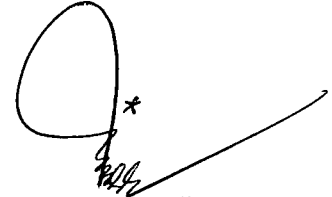


18.08.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Gul Nabi, Audit Officer and Mr. Safiullah, Focal Person : for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned by way of last chance. To come up for reply/comments on 06.10.2022 before S.B.

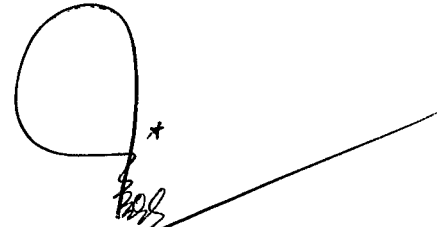


(Mian Muhammad)
Member (E)

06.10.2022

Clerk of counsel for the appellant present. Mr. Adil Shah, Audit Officer for respondent No. 6 alongwith Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Respondent No. 6 submitted written reply/comments which are placed on file and a copy thereof provided to learned counsel for the appellant. Learned AAG requested for further time to contact respondents No. 1 to 5, 7 & 8 for submission of written reply/comments on the next date. Last opportunity is further extended to respondents No. 1 to 5, 7 & 8 for submission of their reply/comments subject to payment of cost of Rs. 2000/-. To come up for written reply/comments of respondents No. 1 to 5, 7 & 8 and cost on 25.11.2022 before S.B.



(Mian Muhammad)
Member (E)

28.06.2022

Learned counsel for the appellant present. Preliminary arguments heard and record perused.

Rs-1000/-
Appellant Deposited
Security & Process Fee

A. J. 01/7/22

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 25.07.2022 before D.B.

(Fareeha Paul)
Member (E)

25.07.2022

Junior to counsel for appellant present.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

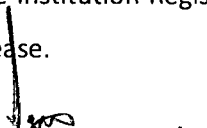

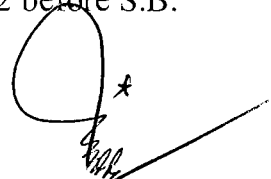
On the preceding date, office was directed to issue notices to the respondents for submission of reply/comments but due to lack of funds, respondents were not put on notice. Therefore, fresh notice be issued to all the respondents for submission of reply/comments. To come up for reply/comments on 18.08.2022 before S.B.

(Rozina Rehman)
Member (J)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 805/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/05/2022	<p>The appeal of Dr. Kashifuddin Khattak resubmitted today by Mr. Hamza Amir Gulab Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/5/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>27-5-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	27.05.2022	<p>Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 28.06.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

The appeal of Dr. Kashif-ud-Din Khattak District Pathologist THQ Hospital Tangi Charsadda received today i.e. on 13.05.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of transfer order dated 31-12-2018 mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of order dated 27.10.2021 mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of minutes of DAC mentioned in para-4 of the memo of appeal are not attached with the appeal which may be placed on it.

No. 1053 /S.T,

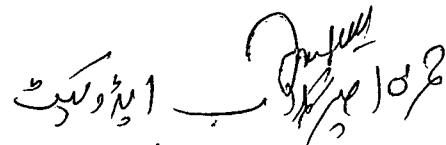
Dt. 16/5 /2022


REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hamza Amir Gulab Adv. Pesh.

Sir, objections removed. order dated 31/12/2018 is at page 10 alongwith better copy. order dated 27/10/2021 is available at page 13 of the Apped. Regarding minutes of DAC meeting it is stated that only extract/page of relevant portion has been annexed and rest of all minutes of meeting are not available. It is requested that the case be placed before Hon'ble tribunal.


18/8/2022.

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 805 /2022

Dr. Kashif Uddin Khattak

.....Appellant

V E R S U S

Secretary Health Department, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of parties		8
4.	Copy of Transfer Order dated 5.06.2017	A	9
5.	Copy of Transfer Order and Order for additional duty	B and C	10-11
6.	Copy of impugned Reference Letter NO. 19930-31 dated 3.12.2021 and SOB-1/HD/4-23/DAC/2016-17/18-19 dated 27.10.2021 and extract of DAC meeting	D to F	12-14
7.	Copy of Departmental Appeal	G	15-17
8.	Copy of Extract of Stock register	H	18-19
9.	Wakalatnama		20



