

26th Sept 2022

Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Written reply/comments on behalf of respondents No. 3 and 5 not submitted despite last chance, therefore, their right for submission of written reply/comments is struck off. To come up for arguments on 25.10.2022 before D.B at Camp Court, D.I. Khan.



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

25.10.2022

Counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Bench is incomplete, therefore, case is adjourned. To come up for arguments on 22.11.2022 before D.B at Camp Court, D.I Khan.



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

25.01.2022

Tour is cancelled, therefore, case is adjourned to 25.05.2022 for the same as before.


Reader.

25.05.2022

Learned counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present.

Comments on behalf of respondents No. 1, 2 & 4 have already been submitted, while reply/comments on behalf of respondents No. 3 & 5 are still awaited.

Previous date was changed on Reader Note, therefore, notice be issued to respondents No. 3 & 5 through registered post and last chance given for submission of reply/comments. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant, failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by the respondents. Adjourned. To come up for submission of written reply/comments on behalf of respondents No. 3 & 5 on 25.07.2022 before the S.B at Camp Court D.I.Khan.



(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

25/7/22

Due to summer vacation the case is adjourned to come up for the same as before on 26-9-2022



23.11.2021

Junior to counsel for the appellant and Mr. Sajjad Qureshi, CT Pharmacy on behalf of respondents No. 1, 2 and 4 and Muhammad Adeel, Sub Accountant for respondent No. 3 and 5 present.

Representative of respondents No. 1, 2 and 4 has furnished reply/comments on behalf of the said respondents. Reply/comments on behalf of respondents No. 3 and 5 are still awaited.

Last opportunity is granted to the respondents No. 3 & 5 to submit written reply/comments on next date. Case to come up on 25.01.2022 before S.B at camp court, D.I.Khan.

In case the last chance as given above is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by the respondents.



Chairman
Camp Court, D.I.Khan

Due to COVID-19 therefore to
come up for the same on 28/9/21

On
Reader

28.09.2021 Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Sajjad Quershi, C.T Pharmacy on behalf of respondents No. 1 to 4 present and submitted written reply, which is placed on file and copy of the same is handed over to the learned counsel for the appellant.

Previous date was changed on Reader Note, therefore, notice be issued to respondent No.5 with the directions to furnish reply/comments within 10 days. In case the respondent No.5 failed to submit reply/comments within stipulated time from today, the respondent No.5 seek extension of time through written application citing sufficient reasons. Otherwise, the right of the respondent No.5 for submission of reply/comments shall stand ceased. To come up for arguments before the D.B on 23.11.2021 at Camp Court D.I Khan.


(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COUR D.I KHAN

29.10.2020

Appellant is present in person. Mr. Muhammad Jan, Deputy District Attorney alongwith representatives of the department Mr. Hazrat Shah, Section Officer and Mr. Imran Khan, Senior Auditor, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representatives of the department are seeking further time to furnish written reply/comments. Time granted. Adjourned to 23.12.2020 on which date to come up for written reply/comments before S.B at Camp Court, D.I.Khan.

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

23.12.2021

Due to Covid-19, case
is adjourned to 23.02.2021
for the same as before



Atiq ur Rehman Wazir

23.02.2021

Junior to counsel for appellant present.

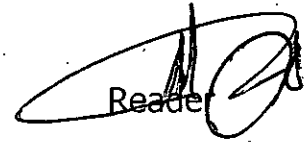
Riaz Khan Paindakhel learned Assistant AG alongwith Mr. Sajjad Qureshi C.T Pharmacy for respondents No. 1 to 4 present. Nemo for respondent No.5.

Reply/comments on behalf of respondents No.1 to 4 not submitted. Representative of respondent No.1 to 4 requested for time to submit reply/comments. Granted. Notice be issued to respondent No.5 for submission of reply/comments. To come up for reply/comments on 25.05.2021 before S.B at Camp Court, D.I Khan.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan


25/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/4/2020 at Camp Court, D.I. Khan


Reader

23/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 25/9/2020 at Camp Court, D.I. Khan



Reader

25.09.2020

Nemo for parties.


Mr. Muhammad Jan, Deputy District Attorney present.

Reply on behalf of respondents is still awaited. Notice be issued to appellant/counsel and respondents for reply/comments for 29.10.2020 before S.B at Camp Court, D.I.Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

27.01.2020

Clerk to counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.02.2020 before S.B at Camp Court D.I.Khan.

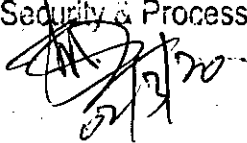

(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


24.02.2020

Counsel for the appellant Raees Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as X-Ray Attendant in Health Department, later on his appointment order was withdrawn. It was further contended that the appellant filed Writ Petition before the Worthy High Court against his withdrawal of appointment order which was accepted and on the direction of the Worthy High Court, the respondent-department reinstated the appellant vide order dated 18.02.2012 but without back benefits. It was further contended that the appellant submitted application for back benefits/arrears to respondent-department i.e District Health Officer Tank but with no fruitful result, therefore, the appellant again filed Writ Petition for back benefits/arrears but the Worthy High Court vide judgment dated 17.06.2019 directed the respondent-department to decide the matter of arrears of the petitioner for the break-up period strictly in accordance with law within a period of 60 days but the respondent-department has not decided the issue within the stipulated period hence, the present service appeal. Learned counsel for the appellant further contended that since the respondent-department withdrawn the appointment order of the appellant due to no fault of the appellant, therefore, the appellant was entitled for back benefits/arrears of the intervening period.

