

03.10.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

In view of controversy in question, personal appearance of DHO (Dir Lower) before the Tribunal is necessary, therefore, learned District Attorney shall intimate the said respondent for his personal appearance before the Tribunal and to come up for arguments on 04.10.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)  
Member (Judicial)  
Camp Court Swat



(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat

04.10.2022

Appellant alongwith his counsel present. Dr. Mujeeb-ur-Rehman, Deputy DHO alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Vide order dated 03.10.2022, it was directed that DHO (Dir Lower) shall personally appear before the Tribunal on 04.10.2022, however representative of respondents present before the court stated that District Health Officer (Dir Lower) is busy in TCV compliant today and is unable to attend the Tribunal today. Last chance is given to DHO (Dir Lower) to personally appear before the Tribunal on 07.11.2022 before the D.B at Camp Court Swat and to come up for arguments on the date fixed.



(Rozina Rehman)  
Member (J)  
Camp Court Swat

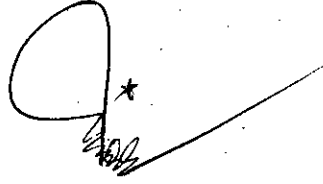


(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

8<sup>th</sup> June, 2022

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

Counsel are on strike. To come up for arguments on  
06.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)  
Member(E)



(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

06.07.2022

Appellant present through counsel.

Noor Zaman Khattak, learned District Attorney for respondents  
present.

Former made a request for adjournment as he has not made  
preparation of the case. Adjourned. To come up for arguments on  
04.08.2022 before D.B at Camp Court, Swat.



(Fareeha Paul)  
Member (E)  
Camp Court, Swat



(Rozina Rehman)  
Member (J)  
Camp Court, Swat

4.8.22

*Due to summer vacation the case is  
adjourned to 3-10-22 for the same reason.*



Irshad Ali

18.04.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant AG for the respondents present.

The appellant submits that vide office order bearing endorsement No. 897-901 dated 27.01.2017, the appellant alongwith others was reinstated in service from the date of appointment with all back benefits. The appellant had also produced photocopy of salary slip issued by the District Account Officer Dir at Timergara, which shows that arrival report dated 24.07.2014 and extract from the service book. When confronted with the situation that representative of respondents sought time to clarify the documents and to come up for proper solution of the matter. To come up for arguments before the D.B on 12.05.2022 at Camp Court Swat.



(Mian Muhammad)  
Member (E)



Chairman

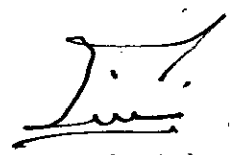
12.05.2022

Appellant in person present. Dr. Muneeb-ur-Rehman, Litigation Officer and Mr. Ahmad Jan, Junior Clerk alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 08.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)  
Member (E)  
Camp Court Swat



(Salah-ud-Din)  
Member (J)  
Camp Court Swat

1<sup>st</sup> April, 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Former requests for adjournment in order to properly assist the court. Adjourned. To come up for arguments on 18.04.2022 before the D.B.

  
**(MIAN MUHAMMAD)**  
Member (E)

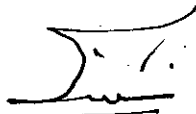
  
**(KALIM ARSHAD KHAN)**  
Chairman



21.10.2021

Counsel for the appellant and Mr. Javaidullah, Asstt. AG for the respondents present.

After having heard the arguments at certain length, it was found that the appeal is not documented with copy of the reinstatement/impugned order of the appellant against which departmental appeal was filed. The respondents have also not annexed such order with their comments. Let the respondents produce copy of the impugned order and service book of the appellant on next date. Case to come up on 28.01.2022 for arguments before the D.B.

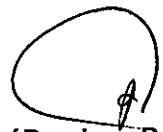
  
(Salah-ud-Din)  
Member(J)


  
Chairman

28.01.2022

Appellant in person present. Dr. Bilal, Medical Officer and Mr. Ahmad Jan, Junior Clerk alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 01.04.2022 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-ud-Din)  
Member (J)

01.04.2021

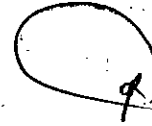
Appellant present with counsel.

Kabirullah Khattak, Additional Advocate General for respondents present.

A request was made for adjournment. Therefore, the case is adjourned to 12-7-2021 for arguments before D.B.



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



(ROZINA REHMAN)  
MEMBER (JUDICIAL)

12.07.2021

Appellant in person present.

Mr. Kabirulah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 21.10.2021.

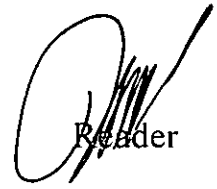


(ROZINA REHMAN)  
MEMBER (JUDICIAL)

  
CHAIRMAN

29.04.2020

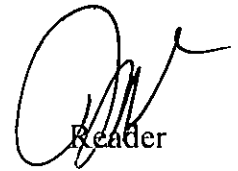
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.



Reader

06.08.2020

Due to summer vacation case to come up for the same on 26.10.2020 before D.B.




Reader

26.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 30.12.2020 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)  
Member



Chairman

30.12.2020

Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.



Reader

13.11.2019

Junior to counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Junior to counsel for the appellant submitted application for adjournment. Adjourn. To come up for arguments on 15.01.2020 before D.B.

  
Member

  
Member

15.01.2020 Appellant absent. Learned counsel for the appellant absent. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 13.03.2020 before D.B. Appellant be put to notice for the date fixed.

  
Member

  
Member

13.03.2020

Hidayt Ullah appellant in connected service appeal on behalf of appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 29.04.2020 before D.B.

  
Member

  
Member



14.05.2019

Learned counsel for the appellant present. Written reply not submitted. Jafar Ali Assistant (for respondent No.1) and Hazrat Shah Superintendent (for respondent No.3) absent. Notice be issued to respondents as well as to the absent representatives with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 01.07.2019 before S.B.



Member

01.07.2019

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith M/S Saleem Superintendent for the respondents present. Representative of the respondent department seeks time to furnish written reply/comments. Adjourned. To come up for written reply/comments on 27.08.2019 before S.B.

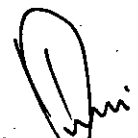


Member

27.08.2019

Junior to counsel for the appellant and Addl. AG alongwith Dr. Jamal Nasir, Coordinator for the respondents present.

Parawise comments on behalf of respondents submitted. The appeal is assigned to D.B for arguments on 13.11.2019. The appellant may submit rejoinder within a fortnight, if so advised.



Chairman

21.01.2019 No one present on behalf of appellant. Security and process fee not deposited. To come up on 22.02.2019 before S.B.

  
Member

22.02.2019 Clerk to counsel for appellant present and requested for time to deposit security and process fee. Request accepted with direction to deposit security and process fee within 3 days, thereafter, notices be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 09.04.2019 before S.B

  
Appellant Deposited  
Security & Process Fee

  
Member

09.04.2019 Counsel for the appellant and Addl. AG on behalf of the respondents present.

Learned AAG requests for time to procure reply of the respondents. The respondents shall positively submit the requisite reply/comments on next date of hearing.

Adjourned to 14.05.2019 before S.B.

  
Chairman

02.10.2018

Appellant in person present and made a request for adjournment. Adjourned. To come up for preliminary hearing on 16.10.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

16.10.2018

Counsel for the appellant present and seeks adjournment. Granted. Case to come up for preliminary hearing on 29.11.2018 before S.B.

  
(Ahmad Hassan)  
Member

29.11.2018

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ward Ordarli) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, for back benefits on the ground that the appellant was appointed as Class-IV employee vide order dated 22.07.2014, however on 24.07.2014 his appointment order was cancelled; that the service appeal of the appellant for his reinstatement was allowed and resultantly the appellant was reinstated but the respondent department refused to give back benefits.

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 written reply/comments. To come up for written reply comments on 21.01.2019 before S.B.

  
Member

27.04.2018

Appellant with counsel present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 26.06.2018.

\$

Reader

26.06.2018

Clerk of the counsel for appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 20.07.2018 before S.B.

*MA*

(Muhammad Amin Khan Kundi)  
Member

20.07.2018

None for the appellant present. Adjourned. To come up for preliminary hearing on 08.08.2018 before S.B.

*AH*

(Ahmad Hassan)  
Member

08.08.2018

Learned Counsel for the appellant present and seeks adjournment. Adjourned. To come up of preliminary hearing on 02.10.2018 before S.B

*MA*

(Muhammad Amin Kundi)  
Member

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 405/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	21/03/2018	<p>The appeal of Mr. Irshad Ali resubmitted today by Mr. Arbab Yasir Arafat Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	21/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/04/18.</u></p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
	02.04.2018	<p>Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 27.04.2018 before S.B</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

The appeal of Mr. Irshad Ali son of Muhammad Jan Class-IV Ward Orderly THQ Hospital Sammar Bagh received today i.e. on 26.02.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Copy of impugned order dated 05.10.2016 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 3- Annexures-A, B and C of the appeal are illegible which may be replaced by legible/better one.

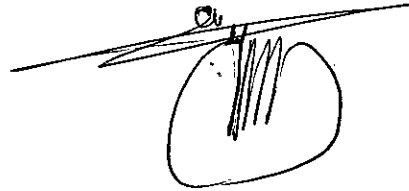
No. 410 /S.T,

Dt. 27/02 2018

  
REGISTRAR 27/2/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Arbab Yasir Arfat Khan Adv.Pesh.

