

19.07.2022

Appellant in person present. Mr. Noor Zaman Khattak,
District Attorney present.

Representative of the respondents is absent, therefore,
notices be issued to the respondents through registered post for
submission of written reply/comments on 20.09.2022 before the
S.B at Camp Court Abbottabad.

The appellant shall submit registered A.D within 02 days.



(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad

20th Sept 2022

Counsel for the appellant present. Mr. Kabirullah
Khattak, Addl;AG for respondents present.

Written reply not submitted despite last chance,
therefore their right for submission of written
reply/comments is struck of. To come up for
arguments on 15.11.2022 before D.B at camp court
Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

16.11.2021

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

Points raised need consideration. The 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, notices be issued to the respondents for submission of reply/comments. To come up for written reply/comments on 14.03.2022 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

16.05.2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG for the respondents sought time to submit the same on the fix date. Last opportunity is granted. To come for the same before S.B on 19.07.2022.

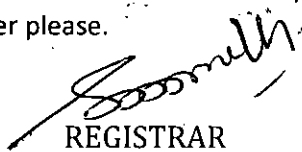

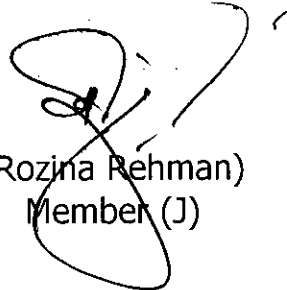
Fareeha Paul
Member (E)
Camp Court, Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7301 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/08/2021	<p>The appeal of Mr. Mumtaz Khan resubmitted today by Mr Humayun Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>15/10/21</u>.</p> <p> CHAIRMAN</p>
	15.10.2021	<p>Hassan Advocate, junior to counsel for appellant present.</p> <p>HE MADE A REQUEST FOR ADJOURNMENT ON BEHALF OF SENIOR COUNSEL. ADJOURNED. TO COME UP FOR PRELIMINARY HEARING ON 16.11.2021 BEFORE S.B AT CAMP COURT, ABBOTTABAD.</p> <p>He made a request for adjournment on behalf of senior counsel. Adjourned. To come up for preliminary hearing on 16.11.2021 before S.B at Camp Court, Abbottabad.</p> <p> (Rozina Rehman) Member (J)</p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Munir Ishaq
..... Appellant

Versus

Gard
..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Hameez Khan Advocate High Court ATD</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Hameez Khan

Signature:- [Signature]

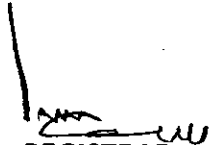
Dated:- 23/8/21

The appeal of Mr. Mumtaz Khan Chowkidar Class-iv Civil Dispensary Dakkan Tatrila A.Abad received today i.e. on 13.08.2021 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 annexures marks.
- 2- Check list is not attached with the appeal.
- 3- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 4- Copy of departmental appeal dated 03.05.2020 mentioned in para-13 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1625 /S.T,

Dt. 13/08 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hamayun Khan Adv.
High Court A.Abad.


Respectfully Sheweth;

Reply of objection are as under

- 1- Appeal properly flagged
- 2- check list is attached.
- 3- certificate is attached.
- 4- copy of appeal dated 03.05.2021 is attached
annexure "J" page No. 31

It is requested instant appeal be placed
before the court for further proceeding.

dated 23/8 /2021


Hamayun Khan
Advocate Abbot Abad

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 7301 /2021

Mumtaz Khan son of Muhammad Irfan, (Sweeper/ Class-IV Civil Dispensary Dakkan Tatrila), resident of Dakan Tatrila Nagri Bala District Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
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3.	Application for condonation of delay	12 to 13	
4.	Copy of attendance register	14-17	"A"
5.	Copy of transferred order	18	"B"
6.	Copy of order dated 27.02.2019	19	"C"
7.	Copy of relieving report	20	"D"
8.	Copy of inquiry report	21-22	"E"
9.	Copy of impugned order dated 23.09.2019	23	"F"
10.	Copy of arrival report	24	"G"
11.	Copy of transfer order dated 06.11.2019 and relieving report	25-27	"H"
12.	Copy of transfer order dated 20.01.2020	28-30	"I"
13.	Copy of departmental appeal	31-32	"J"
14.	Wakalatnama		

...APPELLANT

Dated: 11/8 /2021

Through


(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____ /2021

Mumtaz Khan son of Muhammad Irfan, (Sweeper/ Class-IV Civil Dispensary Dakkan Tatrila), resident of Dakan Tatrila Nagri Bala District Abbottabad.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. District Health Officer Abbottabad.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION ARTICLE 212
OF THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN 1973 READ WITH SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE IMPUGNED ORDER
DATED 23/09/2019 PASSED BY RESPONDENT
NO.3 WHERE BY PERIOD OF DUTY W.E.F
08/01/2019 TILL 18/09/2019 (254 DAYS) WAS
TREATED EXTRA-ORDINARY LEAVE WITHOUT**

PAY AND SIMILARLY STOPPED ONE ANNUAL INCREMENT WHICH IS ILLEGAL, AGAINST THE LAW, FACTS AND LIABLE TO BE SET ASIDE TO THE EXTEND OF APPELLANT.