The contentions raised by learned counsel for the appellant 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 written reply/comments for 25.03.2020 before S.B at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee



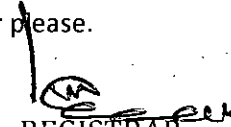
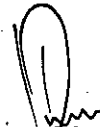

(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1581/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/11/2019	<p>The appeal of Mr. Raees Khan received today by post through Mr. Gul Tiaz 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-	19.12.2019	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on _____</p> <p>CHAIRMAN</p> <p>Counsel for the appellant present. Learned counsel requests for time to further document the brief by placing on record the copies of appointment order of appellant and other relevant documents. Adjourned to 27.01.2020 before S.B at camp court, D.I.Khan.</p> <p> Chairman</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No 1581 /2019

Raees Khan

..... **Appellant**

VERSUS

The Secretary Health Department Govt: of KPK Civil
Secretariat Peshawar and others

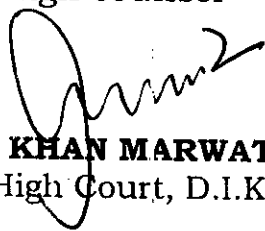
..... **Respondents**

INDEX

S No	Descriptions	Annex	Pages
1	Grounds of Appeal	-	1-6
2	Copy of reinstatement order dated 18.02.2012	A	7-8
3	Copy of Application dated 15.03.2016	B	9
4	Copies of source form and letter of DHO dated 19.04.2017	C&D	10-11
5	Copies of Writ Petition alongwith order of High Court dated 17.06.2019	E&F	12-17
6	Copy of application dated 24.07.2019 alongwith postal receipt	G	18-19
7	Copies of Certificate, applications dated 05.09.2012, 12.10.2012 and letter of DHO	H,J,K&L	20-23
8	Wakalat Nama	-	24

Dated: 21/10/2019

Your Humble Appellant,
Through counsel


GUL TIAZ KHAN MARWAT,
Advocate High Court, D.I.Khan

I

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No _____ /2019

Raes Khan S/O Juma Khan X-Ray Attendant Rural Health
Center Gul Iman Tehsil & District Tank

..... **Appellant**

VERSUS

1. The Secretary Health Department Govt: of KPK Civil Secretariat Peshawar.
2. The Director General Health Services Govt: of KPK Peshawar.
3. The Accountant General KPK Peshawar.
4. The District Health Officer Tank.
5. The District Accounts Officer Tank., **Respondents**

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER, ACTION/INACTION OF
RESPONDENT NO. 2 VIDE WHICH DEPARTMENTAL
APPEAL AGAINST THE IMPUGNED ORDER OF HOLDING
/ NON-PAYMENT OF ARREARS OF SALARY / PAY TO
THE APPELLANT WITH EFFECT FROM 01.10.2007 TO
30.09.2013 APPELLANT HAS NOT BEEN DECIDED
WITHIN THE STATUTORY PERIOD OF 90 DAYS.

Respected Sir,

1. That the addresses of the parties given above are sufficient for the purpose of the service of parties.

Juma

2. That the Appellant was appointed as X-Ray Attendant in RHC Gul Imam Tehsil & District Tank vide order dated 05.07.2007 and was performing his duties as such when suddenly and abruptly order of appointment of Appellant was cancelled vide order dated 01.11.2007 and one another person namely Saif Ullah was appointed.
3. That the order of appointment of aforesaid Saifullah was cancelled and Appellant was reinstated into service and then launched litigation against the Appellant in Civil Courts of the District and the matter then went up to the this Honourable Court where after the matter was referred to the Secretary Health KPK for decision.
4. That the worthy Secretary Health of KPK has been pleased to reinstate the Appellant vide office order No. SOH(Lit.1)/ 12-1317/2011 dated 18.02.2012. Copy of order is enclosed as **Annexure "A"**.
5. That after the reinstatement into service, the Appellant took over the charge of the post and submitted an application to the DHO Tank on 15.03.2016 containing the request for payment of arrears of salaries/ pay to the Appellant with effect from 01.10.2007 to 30.10.2013. Copy of application is enclosed as **Annexure "B"**

Janet

6. That after the submission of the above noted application, calculation of the arrears of pay / salary with effect from 01.10.2007 to 30.09.2013 was done where after the case was forwarded to the DG Health KPK vide No. 1773/E-7 dated 19.04.2017. Copies of Proforma and letter of DHO Tank are enclosed as **Annexure "C &D"** respectively.
7. That sufficient long time / period has been expired but no action in respect of payment of arrears of pay/ salary has been taken upon the letter of the DHQ Tank vide which Application of the Appellant for payment of arrears of pay/ salary has been endorsed.
8. That the Appellant then approached the honourable Peshawar High Court D.I.Khan Bench by filing writ petition No. 70-D/ 2018 which came up for hearing before the Division Bench of High Court on 17.06.2019 and direction was issued to Respondent No. 2 to decide the Departmental Appeal of Appellant within 60 days. Copies of writ petition along with order dated 17.06.2019 are enclosed as **Annexure E&F** respectively.
9. That the order of the honourable High Court was officially communicated to the office of Respondent No. 2 by the Additional Registrar of the High Court and the Appellant also communicated the order of the

gms

honourable High Court by submitting written application dated 24.07.2019 to respondent No. 2 through Registered Post letter No. 1157 dated 24.07.2019. Copy of Application along with postal receipt is enclosed as **Annexure-G**.