Note: All the objections are removed.



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

In Ref  
Service Appeal No. 405 / 2018

Irshad Ali

**VERSUS**

*The Director General Health Services, Khyber Pakhtunkhwa,  
Peshawar and 2 others*


**INDEX**

<b>S.No.</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Grounds of Appeal with affidavit		1-4
2.	Addresses of the parties		5
	Copy of appointment order dated 22/07 2014	"A"	6
3.	Copy of cancellation order dated 24/07/2014	"B"	7
4.	<del>Copy of departmental appeals</del>	<del>"C"</del>	
5.	Copy of Judgment dated 05/10/2016	"C"	9
6.	Copy of DG Health order dated 06/09/2017	"D"	13
7.	Wakalat Nama		In original

Dated 24/02/2018

  
Appellant

Through

  
Arbab Yusir Arfat Khan  
Advocates, High Court,  
Peshawar.

(1)

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

In Ref

Service Appeal No. 405 / 2018

*Irshad Ali S/o Muhammada Jan Class-IV  
Employee (Ward Ordarli), THQ hospital Samar  
Bagh, R/o Village Sabar shah, P.O & Tehsil  
Samarbagh District Lower Dir.  
(Appellant).*

..... Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 271

Dated 26-2-2018

**VERSUS**

- 1) *The Director General Health Services, Khyber  
Pakhtunkhwa, Peshawar.*
- 2) *District Health Officer, District Dir.*
- 3) *Secretary Health Government Of Khyber  
Pakhtunkhwa, Peshawar..... ( Respondents).*

**APPEAL UNDER SECTION 4, SERVICE  
TRIBUNAL ACT, 1973,**

**1). AGAINST THE IMPUGNED ORDER OF  
REINSTATMENT DATED 05/10/2016 TO THE  
EXTENT OF NOT ALLOWING / AWARDDING  
BACK BENEFITS FROM 24/07/2014 TO  
0510/2016 TO THE APPELLANT.**

Filed to-day

*[Signature]*  
Registrar  
27/2/18

**2). AGAINST THE INACTION OF THE  
RESPONDENT NO. 1 WHEREBY THE  
APPEAL OF THE APPELLANT HAS NOT  
BEEN ADMITTED ON 06/09/2017.**

Re-submitted to-day  
and filed.

*[Signature]*  
Registrar

**Prayer in Appeal:**

*On acceptance of this appeal the  
respondents may kindly be directed to give/ issued  
back benefits/ service benefits to the appellant by  
modifying the reinstatement order dated  
05/10/2016, any other remedy/relief available in  
the circumstances of the case may also kindly be  
granted to the appellant.*



**Respectfully Sheweth:**

*The appellant humbly submits as under:*

- 1) *That the appellant is appointed as Class IV employee vide order dated 22/07/2014 and in pursuance of said order appellant resumed their duty. (Copy of order is attached as Annexure "A").*
- 2) *That later on said appointment order was cancelled vide order 24/07/2014 on account of non-observation of codal formalities of appointment of the appellant. (Copy of order is attached as annexure "B").*
- 3) *That been aggrieved the appellant submit departmental appeal on 24/07/2014 which was rejected on vide order dated 17/02/2015. ~~Copy of departmental appeal is attached as annexure "C"~~*
- 4) *That the appellant submit service appeal before the August KPK, Service Tribunal at swat for his reinstatement which has been allowed, the appellant as prayer for on 05/10/2016. (Copy of order is attached as annexure "D").*
- 5) *That in pursuance of judgment dated 05/10/2016 the appellant is reinstated but the local authorities refused to give back benefits to appellant in the light of order Director General Health on dated 06/09/2017. (Copy of order is attached as annexure "E").*
- 6) *That feeling aggrieved by the above impugned notifications/order the appellant filed the instant appeal on the following amongst other grounds:*

**Grounds:**

- A) *That the act and omission of the respondent /department is illegal, unconstitutional, without jurisdiction, without lawful authority against facts*

*and materials on the record therefore, need the interference of this Hon'ble Tribunal.*

- B) That the act and omission of the department is not only factually incorrect and legally untenable but also is against the principles of natural justice.*
- C) That the KPK, Service Tribunal reinstated the appellant as prayer for in the instant appeal but the respondents are given remedy that is reinstatement while not given second remedy i.e back benefits which is again the natural justice.*
- D) That at the time of the impugned notification /order the long service period of the appellant has been ignored due to which the appellant has not only sustained loss but has also been deprived of his legal right of pay of the back benefits of appellant.*
- E) That the appellant has performed duties, efficiently honestly and without giving any chance of complaint to his superior which fact also goes in his favor and there is no law which permit the respondents to deprive him from the service benefits.*
- F) That the appellant is /was a Government / Civil Servant and legal and constitutional guarantee is available to him to be dealt with in accordance with law he however, has not been treated as such.*
- G) That the act and omission of the department is not effective on the right of the appellant and the*

same has caused gross miscarriage of justice to the appellant.

H) That the respondents have failed to apply their independent/administrative mind to the matter and therefore have reached to an erroneous conclusion which is not sustainable in the eye of law.

It is, therefore, humbly prayed that on acceptance of this appeal the respondents may kindly be directed to issue back benefits to the appellant from 24/07/2014 to 05/10/2016 any other remedy /relief available in the circumstances of the case may also kindly be granted to the appellant.

Dated 24/02/2018

*Ali*

Appellant

Through

*[Signature]*

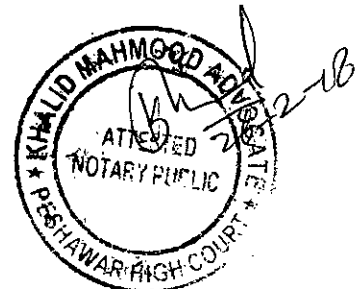
**Arbab Yasir Arfat Khan  
Advocates, High Court,  
Peshawar.**

**Affidavit.**

I, Irshad Ali S/o Muhammada Jan R/o Village sabar Shah, P.O Tehsil Samar Bagh District Dir Lower, do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

15307-9669755-3 **DEPONENT**

*Ali*



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

In Ref  
Service Appeal No. \_\_\_\_ / 2018

*Irshad Ali*

**VERSUS**

*The Director General Health Services, Khyber Pakhtunkhwa,  
Peshawar and 2 others*

**ADDRESSES OF THE PARTIES**

**Appellant;**

*Hidayat Ullah S/o Nasarullah Class-IV  
Employee (Ward Ordarli), THQ hospital  
Samar Bagh, R/o Village Sabar shah, P.O &  
Tehsil Samarbagh District Lowar Dir.*

**Respondents;**

- *The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.*
- *District Health Officer, District Dir.*
- *Secretary Health Government Of Khyber Pakhtunkhwa, Peshawar*

Dated 24/02/2018

Appellant

Through

**Arbab Yasir Arfat Khan  
Advocates, High Court,  
Peshawar.**

(A)

(6)

OFFICE OF THE DISTRICT HEALTH OFFICER  
LOWER DIR AT TIMERGARA.

OFFICE ORDER.

A Committee consisting on the following members is hereby constituted for the selection/appointment of newly created posts of Class-IV at THQ Hospital Samabagh Dir Lower. The Committee members are requested to attend the meeting in the office of the undersigned on dated 23/07/2014 AT 10.30 AM for the purpose.

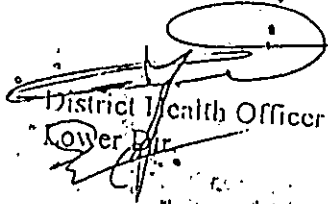
- 1. Dr. Mohammad Rehman (Shaheen) DHQ Lower Dir. Chairman.
- 2. Medical Superintendent DHQ Hospital Timergara. Member.
- 3. Dr. Irshad Ali Team Leader (Merlin) Dir Lower. Member.

Sd/-x-x-x-x-x-x  
District Health Officer  
Lower Dir.

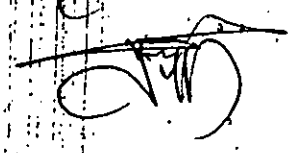
No. 4528 / Dated Timergara the 23 / 07/2014.

Copy to :-

- 1. Medical Superintendent DHQ Hospital Timergara.
  - 2. Team Leader (Merlin) Dir Lower at Timergara.
  - 3. Candidates concerned.
- For information & necessary action please.

  
District Health Officer  
Lower Dir.

*Ali*

*C.T.C.*  


Better Copy No.

**OFFICE OF THE DISTRICT HEALTH OFFICER**  
**LOWER DIR AT TIMERGARA**

**OFFICE ORDER**

A Committee consisting on the following members is hereby constituted for the selection/appointment of newly created posts of Class-IV at THQ Hospital Samarbagh Dir Lower. The Committee members are requested to attend the meeting in the office of the undersigned on dated 23/07/2014 at 10.30 AM for the purpose.