PRAYER:- ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER DATED 23/09/2019 PASSED BY RESPONDENT NO. 3 MAY KINDLY BE DECLARED AS NULL AND VOID, AGAINST THE LAW AND FACTS WHICH IS LIABLE TO BE SET-ASIDE. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MA ALSO BE GRANTED TO THE APPELLANT IN THE BEST INTEREST OF JUSTICE AND FIR PLAY.

Respectfully Sheweth;-

May it please your lordship appellant beg to solicit on the following factual and legal grounds;-

1. That appellant was appointed as Class-IV/Sweeper in the year 2008 and was posted at Civil Dispensary Dakkan Tatrila Abbottabad.

Copy of attendance register is annexed as Annexure "A".

2. That thereafter appellant submitted Arival Report and continuously performing his duty till date with full devotion and liabilities. There had no complaint against the appellant in respect of his duty and responsibilities.
3. That in the year 2019 initiated so-called inquiry against the appellant without any justification and lawful purpose just to humiliate the appellant.
4. That on 26/02/2019 respondent No. 3 issued transferred order of appellant whereby appellant was transferred from Civil Dispensary Dakkan Tatrila to Type-D Hospital Havelian Abbottabad. Copy of transferred order is annexed as Annexure "B".
5. That on 27.02.2019 respondent No.3 withdrawn the said transferred order dated 26.02.2019 of the appellant. Copy of order dated 27.02.2019 is annexed as Annexure "C".

6. That in the meanwhile respondent No. 3 initiated so-called inquiry against the appellant Dr. Waheed uz Zaman Khan Senior Medical Officer was appointed as Inquiry Officer.
7. That on 20.04.2019, respondent No. 3 telephonically issued directions to appellant for resuming of duty at Type-D Hospital, Havelian and appellant was relived from CD Dakhan Tatrila. Copy of relieving report is annexed as Annexure "D".
8. That after relieving and on the directions of respondent No. 3, appellant went to Type-D Hospital Havelian for assuming the charge of his duty, whereby In-Charge of the Type-D Hospital refused the same and verbally said to appellant that they have no received such kind of transfer order of the appellant, so he cannot join his duty in Type-D Hospital.
9. That thereafter appellant went to the office of respondent No. 3 for proper and black & white order in respect of his duty station but the

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respondent No. 3 did not give any head in this regard.

10. That on 11.09.2019 Inquiry Officer submitted his inquiry report before the respondent No. 3. Copy of inquiry report is annexed as Annexure "E".

11. That on 23.09.2019, respondent No. 3 issued impugned order whereby, appellant was directed to report for duties at Type-D Hospital Havelian, and period of duties w.e.f 08.01.2019 to 18.09.2019 (254 days) was treated extra ordinary leave without pay and stopped one annual increment and also direction was issued for deduction of salary and the said impugned order was not delivered to the appellant till 30.04.2020. Copy of impugned order dated 23.09.2019 is annexed as Annexure "F".

12. That on 10.10.2019, appellant submitted arrival report in the office of In-Charge Type-D Hospital Havelian and assumed duty. Copy of arrival report is annexed as Annexure "G".

13. That on 06.11.2019, respondent No. 3 again issued another transfer order, whereby, appellant was transferred from Type-D Hospital Havelian to Basic Health Unit (BHU), Samundar Katha and appellant was relieved on 19.11.2019. Copy of transfer order dated 06.11.2019 and relieving report is annexed as Annexure "H".

14. That after two months of the said order, respondent No. 3 again issued another transfer order dated 20.01.2020 and appellant was transferred from BHU Samundar Katha to C.D Dakhan Tatrila Abbottabad and till date appellant performing his duty at C.D Dakhan Tatrila. Copy of transfer order dated 20.01.2020 is annexed as Annexure "I".

15. That on 30.04.2020 appellant received copy of the impugned order from the official namely Muhammad Shoaib Chowkidar/ Class-IV and thereafter on 03.05.2020 appellant filed departmental appeal against the said impugned order on 23.09.2019 before the respondent No. 2 for redressal of his grievances but till date respondent No. 2 has not given any response and not passed any order against the said appeal, hence

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this appeal on the following grounds. Copy of departmental appeal is annexed as Annexure "J".