10. That the Appellant anxiously waited for the result/ order of disposal of departmental appeal but no intimation of its acceptance or rejection has so far been communicated to the Appellant.
11. That prior to filing of Writ Petition before honourable High Court, the Appellant made repeated written requests to the DHO Tank for payment of Salary/ Pay to the Appellant in lieu of performance of duties but is very strange that the monthly pay were not paid to the Appellant and the same were paid regularly to the opposite party namely Saifulah and to this effect the DHO issued letter No. 4687/E-7 dated 13.10.2009 directing him to deposit the amount of Salaries/ pay through challan in the government treasury. Copies of certificate, applications dated 05.09.2012, 12.10.2012 and letter of DHO are enclosed as **Annexure H, J, K & L** respectively.
12. That facing with these circumstances, the Appellant having no other remedy, is obliged to seek the indulgence of this Honourable Tribunal inter alia on the following grounds:

GROUND:-

- A. That the impugned actions / inactions of Respondents of non-payment of arrears of pay/ salaries with effect from 01.10.2007 to 30.09.2013 to the Appellant is against law, arbitrary, Malafide void

Jan 2

- abinitio, without lawful authority, without Jurisdiction and of no legal effect qua the rights of Appellant.
- B. That the impugned action /inaction of non-payment of arrears of pay/ salary to the Appellant on the eve of reinstatement into service is against the fundamental rights guaranteed under the constitution.
- C. That the impugned action /inaction of nonpayment of arrears of pay/salary to the Appellant on the eve of reinstatement into service is also against the provisions of fundamental rights guaranteed under Constitution of Islamic Republic of Pakistan as not only the Appellant has been deprived of his vested rights of property and life but his entire family members who are the dependants upon the Appellant have been deprived of last piece of morsel.
- D. That the impugned action / inaction of the office of DG Health Services KPK not to dispose off the application of the Appellant for the grant of arrears of pay / salary is against the provisions of General Clauses Act as well as the law laid down by the August Supreme Court of Pakistan.
- E. That counsel for the Appellant may please be allowed to raise additional ground during the course of arguments.

In view of submission made above, it is, therefore, humbly prayed that on acceptance this Appeal, this Honourable Court may very graciously be pleased to issue an order directing the respondents to pay the arrears of pay / salary to Appellant with effect from 01.10.2007 to 30.09.2013.

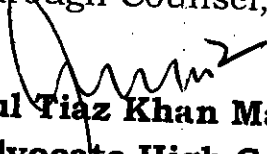
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Any other relief deems appropriate in the prevailing circumstances may also be granted.

Your Humble Appellant,

Raees Khan
Through Counsel,

Dated: 21.11.2019


Gul Tiaz Khan Marwat,
Advocate High Court,
DIKhan

CERTIFICATE

Certified that it is a first Appeal by the Appellant before this Honourable Tribunal on the subject matter.

Appellant

AFFIDAVIT

I, Raees Khan S/O Juma Khan X-Ray Attendant Rural Health Center Gul Iman Tehsil & District Tank the Appellant do hereby solemnly affirm on oath that all the contents of the Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
Dated Pesh: the, 18/02/2012

A

7

ORDER

No. SOH(LIT-I)12-1317/2011, On the direction of Peshawar High Court D.I Khan Bench vide their decision dated 27/05/2011 in Civil Revision No. 347/2009, the competent authority is pleased to direct the withdrawal of cancellation order dated 01/11/2007 in respect of Mr. Raees Khan Ex-Laboratory Attendant and re-instate him with immediate effect.

SECRETARY HEALTH-

Endst: & date a a

Copy forwarded to:

1. The District Coordination Officer, Tank.
2. The executive District Officer-Health, Tank.
3. The P S to Secretary Health, Khyber Pakhtunkhwa, Peshawar.
4. P.A to Addl. Secretary (E&A), Health Department, Peshawar.

of SECTION OFFICER (LIT-I)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) DISTRICT TANK

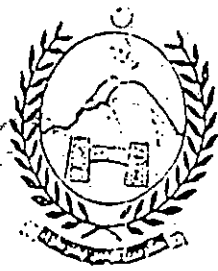
No. 734-3/1

Dated 18/2/2012

Forwarded to the:-

1. District Coordination Officer Tank for information and further necessary action please.
2. PS to Secretary Health, Khyber Pakhtunkhwa, Peshawar
3. Section Officer (Lit-I) w/r to his office order No. SOH(LIT-I)12-1317/2011 dated 18-02-2012.
4. District Accounts Officer Tank

Executive District Officer (Health)
District Tank



CORRIGENDUM
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOH(Lit) 12-1217/2011
DATED PESHAWAR THE 3/3/ 2012

8

To

1. The Distt: Coordination Officer,
Tank.
2. The Executive Distt; Officer (Health),
Tank.

SUBJECT:- ORDER

I am directed to refer to this Department's order of even No. dated 18/2/2012 on the subject note above and to state that the word "Laboratory Attendant may be read with as "X-Ray Attendant" instead of Laboratory Attendant.

Abdul Hamid Marwat
Section Officer (Lit)

Endst No and date even

Copy forwarded to:-

1. The P.S to Secretary Health, Khyber Pakhtunkhwa, Peshawar.
2. P.A to Addl. Secretary (E&A) Health Department, Peshawar.

Section Officer-Lit - 2 -

The District Health Officer,
Tara.

Through: PROPER CHANNEL

Subject: REQUEST FOR PAYMENT OF ARREARS OF PAY/SALARY W.E.F 01-10-2007 TO 31-10-2013

9

Sir, The applicant submits the following few lines for your sympathetic consideration please.