- |                                                   |          |
|---------------------------------------------------|----------|
| 1. Dr. Muhammad Rehman (Shaneen) DHQ Lower Dir.   | Chairman |
| 2. Medical Superintendent DHQ Hospital Timergara. | Member   |
| 3. Dr. Irshad Ali Team Leader (Merlin) Dir Lower. | Member   |

Sd/-x-x-x-x-x  
District Health Officer  
Lower Dir

No. 8528 / Dated Timergara the 22/07/2014

Copy to:-

1. Medical Superintendent DHQ Hospital Timergara.
2. Team Leader (Merlin) Dir Lower at Timergara.
3. Candidates concerned.

For information & necessary action please.

District Health Officer  
Lower Dir

**OFFICE OF THE DISTRICT HEALTH OFFICER  
LOWER DIR AT TIMERGARA.**

**OFFICE ORDER:**

The appointment order of the following Ward Orderly BPS-02 & Chowkidar BPS-01 against the newly created posts at THO Hospital, Samarbagh District Dir Lower is cancelled through office order No. 85 dated 23/07/2014 is hereby Cancelled with immediate effect. *لغى امر التعيين* Lack of Podul formalities.

S.No	Name of Candidates with address.	Name of Post.
1	Mr. Sirajul Mulk S/O Shajoulat Mulk Village Kumbhat Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
2	Mr. Faqhrul Din S/O Mr. Alaud Din Village P/O & Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
3	Mr. Nisar Mohammad S/O Mohammad Wahid Village Shapana Kasai Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
4	Muhammad Yasir S/O Jan Shahzada Village, P/O & Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
5	Mr. Arshad Ali S/O Mr. Muhammada Jan Village, P/O & Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
6	Mr. Akbar Khan S/O Mr. Hakim Khan Village, P/O & Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
7	Mr. Hidayatullah Khan S/O Mr. Nasrullah Khun Village, P/O & Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
8	Mr. Fazal Akbar S/O Mr. Farzal Rauf Village, P/O & Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
9	Mr. Samiur Rehman S/O Mr. Khalilur Rehman Village, P/O & Tehsil Samarbagh Dir Lower.	Ward Orderly BPS-02
10	Mr. Ikramullah S/O Abdul Ghafoor Village, P/O & Tehsil Samarbagh Dir Lower.	Chowkidar BPS-01

Sd/-  
District Health Officer  
Lower Dir.

No. 85/1-14 Dated Timergara the 24/07/2014.

Copy forwarded to

1. The District Account Officer Lower Dir.
2. The Medical Officer incharge THO Hospital Samarbagh.
3. The Team Leader (Merlin) Dir Lower.
4. The Deputy Technical (Merlin) Dir Lower.
5. The Accounts Clerk of this office.
6. The Officials concerned.

District Health Officer  
Lower Dir.

*(Signature)*

*(Signature)*

**OFFICE OF THE DISTRICT HEALTH OFFICER**  
**LOWER DIR AT TIMERGARA**

**OFFICE ORDER**

The appointment order of the following Ward Order BPS-02 & Chowkidar BPS-01 against the newly created posts at THQ Hospital Samarbagh District Dir Lower issued vide this office order No. 85.36-41 dated 23/07/2014 is hereby cancelled with immediate effect. *because of lack of codal formalities.*

S.No.	Name of Petitioners	Name of Post
1	Mr. Sirajul Mulk S/O Shajaul Mulk Village Kambat Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
2	Mr. Fakhrud Din S/O Mr. .... P.O. & Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
3	Mr. Nisar Muhammad S/O Muhammad Wahid Village Shapano Kasai Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
4	Muhammad Yasir S/O Jan Shahzada Village P/O & Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
5	Mr. Arshad Afif S/O Mr. Muhammad Jan Village P/O & Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
6	Mr. Akbar Khan S/O Mr. Hakim Khan Village P/O & Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
7	Mr. Hidayatullah Khan S/O Mr. Nasrullah Khan Village P/O & Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
8	Mr. Fazal Akbar S/O Fazal Rauf Village P/O & Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
9	Mr. Samiur Rehman S/O Mr. Khalilur Rehman. Village P/O & Tehsil Samarbagh Dir Lower	Ward Orderly BPS-02
10	Mr. Ikramullah S/O Abdul Ghafoor Village & Tehsil Samarbagh Dir Lower	Chowkidar BPS-01

Sd/-x-x-x

District Health Officer  
Lower Dir

No. 8761/64 / Dated Timergara the 24/07/2014

Copy Forwarded to:-

1. The District Account Officer Lower Dir.
2. The Medical Officer Incharge THQ Hospital Samarbagh.
3. Team Leader (Merlin) Dir Lower at Timergara.
4. The Deputy Technical (Merlin) Dir Lower.
5. The Account Clerk of this office.
6. The Officials concerned.



District Health Officer  
Lower Dir



## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 167 /2015K.W.P. Province  
Service TribunalDiary No. 166  
Dated 02-03-2015Arshid Ali S/o Muhammad Jan  
Ex-Ward Orderly, THQH Samarbagh, District Dir Lower.....Appellant

VERSUS

1. The Director General  
Health Services, Khyber Pakhtunkhwa,  
Peshawar
2. The District Health Officer,  
District Dir Lower.



.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED OFFICE ORDER DATED 24.07.2014 ISSUED BY RESPONDENT NO.2, WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT WAS UNLAWFULLY CANCELED AGAINST WHICH APPELLANT PREFERRED A DEPARTMENTAL APPEAL TO RESPONDENT NO.1 ON 06.08.2014 BUT THE SAME WAS REJECTED VIDE IMPUGNED ORDER COMMUNICATED THROUGH LETTER DATED 17.02.2015.

PRAYER:

On acceptance of the instant appeal, the impugned office order dated 24.07.2014 issued by Respondent No.2 and the impugned appellate order issued by Respondent No.1 dated 17.02.2015 may graciously be set aside by reinstating the appellant into service with all back benefits.

Respectfully Sheweth,

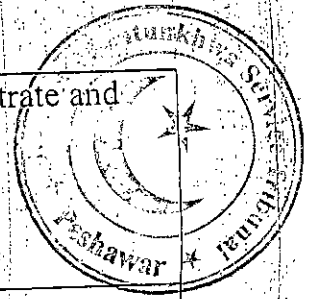
Facts giving rise to the present appeal are as under:-

1. That appellant is the permanent resident of District Dir Lower and has obtained B.A. qualification (Credentials Annex:-A) and is registered with

Filed to-day  
Registrar  
4/3/15

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,



S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
----------------------	-------------------------------	-------------------------------------------------------------------------------------------------------

1

2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT SWAT

1. Appeal No. 167/2015 Arshid Ali,
2. Appeal No. 168/2015, Siraj-ul-Mulk,
3. Appeal No. 169/2015, Muhammad Yasir,
4. Appeal No. 170/2015, Ikramullah,
5. Appeal No. 171/2015, Fakhr-ud-Din,
6. Appeal No. 172/2015, Hidayatullah Khan,
7. Appeal No. 173/2015, Akbar Khan,
8. Appeal No. 174/2015, Nisar Muhammad and
9. Appeal No. 175/2015, Sami-ur-Rahman  
Vs. Director General Health Services, Khyber Pakhtunkhwa, Peshawar and another.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-


05.10.2016

Counsel for the appellants and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.

~~2.~~ This judgment shall dispose of the instant service appeal No. 167/2015 as well as connected service appeals No. 168/2015 to 175/2015 as identical questions of facts and law are involved therein.

3. Brief facts of the case of the appellants are that they were appointed as Class-IV employees vide office order dated 22.07.2014. In pursuance of the appointment orders appellants resumed their duties but vide impugned orders dated 24.07.2014 the said appointment orders were cancelled on account of non-observance of codal formalities constraining the appellant to prefer departmental appeals on 06.08.2014

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

which were rejected vide orders dated 17.2.2015 and hence the instant service appeals on 02.03.2015.

4. Learned counsel for the appellants has argued that the appellants were appointed as Class-IV employees in the prescribed manners as their names were requisitioned from the Employment Exchange and the said appointment orders were passed by the competent authority after considering the recommendations of the Departmental Selection Committee. That the impugned orders were passed without affording any opportunity of hearing to the appellants.


5. Learned counsel for the appellant has placed reliance on case-law reported as 2004-SCMR-468 (Supreme Court of Pakistan) and 2003-SCMR-1126 (Supreme Court of Pakistan).

6. Learned Senior Government Pleader has argued that the appointment orders were made by violating the settled procedure for such appointments and as such the same were rightly withdrawn. Regarding show cause notice he argued that no such notice was issued to the appellants.

7. We have heard arguments of learned counsel for the parties and perused the record.

8. It is a well settled proposition of law that no one is to be condemned unheard. The August Supreme Court of Pakistan has also ruled in the judgments referred to above and relied on by the learned counsel for the appellants that opportunity of hearing would be a pre-requisite before passing such orders. In view of the afore-stated

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

circumstances we are constrained to set aside the impugned orders referred to above and reinstate the appellants in service with directions to the respondents that in case they intend to proceed against the appellants on any ground including non-observance of codal formalities during process of their appointments then the appellants be afforded opportunity of hearing in the mode and manners prescribed by rules and there-after pass any order deem appropriate. All the appeals are accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

*Sd/- M. Azim Khan Afridi,  
Chairman  
Civil Court*

*Sd/-*

05.10.2016

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Petition 19-3-18  
 Number of Words 1600  
 Copying Fee 10/-  
 Urgent \_\_\_\_\_  
 Total 10/-  
 Name of Copyist [Signature]  
 Date of Completion of Copy 20-3-18  
 Date of Delivery of Copy 20-3-18

To

Annexure -

(D) 13

Secretary health Govt of KP

From 1) Mr. Arshad Ali Class IV Employee THQ Hospital Samar Bagh Dir lower

Subject: Appeal against the decision of D G Health Dated 06-09-2017 refusing  
Back benefits to the appellant.

