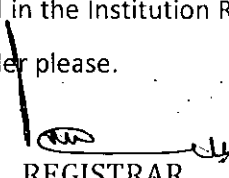





Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 933/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/06/2022	<p>The appeal of Mr. Zafar Ali Shah presented today by Mr. Muhammad Javed Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	13.7.22	<p>This case is entrusted to touring Single Bench at Swat for preliminary hearing to be put there on <u>1-08-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p> <p><i>Due to summer vacation the date is adjourned to 3-10-22.</i></p> <p></p>
	03.10.2022	<p>Nemo for the appellant.</p> <p>Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for preliminary hearing on 07.11.2022 before the S.B at Camp Court Swat.</p> <p> (Salah-Ud-Din) Member (J) Camp Court Swat</p>

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

Service Appeal No. 933 /2022

Zafar Ali Shah

.....Appellant

**VERSUS**

Director General Health and others

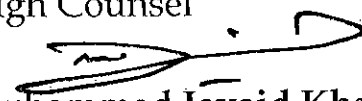
..... Respondents

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5	Copy of the office order	"A"	8
6	Copy of the impugned Order No. E-II/SGTH/3981 Dated: 3rd March, 2022	"B"	9
7	Copy of departmental appeal	"C"	10-14
8	Copy of Secondary School Certificate	"D"	15
9	Copy of Commendation Certificate	"E"	16
10	Wakalat Nama		17

**Appellant**

Through Counsel



**Muhammad Javaid Khan**  
Advocate Supreme Court  
of Pakistan

Office: Allah-o-Akbar Masjid,  
College Colony, Saidu Sharif, swat  
Cell: 0343-9607492

①

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

Service Appeal No. \_\_\_\_\_/2022

Zafar Ali Shah S/o Mian Said Wahid R/O Kuladher Tehsil Babozai  
District Swat. ....Appellant

**VERSUS**

- 1) Director General Health Services Government of KP at Civil Secretariat Peshawar.
- 2) Secretary Health Government of KP at Civil Secretariat Peshawar.
- 3) MS Saidu Group of Teaching Hospitals at Saidu Sharif District Swat. ....Respondents

*SA*

**SERVICE APPEAL UNDER SECTION 4 OF SERVICE  
TRIBUNAL ACT READ WITH OTHER RELEVANT  
PROVISIONS AGAINST THE ORDER NO. E-  
II/SGTH/3981 DATED: 3<sup>rd</sup> MARCH, 2022 OF  
RESPONDNET NO.3 / MEDICAL SUPERINTENDENT  
SAIDU GROUP OF TEACHING HOSPITALS SAIDU  
SHARIF SWAT, WHEREBY THE APPELLANT HAS BEEN  
TERMINATED FROM THE SERVICE ILLEGALLY,  
UNLAWFULLY AND UNCONSTITUTIONALLY.**

**PRAYER:**

On acceptance of this service appeal, the Order No. E-II/SGTH/3981 Dated: 3rd March, 2022 of the Office Medical Superintendent Saidu Group of Teaching Hospitals Saidu Sharif Swat may kindly be set aside and the Appellant may be reinstated into service with all back benefits including the salaries and other emoluments of the intervening period.

Any other relief, deemed fit in the circumstances may also be awarded in favor of the Appellant against Respondents.

---

**Respectfully Sheweth:**

The Appellant submits as under;

1. That the appellant was initially appointed as a Clinical Technician Radiology BPS-12 vide office order No. 769-73/PF Dated: 17/01/2020. (Copy of office order is attached herewith as annexure "A").
2. That service of the Appellant was regularized after completion of the one year probation period from the date of appointment.
3. That now all of a sudden the impugned Order No. E-II/SGTH/3981 Dated: 3<sup>rd</sup> March, 2022 has been issued by the Respondent No.3 Office of Medical Superintendent Saidu Group of Teaching Hospitals Saidu Sharif Swat, whereby the Appellant has been terminated from his

service illegally, unlawfully and unconstitutionally.  
(Copy of the impugned Order No. E-II/SGTH/3981 Dated:  
3<sup>rd</sup> March, 2022 is attached herewith as annexure "B").