Appellant

Through



Hamza Amir Gulab

Advocate

High Court Peshawar

Dated 13.05.2022

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2022

Dr. Kashif Uddin Khattak,
District Pathologist,
THQ Hospital Tangi, Charsadda

.....Appellant

V E R S U S

1. Secretary Health Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director General Health Service, Government of Khyber Pakhtunkhwa, Health Directorate, Peshawar
3. Director (HRM) Directorate General Health Services Khyber Pakhtunkhwa Peshawar
4. Section - Officer (Budget-I) Government of Khyber Pakhtunkhwa Health Department Peshawar
5. Deputy Director (Accounts) DG Health Office Khyber Pakhtunkhwa Peshawar
6. Director General Audit Khyber Pakhtunkhwa Peshawar.
7. District Health Officer Charsadda
8. Medical Superintendent Molvi Ameer Shah Memorial Hospital Peshawar

.....Respondents

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE STOPPAGE OF SALARY OF APPELLANT ON THE DIRECTION/REQUEST OF RESPONDENT NO 4 AND 5 UPON DAC MEETING HELD ON 29TH AND 30TH JULY 2021 VIDE IMPUGNED REFERENCE LETTER NO. 19930-31 DATED 3.12.2021 AND SOB-1/HD/4-23/DAC/2016-17/18-19 DATED 27. 10.2021 TO RESPONDENT NO 2, AND OF APPELLATE AUTHORITY WHEREBY HE DID NOT RESPOND TO DEPARTMENTAL APPEAL/ REPRESENTATION OF THE APPELLANT

Prayer

By accepting this appeal, salary of the Appellant which was stopped on the basis of DAC meeting since December 2021 may graciously be released or Any other Order this Honourable Court may deem just and proper be also passed in favour of Appellant.

Respectfully Sheweth:

1. That the Appellant was transferred and posted as District Specialist Pathology (BS-18) at Molvi Ameer Shah Memorial Hospital Peshawar on 5.06.2017.

Copy of Transfer order is annexed as Annexure A.

2. That the Appellant was performing his duty with zeal, honesty and enthusiasm and thereafter on 31.12.2018 was transferred to Tangi Charsadda as District Pathologist where he is still serving. During his services at Tangi Hospital, Appellant was assigned the duty of MS of the Hospital.

Copy of Transfer Order dated 31.12.2018 and order for additional duty dated 22.01.2019 is annexure B and C

3. That Appellant was performing his services, all of a sudden in December 2021 the salary of the Appellant was stopped without any notice or reason.
4. That the Appellant inquired about the said stoppage whereby he was informed that his salary was stopped due to the DAC meeting held on 28th and 30th July 2021 and upon which Respondent No 4 and 5 vide impugned Reference Letter NO. 19930-31 dated 3.12.2021 and SOB-1/HD/4-23/DAC/2016-17/18-19 dated 27. 10.2021 addressed to Respondent No 2 on account of unverified/unauthorized receipt on account of Pathology Department worth Rs 1.651 million and the salary be stopped till the safe return of mentioned record, during the Performance of duty at Molvi Ameer Shah Memorial Hospital Peshawar

Copy of impugned Reference Letter NO. 19930-31 dated 3.12.2021 and SOB-1/HD/4-23/DAC/2016-17/18-19 dated 27. 10.2021 and extract of DAC meeting is annexed as Annexure D to F

5. That it pertinent to mention here that no intimation or notice has been served upon to the Appellant before or after the DAC meeting.
6. That the Appellant submitted Departmental Appeal/Representation to Respondent No. 1 but till date the same has not been responded so far.

(Copy of the departmental appeal/representation is attached as annexure "G").

7. That the appellant after exhausting the departmental remedy and waiting for statutory period i.e. ninety 90 days is preferring the instant service appeal before this Hon'ble Court for on the following grounds:

GRUNDS:-

- A. That the impugned order of stoppage of salary has been passed without any regular inquiry, therefore the same has no legal footing to stand upon.
- B. That illegality, malafide of Respondents is palpable on the record, the salary/pay of Appellant cannot be stopped in presence of performance of duties, as the Appellant is still serving at THQ Hospital Tangi.

- C. That show cause notice, no opportunity of hearing has been provided to appellant before passing of impugned order/proceedings.
- D. That impugned order of Respondents to stop the salary of Appellant is void ab-initio, illegal, void, malafide, against natural justice and Constitution of Islamic Republic of Pakistan.
- E. That the Appellant reside at Peshawar with his family and performing his duties at Tehsil Tangi District Charsadda without salary since December 2021, hence Appellant had used all his assets for his survival.
- F. That the taking over and handing over of all the charge in stock registers and other relevant records of official importance was given up in custody of the signatory supervisors who received and signed all the record handing over.