GROUND:-

- a. That impugned order dated 23.09.2019 is against the law facts and liable to be set aside.
- b. That respondent No. 3 initiated so-called inquiry whereby, respondent No. 3 as well as Inquiry Officer not issued any charge sheet statement of allegations, show cause notice and passed impugned order, without giving any opportunity of personal hearing to the petitioner and also without complying legal formalities, hence, are liable to be set-aside.
- c. That all proceedings were conduct against the appellant without any information, intimation or any kind of notice, and similarly relevant documents as well as impugned order was not delivered to the appellant. Although respondent No. 3 under

duty bound to provide the said documents to appellant but he cannot do so.

- a. That the impugned order has been passed against the basic principle of natural justice and fundamental rights, therefore are liable to be set-aside.
- b. That at the time of passing the impugned order, respondent No. 3 ignored all basic legal requirements of law and procedure.
- c. That respondent No. 3 passed impugned order on the basis of misreading and non-reading of available material on record, hence, the same is liable to be set-aside.
- d. That impugned order is against the well known precedents of superior courts as well as E&D Rules, 2011
- e. That other ground shall be urged at the time of arguments.

It is, therefore, humbly prayed that on acceptance of instant service appeal order dated 23/09/2019 passed by respondent No. 3 may kindly be declared as null and void, against the law and facts which is liable to be set-aside. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case ma also be granted to the appellant in the best interest of justice and fir play.



...APPELLANT

Through

Dated: 11/8 /2021



(HAMAYUN KHAN)

&



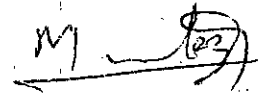
(FAZLUULLAH KHAN)

Advocates High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

...APPELLANT



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____ /2021

Mumtaz Khan son of Muhammad Irfan, (Sweeper/ Class-IV Civil Dispensary Dakkan Tatrila), resident of Dakan Tatrila Nagri Bala District Abbottabad

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF OPERATION
OF IMPUGNED ORDER OF DEDUCTION FROM
SALARY OF THE APPELLANT DATED 23.09.2019
PASSED BY RESPONDENT NO. 3 TILL THE FINAL
DISPOSAL OF INSTANT APPEAL.

Respectfully Sheweth;-

1. That the titled appeal is being filed today before this Honourable Tribunal, the contents of this application may please be read as an integral part of the same.

2. That the appellant has brought good prima facie, arguable case and balance of convenience also lies in favour of appellant.
3. That if the operation of impugned order dated 23.09.2019 is not suspended, the appellant would suffer irreparable financial loss and purpose of filing of titled appeal will be defeated.

It is, therefore, humbly prayed that on acceptance of instant application, the operation of impugned order dated 23.09.2019 may graciously be suspended till final disposal of the titled appeal.

M. Faraz

...APPELLANT

Dated: 11/8 /2021

Through

H. Khan
(HAMAYUN KHAN)

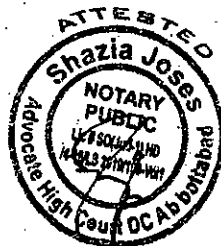
&

F. Khan
(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

AFFIDAVIT:

I, do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



11/8/2021

DEPONENT

M. Faraz

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. _____/2021

Mumtaz Khan son of Muhammad Irfan, (Sweeper/ Class-IV Civil Dispensary Dakkan Tatrila), resident of Dakan Tatrila Nagri Bala District Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY IF ANY

Respectfully Sheweth;-

The petitioner humbly submit as under;-

1. That the appeal is going to be filed before this Honourable Tribunal.
2. That it is well settled law and principle law and principle on the subject matter that limitation does not run in financial matter i.e. pay and pension etc.
3. That it is also well settled principle of law that technicalities should not be hurdled in the way and grievances of the peoples involved in such like

matters should be decided on merit not otherwise.
Hence, this application.

4. That the valuable rights of petitioner is involve in the matter in hand, keeping in view of basic right.
5. That the other points will be urged at the time of arguments.

Keeping in view the above cited submission, it, therefore, humbly prayed that by acceptance of this application the delay if any may kindly be condone.

Dated: 11/18 /2021

Through

...APPELLANT


(HAMAYUN KHAN)

Advocate High Court, Abbottabad

Daily Attendance Register of The

17

For the month of April 2019

Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. Of Days	Remarks		
محمد علي		Ch	Ch	Ch	For office	Ch	Ch	Ch	Ch	For office	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch			
محمد عامر		W/O	W/O	W/O	W/O	W/O	W/O	W/O	Secretary	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O	W/O		
محمد علي		Dai	P	P	P	P	P	P	Secretary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
محمد علي		S/S	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M		
محمد عامر		W/O	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		

D. HO. AT - OFFICE No. 3669-74 - 27/02-2019
ORDER

Handwritten signature

Relined photo order no - 3669-74 Date - 27-2-2019
Relined photo order no - 3669-74 Date - 27-2-2019