1. That the applicant was appointed as X-ray Attendant in RHC Gul Imam Tehsil & District Tank vide order dated 05-07-2007 and was performing his duties as such when suddenly and abruptly order of the appointment of applicant was cancelled vide order dated 01-11-2007.
2. That the opposite party namely Safulah then launched litigation against the applicant in the Civil Court and the matter then went up to Honorable High Court D.I.Khan Bench where after the matter was referred to the worthy Secretary of Health of KPK who vide order No. SOH/Lit/12-1317-2011 dated 18-02-2012 Circular No. 734 dated 25-02-2012 of EDO Health Tank reinstated the applicant and the applicant is performing the duties till today but the applicant has not been paid the arrears of salary/pay w.e.f 01-11-2007 to 31-10-2013.
3. That the applicant was kept away from service during the intervening period of 01-11-2007 to 25-02-2012, due to wrong & illegal order of the departmental authorities and during this period the applicant remained jobless and has not been gainfully employed while the applicant has also not been paid the pay/salary after reinstatement into service w.e.f 25-02-2012 up to 31-10-2013 irrespective of the fact that pay/salary is vested right of the applicant and is not the bounty of state.

It is, therefore, humbly prayed that the request of the applicant may please be considered for payment of arrears of salary/pay of the applicant w.e.f 01-11-2007 upto 31-10-2013 and as a consequence thereof the arrears of pay/salary may please be paid to the applicant so as to meet the ends of justice and fair play.

The applicant shall pray for your long life and prosperity.

Dated: 15-03-2016

HLC
for report
[Signature]

Your Obedient Servant,

Races Khan
X-ray Attendant
RHC Gul Imam Tehsil & District Tank

Copy forwarded in advance to:

1. The Secretary Health Govt: of KPK Peshawar.
2. The Director General Health Govt: of KPK, Khyber Road Peshawar.



AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

OFFICE OF THE

DHO Tank

FORM PAY02

FOR THE MONTH OF

04 2016

Date

DDO Code

(Cost Center)

TK 0041

Description

RHC Gulshan

Page No

Personnel Number

00669253

Employee Name

Races Khan

National ID Card Number

Grade (Pay Scale Group)

02 X-Ray Attendant

Salary Status

Start

GENERAL DATA CHANGE

CHANGE IN PAYMENTS / DEDUCTIONS

Info Type	Field ID	New Contents	Weight Type	Rupees	Effective Date	Total Adjustment
		pay Release till the Decision of Honourable Court u.c from 07-10-2007 to 30-9-2013	0001-pay	288600	10/07/2013	288600
			1000RA	65520		65520
			1200ACA	69615		69615
			1300MA	55500		55500
			1507RA	3600		3600
		Months	1948RA	133575		133575
			1970RA	31668		31668
			2148RA	16740		16740
			2174RA	7767		7767
		Grand Total		672585		672585
		(-) 6th pd		25560		25560
		(-) 8th pd		1800		1800
		(-) A 6th pd		216		216
		(-) 6th pd		4176		4176
		Grand Total		640833		640833

Prepared By

Entered/Checked By

4176

Entered/Checked By

4176

پیشہ ورانہ ادارہ پبلک ہیلتھ سروسز مارکیٹ ٹانک

2640833/-

Secretary
 District Hospital
 Tank



OFFICE OF THE DISTRICT
HEALTH OFFICER, DISTRICT TANK

Phone: 0963-510755

Fax: 0963-510755



To No. 1773 E-7 dated 19/04/2017

The Director General Health Services,
Khyber Pakhtunkhwa.

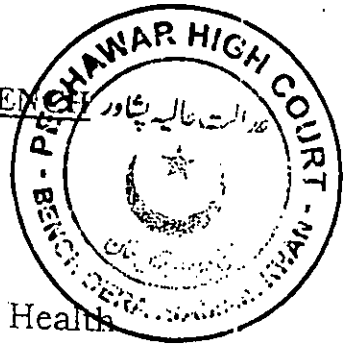
Subject:- APPLICATION

R/ Madam,

Enclosed please find herewith an application in respect of Mr. Raees Khan X-Ray attendant B-1 RHC Gul Imam with the remarks that Mr. Raees Khan appointed as X-Ray attendant B-2 at RHC Gul Imam by DCO Tank letter No. 2530 dated 05/07/2007 & drawn pay, for the month of July, Aug, September, 2007. then terminated by DCO Tank vide office order No. 4262/GB dated 01/11/2007 & Mr. Saifullah was appointed as X-Ray attendant B-2 at RHC Gul Imam & drawn pay w.e.f Nov, 2007 to 2013. then Mr. Raees Khan was re-instated by Health Department vide office order SOH/11/12-1317/2011 dated 18/02/2012 & pay drawn till date. Now he is requested for arrear for the break period & report is hereby submitted for your kind perusal & further necessary action please.


