گیا

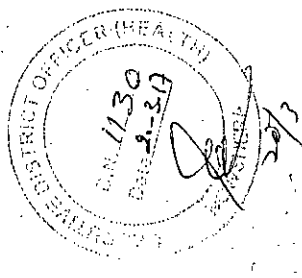
لینڈا گزارش ہے کہ 2017-05-01 کے حکم کو رفع

کرنے کے لیے نوٹری پر بحال کیا جائے

صفحہ 17.3.20

آئی جی ضلع

ڈیپٹی ڈائریکٹر
ڈیپٹی ڈائریکٹر



ATTESTED

[Handwritten signature]

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR.

CIVIL APPEAL No. 748/2017

Mrs. Shagufta..... Appellant

VS

Government of Khyber Pakhtunkhwa & Others Respondents

PARA WISE COMMENTS IN BEHALF OF RESPONDENTS

Respectfully Sheweth,

Preliminary objection

- i. That the appellant has neither cause of action nor locus standi.
- ii. That the appellant has not come with clean hands to this Honourable Service Tribunal.
- iii. That the appeal is badly time barred.
- iv. The appellant has concealed actual position from the Honourable Services Tribunal.
- v. That the appeal is not maintainable in its present form also in present circumstances.
- vi. That the Honourable Services Tribunal has no jurisdiction to entertain the present appeal.

FACTS:

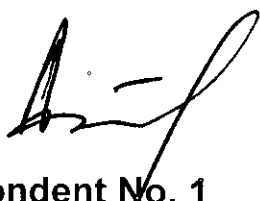
1. That the appellant was first appointed on contract basis on 08.01.2013 by an NGO SRSP / PPHI. While the appreciation certificate has also issued awarded by an NGO, IRC in 2013. The IRC is neither government nor a government partner so it does not matter.
2. Correct

3. The post of Dai is wholly solely a technical post and need one year training certificate from the Director General Health Services a recognized institution for awarding one year Certificate of Dai. After completion and qualifying the examination. The certificate through which she get recruited found fake and bogus after verification from the Director General Health Services Office having no record (Copy of the certificate and documents and verification is as Annexure.

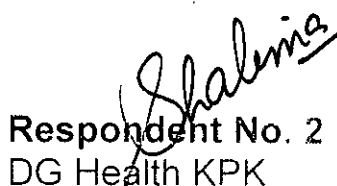
GROUND:

- A. Incorrect, withdrawal order is correct and according to the law and justice.
- B. The withdrawal order is according to the law and the order is rightly taken back by the Respondent. The appellant is cheated the government and has obtained the appointment order through fake and bogus certificate.
- C. The proceedings are according to the law and rules, moreover she was in prohibition period and can be terminated any time without any notice if found guilty.
- D. The appointment was subject to the verification of documents / certificate which has been found guilty.
- E. This is a heinous crime that an unprofessional, non qualified and un-certified person has got recruitment on fake documents and plying with the precious lives of people.
- F. The appellant has been treated according to the law and rules.
- G. Need No reply.

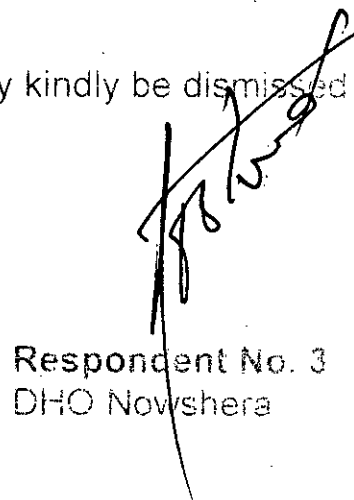
It is therefore humbly requested that the appeal may kindly be dismissed with cost.



Respondent No. 1
Secretary Health KPK



Respondent No. 2
DG Health KPK



Respondent No. 3
DHO Nowshera

DIRECTORATE GENERAL HEALTH SERVICES, NWFP, PESHAWAR



No. 1953 I.H.S NWFP, Dated Peshawar the 05.07.2007

Qualifying Certificate of Trained Dai

This is certify that *Mrs.* SHAGUFTA Daughter/Wife/Widow
of Sikandar shah of Nowshera Talan

has passed the examination for trained dais held at D.D. RHS Peshawar
on 05.07.2007 after being trained at MCH Aba Khel MSR Talan
for a period of one year.