Daily Attendance Register of The

CIVIL DISPENSARY
D.A.P. 14/1/1921
MARCH 2019

Sl. No.	Name	Father's Name	Rank													Total No. Of Days	Remarks																							
				1	2	3	4	5	6	7	8	9	10	11	12																									
	اسم الطالب		CL																																					
	اسم الطالب		Ph																																					
	اسم الطالب		Ph																																					
	اسم الطالب		P																																					
	اسم الطالب		P/P																																					
	اسم الطالب		M/3																																					
	اسم الطالب		M/3																																					
	اسم الطالب		M/3																																					
	اسم الطالب		M/3																																					

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Attendance Register of The

Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. Of Days	Remarks
المولانا	Ph	Ph	CW	CW	/	Face Off	/	CW	CW	CW	CW	/	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	CW	
عبد الله	W/O	W/O	MAJ	MAJ	Supervisory	Police	Police	Police	Police	Police	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	MAJ	
عبد القوي			P	P	/	X	X	P	P	P	P	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
مبارك	W/O	W/O																																	
محمد	W/O	W/O																																	

Signature

Handwritten notes and signatures in the bottom right section of the table, including dates and names.

ANNEXURE A

For the month of January 2018

Attendance Register of The

Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. Of Days	Remarks
Abdul Wahid	cl pp	C	C	C	C	/	/	C	C	C	C	C	C	/	C	C	C	off	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Muhammad	cto	M	M	M	M	S	S	M	M	M	M	M	M	S	M	M	M	off	M	M	M	M	M	M	M	M	M	M	M	M	M	M		
Abdul Wahid	cto	P	P	P	P	/	/	P	P	P	P	P	P	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Muhammad	cto	M	M	M	M	/	/	M	M	M	M	M	M	/	M	M	M	off	M	M	M	M	M	M	M	M	M	M	M	M	M	M		
Muhammad	cto	S	S	S	S	S	S	X	X	X	X	X	X	/	X	X	X	off	X	X	X	X	X	X	X	X	X	X	X	X	X	X		

Handwritten signatures and initials at the bottom of the page.

ANNEXURE 'B' 18

OFFICE OF THE DISTRICT HEALTH
OFFICER ABBOTTABAD.

OFFICE ORDER

All the earlier posting / transfer orders in respect of the following officials are hereby superseded and both the concerned officials are hereby retained at Civil Dispensary ~~Dakhan~~ Tatrila with immediate effect.

1. Mr. Muhammad Shoaib Chowkidar.
2. Mr. Mumtaz Khan, Sweeper.

Consequent upon the above, both the official are hereby directed to be careful in future towards performance of Government duties and also advised to follow the service rules in true letter & spirit, else stern disciplinary action shall be taken against them under E&D Rules 2011.

District Health Officer
Abbottabad

No. 3568-74 /Estab/D/Cancelation Dated Abbottabad the 26/2/2019.

Copy forwarded to the:-

1. DMO IMU Abbottabad.
 2. Incharge, PMO Type D Hospital Havelian.
 3. Incharge, CD ~~Dakhan~~ Tatrila.
 4. Accounts Section undersigned office.
 5. Officials concerned.
 6. DHIS Cell
- For information and necessary action.

District Health Officer
Abbottabad

District Health Officer Link Road. Abbottabad.

Phone # 0992-9310192

Fax # 0992-9310196

edohabd@yahoo.com

ANNEXURE 'C' 19




OFFICE OF THE DISTRICT HEALTH OFFICER ABBOTTABAD

OFFICE ORDER

This office order bearing No.3568-74 dated 26.02.2019 regarding posting / transfer of Chowkidar & Behshti of Civil Dispensary Dakhan Tatrila is hereby stand withdrawn.

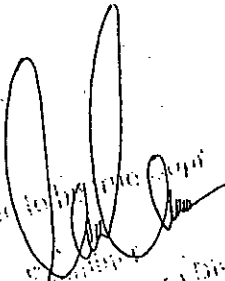
ABDUR RAUF KHAN
District & Session Judge
Consumer Court Abbottabad.

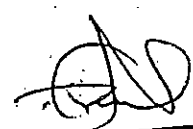

District Health Officer
Abbottabad.

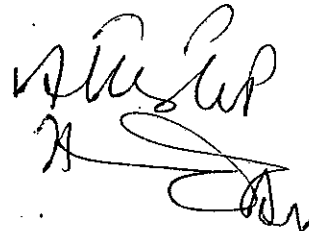
No. 3669-74 /Estab/D/Cancelation Dated Abbottabad the 27/02/2019.

Copy forwarded to the: -

1. DMO IMU-Abbottabad.
 2. Incharge, PMO Type D Hospital Havelian.
 3. Incharge, CD Dakhan Tatrila.
 4. Accounts Section undersigned office.
 5. Officials concerned.
 6. DHIS Cell
- For information and necessary action.