DISTRICT HEALTH OFFICER
DISTRICT TANK

I E
BEFORE THE PESHAWAR HIGH COURT DIKHAN BENCH



W.P No _____ 2018

Raes Khan S/O Juma Khan X-Ray Attendant Rural Health
Center Gul Iman Tehsil & District Tank

..... Petitioner

12

VERSUS

1. Government of KPK through Chief Secretary Civil Secretariat Peshawar.
2. The Secretary Health Department Govt: of KPK Civil Secretariat Peshawar.
3. The Director General Health Services Govt: of KPK Peshawar.
4. The Accountant General KPK Peshawar.
5. The District Health Officer Tank.
6. The District Accounts Officer Tank. Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
1973 CONTAINING THE REQUEST FOR ISSUANCE OF
WRIT TO DECLARE THE ACTION OF WITH HOLDING /
NON-PAYMENT OF ARREARS OF SALARY / PAY TO THE
PETITIONER WITH EFFECT FROM 01.10.2007 TO
30.09.2013 TO THE PETITIONER TO BE ARBITRARY,
MALAFIDE, VOID AB-INITIO, WITHOUT LAWFUL
AUTHORITY, WITHOUT JURISDICTION AND OF NO
LEGAL EFFECTS QUA THE RIGHTS OF PETITIONER.

Respectfully Sheweth,

- guz
1. That the addresses of the parties given above are sufficient for the purpose of the service of parties.

ATTESTED
14-11-18
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

2. That the petitioner was appointed as X-Ray Attendant in RHC Gul Imam Tehsil & District Tank vide order dated 05.07.2007 and was performing his duties as such when suddenly and abruptly order of appointment of Petitioner was cancelled vide order dated 01.11.2007 and one another person namely Saif Ullah was appointed.
3. That the order of appointment of aforesaid Saifullah was cancelled and Petitioner was reinstated into service and then launched litigation against the Petitioner in Civil Courts of the District and the matter then went up to the this Honourable Court where after the matter was referred to the Secretary Health KPK for decision.
4. That the worthy Secretary Health of KPK has been pleased to reinstate the petitioner vide office order No. SOH(Lit.1)/ 12-1317/2011 dated 18.02.2012. Copy of order is enclosed as Annexure "A".
5. That after the reinstatement into service, the petitioner took over the charge of the post and submitted an application to the DHO Tank on 15.03.2016 containing the request for payment of arrears of salaries/ pay to the petitioner with effect from 01.10.2007 to 30.10.2013. Copy of application is enclosed as Annexure "B"

Qureshi

ATTESTED
[Signature]
 EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan

- 6. That after the submission of the above noted application, calculation of the arrears of pay / salary with effect from 01.10.2007 to 30.09.2013 was done where after the case was forwarded to the DG Health KPK vide No. 1773/E-7 dated 19.04.2017. Copies of Proforma and letter of DHO Tank are enclosed as Annexure "C &D" respectively.
- 7. That sufficient long time / period has been expired but no action in respect of payment of arrears of pay/ salary has been taken upon the letter of the DHQ Tank vide which Application of the Petitioner for payment of arrears of pay/ salary has been endorsed.
- 8. That feeling aggrieved from the impugned actions/ inactions of non-payment of arrears of pay/salary by the office of respondents collectively and individually and having no other speedy remedy, the petitioner seeks the indulgence of this Honourable Court under its constitutional Jurisdiction inter alia on the following grounds.

GROUND:-

A. That the impugned actions / inactions of Respondents of non-payment of arrears of pay/ salaries with effect from 01.10.2007 to 30.09.2013 to the petitioner is against law, arbitrary, Malafide void abinitio, without lawful authority, without

Jan 2

ATTESTED
cent
 EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan

Jurisdiction and of no legal effect qua the rights of petitioner.

15

- B. That the impugned action / inaction of non-payment of arrears of pay/ salary to the petitioner on the eve of reinstatement into service is against the fundamental rights guaranteed under the constitution.
- C. That the impugned action / inaction of nonpayment of arrears of pay/salary to the petitioner on the eve of reinstatement into service is also against the provisions of fundamental rights guaranteed under Constitution of Islamic Republic of Pakistan as not only the petitioner has been deprived of his vested rights of property and life but his entire family members who are the dependants upon the petitioner have been deprived of last piece of morsel.
- D. That the impugned action / inaction of the office of DG Health Services KPK not to dispose off the application of the Petitioner for the grant of arrears of pay / salary is against the provisions of General Clauses Act as well as the law laid down by the August Supreme Court of Pakistan.
- E. That counsel for the petitioner may please be allowed to raise additional ground during the course of arguments.

Jan

ATTESTED
 EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan

In view of submission made above, it is, therefore, humbly prayed that on acceptance this writ petition, this Honourable Court may very graciously be pleased to issue a writ directing the respondents to pay the arrears of pay / salary to Petitioner with effect from 01.10.2007 to 30.09.2013.

16

Any other relief deems appropriate in the prevailing circumstances may also be granted.

Your Humble Petitioner,

Raees Khan
Through Counsel,



Gul Tiaz Khan Marwat,
Advocate High Court,
DIKhan

Dated: 18 .01.2018

CERTIFICATE

Certified that it is a first petition by the petitioner before this Honourable Court on the subject matter.

Petitioner



List of Books:

- 1. Constitution of Pakistan.
- 2. F.R & SR.
- 3. General Clauses Act.
- 4. Judgments on the point.