تصدیق کیا جاتا ہے کہ سہ ماہہ شگفتہ لڑکی بیوی اپنے سکندر علی خان
کے شوہر ڈاکٹر فضل نور حسین طلحہ نے ایک سال کی تعلیم ایچ ایچ اے میں حاصل کر کے
میں حاصل کرنے کے بعد ٹرینڈ دائی کا امتحان جو مورخہ پانچ جولائی 2007 کو
ڈی ڈی آر ایچ ایچ ایچ میں دیا گیا تھا پاس کر لیا ہے۔

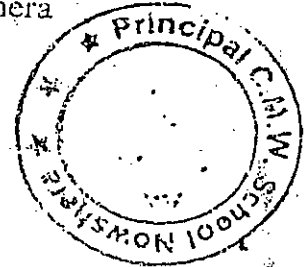
INSPECTRESS HEALTH SERVICES
N.W.F PROVINCE, PESHAWAR.

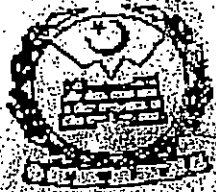
CMW SCHOOL NOWSHERA

TO WHOME IT MY CONCERN

It is certified the Miss. SHUGAETA D/O SIKANDAR SHAH is doing the training of midwifery under the National Maternal Newborn Child Health program (MNCH). She has complete command over the delivery, gynae and other female related conditions. Her examination will be held in OCTOBER 2012.

[Signature]
Principal
CMW School,
Nowshera





No. 243

Date: 8/7/2005


PROVISIONAL CERTIFICATE ONE YEAR D.A.I

Certify that Mst. Shagufta Wife of Saddar Ali Khan

Address: New Dage Khab, Nowshera Kala Dist. Nowshera Training Center

MCH Abakhet, Nowshera Kala has passed one year DAI Examination held
on 8/7/2005 at PHS office Peshawar

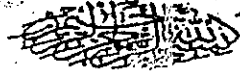
She has qualified herself as DAI. Her original certificate will
issued as and when it is received from the controller Nursing
Examination Board N.W.F.P. Peshawar.


Inspector Health Services,
N.W.F.P. Peshawar

8/7/2005

S.No. 185036

Roll No. 145354



**Board of Intermediate and Secondary Education
Peshawar N.W.A.P. Pakistan**

Secondary School Certificate Examination

SESSION 2001-ANNUAL


(Science Group)

This is to Certify that Shagufta S. Daughter of Sikandar Shah
and a resident of District Nowshera has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April 2001 as a Private
candidate. He / She obtained 538 Marks out of 850 and has been placed in Grade "B" Representing Very Good

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|-------------|--------------|
| 1. English | 3. Islamiyat | Mathematics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | Physics | 8. Biology |

Date of birth according to admission form October 03, 1984


Ass't Secretary


Secretary

This certificate is issued without alteration or erasure.

S.No. 185036

Roll No. 145354



Board of Intermediate and Secondary Education
Peshawar N.W.A.P. Pakistan

Secondary School Certificate Examination

SESSION 2001-ANNUAL

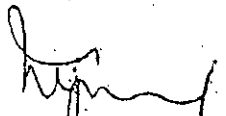
(Science Group)

This is to Certify that Shagufta S. Daughter of Sikandar Shah
and a resident of District Nowshera has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April 2001 as a Private
candidate. He / She obtained 538 Marks out of 850 and has been placed in Grade "B" Representing Very Good

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|-------------|--------------|
| 1. English | 3. Islamiyat | Mathematics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | Physics | 8. Biology |

Date of birth according to admission form October 03, 1984


Assit Secretary


Secretary

This certificate is issued without alteration or erasure.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 748/2017

Mst. Shagufta Begum

vs

Govt: of KPK

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(i to VI) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect. While Para-1 of the appeal is correct as mentioned in the main appeal of the appellant.
- 2 Admitted correct by the respondent department. Needs no comments.
- 3 Not replied according to Para-3 of the appeal. Moreover the para-3 of the reply is incorrect. While para-3 of the appeal is correct as mentioned in the main appeal of the appellant. furthermore there is no qualification for the post of Dai.

GROUNDS:

- A) Incorrect. While Para-A of grounds of the appeal is correct. Moreover, impugned order dated 21.02.2017 is against the law, facts and norms of justice.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mention in the main appeal of the appellant.

