

30.06.2022

Subhan


30/6/22

Petitioner alongwith counsel present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the petitioner stated that the grievance of the petitioner has been redressed and wants to withdraw the instant petition. In this respect, an application was also submitted which is placed on file.

In view of the above, instant Execution Petition stands disposed of being fully satisfied. File be consigned to the record room

ANNOUNCED
30.06.2022.


(Fareeha Paul)
Member (E)

To,

The Members
Service Tribunal Post KPK.

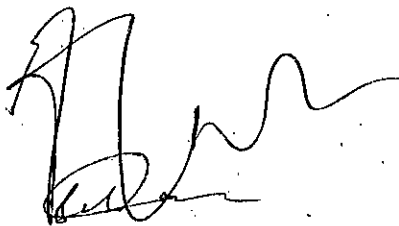
Subject: withdraw coc

R/ madam,

I have humble submission
to the honourable Service Tribunal
KPK that our Cocumms have
been removed & solved.

It is therefore requested
that our Appeal maybe
withdrawn.

Thanks


Yours sincerely
Dr. Subhanullah

Date 30/06/22

20.12.2021

Petitioner alongwith his counsel present.


Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Dr. Waleed Litigation Officer for respondents present.

Former made a request for adjournment on the ground that he has not gone through the record. Adjourned. To come up for implementation report on 02.03.2022 before S.B


Chairman

2-3-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 26/5/2022


Reader

26.05.2022

None for the petitioner present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

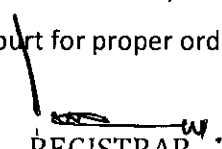
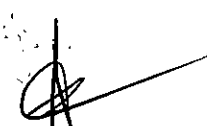

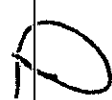
Notices be issued to the petitioner as well as his counsel. To come up for further proceeding before S.B on 30.06.2022. Original appeal also be requisitioned.



Kalim Arshad Khan
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 202 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.09.2021	<p>The execution petition of Mr.Dr Subhan ullah submitted today by Mr. Mohammad Farooq Malik Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>02/11/21</u>.</p> <p> CHAIRMAN</p>
	02.11.2021	<p>Junior to counsel for the petitioner present.</p> <p>Notices be issued to the respondents. To come up for implementation report on 20.12.2021 before the S.B.</p> <p> Chairman</p>
		<p></p>

The Implementation application of Dr. Subhanullah son of Ameer Sher r/o Mursil Banda Kalabat Topi District Swabi received today by post on 06.09.2021 is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 15 days.

- 1- Approved file cover is not used.
- 2- One copy/set of the application along with annexures i.e. complete in all respect may also be submitted with the application.

No. 1781 /S.T,

Dt. 07/09/2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Farooq Malik Adv. Pesh.

Note: Re-submitted after
completion. put in the court
P12.



①

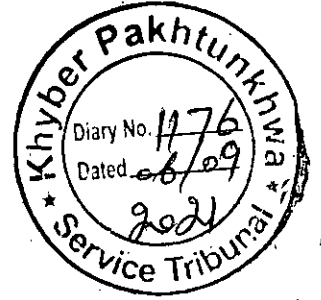
BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M

EP NO 202/21

In

Service Appeal No.11406/2020



Dr. Subhan Ullah S/o Ameer Sher R/o Mursil Banda, Kalabat ,
P.O Kalabat Tehsil Topi, District
Swabi.....Appellant

VERSUS

1. Government of Khyber Pukhtunkhwa through Secretary,
Health Civil Secretariat, Peshawar.
2. Director General Health Services Judicial Complex Peshawar
3. DHO Swabi

.....Respondents

IMPLEMENTATION PETITION OF ORDER DATED
10-06-2021 PASSED BY THIS HON'BLE TRIBUNAL IN
SERVICE APPEAL NO. 11406/2020

Respectfully Sheweth

1. That the above titled appeal is pending adjudication before this hon'able court which was admitted to full hearing by this hon'able tribunal and now it is fixed for 02.11.2021 .
2. That this hon'able tribunal was gracious enough to pass the order on ad- interim relief in favor of applicant on 10-06-

2021 whereby official respondents were directed to pay the current as well as outstanding/ arrears salaries of the applicant. (Copy of order dated 10.06.2021 is attached as Annexure-A)


3. That after passing of the above mentioned order , applicant produced attested copy of the same order to secretary health along with DHO concerned through respective application which was duly received vide dairy No. 9505 (22.06.2020).(Copy of application is attached as Annexure-B)
4. That despite passing of specific time official respondents totally ignored to honored the order of this Hon.able Tribunal so under compelling circumstances the instant implementation petition is filed being before this Hon'able Tribunal /court


It is, therefore, prayed that on acceptance of instant petition official respondents may graciously be directed to pay current as well as arrears /outstanding salaries of the applicant as directed by this hon'able tribunal vide order dated 10.06.2021

Or

Secondly any other order deem it appropriated on the circumstances of the case may graciously be passed against the de-languish official in favor of applicant.

Applicant


Through


Mohammad Farooq Malik,
Advocate
High Court Peshawar.

3

BEFORE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESAHWAR.