- 4. That the Petitioner being aggrieved, filed a departmental appeal before the Respondent No.1 on 15/03/2022, but no fruit result came out. (Copy of departmental appeal is attached herewith as annexure "C").
- 5. That the Appellant being aggrieved from the impugned Order No. E-II/SGTH/3981 Dated: 3<sup>rd</sup> March, 2022, is filling this service appeal inter alia on the following grounds.

GROUND:-

- i. That the impugned order has been issued without formally appointing an enquiry officer.
- ii. That the impugned order has been issued without conducting a fact finding enquiry followed by proper enquiry.
- iii. That no show-cause notice has been issued to the Appellant.
- iv. That the impugned order is patently illegal and incorrect on the face of it, because the Appellant was as CT Radiology, whereas in the impugned order the Appellant has shown to have served as Clinical Technician Pathology.
- v. That the Appellant appeared in the examination of Secondary School Certificate with Roll No. 160122,

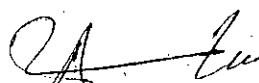
whereas the impugned termination order shows the roll number as 16122, which is totally incorrect. (Copy of Secondary School Certificate is attached herewith as annexure "D").

- vi. That a commendation certificate was also issued to the Appellant by head of the Radiology Department. (Copy of commendation certificate is attached herewith as annexure "E").
  - vii. That the Appellant has a very good service record and has been recommended for promotion by reporting officer in the Annual Confidential Reports.
    - i) That the Appellant has performed his duties regularly, honestly and to the satisfaction of his superiors.
    - ii) That other grounds not specifically raised will be argued with the permission of this Honorable Court at the time of arguments.
6. That this appeal is being filed against the Order No. E-II/SGTH/3981 Dated: 3<sup>rd</sup> March, 2022 of Respondent No.1, hence this Honorable Tribunal has got the jurisdiction, and this appeal is in time.

**It is therefore humbly prayed that on acceptance of this service appeal, the Order No. E-II/SGTH/3981 Dated: 3rd March, 2022**

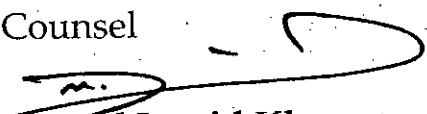
of the Office Medical Superintendent Saidu Group of Teaching Hospitals Saidu Sharif Swat may kindly be set aside and the Appellant may be reinstated into service with all back benefits including the salaries and other emoluments of the intervening period.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the appellant please.



Appellant

Zafar Ali Shah  
Through Counsel



Muhammad Javaid Khan  
Advocate Supreme Court  
of Pakistan

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

Service Appeal No. \_\_\_\_\_/2022

Zafar Ali Shah .....Appellant

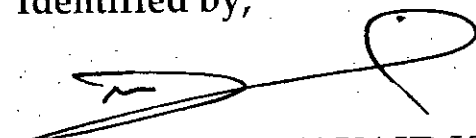
**VERSUS**

Director General Health and others ..... Respondents

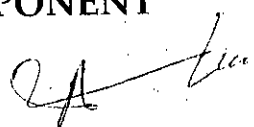
**AFFIDAVIT**

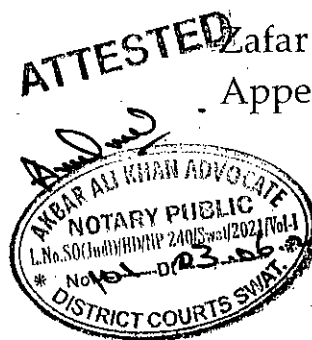
I, Zafar Ali Shah (Appellant in person), do hereby solemnly affirm and declare on oath that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

Identified by,

  
**MUHAMMAD JAVAID KHAN**  
Advocate Supreme Court  
of Pakistan

DEPONENT

  
Zafar Ali Shah  
Appellant in person





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

Service Appeal No. \_\_\_\_\_/2022

Zafar Ali Shah .....Appellant

**VERSUS**

Director General Health and others ..... Respondents

**ADDRESSES OF THE PARTIES**

**ADDRESS OF THE APPELLANT**

Zafar Ali Shah S/o Mian Said Wahid R/O Kuladher Tehsil Babozai  
District Swat.