R-1

- C) Incorrect. While Para-C of grounds of the appeal is correct as mention in the main appeal of the appellant. Moreover as explained in para-B of the main appeal of the appellant.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mention in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mention in the main appeal of the appellant. Moreover, if the appellant is not competent and playing with the precious lives of the people then how appreciation certification was awarded to appellant. Furthermore the appellant was discriminated because there is some employees which's Dai certificate also found fake but they were still working. **The related document is attached as Annexure-R1.**
- F) Incorrect. While Para-F of grounds of the appeal is correct as mention in the main appeal of the appellant.
- G) Legal.

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

S/
APPELLANT

Through:

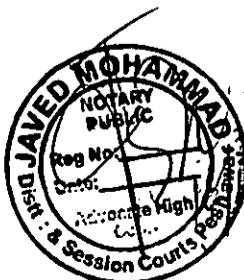
Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.

ATTESTED

S/
DEPONENT



Nowshera

S#: 1

P Sec:001 Month:September 2017
NR6110 -District Health Officer (R
DISTRICT HEALTH OFFICER (

Pers #: 00710435 Buckle:

Name: RAZIYAT BEGUM

NIN:

DAI

GPF #:

CNIC No.1720196356594

Old #:

GPF Interest Applied

04 Active Temporary

NR6110 -

PAYS AND ALLOWANCES:

0001-Basic Pay	11,220.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	262.00
2199-Adhoc Relief Allow @10%	183.00
2211-Adhoc Relief All 2016 10%	939.00
2224-Adhoc Relief All 2017 10%	1,122.00

Gross Pay and Allowances 17,011.00

DEDUCTIONS:

GPF Balance 26,518.00	Subrc:	830.00
3501-Benevolent Fund		300.00
4004-R. Benefits & Death Comp:		451.00

Total Deductions 1,581.00

15,430.00

D.O.B

LFP Quota: 4

01.01.1983

ALLIED BANK LIMITED JAMIA MASJID ROAD

03 Years 09 Months 001 Days

0010029883340014

R-1

Nowshera

S#: 1

F Sec:001 Month:September 2017
NR6111 -Mother & Child Health Cent
MOTHER & CHILD HEALTH CEN

Pera #: 00758334 Buckle:

Name: MEHNAZ BEGUM

NTN:

DAI

GPF #:

CNIC No.4720176856712

Old #:

GPF Interest Applied

03 Active Temporary

NR6111 -

PAYS AND ALLOWANCES:

0001-Basic Pay	10,000.00
1000-House Rent Allowance	942.00
1210-Convey Allowance 2005	1,735.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	260.00
2199-Adhoc Relief Allow @10%	163.00
2211-Adhoc Relief All 2016 10%	837.00
2224-Adhoc Relief All 2017 10%	1,000.00

Gross Pay and Allowances 16,487.00

DEDUCTIONS:

GPF Balance 12,999.00	Subrc:	770.00
3501-Benevolent Fund		300.00
4004-R. Benefits & Death Comp:		451.00

Total Deductions 1,521.00

14,966.00

D.O.B

LFF Quota:

11.06.1981

MEEZAN BANK LIMITED NOWSHERA BRANCH

01 Years 10 Months 012 Days

0102210158



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Office Ph: 091 - 9210269 Exchange Ph: 091 - 9210187, 091 - 9210196 Fax: 091 - 9210230

No. _____ / MCH

Date: _____ / 05 / 2017

Confidential

To:

The District Health Officer

Nowshera

Subject:

VERIFICATION OF DAI CERTIFICATE

Memo:

Reference your letter.No:2173/DHO NSR dated 27.02.2017 regarding verification of Dai Certificates. The information is submitted in the following table.

S.NO	Name	F/H Name	Remarks
1	Raziat Begum	Muhammad ali shah	Fake
2	Naseem Bibi	Mummad Mehfooz	Found Correct
3	Mehnaz Begum	Aqila Zada	Fake

The undersigned recommends appropriate action against the said Dais with intimations to the undersigned.

Director (MCHN)
Directorate General Health Service
Khyber Pakhtunkhwa

CC:

PA to Director General Health Services KP

Adl: Director General Health Services KP



OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

No. 2173 / DHO NSR

Date: 27 / 02 / 2017

To,

The Director General,
Health Services,
Khyber Pakhtunkhwa Peshawar

Subject: VERIFICATION OF DAI TRAINING CERTIFICATE.

Sir,

I have the honour to enclosed herewith copy of Dai training certificate in respect of the following Dais working under the control of the undersigned in Health Department Nowshera, for verification and return please so as to proceed further.