Copy of extract of Stock register is annexed as Annexure H

- G. That Respondent No 8 is responsible for the supervision of records but malafidely dragged the Appellant in the instant case just to escape from his own liability and shifted the entire burden upon the Appellant.

- H. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore most humbly prayed that by accepting this appeal, salary of the Appellant which was stopped on the basis of DAC meeting since December 2021 may graciously be released or Any other Order this Honourable Court may deem just and proper be also passed in favour of Appellant.



Appellant

Through



Hamza Amir Gulab

Advocate

High Court Peshawar

Dated 13.05.2022

CERTIFICATE:

It is certify that no such Appeal in the instant case has earlier been filed before this Hon'ble Tribunal.



**ADVOCATE
DEPONENT**

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

Service Appeal No. _____/2022

Dr. Kashif Uddin Khattak

.....Appellant

V E R S U S

Secretary Health Department, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & others.....Respondents

A F F I D A V I T

I, Dr. Kashif Uddin Khattak, District Pathologist, THQ Hospital Tangi, Charsadda, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Identified by



Hamza Amir Gulab
Advocate

DEPONENT

CNIC#: 17301-9242162-5

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2022

Dr. Kashif Uddin KhattakAppellant

V E R S U S

Secretary Health Department, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar & others.....Respondents

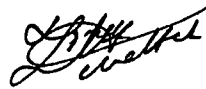
ADDRESSES OF PARTIES

A P P E L L A N T:

Dr. Kashif Uddin Khattak, District Pathologist, THQ Hospital Tangi,
Charsadda

R E S P O N D E N T S

1. Secretary Health Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director General Health Service, Government of Khyber Pakhtunkhwa, Health Directorate, Peshawar
3. Director (HRM) Directorate General Health Services Khyber Pakhtunkhwa Peshawar
4. Section Officer (Budget-I) Government of Khyber Pakhtunkhwa Health Department Peshawar
5. Deputy Director (Accounts) DG Health Office Khyber Pakhtunkhwa Peshawar
6. Director General Audit Khyber Pakhtunkhwa Peshawar.
7. District Health Officer Charsadda
8. Medical Superintendent Molvi Ameer Shah Memorial Hospital Peshawar



Appellant

Through



Hamza Amir Gulab

Advocate

Dated 13.05.2022

High Court Peshawar

Annexure - A

①



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Pesh: the 5th June 2017

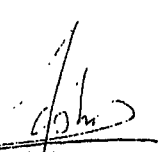
NOTIFICATION

No. SOH-I/HD/3-1058/2016 Dr. Kashif-ud-Din Khattak, District Specialist Pathology (BS-18), DHQH Swabi is hereby transferred and posted against the vacant post of District Specialist Pathology (BS-18) at Molvi Ameer Shah Memorial Hospital Peshawar with immediate effect.

SECRETARY HEALTH

For info and date even

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Accountant General, Khyber Pakhtunkhwa Peshawar.
3. Medical Supdt; DHQH Swabi.
4. Medical Supdt; Molvi Ameer Shah Memorial Hospital Peshawar.
5. Distt. Accounts Officer, Swabi.
6. Doctor concerned.
7. Personal file of the doctor concerned.


(Tasleem Khan)
Section Officer-I

esr

Asst



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 31st December, 2018

NOTIFICATION:

No. SOH-I/HD/3-8/2018:

The Competent Authority is pleased to order the posting/transfers of the following doctors with immediate effect, in the public interest:-

S No	Name of doctor	From	To
1	Dr. Kashif Ud Din Khattak District Pathologist (BS-18)	Molvi Ameer Shah Memorial Hospital Peshawar	THQ Hospital Tangi Charsadda (Vice No-3)
2	Dr. Azhar Yaqoob District Pathologist (BS-18)	Molvi Ameer Shah Memorial Hospital Peshawar (Drawing salary against the post of SMO (BS-18))	Molvi Ameer Shah Memorial Hospital (Vice No-1)
3	Dr. Avesha Saldar District Pathologist (BS-18)	THQ Hospital Tangi Charsadda	Women & Children Hospital Fata Charsadda against vacant post Pathologist (BS-18)