Respectfully Shewth

1. That appellant is appointed as class iv employee vide order dated 22-07-2014 and in pursuance of said order appellant resumed their duty (Copy of order is attached as annexure A)
2. That later on said appointed order was canceled vide order dated 24-07-2014 on account of non-observation of codal formalities (copy of order dated 24-07-2017 is attached as annexure B)
3. That from said cancellation order dated 24-07-2017 appellant filed departmental appeal which was rejected vide orders dated 17-02-2015 (Copy of order 17-02-2015 is attached as annexure C)
4. That after the rejection of departmental appeal appellant filed appeal against cancellation order dated 24-07-2014 and appellant order dated 17-02-2015 before honorable service tribunal KP with the prayer "On Acceptance of the instant appeal the impugned office order dated 24-07-2014 issued by respondent No.2 (Distinct Health Officer Dir Lower) and the impugned appellant order issued by Respondent No.1 (Director General Health services KP) Dated 17-02-2015 may graciously be set aside by reinstating the appellant into service with all back benefits (Copy of appeal is attached as annexure D)
5. That Honorable service tribunal KP on 05-10-2016 Decided appeals infavour of appellant and accepted the prayer as mentioned above (Copy of Judgment order is attached as annexure E)
6. That in the pursuance of judgment dated 05-10-2016 appellant is reinstated but the local authorities refused back benefits to appellant in light of order decision D G Health dated 06-09-2017. Therefore this appeal on the following grounds (Copy of the order dated 06-09-2017 is attached as annexure F)

(Arshad Ali)

e-t.c  
(Signature)

- i. That the order /decision of D G Health is not in line of judgment of Honorable service tribunal dated 05-10-2016.
- ii. That the service Tribunal declared cancelation order dated 24-07-2014 and Appellate order Dated 17-02-2015 against law.
- iii. That the appellatant claimed two remedies through appeal from service Tribunal KP i-e Reinstatement and back benefits as mentioned in pare 4 Of this appeal. And Said Tribunal accepted appeals of appellatant i-e. Both remedies as claimed by appellatant is allowed by service Tribunal.
- iv. That in the Said judgment of service Tribunal never stated that Appellant are not entitled to back benefits
- v. That appellatant is serving as class IV employee on basic of Appointment order dated 22-07-2017 and there is no order or judgment Which deprive appellatant from back benefits from their appointment.

It is therefore Requested that  
Decision of D G Health dated  
06- 09-2017 may be set aside and  
Back benefits are allowed to appellatant

Appellant

1) Mr.Arshad Ali Class IV Employee THQ Hospital Samar Bagh-Dir lower

*(Signature)*

C-17C  
*(Signature)*

(151)

# DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: [sgnsw@peshawar.gov.pk](mailto:sgnsw@peshawar.gov.pk) office Ph# 091 9 10269 Exchange# 091-9210187, 9210196 Fax # 091-9210230  
No. 14035 - /Personnel/W.O/634 Dated: 6/08/2017

To,

The District Health Officer  
Lower Dir.

Subject:

OPENION OF COURT JUDGEMENT REGARDING REINSTATMENT OF  
HEALTH DEPARTMENT EMPLOYEES.

Memo:

I am directed refer to your letter No. 6161/S.B dated 10.07.2017 on the subject noted above and to state that in the instane case the Judgement is very clear, the appeals of the appellants were accepted on the terms mentioned in para-8 of the judgment.

It was no where mentioned in the judgement that the appellant are entitled for any back benefits.

*[Signature]*  
DIRECTOR (HRM)  
DIRECTORATE GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR. *[Date: 08/08/17]*

*[Signature]*

*[Signature]*

District Health Officer,  
Dir Lower at Timergara.

No. 6161/S.B /Dated. 10/07/2017.

Phone No. 0945-9250098.

To,

✓  
The Director General Health Services  
Khyber Pakhtunkhwa Peshawar.

Subject:- OPENION ON COURT JUDGEMNT REGARDING REINSTATMENT OF HEALTH DEPARTMENT EMPLOYEES.

Memo:-

With reference to Judgment of worthy Khyber Pakhtunkhwa Service Tribunal in response to Service Appeal No. 167/2015 dated 05-10-2016, 09 number of Class-IV employees were reinstated into service from the date of their appointment with all back benefits, by the office of the undersigned vide office order No. 897-901, dated 27-01-2017.

Their salary bills were sent to District Accounts Office Dir Lower claiming the above mentioned status of issuing their salaries from the date of their appointment. The District Accounts Office released the current salaries but refused to entertained the back benefits thus returning all the 09 No. cases stating that *"Departmental reinstatement order is incorrect due to the fact that there is no mention of back benefits in the court decision"*.

While reading the court decision, office of the undersigned considers it appropriate to provide the said employees with reinstatement and all back benefits as it is mentioned in the court decision that *"we are constrained to set aside the impugned orders referred to above and reinstate the appellants in service....."* and *"..... all appeals are accepted in the above terms"*

Since the employees are repeatedly requesting this office and the elected representative are also putting hard for the needful in the aforementioned matter.

It is therefore, requested to your office to kindly guide office of the undersigned on the said matter enabling this office to proceed further accordingly.

A prompt reply in this regard is requested, please.

Encl:

- Court decision of worthy KP Service Tribunal.
- Office order of DHO office Dir Lower.
- Returned Remarks of DAO Dir Lower.

*Arshad*  
District Health Officer,  
Dir Lower at Timergara.

No. \_\_\_\_\_/

Copy forwarded for information to:-

1. P.S to Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar.
2. Examiner Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Deputy Commissioner Dir Lower.
4. District Nazim Dir Lower.
5. District Accounts Officer Dir Lower.

*Arshad*  
District Health Officer,  
Dir Lower at Timergara.

*Arshad*

*Arshad*

15

9



Retent:-

The attached E-M (8) on S/Books with the remarks that Departmental re-instatement order is incorrect due to the fact that there is no mention of back benefits in the Court Decision.

C/BA  
23/2/2014

Re-submitted with the remarks that:-

- Pay may be active only.
- The current salaries of 09 Nos. officials may kindly be released, keeping the decision regarding back benefit pending until proper guidance from concerned quarter.

Health Officer  
Dist. ...

C.F.C

[Signature]

[Signature]

OFFICE OF THE DISTRICT (HEALTH) OFFICER DIR LOWER.

OFFICE ORDER.

In compliance with the honourable Khyber Pakhtunkhwa Service Tribunal Peshawar Service Appeal No. 167-175/2015 dated 05-10-2016, the following appellant are hereby re-instated into service from the date of their appointment with all back benefits against the vacant posts noted against their names at THQ Hospital Samarbagh Dir Lower.

1	Mr. Arshad Ali S/O Muhammad Ajan Village & PO Samarbagh Dir Lower.	Ward Orderly (BPS-04)
2	Mr. Siraj-ul-Mulk S/O Shafa-ul-Mulk Village Kambat PO Samarbagh Dir Lower.	Ward Orderly (BPS-04).
3	Mr. Muhammad Yasir S/O Jan Shahzada Village & PO Samarbagh Dir Lower.	Ward Orderly (BPS-04)
4	Mr. Ikram Ullah S/O Abdul Ghafoor Khan Village Kotkai Cham PO & Tehsil Samarbagh Dir Lower.	Chowkidar (BPS-03).
5	Mr. Fakhr-ud-Din S/O Ala Uddin Village & PO Samarbagh Dir Lower.	Ward Orderly (BPS-04)
6	Mr. Hidayat Ullah Khan S/O Nasrullah Khan Village Sabar Shah PO & Tehsil Samarbagh Dir Lower.	Ward Orderly (BPS-04)
7	Mr. Akbar Khan S/O Hakim Jan Mohallah Qaso Cham PO & Tehsil Samarbagh Dir Lower.	Ward Orderly (BPS-04)
8	Mr. Nisar Muhammad S/O Muhammad Wahid Village Shpano Kasy PO & Tehsil Samarbagh Dir Lower.	Ward Orderly (BPS-04)
9	Mr. Sami-ur-Rahman S/O Khalil-ur-Rahman Village & PO Samarbagh Dir Lower.	Ward Orderly (BPS-04)

*[Signature]*  
District Health Officer,  
Dir Lower.

No. 897-901 / Dated Timergara the 27/11/2017.

- Copy forwarded to:-
1. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to Service Appeal No. 167-175/2015 dated 05-10-2016.
  2. The Director General Health Services Khyber Pakhtunkhwa Peshawar.
  3. The District Accounts Officer Dir Lower.
  4. The Accounts Clerk of this office.
  5. The Appellants concerned.
- For information and necessary action please.

*[Signature]*  
District Health Officer,  
Dir Lower.