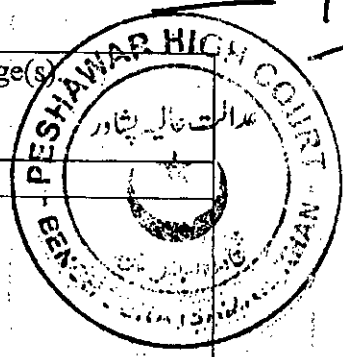
ATTESTED
14-11-29
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

F
17

Date of Order or proceedings (1)	Order or other proceedings with signature of Judge(s) (2)
17.6.2019	<p><u>W.P No.70-D/2018 with C.M No.83-D & 983-D/2018</u></p> <p><u>Present:</u> Mr. Gul Tiaz Khan Marwat, Advocate for the petitioner.</p> <p>Asstt. A.G for respondents. ***</p> <p><u>SHAKEEL AHMAD, J.-</u> After arguing the case at some length, learned counsel for the petitioner referred letter bearing No. 1773/E-7 dated 19.4.2017 addressed by respondent No. 5 to respondent No. 3 and stated at the bar that since then, no order has been passed by the respondent No. 3 in view of above letter and prayed that the respondent No.3 be directed to decide the fate of arrears of the petitioner.</p> <p>2. In view of above, the respondent No.3 is directed to decide the matter of arrears of petitioner for the break-up period strictly in accordance with law within a period of 60 days.</p> <p>3. This writ petition is disposed of in above terms.</p> <p><i>Announced</i> <i>Dt. 17.6.2019</i></p> <p align="right"><i>1/11/19</i> JUDGE</p> <p align="right"><i>[Signature]</i> JUDGE</p> <p>(D.B) Hon'ble Mr. Justice S.M Attique Shah Hon'ble Mr. Justice Shakeel Ahmad</p>



Hasnain
19/6

Hasnain

Certified to be true Copy
[Signature]
EXAMINOR
14-11-19
Peshawar High Court Bench D.I. Khan
Authorized Under Section 10 of the
Qanoon-a-Shahadat Act

G.R.No. **5197**
Application received on **14-11-19**
Copying Fee deposited Rs. _____
No of Papers **26 pages**
Copying Fee **24**
Urgent Fee _____
Total Fee **24**
Copy ready for delivery **14-11-19**
Copy delivered on **14-11-19**
Signature of Examiner: _____

To

The Director General,
Health Services
Govt. of KPK, Peshawar.

Subject:

**REQUEST FOR IMPLEMENTATION OF
JUDGMENT/ ORDER DATED 17.06.2019 OF
HONOURABLE PESHAWAR HIGH COURT
D.I.KHAN BENCH PASSED IN W.P NO. 70-
D/2018.**

Sir,

The Applicant submits the following few lines for your sympathetic consideration please:-

- (1) That the Applicant filed a writ petition No. 70-D/2018 titled as "Raees Khan V/S Govt. of KPK and others" in the Peshawar High Court D.I.Khan Bench for payment of arrears of salary/ pay forwarded by the DHO Tank vide letter bearing No. 1773/E-7 dated 19.04.2017.
- (2) That the Writ Petition came up for hearing before the Honourable High Court on 17.06.2019 and the Honourable High Court was pleased to observe that the matter of arrears of Applicant for the breakup period already forwarded vide letter bearing No. 1773/E-7 dated 19.04.2017 be decided in accordance with law within a period of 60 days. Copy of order enclosed for kind perusal.
- (3) That the order of the Honourable High Court has already been conveyed to your good self office by the Additional Registrar of the Bench.

In view of the above submission, it is therefore, humbly prayed that the subject cited judgment/ order of the Honourable High Court may please be implemented in letter and spirit and the applicant may please be paid the arrears of breakup period as already recommended by the DHO Tank so as to meet the ends of justice.

Dated: 24/07/2019

Your Humble Applicant

Raees Khan
X-Ray Attendant
R.H.C Gul Imam,
Tehsil & Distt. Tank.

19

No. 1157

RGL19624049

For Insurance Notices see reverse Rs. Ps.
Stamps affixed except in case of
insured letters of not more than
the initial weight prescribed at the
Post Office (inside or on) which no
acknowledgement is due

Received a registered*
addressed to

Stamp

Initials of Receiving Officer

Write here "letter", "packet" or "parcel"
with the word "insured" before when necessary.

Insured for Rs. (in figures)

(in words)

If insured

Insurance fee Rs.

Name and
address
of sender

Weight
(in words)

Stamps

29/18

H

TO WHOM IT MAY CONCERN

20

Certified that Mr. Raees Khan S/O Juma Khan resident of Village Gul Imam Tehsil & District Tank is performing his duties as X-Ray Attendant in R.H.C Gul Imam w.e.f 28/02/2012 till today as per Order No. SOH(Lit.I)12-1317/2011 dated 18/02/2012 and DCO Letter No.1178/F.P(Health) dated 28/02/2012.

Raees Khan
28/2/12

INCHARGE
R.H.C GUL IMAM (TANK).

Comdr Signature

[Signature]
Executive District Officer
Health) District Tank

جناب ای ڈی او سید صاحب مدد احوال
 بوساطت - ایچ ایم سی R.H.C
 مستعد اس :- تنخواہ کی ادائیگی

21
 J

حنا علی
 الہ آبادی - کنہ بھولہ صوبی فرسٹ ڈیپارٹمنٹ 12-13/17/2011 (12/17/2011) 18/2/12
 اور Dec 11 178/۴۲ Health TNK مورخہ 28/12/12

END# بندہ (E.D.O.H) صوبی پلازہ E-17-13-1013 مورخہ 28/12/12
 "D tank" R.H.C کے نام میں جاری
 تاریخ 28.2.12 بحال رکھا جوں سے جوں کھاجا جائے
 کہ شہری قسمت بحال ہے اپنی تنخواہ سے محروم رکھا جائے

جس کی وجہ کم از کم بھی نامعلوم ہے۔ حالانکہ سچے بوش رہا اور کھانا
 منگوانی نے بالکل عدم مشاہدگی نوٹ رکھنے پر بھی زبردستی اجیرنا کر دی
 بلکہ نوکرت گھر میں رہنے کے واسطے یہ معلوم نہیں۔ میں اپنے
 زیر انتہائی ظلم کا سہرا کس کے سہرا پر چھوڑ دوں۔
 لھذا سوچناہ اس ہے۔