Attested by the

Consumer Court Havelian District
Abbottabad


District Health Officer
Abbottabad.



District Health Officer Link Road, Abbottabad.

Phone # 0992-5310192

Fax # 0992-0510196

edobad@pakistan.com

فولڈنگ
2019

ANNE KURE

20
1

Rehne liter

مصنوعہ خان جہشی / سوئیس سویل ڈسٹریکٹ ہسپتال

آئی کو ڈی ایچ او آفیس آرڈر نمبر 74-3669 مورم 27.2.2019

کے تحت آج مورم 20.4.2019 کو سویل ڈسٹریکٹ ہسپتال سے فارغ کر دیا ہے۔

اور یہ کمرہ ڈی ٹارگ ہسپتال حویلیاں میں حافری رپورٹ کرو۔

20.4.2019

M. DILIP KUMAR
INCENSE
CIVIL DISPENSARY
KATKATA

Rehne liter

محمد شعیب چوکیار سویل ڈسٹریکٹ ہسپتال

آئی کو ڈی ایچ او آفیس لیٹر نمبر 74-3669 مورم 27.2.2019

کے تحت آج مورم 20.4.2019 کو سویل ڈسٹریکٹ ہسپتال سے فارغ کر دیا ہے۔

اور یہ کمرہ ڈی ٹارگ ہسپتال حویلیاں میں حافری رپورٹ کرو۔

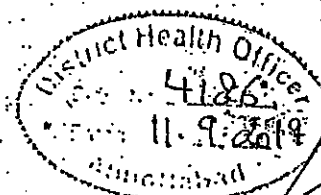
20.4.2019

M. DILIP KUMAR
INCENSE
CIVIL DISPENSARY
KATKATA

Handwritten signature

ANNEXURE 'E' 21

The District Health Officer
District Abbottabad
Khyber Pakhtunkhwa



Subject: - **FACT FINDING REPORT**

Submitted in compliance with Order No. 16186-89/Estan/D/O Dated Abbottabad 02/08/2019

Facts:

The mentioned Class-IV staff (Chowkidar & B/Sweeper) of Civil Dispensary Dhakhan Tatrila were posted to CD Dakhan Tatrila under office order No. 25474-81/Estab/D/Posting dated Abbottabad the 24/12/2018 whereas the Arrival report submitted in stipulated time was received (Attached to ready reference). However with in three days of arrival the mentioned Class-IV order were withdrawn with casue shown in order under enquiry 779-778/Estab/D/Posting dated Abbottabad the 11-01-2019.

The order No. 3568-74/Estab/D/Cancellation dated Abbottabad 26-02-2019 superseded and both the officials were retained in Dhakhan Tatrilla with directions to comply with punctuality in duties in future (copy attached for ready reference) in case of non performance in duties disciplinary action shall be taken against them under E&D rules 2011.

The office order no 3568-74 was with drawn through an order No. 3669-74/Estab/D/Cancellation dated 27-02-2019. However after April they staff poorly complied with the directives. In the meanwhile DHO Abbottabad ordered that the salaries of the absent period may be deposited in the Government treasury. (Copy attached).

Conclusion:

Having gone through records of various inquires, letters posted on various complaint offices and those marked by higher officer like Deputy Commissioner, Commissioner and the sequence of transfer postings done in one way or the other and the record available reflecting court decision followed by respective decision from the DHO office, I am of the opinion that the whole state of affairs is the result of personal/ familiar disputes between Mr. Sardar Shabir and Mr. Sardar Zaman, hampering service delivery and wasting the time of DHO Administration and other Govt. offices.

Handwritten signature

MPA, Pk-5,
Abbottabad

25.9.2019

It is further concluded that the gap period in multiple posting/ transfers was observed very short which lead to the misunderstanding / poor compliance.

Recommendations:-

The mentioned officials should be directed to perform their duties in letter and spirit according to E&D rules under strict observation of the officials incharge at CD Dkakan Tatrila and the officials Incharge shall also report their duties on monthly basis to your office for future assessment for at least six months.

DR WAHID ZAMAN
Inquiry Officer
Incharge Police Hospital
Abbottabad

Decision

- (i) Agreed with Recommendations
- (ii) Deductions must be made for the absent, non-compliance period with stoppage of current year increment as a penalty for causing interruption/difficult administrative circumstances.
- (iii) No further actions will be taken from both parties which have made their facility a piece of settling scores of their other financial disputes. The department will have no other option but to close the health facility and shift it to another location, with strict departmental action against the culprits.

DHO

~~At the request of~~ ~~the applicant~~ form 19. as requested through applicant.

ANNEXURE

F⁴

23




OFFICE OF THE DISTRICT HEALTH
OFFICER ABBOTTABAD.