*[Signature]*

*[Signature]*  
C.F.C

المشروع

18



Call: 141-123-456  
GST NO.  
12-00-9808-002-73

Sales Tax Invoice

Acct / Coupon	Consignment Note No. 470 7361061			Org.	Dest.
Mode of Payment	<input type="checkbox"/> Insured	Dimension		W/(kgs)	Pcs
<input type="checkbox"/> Oo/oo <input type="checkbox"/> POC <input type="checkbox"/> COO	<input type="checkbox"/> Yes <input type="checkbox"/> No	L(cm)	W(cm)	H(cm)	
<input type="checkbox"/> Account <input type="checkbox"/> Cash	Value			Service Type	
From (Shipper)	To (Consignee)			<input type="checkbox"/> Overnight <input type="checkbox"/> Holiday	
				<input type="checkbox"/> Extra Sp. <input type="checkbox"/> Same Day	
				<input type="checkbox"/> Second Day	
				Service Charges	
Phone	Phone			Weight	
	E-mail			Handling	
	Description			Other	1/60
I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment do not contain any matter the inclusion of which would be in breach of the provisions of the contract between shipper & TCS (PVT) LTD.					
SHIPPER'S SIGNATURE					
PICKUP INFORMATION					
Courier Code		Date	Time	Insurance Premium	
				TOTAL	

AS PER P.O. ACT 1986, TCS/PVT. NOT CARRY LETTERY POSTCARDS.



Any suggestion/ complaint about service may be sent to TCS at 2042, Ramnagar, New Delhi-110001.

4582-  
24/10/17  
23/




AN

C.T.C  
[Signature]

حکومت پاکستان  
 قومی شناختی کارڈ  
 15303-9669755-3  
 محمد علی  
 01/03/1993  
 گلبرگ ٹیڑھ  
 سندھ

قومی شناختی کارڈ نمبر: 15303-9669755-3  
 V9W4N8  
 محمد علی  
 11/01/2023  
 11/01/2013  
 سندھ







*Handwritten signature*


*Handwritten signature*


*Arshad*


*Arshad*  
C.S.C

 **ARSHAD ALI**  
Blood Group: B +ve  
Father's Name: Muhammada Jan

 *Arshad Ali*  
Holder's Signature 

 Village: Samar Bagh P.O Tehsil  
Samar Bagh District Dir Lower



 +92 301 5332581  
+92 301 3101193


 **WARD ORDERLY**

1. This Card is not transferable  
2. This Card is to be submitted  
to the Hospital Administration  
or Health Department Dir (L)

**MINISTRY OF HEALTH**

**ARSHAD ALI**

 **WARD ORDERLY** 

  
Issuing Authority

**HEALTH SERVICES KP**

**MINISTRY OF HEALTH**

تہ 50



28379

ایڈوکیٹ:

بار کونسل ایسوسی ایشن نمبر: 100-11-1452

رابطہ نمبر: 0315-8324300

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: Before H. P. K. Service Tribunal Peshawar

Appellant: منجانب	Service Appeal: دعویٰ
D. G Health	علت نمبر:
ارشد علی بنام	مورخہ:
	جرم:
	تھانہ:

### باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام ~~اور~~ کیلئے اور ~~بے~~ کے لئے ~~مقرر~~ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 26/07/2018

المقام: واہ شد

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

DAI  
مقرر شدہ وکیل کی طرف سے منظور کیا گیا ہے۔

**"B"**

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

No.

Appeal No. 505 of 2018

[Signature] Appellant/Petitioner

Versus

[Signature] Respondent

Respondent No. [Blank]

Notice to:

District Health Officer, Lower Dir.

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 9-4-2018 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. [Blank] dated [Blank]

Given under my hand and the seal of this Court, at Peshawar this 11/4/18

Day of [Blank] 2018

[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.

Appeal No. 405 of 2018.

Mr. Ghulam Ali Appellant/Petitioner

Versus

D.S. Health Services / PPLC Respondent

Respondent No. I

Notice to:

Director General Health Services  
PPLC, 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 11-10-18 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 11/10/18 .....

Day of Monday, 20 .....

  
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.

Appeal No. 405 of 2019

Mr. Anand Ali Appellant/Petitioner

Versus

D.S. Health Services KPK & Co Respondent

Respondent No. 3

Notice to: Secretary Health, Govt of KPK, 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 9-4-2019 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 16/4

Day of March 2019

Handwritten signature/initials

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.

Appeal No. 1105 of 20 18

M. A. Khan Appellant/Petitioner  
Director Health Services KPK Respondent

Respondent No. 1

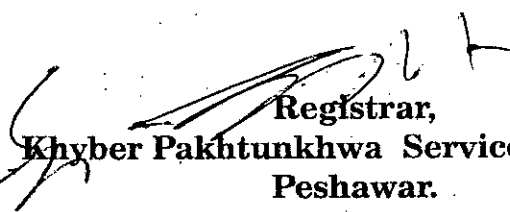
Notice to: M. A. Khan Director Health Services KPK

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 1-7-2019 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 13th Day of June, 20 19.

  
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.

Appeal No..... 405 ..... of 20 18,

Appellant/Petitioner  
Phagoo (ward no 11) THG Hospital  
Versus  
D.S. Health Services, Peshawar  
Respondent/Defendant  
Respondent No..... 2 .....  
L. Ahmad Dir

Notice to: - Death Health office, Death Dir Lower

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..... 7..... 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..... 13/7/.....

Day of..... July, ..... 20 18

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.

Appeal No.....405..... of 20/8

*Mr. J. Ahmad Khan* Appellant/Petitioner *Via Class-II*  
*Employed (ward order)* *vs* *I H & Hospital Gumar Bazar*  
*Health Services, P.K.* Respondent *Ditt L. Bazar*  
Respondent No.....3.....

Notice to: - *116 Hafizat Street Peshawar*  
*Secretary, Health Dept of P.K. Peshawar*

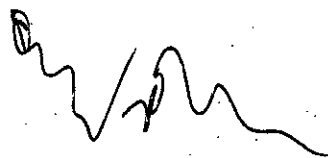
WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....*21/8*.....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.....*13th*.....

Day of.....*July*.....20*13*.

  
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.

Appeal No. 1105 of 2019

M. A. Khan Appellant/Petitioner

Versus

1. Mr. A. Khan, 2. Mr. A. Khan, 3. Mr. A. Khan, 4. Mr. A. Khan Respondent

Respondent No. 1

Notice to: Secretary Health, Govt of K.P. 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 1-2-2019 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.....

Given under my hand and the seal of this Court, at Peshawar this 13th

Day of June, 2019.

*[Handwritten signature]*

*[Handwritten 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.

**IN THE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL, PESHAWAR**

In Ref  
Service Appeal No. 405, /2018,

Arshad Ali

.....Appellant

**Versus**

Govt: of Khyber Pakhtunkhwa through DGHS & Others.....Respondents.

**PARAWISE COMMENTS ON BEHALF OF DISTRICT HEALTH OFFICER DIR  
LOWER (RESPONDANT NO. 2 & OTHERS)**

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02	<del>Arshad Ali</del>	.....	03
03	Court Judgment	.....	03-06

District Health Officer  
Dir Lower at Timergara  
District Health Officer  
Dir Lower at Timergara

111

**IN THE KHYBER PAKHTUNKHWA SERVICES**  
**TRIBUNAL, PESHAWAR**

In Ref  
Service Appeal No. 405/2018

P-1

Arshad Ali .....Appellant

**Versus**

Govt: of Khyber Pakhtunkhwa through DGHS & Others.....Respondents.

**PARAWISE COMMENTS ON BEHALF OF DISTRICT HEALTH OFFICER DIR**  
**LOWER (RESPONDANT NO. 2 & OTHERS)**

**Respectfully Sheweth**  
**Preliminary Objections**

1. that the appellant has got no cause of action to file instant appeal
2. that the instant appeal is bad for misjoinder and non joinder of parties.
3. That the appellant has not come to this honorable tribunal with clear hands.
4. That the appeal is barred by Law.