SECRETARY HEALTH DEPARTMENT

Encls: No & date even

- cc
- 1 Accountant General Khyber Pakhtunkhwa
 - 2 Director General Health Services Khyber Pakhtunkhwa
 - 3 District Health Officer Charsadda
 - 4 Medical Superintendent Molvi Ameer Shah Memorial Hospital Peshawar
 - 5 Medical Superintendent Women & Children Hospital Rajjar Charsadda
 - 6 Medical Superintendent / Incharge Hospital Tangi Charsadda
 - 7 District Accounts Officer Charsadda
 - 8 Doctors concerned
 - 9 Personal file of the doctors concerned

Section Officer (E)

Annex - B

LEGIBLE COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

(10)

Dated Pesh the 31st December 2018

NOTIFICATION:

No. SOH-I/HD/3-8/2018: The Competent Authority is pleased to Order the posting / transfers of the following doctors with immediate effect in the public interest:-

S No	Name of Doctor	From	To
1.	Dr Kashi fud Din Khattak District Pathologist (BS-18)	Molvi Ameer Shah Memorial Hospital Peshawar	THQ Hospital Tangi Charsadda (Vice No-3)
2.	Dr Azhar Yaqoob District pathology (BS-18)	Molvi Ameer Shah Memorial Hospital Peshawar (Drawing Salary against the post of SMO. (BS-18)	Molvi Ameer Shah Memorial Hospital (vice No 1)
3.	Dr Ayesha Safdar District Pathologist (BS-18)	THQ Hospital Tangi Charsadda	Women & Children Hospital Rajjar Charsadda against the vacant post of pathologist (BS-18)

SECRETARY HEALTH DEPARTMENT

Endst No & date even

Cc:

1. Accountant General Khyber Pakhtunkhwa
2. Director General Health Services Khyber Pakhtunkhwa
3. District Health Officer Charsadda
4. Medical Superintendent Molvi Ameer Shah Memorial Hospital Peshawar
5. Medical Superintendent Women & Children Hospital Rajjar Charsadda
6. Medical Superintendent / Incharge THQ Hospital Tangi Charsadda
7. District Accounts Officer Charsadda
8. Doctors concerned
9. Personal file of the doctors concerned.

Section Officer (E)

Annexure - B

11

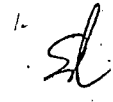


OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

OFFICE ORDER

Consequent upon notification No. SOH(E-V)5-19/2019 Dated 14/01/2019,
The following doctors attached to THQ Hospital Tangi are hereby assigned the
additional duties mentioned against their names in addition to their own duties till
further order.

#	Name	Designation	Additional duties
1	Dr. Kashif uddin Khattak	District Pathologist (BS-18)	MS, Category "C" Hospital Tangi
2	Dr. Muhammad Ayaz	SMO (BS-18)	DMS Category "C" Hospital Tangi

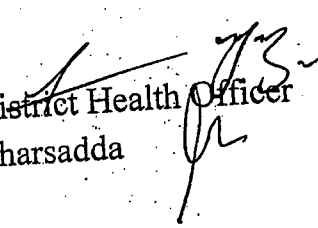

District Health Officer
Charsadda

cc
Juf

Dated 22/01/2019

NO 526-30 /DHO Charsadda
Copy to:

1. Secretary Health Govt of Khyber Pakhtunkhwa, Peshawar
 2. Director General Health Services, Khyber Pakhtunkhwa Peshawar
 3. Deputy Commissioner Charsadda
 4. Mr. Khalid Khan MPA
 5. Doctors Concerned
- For information and compliance.


District Health Officer
Charsadda

Annexure D

(2)



DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA,
PESHAWAR.

E-Mail Address:
khyberpukhtoonkhwadghs@yahoo.com

Office Ph# 091-9210269

All communications should be addressed
to the Director General Health Services

No. 326 /Audit

Dated. 19 /11/ 2021.

To,

✓ The Director (HRM),
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar

CFC
JH

Subject: MINUTES OF THE DAC MEETING HELD ON 28TH & 30TH JULY, 2021.

Enclosed please find herewith a copy of letter No.SOB-I/HD/DAC/2016-17/18-19 dated 27.10.2021 alongwith its enclosures on the subject noted above, regarding stoppage of salary of Dr.Kashifuddin Khattak as per DAC decision, for your information and further necessary action at your end under intimation to this Cell.