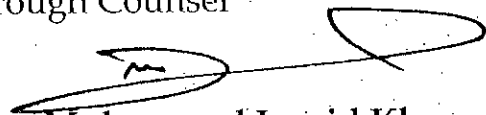
CNIC: 15602-8424694-3

Cell: 0333-9477106

**ADDRESSES OF THE RESPONDENTS**

- 1) Director General Health Services Government of KP at Civil Secretariat Peshawar.
- 2) Secretary Health Government of KP at Civil Secretariat Peshawar.
- 3) MS Saidu Group of Teaching Hospitals at Saidu Sharif District Swat.

**Appellant  
Through Counsel**



**Muhammad Javaid Khan  
Advocate Supreme Court  
of Pakistan**



Annex (A)

(8)

**OFFICE OF THE MEDICAL SUPERINTENDENT**

Saidu Group of Teaching Hospitals, Saidu Sharif Swat.

Ph: 0946-9240126-27, Fax: 0946-9240122

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

dated 17/01/2020

**OFFICE ORDER:**

Consequent upon recommendations of the Departmental Selection Committee in its meeting/ interview held in the office of the Medical Superintendent, Saidu Group of Teaching Hospitals, Swat on 01.08.2019, Mr. Zafar Ali Shah S/O Mian Said Wahid, is hereby appointed as CT Radiology BPS-12 @ (13320-960-42120) plus usual allowances as admissible under the Govt: Service Rules, subject to the following terms and conditions.

**Terms & Conditions:**

- 1- He will be on probation for a period of one year, extendable further for one year. If not extended the probation period will be treated as completed after completion of one year satisfactory service.
- 2- He will be governed by the government of Khyber Pukhtunkhwa, Civil Servants Act 1973 and laws applicable to the civil servants under the rules made thereunder.
- 3- He shall be entitled for annual increment.
- 4- His services can be terminated at any time during probation period without being of post/cadre.
- 5- He will have to produce Medical Fitness Certificate from the Medical Superintendent.
- 6- In case he wishes to resign from service, one month prior notice shall have to be given or one month salary will be forfeited in lieu thereof.
- 7- His salary will be processed subject to verification of relevant documents.

If he accepts above terms & conditions, she will have to report for duty to the office of the undersigned within fourteen days of the issue of this order, otherwise the order shall stand cancelled.

**MEDICAL SUPERINTENDENT**

S.G.T.H, Saidu Sharif, Swat

No. 769-73 JPF

Copy forwarded to the:

- 1- Director General Health Services, Khyber Pakhtunkhwa, Peshawar
- 2- Chief Executive, Saidu Group of Teaching Hospitals, Swat
- 3- District Accounts Officer, Swat.
- 4- Accounts Section M.S Office, Saidu Group of Teaching Hospitals, Swat.
- 5- Official concern.

**MEDICAL SUPERINTENDENT**

S.G.T.H, Saidu Sharif, Swat



OFFICE OF THE  
MEDICAL SUPERINTENDENT

Annex "B"

9

SAIDU GROUP OF TEACHING HOSPITALS SAIDU SHARIF SWAT  
PH 0946-9240126-27 FAX:0946-9240122

No. E-II/SGTH/3981

Dated Saidu Sharif the 3<sup>rd</sup> March 2022

ORDER

WHEREAS you Mr. Zafar Ali Shah S/O Mian Said Wahid was appointed as Clinical Technician Pathology (BS-12) in Saidu Group of Teaching Hospitals, Swat vide this office order No. 769-73/PFD dated 17-01-2020

AND WHEREAS as required under the rules your academic documents were sent for verifications to the concerned authorities.

AND WHEREAS your Secondary School Certificate bearing Roll No. 16122 session 2003 (Annual) marks 465/850 Grade C, was verified from BISE Swat and upon its verification it is found Bogus.

AND WHEREAS your appointment was made on the basis of provided academic documents which are found Bogus.

NOW THEREFORE, consequent upon the above, your appointment is hereby terminated with immediate effect.