The Respondent humbly submitted as under:-

1. True as per record.
2. True as per record.
3. True as per record.
4. True in its contents.
5. True to the extent that in pursuance to the Judgment dated 05-10-2016, the appellant were reinstated as according to the Judgment of Honourable Khyber Pakhtunkhwa Service Tribunal announce on 05-10-2016 in the instant appeal. But It stands beyond the facts that local authority including respondent No. 2 refuse to give back benefits to the appellant as in the judgment of the honorable Khyber Pakhtunkhwa Service Tribunal, it was never mentioned to give back benefits to the appellants. It is pertinent to mention that the initial appointment order No. 8536-41 dated 23-07-2014 was hereby cancelled because of lack of codal formalities on the very next day, with in a time span of 24 hours vide office order No. 8561-64, dated 24-07-2014. The appellant neither submitted any arrival for the duty nor joined the job during this period. It is important to apprise the honorable court that none of the appellant have performed any duty under the control of office of the undersigned, until their reinstatement vide office order No.897-901, dated 27-01-2017 as in compliance with the honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Service Appeal No. 167-175/2015, dated 05-10-2016.
6. The appellant <sup>has</sup> got no cause of action to file the instant service appeal

**GROUND'S**

- A. As described in Para-No. 5 of facts. The Department has always been working in its legal frame, constitutional vicinity, authorized jurisdiction, lawful authority and materials on the record as in compliance with the decision of the honorable Service Tribunal.
- B. Incorrect the act and omission of the Department has been in line with the spirit of the decision of the Honourble Service Tribunal.
- C. Incorrect; The Department as in line with the Judgment of Service Tribunal has reinstated the appellant as prayer for the instant appeal but the appellants have never been performed any duty nor have submitted arrival for the duty and the honorable Tribunal has also not mentioned it anywhere to give them back benefits just for nothing, which is a waste of Govt exchequer.
- D. False in its content that there has been no service period it all on behalf of the appellant and they were even unable to submit the arrival reports for their duties.
- E. False as per the available record of the Department. As expressed earlier none of them has performed any duty in the statement of claiming that they have performed duty efficiently and honestly is just misleading of this honorable Tribunal.
- F. ~~The~~ <sup>INCORRECT:</sup> appellant was never a Govt: Servant until the judgment of this honorable Tribunal as announced on 05-10-2016 and after that the appellant have been treated in accordance with the law.
- G. Act and omission of the Department is always been effective on the right of the appellant and their stand no question of causing gross miscarriage of justice to the appellant.
- H. The respondents have been efficient in applying their administrative roll to the matter and have been in line with the judgment of the honorable Tribunal with no erroneous conclusion as stated by the appellant.

**Prayer**

In view of the above explanation and factual position being brought to the eyes of this honorable Tribunal, it is humbly prayed that on acceptance of these para-wise comments the instant ~~with~~ <sup>Service</sup> Appeal being devoid of merits may be dismissed with cost.

Respondent No. 1

**Director General Health Services  
Khyber Pakhtunkhwa Peshawar**

Respondent No. 2

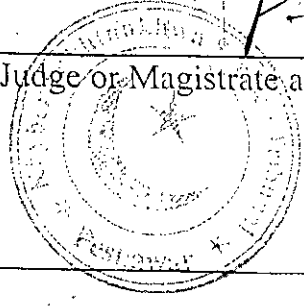
**District Health Officer,  
Dir Lower at Timergara.  
District Health Officer  
Dir Lower at Timergara**

Respondent No. 3

**Secretary to Govt: of  
Govt: of Khyber Pakhtunkhwa  
Health Department**



P-3



Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
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2	3
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT SWAT

1. Appeal No. 167/2015 Arshid Ali,
  2. Appeal No. 168/2015, Siraj-ul-Mulk,
  3. Appeal No. 169/2015, Muhammad Yasir,
  4. Appeal No. 170/2015, Ikramullah,
  5. Appeal No. 171/2015, Fakhr-ud-Din,
  6. Appeal No. 172/2015, Hidayatullah Khan,
  7. Appeal No. 173/2015, Akbar Khan,
  8. Appeal No. 174/2015, Nisar Muhammad and
  9. Appeal No. 175/2015, Sami-ur-Rahman
- Vs. Director General Health Services, Khyber Pakhtunkhwa, Peshawar and another.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

05.10.2016

Counsel for the appellants and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.

This judgment shall dispose of the instant service appeal No. 167/2015 as well as connected service appeals No. 168/2015 to 175/2015 as identical questions of facts and law are involved therein.

3. Brief facts of the case of the appellants are that they were appointed as Class-IV employees vide office order dated 22.07.2014. In pursuance of the appointment orders appellants resumed their duties but vide impugned orders dated 24.07.2014 the said appointment orders were cancelled on account of non-observance of codal formalities constraining the appellant to prefer departmental appeals on 06.08.2014

which were rejected vide orders dated 17.2.2015 and hence the instant service appeals on 02.03.2015.

4. Learned counsel for the appellants has argued that the appellants were appointed as Class-IV employees in the prescribed manners as their names were requisitioned from the Employment Exchange and the said appointment orders were passed by the competent authority after considering the recommendations of the Departmental Selection Committee. That the impugned orders were passed without affording any opportunity of hearing to the appellants.

5. Learned counsel for the appellant has placed reliance on case-law reported as 2004-SCMR-468 (Supreme Court of Pakistan) and 2003-SCMR-1126 (Supreme Court of Pakistan).

6. Learned Senior Government Pleader has argued that the appointment orders were made by violating the settled procedure for such appointments and as such the same were rightly withdrawn. Regarding show cause notice he argued that no such notice was issued to the appellants.

7. We have heard arguments of learned counsel for the parties and perused the record.

8. It is a well settled proposition of law that no one is to be condemned unheard. The August Supreme Court of Pakistan has also ruled in the judgments referred to above and relied on by the learned counsel for the appellants that opportunity of hearing would be a pre-requisite before passing such orders. In view of the afore-stated

ATTACHED


RECEIVED  
K/1/2015  
2015/03/02  
P-4

P-5

circumstances we are constrained to set aside the impugned orders referred to above and reinstate the appellants in service with directions to the respondents that in case they intend to proceed against the appellants on any ground including non-observance of codal formalities during process of their appointments then the appellants be afforded opportunity of hearing in the mode and manners prescribed by rules and there-after pass any order deem appropriate. All the appeals are accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

*Sd/- M. Azim Khan Abidi,*  
Chairman

*Sd/- Abdul Latif,*  
Member

Certified to be a true copy  


Announced

05.10.2016 Date of Presentation 10-10-2016  
 Number of Vols 1600  
 Copying Fee 10/-  
 Urgent -  
 Total 10/-  
 Name of Collector *Kamran*  
 Date of Collection 14-10-2016  
 Date of Delivery 14-10-2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

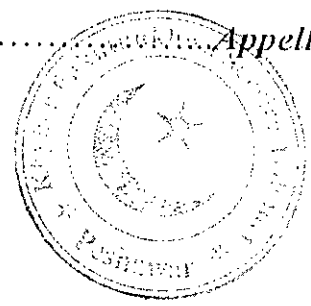
Service Appeal No. 167 /2015

G.W.F. Provincial  
Service Tribunal  
Diary No. 166  
Dated 02-03-20

Arshid Ali S/o Muhammad Jan  
Ex-Ward Orderly, THQH Samarbagh, District Dir Lower.....

*Appellant*

VERSUS



- 1. The Director General  
Health Services, Khyber Pakhtunkhwa,  
Peshawar
- 2. The District Health Officer,  
District Dir Lower.

*Respondents*

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED OFFICE ORDER DATED 24.07.2014 ISSUED BY RESPONDENT NO.2, WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT WAS UNLAWFULLY CANCELED AGAINST WHICH APPELLANT PREFERRED A DEPARTMENTAL APPEAL TO RESPONDENT NO.1 ON 06.08.2014 BUT THE SAME WAS REJECTED VIDE IMPUGNED ORDER COMMUNICATED THROUGH LETTER DATED 17.02.2015.

PRAYER:

On acceptance of the instant appeal, the impugned office order dated 24.07.2014 issued by Respondent No.2 and the impugned appellate order issued by Respondent No.1 dated 17.02.2015 may graciously be set aside by reinstating the appellant into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

That appellant is the permanent resident of District Dir Lower and has obtained B.A qualification (Credentials *Annex:-A*) and is registered with

Filed today  
Registry  
4/3/15

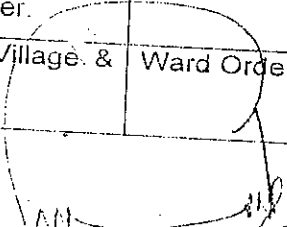
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

4/8/022 ACWU  
OFFICE OF THE DISTRICT (HEALTH) OFFICER DIR LOWER.

OFFICE ORDER.

In compliance with the honourable Khyber Pakhtunkhwa Service Tribunal Peshawar Service Appeal No. 167-175/2015 dated 05-10-2016, the following appellant are hereby re-instated into service from the date of their appointment with all back benefits against the vacant posts noted against their names at THQ Hospital Samarbagh Dir Lower.

1	Mr. Arshad Ali S/O Muhammad Ajan Village & PO Samarbagh Dir Lower.	Ward Orderly (BPS-04)
2	Mr. Siraj-ul-Mulk S/O Shafa-ul-Mulk Village Kambat PO Samarbagh Dir Lower.	Ward Orderly (BPS-04).
3	Mr. Muhammad Yasir S/O Jan Shahzada Village & PO Samarbagh Dir Lower.	Ward Orderly (BPS-04)
4	Mr. Ikram Ullah S/O Abdul Ghafoor Khan Village Kotkai Cham PO & Tehsil Samarbagh Dir Lower.	Chowkidar (BPS-03).
5	Mr. Fakhir-ud-Din S/O Ala Uddin Village & PO Samarbagh Dir Lower.	Ward Orderly (BPS-04)
6	Mr. Hidayat Ullah Khan S/O Nasrullah Khan Village Sabar Shah PO & Tehsil Samarbagh Dir Lower.	Ward Orderly (BPS-04)
7	Mr. Akbar Khan S/O Hakim Jan Mohallali Qaso Cham PO & Tehsil Samarbagh Dir Lower.	Ward Orderly (BPS-04)
8	Mr. Nisar Muhammad S/O Muhammad Waqid Village Shpano Kasy PO & Tehsil Samarbagh Dir Lower.	Ward Orderly (BPS-04)
9	Mr. Sami-ur-Rahman S/O Khalil-ur-Rahman Village & PO Samarbagh Dir Lower.	Ward Orderly (BPS-04).