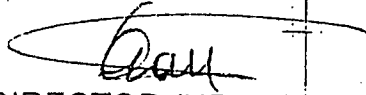
Deputy Director (Accounts)

OFFICE OF THE DIRECTORATE GENERAL HEALTH KPK PESHAWAR

No. 19930-31 /E.I

Dated: 03 /12/2021

Copy of the above is forwarded to the District Health Officer Charsadda
For information & necessary action.


DIRECTOR (HRM) D.G.H.S
KHYBER PAKHTUNKHWA Peshawar

Deputy Director (Accounts) DG Health Office KP, Peshawar for information.

C3/12

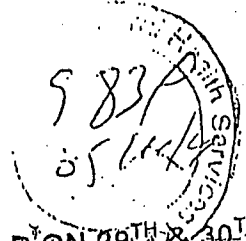


Annexure - E
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT PESHAWAR

Dated 27.10.2021

SOB-I/HD/4-23/DAC/2016-17/18-19

The Director General Health Services,
 Khyber Pakhtunkhwa,
 Peshawar



Handwritten signature and initials

Subject:- MINUTES OF THE DAC MEETING HELD ON 29TH & 30TH JULY 2021.

I am directed to refer to the subject noted above and to forward herewith a copy of minutes of the DAC meeting held on above subject dated.

You are therefore, requested to stop the salary in respect of Dr. Kashifuddin Khattak as per the direction of DAC decision (DAC forum directed that DGHS to stop the salary of Dr. Kashifuddin Khattak till safe return of this mentioned record para stand (Copy enclosed).

Handwritten initials

Yours faithfully,

Handwritten signature

(Muhammad Ibrahim)
 Section Officer (Budget-I)

Encls: As above.

Endst: No & Date Even

Copy forwarded for information to:-

1. The Medical Superintendent, Molvi Ameer Shah Memorial Hospital Peshawar.
2. PS to Secretary to Health Department, Khyber Pakhtunkhwa.
3. PA to Additional Secretary (Dev), Health Department Peshawar.
4. Master file.

Handwritten signature

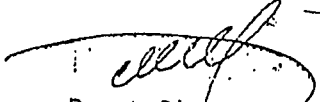
Section Officer (Budget-I)

BFA added Mr. D 1711,

DD (Accounts)

*CFC
 Jany*

06	462	Blockage of public money due to unnecessary purchase of CT SCAN machine worth Rs. 29.500 million.	Para stands for PAC.
07	463	Unauthorized/irregular purchase of items worth Rs. 3.989 million.	Para stands for verification of complete record.
08	464	Irregular drawl on account of purchase medicines worth Rs 910,250/-.	Stock has been exhausted before the expiry dated para is recommended for settlement.
09	465	Unverified/unauthentic receipt on account of pathology department worth Rs. 1.651 million.	The forum directs DGHS to stop the salary of Dr. Kashifuddin Khattak till safe return of this mentioned record. Para Stands.
10	466	Irregular issue of medicine to patients worth Rs. 3.030 million.	DTL has been carried out para recommended for settlement.
11	467	Loss to government due to non deposit of Rs. 4.634 million on account of maintenance and repair charges.	Para stands for verification of record within 30 days.
12	468	Un-authorized payment of non practicing allowance Rs. 1.005 million.	Affidavit is provided. Para recommended for settlement.
13	469	Recurring loss due to non operational of private room Rs.1.080 million.	Para recommended for settlement.
14	470	Loss due to less deposit of OPD/emergency receipt worth Rs. 246,080/-.	Para Stands till verification of record within 30 days.
15	471	Loss to government due to non recovery of income tax from share worth Rs. 257,042/-.	Recovery already made para recommended for settlement.
16	472	Misappropriation of Rs. 321,000/- on account of hospital charges.	Para Stands the DAC forum recommended by fact finding inquiry by the responsibility of secretary health KP office.
17	273	Loss to government due to non recovery of room rent & conveyance allowance worth Rs. 134,400/-.	Para stands till complete recovery.
18	474	Doubtful issuance and utilization of store item worth million of rupees.	Stock has been exhausting para recommended for settlement.
19	475	Unjustified expenditure on account of utility charges due to non rationalized recovery Rs. 11.977 million.	DAC forum directed to MS (MASM Hospital) to install separate electricity & Gas meter to residential area blocks/Hostel and flats under intimated to audit within 3 month.
20	476	Non production of auditable record.	Para stands for verification within 30 days.


 Deputy Director Audit
 O/o Director General Audit
 Khyber Pakhtunkhwa, Peshawar


 Signature

Annexure G

(15)

To, 1. SECRETARY HEALTH, GOVT. OF KHYBER PAKHTUNKHWA.