OFFICE ORDER:

In the light of enquiry report submitted by Dr. Waheed Zaman Khan, Senior Medical Officer Incharge Police Hospital Abbottabad received in this office vide Diary No.4186 dated 11.09.2019 and photo copies of the attendance register duly verified by Mr, Dildar Ahmed, Incharge JCT Pharmacy CD Dakhlan Patrila, the absent period in respect of Mr. Mumtaz Khan B/Sweeper & Mr. Muhammad Shoaib Chowkidar under-transfer from Civil Dispensary Dakhlan Patrila w.e.f 08.01.2019 till today i.e 18.09.2019 (254 days) is hereby treated as Extra Ordinary Leave without pay on account of absence without leave. The salary of absent period must be deducted and deposited into Government Treasury positively. Moreover, one annual increment of each Mr. Mumtaz Khan & Mr. Muhammad Shoaib is hereby stopped with immediate effect.

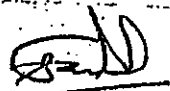
Consequent upon the above, both the officials are hereby directed to report for duties immediately at Type D Hospital Havelian and also advised to refrain from the practice of putting the administration in difficult circumstances with the remarks that no further such behavior shall be tolerated from both parties which have made this health facility a place of setting score of their other familial disputes. The Department will have no other option but to close the health facility and strict departmental action shall be taken against the culprits, who ever will disrupt service delivery.


District Health Officer
Abbottabad.

No. 20704-08 /Estab/D/Discp; Action Dated Abbottabad the 23/09/2019.

Copy forwarded to the:-

1. Dr. Waheed Zaman Khan, (Enquiry Officer) Ex-Incharge SMO Police Hospital Abbottabad.
 2. Incharge, PMO Type D Hospital Havelian.
 3. Incharge, CD Dhakhlan Patrila.
 4. Accounts Section undersigned office.
 5. Official concerned.
- For information and compliance.


District Health Officer
Abbottabad.

District Health Officer Link Road, Abbottabad.


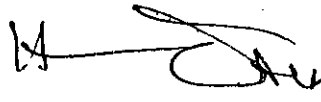
Phone # 0992-9310192

Fax # 0992-9310196

edohabd@yahoo.com

MPA, PK-31
Abbottabad

25.9.2019

ANNE KUNG

24

کتابت ضمیمہ - DHO صاحب ایف ڈی اے

24

عنوان! عائزہ ریاضت بڑی بے پناہ اور بے لوث محنت

فیما - عالی

تیسری آفس آرڈر تحریرہ 9/23/23 کے مطابق

سائل آج کے صورت 10/10/23 کی قبل از رو پیر ایچ ڈی ایوٹی

عائزہ ریاضت کی بے لوث محنت اور بے پناہ محنتی قبول

وفاقی

اکمالی ~~محمد~~ محمد $15/10/23$

محمد ناز خان بے پناہ محنتی

M. K. K.

H. K. K.

ANNEXURE PH 254

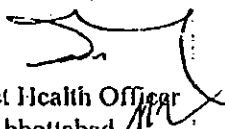


OFFICE OF THE DISTRICT HEALTH OFFICER ABBOTTABAD.

OFFICE ORDER:

The following posting / transfer of B/Sweepers is hereby made in public interest with immediate effect.

S#	Name	From	To	Remarks
1	Mr. Liaqat Ali	BIU Sumandar Katha	CD Dhakhan Tatrila	Vicc No. 2 below
2	Mr. Mumtaz	Presently working at Type D Hospital Havelian	BIU Sumandar Katha	Vicc No.1 above


District Health Officer
Abbottabad

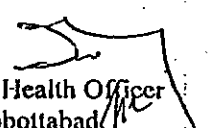
No. 23941-46

/Estab/D/Posting Dated Abbottabad the

06/11/2019.

Copy forwarded to the: -

1. Incharge CD Dhakhan Tatrila.
 2. Incharge BIU Sumandar Katha.
 3. Incharge PMO Type D Hospital Havelian.
 4. Accounts Section undersigned office.
 5. Officials concerned.
- For information and necessary action.

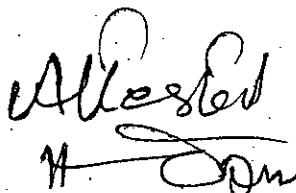

District Health Officer
Abbottabad

District Health Officer Link Road, Abbottabad.