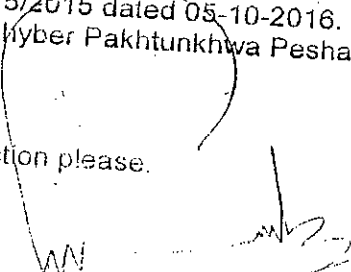
  
District Health Officer,  
Dir Lower.

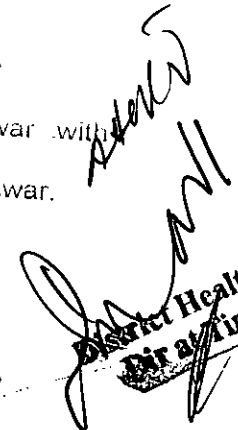
No. 897-901 / Dated Timergara the 27/01/2017.

Copy forwarded to:-

1. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to Service Appeal No. 167-175/2015 dated 05-10-2016.
2. The Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. The District Accounts Officer Dir Lower.
4. The Accounts Clerk of this office
5. The Appellants concerned.

For information and necessary action please.

  
District Health Officer,  
Dir Lower.

  
District Health Officer,  
Dir Lower Timergara

Dist. Govt. NWFP-Provincial  
District Accounts Office Dir at Timargar  
Monthly Salary Statement (October-2019)



2

Personal Information of Mr MR. HIDAYATULLAH d/w/s of NASIRULLAH KHAN

Personnel Number: 00832375

CNIC: 1530119377961

NTN: \_\_\_\_\_

Date of Birth: 03.03.1978

Entry into Govt. Service: 23.07.2014

Length of Service: 05 Years 03 Months 010 Days

Employment Category: Active Temporary

Designation: WARD ORDERLI

80814091-DISTRICT GOVERNMENT KHYBE

JDO Code: DA6344-THQ DISTT DIR LOWER

Payroll Section: 001

GPF Section: 005

Cash Center: \_\_\_\_\_

PF A/C No: \_\_\_\_\_

Interest Applied: Yes

GPF Balance: \_\_\_\_\_

25,957.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 04

Pay Stage: 4

Wage type:		Amount	Wage type		Amount
001	Basic Pay	11,660.00	1000	House Rent Allowance	1,458.00
210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
548	Rural Compensatory Allowance	50.00	1923	HAA-OTHER 20% (1-15)	1,000.00
148	15% Adhoc Relief All-2013	351.00	2199	Adhoc Relief Allow @10%	175.00
211	Adhoc Relief All 2016 10%	902.00	2224	Adhoc Relief All 2017 10%	1,166.00
247	Adhoc Relief All 2018 10%	1,166.00	2264	Adhoc Relief All 2019 10%	1,166.00

Deductions - General

Wage type:		Amount	Wage type		Amount
002	GPF Subscription	-710.00	3501	Benevolent Fund	-300.00
004	R. Benefits & Death Comp:	-451.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 0.00 Recovered till October-2019: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 22,379.00 Deductions: (Rs.): -1,461.00 Net Pay: (Rs.): 20,918.00

Payee Name: MR. HIDAYATULLAH

Account Number: 17447900413403

Bank Details: HABIB BANK LIMITED, 221744 SAMAR BAGH SAMAR BAGH, SAMAR BAGH

Notes: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: S/BAGH Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email:

*[Handwritten Signature]*  
District Health Officer  
Dir at Timargar

DHO Sahib Dir (L)  
at Timergara

THQH Samarbagh  
report as w/ordaly

Through  
Subject

Sir, I have the honour to

submit my arrival report

in compliance your order

no. 8536-41

dated 24.7.2014 before noon

as w/ordaly at THQH

Samar Bagh.

Your obidently

*[Signature]*  
Hayat Ullah Khan

Dated 24/7/2014

Forwarded TO MERLIN

Team Leader Dist Bil (C)

*[Signature]*  
24/07/2014  
District Health Officer  
Dist: Dera

*[Signature]*  
District Health Officer  
Dist: Timergara

۶۲ (۷)

# ایمپلائمنٹ رجسٹریشن کارڈ

ضروری

اس میٹروپولیٹن کے پاس تجارتی کارڈ (X) موجود  
ہیں۔ ان کو ایمپلائمنٹ ایکس چینج کا نامزد کردہ  
تعمیر کیا جائے

811/111/111/111 اکویشن کوڈ نمبر 47-99-5

مدرسہ القرآن  
کوئٹہ

15/11/111  
Director  
Employment Exchange  
Dist. Lower  
کوئٹہ

ضروری اطلاع

جب آپ کو بلا ذمیت مل جائے تو فوراً مسئلہ جوابی کارڈ ایکس چینج کو  
متعلقہ کریں اس کارڈ پر ٹکٹ لگانے کی ضرورت نہیں۔

O.P.S.S

SERVICE  
UN-PAID

خدمت جناب میجر صاحب  
ایمپلائمنٹ ایکس چینج



Service Appeal No. 167 / 2015

M. W. F. PESHAWAR  
DIRECTOR GENERAL  
HEALTH SERVICES (PESHAWAR)  
Dated 08-03-2015



Ashid Ali S/o Muhammad Jan  
18-Ward orderly, 11th Samanbagh, District Dir Lower

VERSUS

1. The Director General  
Health Services, Khyber Pakhtunkhwa,  
Peshawar

2. The District Health Officer,  
District Dir Lower

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNALS ACT 1974 AGAINST THE IMPUGNED OFFICE  
ORDER DATED 24.07.2014 ISSUED BY RESPONDENT NO.2, WHEREBY THE  
APPOINTMENT ORDER OF THE APPELLANT WAS UNLAWFULLY  
CANCELLED AGAINST WHICH APPELLANT PREFERRED A  
DEPARTMENTAL APPEAL TO RESPONDENT NO.1 ON 06.08.2014 BUT THE  
SAME WAS REJECTED VIDE IMPUGNED ORDER COMMUNICATED  
THROUGH LETTER DATED 17.02.2015.

PRAYER:

On acceptance of the instant appeal, the impugned office order dated  
24.07.2014 issued by Respondent No.2 and the impugned appellate order issued by  
Respondent No.1 dated 17.02.2015 may graciously be set aside by reinstating the  
appellant into service with all back benefits.

Respectfully Sheweth,

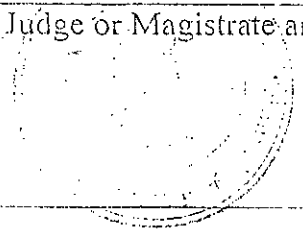
Facts giving rise to the present appeal are as under:-

That appellant is the permanent resident of District Dir Lower and has  
obtained B.A qualification (Credentials Annex:-A) and is registered with

Handwritten notes and stamps at the top of the page, including a signature and the date 2/3/15.

Date of  
Order or  
proceedings.

Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT SWAT

1. Appeal No. 167/2015 Arshid Ali,
2. Appeal No. 168/2015, Siraj-ul-Mulk,
3. Appeal No. 169/2015, Muhammad Yasir,
4. Appeal No. 170/2015, Ikramullah,
5. Appeal No. 171/2015, Fakhr ud Din
6. Appeal No. 172/2015, Hidayatullah Khan,
7. Appeal No. 173/2015, Akbar Khan,
8. Appeal No. 174/2015, Nisar Muhammad and
9. Appeal No. 175/2015, Sanii-ur-Rahman  
Vs. Director General Health Services, Khyber Pakhtunkhwa,  
Peshawar and another.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

Counsel for the appellants and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.

2. This judgment shall dispose of the instant service appeal No. 167/2015 as well as connected service appeals No. 168/2015 to 175/2015 as identical questions of facts and law are involved therein.

3. Brief facts of the case of the appellants are that they were appointed as Class-IV employees vide office order dated 22.07.2014. In pursuance of the appointment orders appellants resumed their duties but vide impugned orders dated 24.07.2014 the said appointment orders were cancelled on account of non-observance of codal formalities constraining the appellant to prefer departmental appeals on 06.08.2014

05.10.2016

which were rejected vide orders dated 17.2.2015 and hence the instant service appeals on 02.03.2015.

4. Learned counsel for the appellants has argued that the appellants were appointed as Class-IV employees in the prescribed manners and their names were requisitioned from the Employment Exchange and the said appointment orders were passed by the competent authority after considering the recommendations of the Departmental Selection Committee. That the impugned orders were passed without affording any opportunity of hearing to the appellants.

5. Learned counsel for the appellant has placed reliance on case-law reported as 2004-SCMR-468 (Supreme Court of Pakistan) and 2005-SCMR-126 (Supreme Court of Pakistan).

6. Learned Senior Government Pleader has argued that the appointment orders were made by violating the settled procedure for such appointments and as such the same were rightly withdrawn. Regarding show cause notice he argued that no such notice was issued to the appellants.