2. THE DIRECTOR GENERAL HEALTH SERVICES,
Khyber Pakhtunkhwa, Peshawar.

3. ~~Section Officer (B-1)~~

Dairy No. 587
Date 14.1.22
Health Department

(Through Proper Channel)

SUBJECT: DEPARTMENTAL APPEAL AGAINST DECISION OF STOPPAGE OF APPELLANT'S SALARY.

Reference to letter #19930-31, dated 03/12/21 DGHS and SOB 1/HD/4-23/DAC/2016-17/18-19 dated 27/10/21.

Respected Sir,

I, Dr. Kashif Uddin Khattak, District Pathologist, THQ Hospital Tangi, Charsadda, Appellant, submit instant Appeal for your honors sympathetic and benevolent considerations, as under:

1. That, stoppage of my salary, without any intimation or prior notice, is illegal, unlawful, void and ineffective.
2. That, the same is against the principles of Natural Justice, also.
3. That, the decision of the DAC is totally unjustified and the facts have been neglected. No chance have been given to me by the said DAC to clear my stance and position despite my Appeal in the last correspondence to the Competent Authority in which I have stated and narrated my contact details.
4. That, it was incumbent upon the DAC members that they would have arranged a meeting about the issue for open discussion and then taken any such decision in case of unsatisfied result. I was not informed orally or in written by any Competent Authority that my salary is being stopped.

~~Signature~~
put up in file
RS

5. That, no record pertaining to the conclusion of stoppage of salary was ever confronted with me or provided to me from record section of DHO Charsadda.
6. That, the action of stopping the salary of any Government Servant without any proof is illegal. In my case it's just an observation of Audit Office which is usually cleared up by the other officials left behind at the station or the concerned MS which shows their malafides against me.
7. That, it is also against human rights to deprive me of my salary in such case as it is a basic fundamental right. This is not just torturing me but a whole family of old parents, wife and kids.
8. That, I am / was not custodian of any official records rather the Lab Supervisor was in custody of the same.
9. That, it was the responsibility of Lab Supervisor to keep the records updated and in custody for reference when needed because he faces all the audits as a record keeper of every official practice in vogue.
10. That, keeping all track of financial transactions and recoveries is job of accounts section of concerned hospital to collect the receipt daily from all the OPD's and departments like Pathology, Radiology etc.
11. That, when I was handing over the charge to Lab Supervisors, all share registers, cash books, receipts, other registers etc were available in custody of the concerned supervisor.
12. That, taking over and handing over of all the charge in stock registers and other relevant records of official importance was given up in custody of the signatory supervisor who received and signed all the records handing over moreover, no objection or question was raised about anything missing, at the relevant time.

13. That, wrongs done by others could not be attributed to me moreover it has now become crystal clear that all the Staff have teamed up against me as I was the only hurdle in their ways of doing misdeeds.
14. That, as far as the allegation regarding the 03% Lab Maintenance Share, it is brought to your kind notice that all the Maintenance Share was utilized within the laboratory for proper functioning of laboratory machinery.
15. That, Medical Superintendent being the overall authority and custodian of all Government Property, took no interest to keep everything under his control and keep vigilant eye on the affairs.
16. That, if I had taken all the record with me and the same was never handed over to any other employee / incumbent than why the naked eyes of CCTV is not available to substantiate the allegation. It merits mentioning here that in Moulvi Jee Hospital there are 70 to 80 plus functional cameras on all entry and exit points as well as main lobbies.

It is, therefore requested that on acceptance of this Departmental Appeal, my Salary may please be released from the date, it was frozen / stopped, with such other relief as may deem fit in the circumstances of the case may also be granted like NPA allowance, MPhil Allowance may be started from retrograde dates of MPhil degree.

Thanking you

Yours Faithfully

(DR.KASHIF UDDIN KHATTAK)

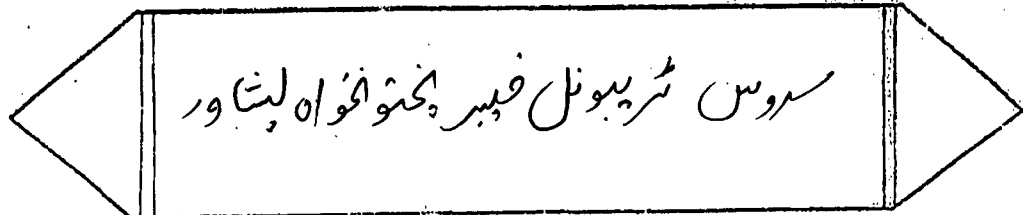
District Pathologist
Cell#0300 5989800

STOCK REGISTER

Name of Articles.....