MEDICAL SUPERINTENDENT  
S.G.T.H, Saidu Sharif, Swat

ENDST: NO AND DATE EVEN

Copy forwarded to the:

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. District Police Officer, Swat with the request to lodge FIR against the above named person under CPC 419-420 under intimation to this office.
3. HOD Radiology, SGTH Swat.
4. District Accounts Officer, Swat
5. Accounts Section, SGTH, Swat.
6. Mr. Zafar Ali Shah S/O Mian Said Wahid, R/O Kula Dher, P.O Balogram District Swat.

MEDICAL SUPERINTENDENT  
S.G.T.H, Saidu Sharif, Swat

Annex "C"

(10)

BEFORE THE DIRECTOR GENERAL HEALTH SERVICES  
GOVERNMENT OF KP AT PESHAWAR

Diary No. 13496  
28/3/2022

INDEX

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3.	Copy of the impugned Order No. E-II/SGTH/3981 Dated: 3 <sup>rd</sup> March, 2022	B	15
4.	Copy of Secondary School Certificate	C	16-17
5.	Copy of Commendation Certificate	D	18

Appellant:

*Zafar Ali Shah*

Zafar Ali Shah S/o Mian Said Wahid

R/O Kuladher Tehsil Babozai District Swat

Dated: 15/03/2022

(11)

BEFORE THE DIRECTOR, GENERAL HEALTH SERVICES  
GOVERNMENT OF KP AT PESHAWAR

DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED ORDER NO. E-II/SGTH/3981 DATED: 3<sup>RD</sup>  
MARCH, 2022 OF THE OFFICE MEDICAL  
SUPERINTENDENT SAIDU GROUP OF TEACHING  
HOSPITALS SAIDU SHARIF SWAT, WHEREBY THE  
APPELLANT HAS BEEN TERMINATED FROM THE  
SERVICE ILLEGALLY, UNLAWFULLY AND  
UNCONSTITUTIONALLY.

**Prayer**

On acceptance of this departmental appeal, the Order No. E-II/SGTH/3981 Dated: 3<sup>rd</sup> March, 2022 of the Office Medical Superintendent Saidu Group of Teaching Hospitals Saidu Sharif Swat may kindly be set aside and the Appellant may be reinstated into service with all back benefits including the salaries and other emoluments of the intervening period.

Any other remedy which is just appropriate and efficacious may kindly be awarded in favor of the appellant.

**Respectfully Sheweth;**

- 1) That the appellant was initially appointed as a Clinical Technician Radiology BPS-12 vide office order No. 769-73/PF Dated: 17/01/2020. (Copy of office orders is attached herewith as annexure "A").

- 2) That service of the Appellant was regularized after completion of the one year probation period from the date of appointment.
- 3) That now all of a sudden the impugned Order No. E-II/SGTH/3981 Dated: 3<sup>rd</sup> March, 2022 has been issued by the Office of Medical Superintendent Saidu Group of Teaching Hospitals Saidu Sharif Swat, whereby the Appellant has been terminated from his service illegally, unlawfully and unconstitutionally. (Copy of the impugned Order No. E-II/SGTH/3981 Dated: 3<sup>rd</sup> March, 2022 is attached herewith as annexure "B").
- 4) That the impugned order is not tenable inter alia of the following grounds.

GROUND:-

- i. That the impugned order has been issued without formally appointing an enquiry officer.
- ii. That the impugned order has been issued without conducting a fact finding enquiry followed by proper enquiry.
- iii. That no show-cause notice has been issued to the Appellant.
- iv. That the impugned order is patently illegal and incorrect on the face of it, because the Appellant was as CT Radiology, whereas in the impugned order the Appellant has shown

to have served as Clinical Technician Pathology.

- v. That the Appellant appeared in the examination of Secondary School Certificate with Roll No. 160122, whereas the impugned termination order shows the roll number as 16122, which is totally incorrect. (Copy of Secondary School Certificate is attached herewith as annexure "C").
- vi. That a commendation certificate was also issued to the Appellant by head of the Radiology Department. (Copy of commendation certificate is attached herewith as annexure "D").
- vii. That the Appellant has a very good service record and has been recommended for promotion by reporting officer in the Annual Confidential Reports.
- viii. That the Appellant has performed his duties regularly, honestly and to the satisfaction of his superiors.