S. No	Name	F/H Name
1	Raziat Begum	Muhammad Ali Shah
2	Naseem Bibi	Muhammad Mehfooz
3	Mehnaz Begum	Aqil Zada


District Health Officer
Nowshera

OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

OFFICE ORDER

As approved by the appointment committee, Mrs. Raziat Begum (Dai) BPS-04 working under the control of the undersigned at MGH-Abba Khail Nowshera is hereby appointed as *Sweeper / Cleaner* in BPS-03 against the vacant post under the control of DoH Nowshera.

Sd _____

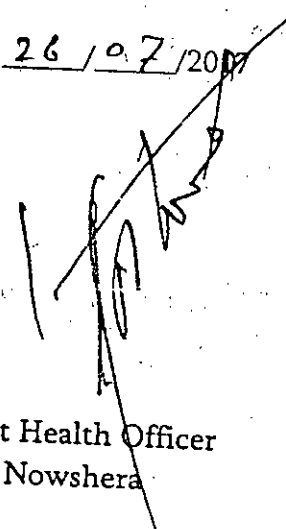
District Health Officer
Nowshera

No: 9162-70 / DHO NSR

Date: 26 / 07 / 2007

Copy forwarded to the:

1. Senior District Account Officer Nowshera.
2. Accounts Section DHO Office Nowshera.
3. Official concerned.


District Health Officer
Nowshera



OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

OFFICE ORDER

On recommendation / approval of departmental selection committee, Mrs. Negar Begum W/O Amrez Khan Resident of Mohallah William Abad, Manki Sharif, District Nowshera is hereby appointed as Dai, BPS-04 against the vacant post under the control of DoH District Nowshera with the following terms and conditions.

1. The appointment shall be subject to the Medical fitness and initially on probation for a period of 01-years.
2. The services can be dispensed with during the probation period on unsatisfactory performance.
3. The appointment will be governed by such rules and order issued by the Government from time to time.
4. In case of acceptance, he should submit his arrival report within 07-days.

Sd _____

District Health Officer
Nowshera

No. 8795-98 DHO NSR

Date: 13/7 /2017.

Copy forwarded to the:

1. Senior District Accounts Officer Nowshera.
2. Mrs. Negar Begum W/O Amrez Khan Mohallah William Abad, Manki Sharif, District Nowshera.
3. Incharge Accounts Section DHO Office Nowshera.
4. Office record.

District Health Officer
Nowshera



OFFICE OF THE DISTRICT HEALTH OFFICER

Phone: Fax: 0923-580759

E-Mail: nowshera.doh@gmail.com

OFFICE ORDER

On recommendation / approval of departmental selection committee, Mrs. Abida Begum W/O Javed Khan Resident of Mohallah Taj Abad, Kaka Sahab Road, District Nowshera is hereby appointed as Behishti, BPS-03 and will draw salary against the vacant post of Dai under the control of DoH District Nowshera with the following terms and conditions.

1. The appointment shall be subject to the Medical fitness and initially on probation for a period of 01-years.
2. The services can be dispensed with during the probation period on unsatisfactory performance.
3. The appointment will be governed by such rules and order issued by the Government from time to time.
4. In case of acceptance, he should submit his arrival report within 07-days.

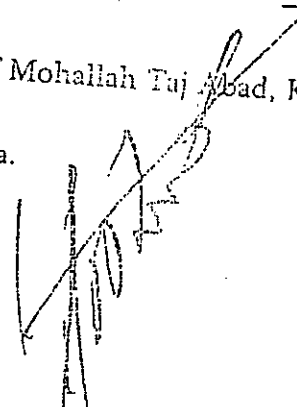
Sd _____
District Health Officer
Nowshera

No. 12244-47 / DHO NSR

Date: 07/11/2017.

Copy forwarded to the:

1. Senior District Accounts Officer Nowshera.
2. Mrs. Abida Begum W/O Javed Khan Resident of Mohallah Taj Abad, Kaka Sahab Road, District Nowshera.
1. Incharge Accounts Section DHO Office Nowshera.
1. Office record.


District Health Officer
Nowshera

VAKALAT NAMA

NO. _____ /20

IN THE COURT OF K.P.K Service Tribunal, Peshawar

Shagofa (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Health Deptt (Respondent)
(Defendant)

I/We Shagofa

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____ /20

Shagofa
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

Taimur Ali Khan

Syed Noman Ali Bukhari

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240