Date	Quantity	Received from	Cost (Rupees)	Issued	Balance
HANDLED OVER COMPLETE CHARGE					
			01/07/2014		
TAKEN OVER COMPLETE CHARGE					
			01/07/2014		
verified Munir 01-07-2014					
HANDING OVER OF COMPLETE CHARGE BY					
		JAN BASHAIT		JAB	31/12/2015
TAKEN OVER OF COMPLETE CHARGE BY					
		MR. MUSTAJOB KHAN			
Counter Signed By					
<i>[Signature]</i>					

بعدالت



موزخہ
 مقدمہ
 دعویٰ
 رقم

ڈاکٹر کاشف الدین فٹکینام سبڈی، بیلوہ وغیرہ
 2 منجانب

Service Appeal # _____ / 2022

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
 آئن مقام پشاور کیلئے سزہ اللہ قلاب محمد نعمان
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثیت و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
 بہادرت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہولت
 و اخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جہاں التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

کاشف الدین فضل
 کاشف الدین فضل

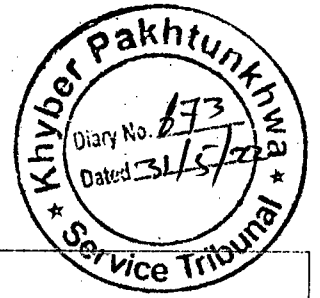
الرقوم 13
 ماہ محی 2022

بمقام پشاور
 واہ الب
 کے لئے منظور ہے۔
 0300 5936155
 17301-81182043
 Bc-14-4722

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

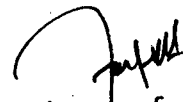
FORM 'A'



To be filled by the Counsel/Applicant

Case Number	805/2022		
Case Title	Dr Kashif ud Din Vs Secretary Health.		
Date of Institution	13/5/2022		
Bench	SB	<input checked="" type="checkbox"/>	DB
Case Status	Fresh	<input checked="" type="checkbox"/>	Pending
Stage	Notice		Reply Argument
Urgency to clearly stated.	Salary of Applicant has been stopped since December 2021		
Nature of the relief sought.	Release of Salary.		
Next date of hearing	28/6/2022		
Alleged Target Date	8/6/2022		
Counsel for	Petitioner	<input checked="" type="checkbox"/>	Respondent In person

R


Signature of counsel/party
 محمد امجد علی

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. 805 -p/2022


Dr. Kashif Uddin Khattak Vs Govt of KPK.

Presented by Hamza Amir on behalf of Appellant. Entered in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	28 27/8/2022
Reason(S) for last adjournment, if any by the Branch Incharge.	Due to Bar Strike.
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	17/6/22


Assistant Registrar

Dr. Kashif Uddin
REGISTRAR
17/6/22

“A”

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

No.

805

SP

APPEAL No..... of 20²².

Dr. Kashif uddin Khattai

Appellant/Petitioner

Versus

Sew Health Deptt: Govt of KP Peshawar

RESPONDENT(S)

Respondent (1)

Sew Health Department Govt

Notice to Appellant/Petitioner

of KP Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18/03/2022 at Peshawar.

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.

For Reply
Copy of appeal is attached

4/8/2022

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

SB

No.

APPEAL No. 805 of 20 22

Dr. Kashif uddin Kattak

Appellant/Petitioner

Versus

Sug Health Deptt: Govt of KPK Peshawar.

RESPONDENT(S)

Respondant (2)

DG Health Services, Govt of

Notice to Appellant/Petitioner

KPK, Health Directorate Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 13/08/2022 at 4:00 PM

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.

For Reply
Copy of appeal
is attached

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“A”

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

No.

APPEAL No. 805 ^{SB} of 20 22

Dr. Kashif uddin Kattak
Appellant/Petitioner

Versus

Secy Health Deptt. Govt of KPK Peshawar
RESPONDENT(S)

Notice to Appellant/Petitioner Respondent (3) Director (HRM) Directorate General Services KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 18/05/2022 at 1.00 PM

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.

For Reply
Copy of appeal is attached

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

"A"

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

SB

No.

APPEAL No. *863* of 20 *22*.