7. We have heard arguments of learned counsel for the parties and perused the record.

8. It is a well settled proposition of law that no one is to be condemned unheard. The August Supreme Court of Pakistan has also ruled in the judgments referred to above and relied on by the learned counsel for the appellants that opportunity of hearing would be a pre-requisite before passing such orders. In view of the afore-stated

RAJ

**District Hearing Officer**  
**Dir of Insurgate**

10-10-2016  
10-10-2016  
10-10-2016  
10-10-2016  
10-10-2016

05.10.2016  
Announced



Self-Attestation  
Classroom  
Matters

circumstances we are constrained to set aside the impugned  
referred to above and reinstate the appellants in service with dire  
to the respondents that in case they intend to proceed again  
appellants on any ground including non-observance of codal form  
during process of their appointments then the appellants be an  
opportunity of hearing in the mode and manners prescribed by rul  
there-after pass any order deem appropriate. All the apper  
accepted in the above terms. Parties are left to bear their own cos  
be consigned to the record room.

### MEDICAL CERTIFICATE

Name of official Mr. Hidayatullah Khan  
 Caste or race Muslim  
 Father's name Mr. Nazimullah Khan  
 Residence Village Badp. o. Samra Bugh Dist. Muzaffargarh  
 Date of birth 1980  
 Exact height by measurement 5' 2"  
 Personal mark of identification A scar on neck at the side posteriorly  
 Signature of the official [Signature]  
 Signature of head of office \_\_\_\_\_

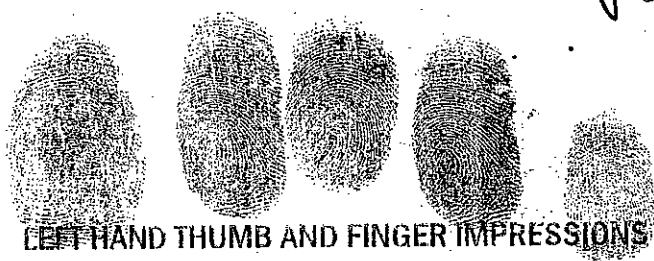
Seal of office [Seal]

I do hereby certify that I have examined Mr. Hidayatullah Khan a candidate for employment in the Office of the Health Department and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except nil

I do not consider this as disqualification for employment in the office of the Health Dept.  
 His age according to his own statement 34 years year and by appearance about 34 year.

[Signature]  
 District Health Officer  
 Dir at Muzaffargarh

[Signature]  
 MEDICAL SUPERINTENDENT,  
 CIVIL HOSPITAL  
 M.C. Hospital Muzaffargarh  
 Dir. (L-1000)



1. Name: Mr. Hidayat Ullah Khan

2. Race: Muslim

3. Residence: Village & P.O. Samarbagh Tehsil Samarbagh Div. Lower


4. Father's name and residence: Nasrullah Khan


5. Date of birth by Christian era as nearly as can be ascertained: 03-03-1978


6. Exact height by measurement: 5' 2"


7. Personal marks for identification

8. Left hand thumb and Finger impression of (Non-Gazetted) Officer.

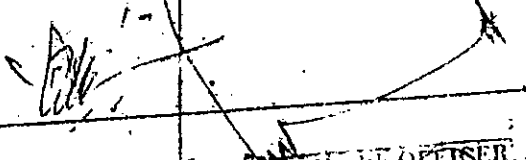
Little Finger 

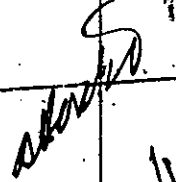
Ring Finger 

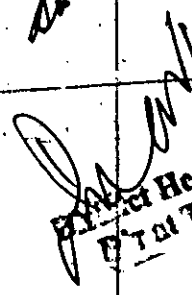
Middle Finger 

Fore Finger 

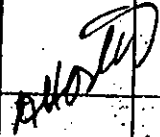
Thumb 

9. Signature of Government Servant 

10. Signature and Designation of the Head of the Office, or other attesting Officer.  **DEPUTY HEALTH OFFICER**  
D. H. O. T. T. T.

  
**Deputy Health Officer**  
**T. T. T. T. T.**

1 Name of Post	2 Whether substantive or officiating and whether Permanent or temporary	3 If Officiating state (i) Substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 and the head of the Government or other officer in charge of the post
Rs. 4900-170-10000 Ward orderly (B-2)			Rs. 4900/- pm			24 <sup>07</sup> / 2014 (FN)	
do			Rs. 4900/- pm			01 <sup>12</sup> / 2014 (FN)	
Rs. 6335-220-12935 W/O (B-2)			Rs. 6335/- pm			01 <sup>07</sup> / 15 (FN)	

  
 District Health Officer  
 Dir of Timergars

Signature of the head of the Government

Date of termination or appointment

Termination (such as promotion, transfer, dismissal etc.)

Signature of the head of the office or other attesting Officer

and duration of leave taken

Leave on average pay upto four months for which leave salary is debit to another Government

Period Government to which debit to

Signature of the head of the office or other attesting Officer

Recorded punishment of censure, or reward or praise of the Government Servant

*Signature*

~~HEAD OF OFFICE~~  
Distt Dir

On the recommendation of Departmental Selection Committee, appointed as Ward order (B-2) (Rs 4960-170-10000) plus usual allowances at TTD Hospital S/bug, vide DHO Div Lower office order No. 8536-41, dt 23-7-2014.

~~HEAD OF OFFICE~~  
Distt Dir

The appointment order of the official concerned is hereby cancelled with immediate effect, because of lack of code book formulae vide DHO Div cl office order No. 8561-69, dt 24-7-2014.

~~HEAD OF OFFICE~~  
Distt Dir

*Handwritten initials*

*Signature*

HEAD OF OFFICE  
Distt Dir

In compliance with The Honorable KP Service Tribunal Peshawar Service Appeal No. 167-175/2015 dt 05/10/16 the appellant concerned is hereby re-instated into Service from the date of his appointment with all back benefit vide DHO Div Lower office order No. 897-901, dt 22-01-2017

~~HEAD OF OFFICE~~  
Distt Dir



12

1	2	3	4	5	6	7	
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating state (i) Substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signal of Government
		UP-graded from	B-2	To	B-4	10.07.15	
			-x-		-x-		
	No. 6730-300-15730	Pay on 01- <sup>12</sup> / <sub>15</sub> (B-2)	R. 6555/-	A.	8.12.15		Option
	W/o (BPS-4)	" 02- <sup>12</sup> / <sub>15</sub> (B-4)	R. 6730/-	Pm			
		one pm	R. 300/-				
		= Pay fixed	R. 7030/-	Am			
	<del>du</del>		R. 8650/-	Am		01- <sup>7</sup> / <sub>16</sub> (FN)	
	<del>du</del>		R. 9020/-	Am		01- <sup>12</sup> / <sub>16</sub> FN	
	R. 9900-1140-23184		R. 10780/-	Am		01- <sup>7</sup> / <sub>17</sub> FN	
	W/o B-4						

and the head or other officer in charge of

1 to 8

CF

1

District Collector

Government and other officers in service of	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other attesting Officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitable		

Up-graded from BPS 32 to BPS 34 w.e.f. 01-07-2015  
 Department Notification No. FD/DO (FR) 7/2015 dated 30-06-2015

Option I hereby Opt for re-fixation of my pay in BPS 34 on 02-12-2015 after getting annual increment in BPS 34 on 01-12-2015

DISTRICT HEALTH OFFICER  
 District

DISTRICT HEALTH OFFICER  
 District

Tax revised w.e.f. 01-7-16

DISTRICT HEALTH OFFICER  
 District

30/11/16 (AM)

Annual Increment Allowed

Service verified upto 30/11/16 AM


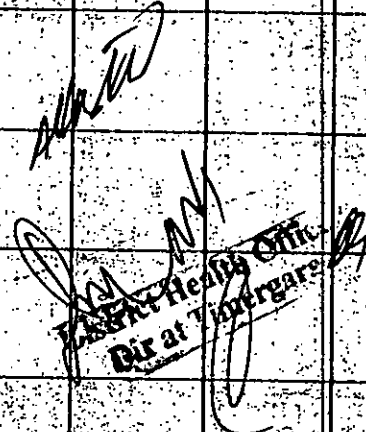
DISTRICT HEALTH OFFICER  
 District

DISTRICT HEALTH OFFICER  
 District

DISTRICT HEALTH OFFICER  
 District

T.D.No 437 dt/15/9/17  
 Rand No-161287 on A/c of ann & pay & all w.e.f 03-02-17 to 28/2/17

S-I D/O No 70202 dt 17/09/17  
 T-393 20/3/2017  
 District Health Office  
 District

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating state (i) Substantive appointment or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of Appointment	8 Signature of Government Servant and the head of the office in which he is posted
2017							
Office of The Accountant General Khyber Pakhtunkhwa, Peshawar							
Pay Fixed in the Revised Basic Pay Scale							
RBPS	8325	2208	12930	(02)			
Pay Fixed @ Rs.	8325	101-07-2015		(04)			
	8000	1310	19380				
Pay Fixed @ Rs.	8650	101-07-2016		(08)			
RBPS	9250	448	22100				
Pay Fixed @ Rs.	10700	101-07-2017					
Data Next Increment is on 01-12-2017							
 Accounts Officer Pay Fixation Party Peshawar							
 Director Health Office Dir at Taborgare							