کہ خدا را میری تنخواہ جلد از حد و انگزار فرمائیں اور احقر کی دعائیں
 درصدا فرمائیں۔ دعا گو رہوں گا۔ فقط - 5/2/12

الحار ص

عزیز خان

Ex RAY ATTENDANT

R.H.C - 4 م

D.H. - 5

Recommended
 & Forwarded
 to D.H. Tank
 for necessary
 Action please
 The person is
 working in hospital
 محمد

خدمت حساب DHO صاحب ٹانگہ
کوساٹ حساب ایچ آر سی RHC صاحب ٹانگہ

K
22

عنوان بہ تفصیلاً کی ادائیگی

ضابطہ 1

گورنمنٹ ہسپتال ڈیپارٹمنٹ 2011 (1317-12-1) (سول) SOH
گورنمنٹ ہسپتال ڈیپارٹمنٹ 28⁰² / 1178 / F.P. (Health)
گورنمنٹ ڈسٹرکٹ اور ڈیوٹی ڈسٹرکٹ 28⁰² / 12
ENDT (H) ڈسٹرکٹ ڈیپارٹمنٹ 7 / F-17 / 1013 گورنمنٹ 28⁰² / 12
بذریعہ اپنے ہمدرد X-RAY ڈسٹرکٹ RHC صاحب ٹانگہ
میں چارج تیار 12-02-2011 سے تاحال مجھے اپنی تنخواہ سے محروم رکھا جا رہا ہے۔

خواب والا کہیں نہ قسمی سے تاحال مجھے اپنی تنخواہ سے محروم رکھا جا رہا ہے
سائل ایک غریب مال بچے دور شخص ہے۔ سائل صحت مند اور لاچار
ہے۔ اور بنیاداً کھنکھہہ زندگی گزار رہے ہیں اور بنیاداً ہی
کسب کی زندگی گزار رہا ہے۔ اللہ کے حق میں فرمائے جاوے۔

سائل کی زندگی اور شوق سے ڈیوٹی کر رہا ہے۔
اپنی تنخواہ دینے کے لیے صدمہ و زحمت سہارا سہارا سہارا کو 28⁰² / 12 سے
مال بچے تاحیات حساب اور حساب تاحال اور مال بچوں کو دیکھیں دیکھیں
حساب کی میں فراہم ہیں۔

سائل ریٹائرمنٹ X-RAY ڈسٹرکٹ RHC صاحب ٹانگہ

Forwarded to
DHO Tank for
necessary action
DHO Tank



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal.No.1581/2019

Raees khan

Versus

Govt. of KPK etc:

REPLY ON BEHALF OF RESPONDENTS

RESPECTFULLY SHEWETH:

1. That the appellant has got no cause of action and locus standi to file instant appeal
2. That the appeal is not maintainable in the present form and incompetent in the eyes of law.
3. That the appellant is estopped due to his own conduct to file this appeal.
4. That the appellant does not come to this Tribunal with clean hands and has suppressed all relevant facts.
5. That the appeal is bad for misjoinder of unnecessary and non-joinder of necessary parties.
6. That the appeal is badly time barred.
7. That the Honorable Service Tribunal has no jurisdiction to adjudicate the matter.

ON FACTS:

1. No comments.
2. Para No:2 of the service appeal is correct to the extent that his appointment order was cancelled by Respondent No 4 and the appointment order of another person namely Saifullah was appointed on the same post.
3. Pertains to record however the respondents implemented judgment of the honorable court by reinstating the appellant into service vide order dated 18/02/2012 with immediate effect which has not been challenged by the appellant at any forum hence not entitled for any relief.

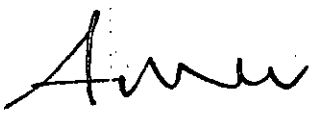
12. Incorrect, the appellant is not an aggrieved person hence he has no rights to invoke the jurisdiction of this Honorable Tribunal by filling the instant service appeal therefore liable to be dismissed in limini.

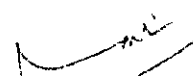
GROUND


- A) That all the actions of respondents are just legal under prescribed law and policy and no discrimination was made on the part of answering respondent, as the appellant has not performed any duties so, no back benefits can be given to the appellant.
- B) The reply submitted through above Paras, hence no comments.
- C) Incorrect and denied. The appellant is not entitled for payment of back benefits of termination period under the prescribed rules and regulations.
- D) As replied above.
- E) The respondents may also be allowed to raise additional grounds at the time of arguments.

Prayer

It is therefore, most humbly prayed that on acceptance of this reply, this Honorable Tribunal may very graciously be please to dismiss the service appeal of the appellant with costs throughout.