Dr. Kachit Adnan Kattak

Appellant/Petitioner

Versus

Secy Health Dept Govt of KP Peshawar

RESPONDENT(S)

Deputy Director (Accounts)

Notice to Appellant/Petitioner

Secy Health Dept Govt of KP Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *18/08/2022* at *9:30 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.

Copy of appeal is attached

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

805

APPEAL No..... of 20.....

Dr. Kashif Uddin Khan

Appellant/Petitioner

Versus

Soy Health Centre Pvt of KPK Peshawar.

RESPONDENT(S)

Resident (6) Dg Audit KPK Peshawar.

Notice to Appellant/Petitioner

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

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.

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[Handwritten signature]

[Handwritten signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. *805* *Yasir* *vs* *Govt* of 20 *22*

Appellant/Petitioner

Secy Health Deptt ^{Nersus} *Govt of KPK Peshawar.*

Respondent (4) *Section Officer (Budget-1) Govt* **RESPONDENT(S)**

Notice to Appellant/Petitioner *10/10/22 Health department Peshawar*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *17/10/22* 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.

Copy of appeal filed

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

T. Sumra
10/8/22
Received

Before the Service Tribunal, Khyber Pakhtunkhwa, Peshawar

Service Appeal No.805/2022

Dr. Kashif Uddin Khattak

Appellant

Versus

Secretary Health Department KP & others

Respondents

I N D E X

S.No	Description of documents	Annexure	Pages
1	Affidavit		1
2	Reply on behalf of respondent No.6		2



**AUDIT OFFICER
(ADMN)**

Before the Service Tribunal, Khyber Pakhtunkhwa, Peshawar

Service Appeal No.805/2022

Dr. Kashif Uddin Khattak

Appellant

Versus

Secretary Health Department KP & others

Respondents

AFFIDAVIT

I, Mr. Aadil Shah, Audit Officer (BPS-18), office of the Director General Audit Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying reply on behalf of defendant No.6 is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.


DEPONENT
(Aadil Shah)

Audit Officer (BPS-18)

C.N.I.C No.17301-1582056-5

Before the Service Tribunal, Khyber Pakhtunkhwa, Peshawar

Service Appeal No.805/2022

Dr. Kashif Uddin Khattak

Appellant

Versus

Secretary Health Department KP & others

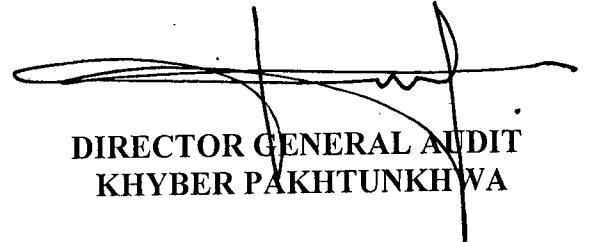
Respondents

Reply on behalf on respondent No.6

Respected Sheweth,

The Advance Para No.465 was discussed in the Departmental Accounts Committee meeting held on 29th & 30th July, 2021 under the chairmanship of Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar being Principal Accounting Officer. The meeting had also a member from this Directorate General Audit. It was decided by the chairman DAC meeting that "the forum directs DGHS to stop the salary of Dr. Kashif Uddin Khattak till safe return of this mentioned record. Para stands". The stoppage of salary of the appellant was decided by the chairman of the DAC meeting i.e. Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar.

Keeping in view of the above mentioned facts it is humbly prayed that the name of Respondent No.6 may kindly be excluded from the array of Respondents.


**DIRECTOR GENERAL AUDIT
KHYBER PAKHTUNKHWA**



Rep-6

**OFFICE OF THE
DIRECTOR GENERAL AUDIT
KHYBER PAKHTUNKHWA
PESHAWAR**

DG Audit: (091)9211306
Dir Audit: (091)9211308
Fax: (091)9222417

No. Admn: Audit/C-118(Court Cases)/50

Dated: 03 /10/2022

OFFICE ORDER

The competent authority has been pleased to nominate Mr. Aadil Shah, Audit Officer (BPS-18) to attend court case hearing in the Honorable Court of Khyber Pakhtunkhwa Service Tribunal, Peshawar on 06-10-2022 in the court case/Service Appeal No.805/2022 titled "Dr. Kashif Uddin Khattak Vs. Secretary Health Department, Government of KP, Peshawar & others.

(This issues with the approval of Director Audit)


ASSISTANT DIRECTOR (ADMN)