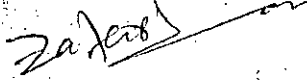
It is therefore humbly prayed that on acceptance of this departmental appeal, the Order No. E-II/SGTH/3981 Dated: 3<sup>rd</sup> March, 2022 of the Office Medical Superintendent Saidu Group of Teaching Hospitals Saidu

(1)

(14)

Sharif Swat may kindly be set aside and the Appellant may be reinstated into service with all back benefits including the salaries and other emoluments of the intervening period.

Appellant



Zafar Ali Shah S/o Mian Said Wahid  
R/O Kuladher Tehsil Babozai District Swat  
Dated: 15/03/2022



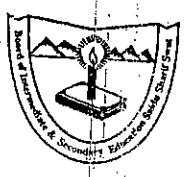
S.No 10667

Roll No. 160122



Annex "D"

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Saidu Sharif, Swat N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 2003 (ANNUAL/SUPPLEMENTARY)

THIS IS TO CERTIFY THAT ZAFAR ALI SHAH Son/Daughter of MIAN SAID WAHID and a student of DISTRICT SWAT.

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Saidu Sharif, Swat held in 2003 as a Regular/Private candidate. He/She obtained 336 Marks out of 850 and has been placed in Grade E Representing SATISFACTORY

The candidate passed in the following subjects:

- 1. English 2. Urdu 3. Islamiyat 4. Pakistan Studies 5. MATHS 6. CHEMISTRY 7. PHYSICS 8. BIOLOGY

Date of birth according to admission form is THIRD MARCH one thousand nine hundred and EIGHTY FOUR (03-03-1984)

Asstt. Secretary

This certificate is issued without alteration or erasure.

Secretary

Annex "E"



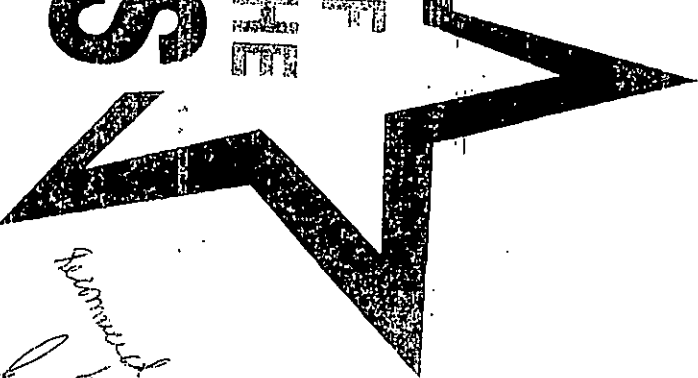
# SAIDU GROUP

# OF TEACHING HOSPITAL

Radiology Department

## 2021

# TECHNICIAN OF THE YEAR AWARDS



*Recommended by*  
*Dr. B. Radiologist*  
Saidu Group of Teaching Hospital

Best X-Ray Technician, Saidu Wing 2021, is

awarded to Zafar H. Shah  
for his punctuality, devotion and services.

Dr. Bakht Rokhan  
Chief District Specialist  
Head Department of Radiology  
Saidu Teaching Hospital Swat.  
HOD Radiology

Annex "E"

بعدالت جناب سرور سٹریٹس ٹریبیونل KPK مقام ایسٹا اور برائے کیمپ کورٹ فیصلہ سوات

مورخہ

2022

منجانب

مقدمہ

ظفر علی شاہ بنام حکومت ہندوستان حکومت و غیرہ

دعویٰ

سرور سٹریٹس ٹریبیونل

جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام برائے کیمپ کورٹ سوات کے سرور سٹریٹس ٹریبیونل ہندوستان کو 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 و تقرر ثالث و فیصلہ بر حلف دینے جواب دہیا و اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور ہذا وکالت نامہ لکھ دیا کہ سند رہے

2022

ماہ جون

المرقوم

العبد

گواہ شد

ظفر علی شاہ  
 ظفر علی شاہ - ایسٹا اور

العبد  
 ظفر علی شاہ

گواہ شد

العبد

۱ ہمارا