Phone # 0992-9310192

Fax # 0992-9310196

cdohabd@yahoo.com



26
پنجاب اور اترپردیش کے ڈسٹرکٹ سلیکشن آفیسر صاحبان کے لئے
بوسالیت کے بارے میں اور ساتھ ساتھ ڈی پی سی کے بارے میں

مضمون: Departmental Report

پنجاب عالی
جوڈیشل کمیشن کے بارے میں سائل کی ڈی پی سی کے بارے میں
موسم کے بارے میں BHU کے بارے میں

ان کے بارے میں 19/15 کی ایسی ڈی پی سی کے بارے میں
ڈیپارٹمنٹل رپورٹ

لیٹریچر کے بارے میں ڈیپارٹمنٹل رپورٹ کے بارے میں
فیوچر کے بارے میں

میں ڈی پی سی کے بارے میں

الفرح 1/2

M. J. Khan
پنجاب اور اترپردیش کے ڈسٹرکٹ سلیکشن آفیسر صاحبان کے لئے
بوسالیت کے بارے میں اور ساتھ ساتھ ڈی پی سی کے بارے میں

Forwarded to
DHO/ATD for further pl.

Dr. Rubina Habib
M.D. (P)
PHO Type, District Hospital, Hoshiarpur

Dr. Rubina Habib

27
خدمت ضاب ڈسٹرکٹ ہیڈ کوارٹرز

لوساطت: افیارج بی۔ ایچ۔ یو۔ مندرجہ

مضمون: دیپارٹمنٹ رپورٹ

ضاب عالی:

موردہ متنازعہ میں ہے کہ سائبر کی ٹریننگ B.H.U. مندرجہ سے

سول ڈپارٹمنٹ دکن تھریڈ ہوئی ہے۔ آج مورچہ 22-01-2020 کو اپنی ڈپارٹمنٹ سے Dept. کو گریبا ہوئی۔

لکھنا اس پر ہے کہ یہی Deprature Report قبول کی جاوے۔

بین توازن ہوئی

العارض

M. J. Khan

شاہد ممتاز خان ایف بی سی سی بی B.H.U. مندرجہ

مورچہ 22-01-20

Deprature Report
wounded to DMS/ASD
with N/A
Date

Signature
H. Khan

ANNEXURE 'i'

28

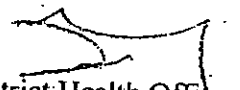


OFFICE OF THE DISTRICT HEALTH OFFICER ABBOTTABAD.

OFFICE ORDER

This office posting / transfer order of B/Sweepers bearing No.23941-46 dated 06.11.2019 is hereby stand withdrawn.

Consequent upon the above, Mr. Mumtaz B/Sweeper is directed to report for duty at his original place of duty i.e Civil Dispensary Dhakhan Tatfala.

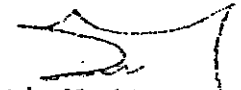

District Health Officer
Abbottabad.

No. 1877-81 /Estab/D/Canc; Dated Abbottabad the

20-10-2020.

Copy forwarded to the: -

1. Incharge, CD Dhakhan Tatfala.
 2. Incharge BHU Sumandar Katha.
 3. Incharge PMO Type D Hospital Havelian.
 4. Accounts Section undersigned office.
 5. Officials concerned.
- For information and necessary action.


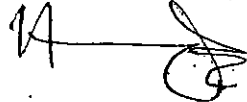

District Health Officer
Abbottabad.

District Health Officer Link Road, Abbottabad.

Phone # 0992-9310192

Fax # 0992-9310196

edohabd@yahoo.com

AM - 20 11 2020

حکومت صواب - D.H.O سید اختر انسیر ایٹ آباد

مستوان عالمی رولٹ

29

صواب عالی

01

ایک انس آرڈر نمبر 8-1877 تاریخ 20/2020 کے تحت

آج مورخہ 23.01.2020 کو قبل از دوپہر اپنی

ڈیوٹی سول ڈسپنری دھن تریبلہ میں حاضر ہو گیا ہوں

کہنہ عالمی رولٹ عالم خدمت ہے۔

العارضین

Mumtaz

سائل ممتاز خان ایٹ سول ڈسپنری دھن تریبلہ

مورخہ 23.01.2020

Forwarded to DHO su ATD
For Information and necessary action

M. DILDAR AHMAD
INCORPORATED
CIVIL DISPENSARY
RAKHA TARIK
ABDUL HUSSAIN

Attested

[Signature]




30
/

OFFICE OF THE DISTRICT HEALTH
OFFICER ABBOTTABAD.

OFFICE ORDER

In the light of Government of Khyber Pakhtunkhwa Notification No.E&A/Health/2-5/2020 dated 14.01.2020 wherein the competent authority has imposed ban on all kind of transfers, all the transfer orders issued from this office on or after 14.01.2020 are hereby stand withdrawn.



District Health Officer
Abbottabad.

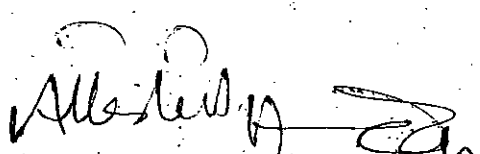
No. 2180-2289
/Estab/D/Canc; Dated Abbottabad the

27/01 /2020.