In RE:
Service Appeal No. _____/2020

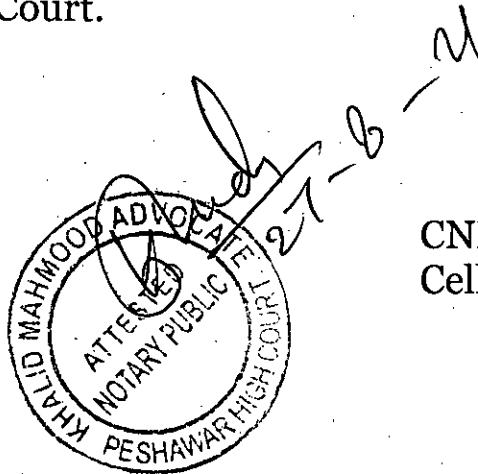
Dr. Subhan UllahPetitioner

VS

Govt of KPK & othersRespondents

AFFIDAVIT

I, **Dr. Subhan Ullah** S/o Amir Sher R/o Mursal Banda Kalabat Tehsil Topi District Swabi, do hereby solemnly affirm and declare on oath that contents of the accompanying **Application / Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Subhan Ullah

DEPONENT
CNIC No. 16202-4795502-9
Cell No. 0311-4533929

(4)

E

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
PESHAWAR



Service Appeal No. 111/1/2020

Page No. 8961
Dated 24-12-2020

Dr. Subhan Ullah S/o Amir Sher R/o Mursil Barda, Kalabat,
P.O Kalabat, Tehsil Topi, District Swabi Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary,
Health Civil Secretariat, Peshawar.
2. Director General Health Services Judicial Complex Peshawar
3. DHO Swabi

..... Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 AGAINST THE
IMPUGNED ORDER DATED 06.03.2020 PASSED BY
THE RESPONDENTS WHEREBY APPELLANT
ALONGWITH OTHER DOCTORS HAVE BEEN
STOPPED TO THEIR DUTIES

ATTESTED
BY
REGISTRAR
PESHAWAR

Filed to stay

REGISTRAR

Respectfully Sheweth

Submitted to stay

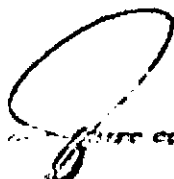
REGISTRAR
30/9/20

1. That the Appellant is being qualified Doctor who did his MBBS from Liaoning Medical College China during the year 2007 to 2013. (Copies of Educational Qualification and Degree issued by University is attached as Annexure-A)

11406/2020
10.06.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Habibullah, S.O (Litigation) for the respondents present.

Despite last chance given on 10.03.2021, reply has not been filed even today. Learned counsel referred to Paragraph-9 of the facts read with Ground-D in the Memorandum of appeal with the request for release of salary of the appellant. There is a reference to the direction of Secretary Health Department Khyber Pakhtunkhwa issued by letter dated 26.03.2018 in pursuance to Writ Petition No. 686-M/2017 with the condition of submission of affidavit by the appellant to refund the salaries if withdrawn under court orders. The said letter is available on file as Annexure-H which was addressed to all the District Health Officers and Medical Superintendents Khyber Pakhtunkhwa. As far as the impugned order is concerned, the same in its particular account of falsehood of PMDC registration requires proof and rebuttal. The request for interim relief as discussed before is accorded. The respondents in their respective domain shall ensure the release of salary of the appellant with arrear of the salaries so far not paid after issuing of the impugned order. The respondents although did not avail the last chance for submission of the written reply but they are again given a last chance to submit the reply in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.11.2021 before the D.B

verified in pure copy

CHIEF JUSTICE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 10/6/2021
Number of Words 800
Copying Fee 10-
Urgent 4-
Total 14-
Name of Copyist [Signature]
Date of Completion of Copy 14/6/2021
Date of Delivery of Copy 14/6/2021


Chairman

To

The Secretary

Health Deptt Peshawar KPK

9505
2016

Subject: Release of Salary with Arrears

Respected Sir, I have the honor to inform you that I had lodged an Appeal No 11406/2016 in Service Tribunal Khyber Pakhtunkhwa against the impugned order dated 6/3/2016.

Service Tribunal accepted my Appeal and granted me an interim relief and passed an order to release my salary with arrears of the salaries so far not paid after issuing of the impugned order. (Copy attached).

It is therefore, most humbly prayed that according to the decision of the Service Tribunal, kindly release my salary with arrears.

Yours faithfully,
Du subhanullah
Dett Sewbi

بعد الدالت صاحب اسروس ریکورڈنگ کمپنی پرائیویٹ لمیٹڈ
ڈاکٹر سید سید علی محمد

100-

الوی انٹرن

منجانب

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیردی و جواہری بر مقام سنگھار کے لئے

محمد خاریق ملک ایڈوکیٹ ہائی کورٹ کہ بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص

رد و بردعالت حاضر ہوتا رہوں گا۔ اور اوقت پکارتے جانے مقدمہ کیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کرونگا اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف مقدمہ مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا پورے تعطیل پیردی

کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا پورے تعطیل یا پکھری کے اوقات سے آگے پیچھے پیش ہونے پر منظر کو کوئی اقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخت صاحب موصوف متعلق کردہ ذات خود منظور قبول ہوگا۔ اور

صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے ڈگری و نکلر تالی اپیل و نکلرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی قلم یا ڈگری کے اجرا کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی وراثی نامہ کو فیصلہ برخلاف کرنے، اقبالی دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا

مسنوخی ڈگری کیلکٹرز درخواست حکم اقبالی یا ترقی یا ترقی تالی اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ پیردی کا اختیار ہوگا۔ اور بصورت ضرورت صلح جب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل و اپیل کے واسطے کسی دوسرے وکیل یا ایجر مٹر کو بیٹانے اپنے یا اپنے ابراہ قہر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے

ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جان التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کر دیں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیردی نہ کریں اور اسکی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ

مقدمہ پیردی 27/8/2024

ATTESTED & ACCEPTED
M. Farooq Malik
Adv High Court
Punjab

ڈاکٹر سید سید علی محمد