Secretary Health Department
Govt. of KPK, Peshawar(Respdt:1)


Director General Health
Services Peshawar(Respdt:2)


District Health Officer
District Tank(Respdt:NO:4)

4. In reply to Para No.4 of the appeal it is submitted that the appellant has been reinstated in service with immediate effect on 18.02.2012, hence the appellant is not entitled for any kind of back benefits.
5. In reply to Para No.5 of the appeal it is submitted that during termination period of the appellant with effect from 01.07.2007 to 18.02.2012 one Mr. Saifullah X-Ray attendant was employed for duty on the vacant post of appellant with payment of salary regularly till 17.02.2012 as the appellant has not performed any duty during the intervening period further he was reinstated with immediate effect hence he is not entitled any benefits of the intervening period.
6. Incorrect. Not admitted. The appellant drafted a bogus source form from an unknown private person and attached the same with the instant service appeal is totally baseless and fabricated, because no official record of the same is available in the office of the answering respondent.
7. Incorrect. Denied. The appellant does not entitled for any back benefits under the law for the period of termination of the appellant i.e. with effect from 01.07.2007 to 18.02.2012.
8. This Para is incorrect. Issue of arrears of appellant for the break up period is not genuine, because the appellant was terminated from service in break up period hence the appellant does not entitled for the same under the law.
9. This Para is incorrect the appellant does not entitle for the arrears under the law and rules of business of Government service because the payment made only for work done.
10. As replied vide para NO:9 of above.
11. In correct and misleading, actual position has already been explained in para 8 & 9 of above.

"B"

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

No.

Appeal No..... of 20 TB

1581

Appellant/Petitioner

Raza Khan Versus

Respondent

The Secy. Health Respondent No. 4

Notice to: —

The Distt. Health Officer Tank.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case ~~may be postponed~~ either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

March

20

at Camp Court D.I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

TB

No.

Appeal No. 1581 of 2019

Raeed Khan

Appellant/Petitioner

Versus

The Secy. Health KPH Peshawar

Respondent

Respondent No. 5

Notice to: —

The Distt. Accounts Officer Tank.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 25-3-2020 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of March 2020

at Camp Court D.I. Khan

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. 19

No.

Raees Khan

Appeal No. of 20

The Secy. Health Deptt. Govt. of Pk Appellant/Petitioner

Versus

I

The Secy. Health Deptt. Govt. of Pk Respondent
Respondent No.

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at **8.00 A.M.** If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you ^{vide} this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of *1st Camp Court D. 1. Khan* 20

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

713

No.

Appeal No..... 1581 of 20 19

Races Khan

Appellant/Petitioner

Versus

The Secy. Health K.P.K

Respondent

Respondent No.....

The Director General Health Services
Govt. of K.P.K Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 23-5-2019 at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No..... dated.....

4/16

Given under my hand and the seal of this Court, at Peshawar this.....
Day of..... March 20 20

at Camp Court D.I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"A"

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

No.

APPEAL No..... of 20

1581

19

TB

Raees Khan

Appellant/Petitioner

Versus

Seyf Health Institute Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

at Camp Court

*Gul Tiaz Khan Marwat
Advocate High Court
D.I. Khan*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

29-10-20 9:00 AM

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 Camp Court D.I. Khan.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

TB

No.

APPEAL No.....1581..... of 20 19

Races Khan

Appellant/Petitioner

Versus

Secy: Health 15P/16 Pesh:

RESPONDENT(S)

Notice to Appellant/Petitioner

Races Khan S/o Juma Khan
Ex-Ray attendant Rural Health
center Gul Imran Tehsil 2 Distt. Tank
03431912620

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 29-10-20 at 9:00 AM

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 Camp Court D. 1. Muzam

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

TB

Appeal No.....*1584*..... of 20 *19*

.....*Races Khan*.....Appellant/Petitioner

Versus

.....*The Socy Health V.P. Pesh*.....Respondent

Respondent No.....*6*.....

Notice to: —

The Distt. Health officer, Tank.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*29-10-20*.....at **8.00 A.M.** If you wish to urge anything against the appellan/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*7th*.....

Day of.....*Oct.*.....20 *20*

at Camp Court D.I. Khan

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

TB

No.

Appeal No.....1581..... of 20 19

Races Khan.....Appellant/Petitioner

Versus

The Secy, Health Dept.....Respondent

Respondent No.....5.....

Notice to: —

The Distt. Accounts officer Tank.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....29-10-20.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....7/10.....

Day of.....Oct.....20 20

at Camp Court D.I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

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

No.

13

Appeal No. 1581 of 20 19

Raes Khan Appellant/Petitioner

Versus

The Secy. Health MPTC Pesh. Respondent

Respondent No. 2

Notice to:

The Director General Health Govt. of
MPTC Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 29-10-20 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 7/11.....

Day of oct.....20 20

at Camp Court D.I. Khan

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

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

No.

TB

Appeal No.....1581..... of 20 19

.....Races Khan.....Appellant/Petitioner

Versus

.....Sery: Health & P.H.C. Pesh......Respondent

Respondent No.:.....3.....

Notice to: — The Accountant General Genl. of P.H.C. Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....29/10/20.....at 8.00 A.M. If you wish to urge anything against the appellat/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....7/11.....

Day of.....Oct......2020

at Camp Court D. 1. Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

TB

No.

Appeal No. 1581 of 2019

Raza Khan

Appellant/Petitioner

Sey: Health Dept. Pesh.

Versus

Respondent

Respondent No.

Distt. Accounts officer, Tank.

Notice to:

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 23-5-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

5/16

Given under my hand and the seal of this Court, at Peshawar this

Day of March 21 2021

at Camp Court D.I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1 The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2 Always quote Case No. While making any correspondence.

Regg

“B”

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

No.

Appeal No.....1581..... of 20 19.

.....B. Raees Khan.....Appellant/Petitioner

Versus

.....The Secretary health Dept. Govt. of K.P.K..... Respondent
Civil Secretariat Peshawar

Respondent No.....5.....

Notice to: — The District Accounts Officer Tank.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....23-11-2021.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....14th.....

Day of.....October.....20 21.

(At Camp Court D.I. Khan)

for Eulchan Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.