Copy forwarded to the: -

1. All Incharges of Health Facilities in Abbottabad.
 2. Accounts Section undersigned office.
 3. DHIS Cell.
- For information and necessary action.


District Health Officer
Abbottabad.


District Health Officer Link Road, Abbottabad.

Phone # 0992-9310192

Fax # 0992-9310196

edohabd@yahoo.com

ANNEXURE "ج"

گورنمنٹ آف پاکستان فیڈرل گورنمنٹ
سٹیٹ سروس کمیشن

نمبر

31

عنوان: ملک نام اپیل

فنانس علیا

موجودہ گورنمنٹ آف پاکستان کے تحت جاری کیے گئے ہیں اور
ان کے تحت سروسوں کے لئے ایف ڈی اے کے تحت ایف ڈی اے کے
تحتویات سے متعلق درخواستیں۔

ان کے تحت سروسوں کے لئے ایف ڈی اے کے تحت ایف ڈی اے کے
تحتویات سے متعلق درخواستیں۔

موجودہ گورنمنٹ آف پاکستان کے تحت جاری کیے گئے ہیں اور
ان کے تحت سروسوں کے لئے ایف ڈی اے کے تحت ایف ڈی اے کے
تحتویات سے متعلق درخواستیں۔

گورنمنٹ آف پاکستان

Handwritten signature and stamp

ان کے تحت سروسوں کے لئے ایف ڈی اے کے تحت ایف ڈی اے کے
تحتویات سے متعلق درخواستیں۔

کو ختم کیا اور ساتھ ہی لکھنؤ کے کالج
کا عمل شروع کیا۔

یہاں پہلے مذکورہ کاروبار کا علم ہوا تو
اس نے D.H.O آفس سے رابطہ کیا مگر
انہوں نے کوئی آرڈر وغیرہ نہیں دیا اور کہا
کہ ہمیں اس بابت کوئی علم نہ ہے۔

یہ مذکورہ حکم 28/9 کو کبھی شہید نے
D.H.O آفس کے کسی پالو صاحب سے فقید طریقے
سے لیا۔ اور کل مورخہ 20/5/20 کو قبول کیا۔

اس کلید سائل کو نام فضائل کا علم ہوا۔
چونکہ سائل کے ساتھ مفادیت ظلم و زیادتی ہو چکی ہے اور
اب میں سو رہے ہیں۔

یہ کہ سائل آئے۔ مگر کے اصرار کا طلب گار ہے
کہہ دیا ہے۔ اس کے ساتھ ساتھ سائل کی اپیل
کو عمل قبول فرمائیں۔

العارضی

محمد رفیق سومر / پتہ C.D کھنڈ شہید
ایسٹ وارڈ
مورخہ 20/5/20

کورت فیس

وکالت نامہ

Before the L.P.C. Service Tribunal بعد ازاں
 Munir Khan Gout
 Appellant

نوٹ عین مقدمہ:

Service Appeal
 باعث تحریر آنگہ

مقدمہ عند درجہ میں اپنی طرف سے واپس سے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام
 Hamayun Khan & Fazlullah Khan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل صاحب
 موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء
 وصولی چیک روپیہ دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
 کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار
 بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و
 قبول ہوگا دوران مقدمہ جو خرچہ دہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔
 نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف
 پابند ہوں گے کہ جی وی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف
 مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست ہمراہ استجارت نالہ بصیغہ مفلسی کے دائر کرنے اور اس کے
 پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: 11/8/2021

بمقام:

Accepted by
 [Signature]

عبدالغفار

Munir Khan

ایسٹ

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

Mumtaz Khan

Versus

Govt. of Khyber Pakhtunkhwa & others

SERVICE APPEAL

CERTIFICATE:

It is certified that similar appeal against the impugned order is not pending before any courts or tribunals and similarly not decided by any court or tribunal.

Through Appellant



Hamayun Khan
Advocate

"A"

**KYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

APPEAL No..... *7301* of 20²¹.

Mumtaz Khan

Appellant/Petitioner

Versus

Through Secy. Health Dept

RESPONDENT(S)

Office of Appellant/Petitioner

*Mumtaz Khan S/o M. Irfan
R/o Dakan Tatrila Nagri
Bala Distt: Abbottabad*

Take notice that your appeal has been fixed for Preliminary hearing,
at *5/10/2021* on *9.00 AM* at
presentation, affidavit/counter affidavit/record/arguments/order before this Tribunal

You may, therefore, appear before the Tribunal on the said date and at the said
place either personally or through an advocate for presentation of your case, failing
which your appeal shall be liable to be dismissed in default.

at Peshawar

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.