


Execution Petition 165/2022

27th Oct 2022

1. Mr. Muhammad Rasheed, husband of the petitioner on behalf of the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Dr. Azad Khan, Dy: DHO, Lakki Marwat for the respondents present.

2. Representative of the respondents have produced copies of the bills of the petitioner in compliance of the judgment of the Tribunal. The representative, however, submitted that, since, the department has filed CPLA before the august Supreme Court of Pakistan, therefore, the petitioner might be asked to submit an undertaking that in case the decision in the CPLA came against her, she would repay the amounts taken in compliance with the judgment of the Tribunal. Mr. Muhammad Rasheed, husband of the petitioner is present who has assured that the petitioner would submit such undertaking to the respondents. On submission of the affidavit/undertaking by the petitioner, the department shall release the payments in compliance of the judgment of the Tribunal. Disposed of accordingly. Consign.

3. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 27th day of Oct, 2022.*



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

28th Sept, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

It is noted with concerned that no proper representation is made by the respondent department before the Tribunal in violation of the standing orders of the Establishment Department. Despite clear directions given on the previous date, respondents have not submitted implementation report. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, Lakki Marwat are directed to attach salaries of the respondents No. 1 to 3 till further orders by this Tribunal and compliance report be submitted to the Registrar of this Tribunal. Show cause notice be also issued to the respondents as to why they should not be proceeded under the Contempt of Court Ordinance 2003. Respondents are directed to appear in person alongwith the implementation report.

To come up on 27.10.2022 for further proceedings at camp court D.I.Khan.



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

1st July, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned Addl: AG seeks time to contact the respondents for submission of implementation report. Respondents are directed to submit proper implementation report on the next date positively. To come up for implementation report on 07.07.2022 before S.B at Peshawar.

Q

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

R

07th July, 2022

None present for the petitioner: Mr. Muhammad Adeel Butt, Addl. AG for the respondents present. and assured that the judgment will be complied with if some time is granted to the respondents. Let a last opportunity granted to respondents to comply with the judgment of the Tribunal and submit implementation report on or before the next date. Case is adjourned to 24.08.2022 before S.B at Camp Court, D.I.Khan

Q

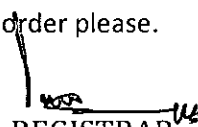


Q

(Kalim Arshad Khan)
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 165/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.03.2022	<p style="text-align: center;">The execution petition of Mst. Yasmin Bibi submitted today by Mr. Muhammad Iqbal Kundi Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <div style="text-align: right; margin-right: 50px;">  REGISTRAR </div>
2-	28-04-22	<p style="text-align: center;">This execution petition be put up before to touring Single Bench at D.I.Khan on <u>28-04-2022</u>.</p> <div style="text-align: right; margin-right: 50px;">  CHAIRMAN </div> <p style="text-align: center; font-size: 1.2em; margin-top: 20px;"> <i>Tour to camp court D.I.Khan has been cancelled to come up for the same as before on 01/07/2022</i> </p> <div style="text-align: right; margin-right: 50px;">  <i>Reed</i> </div>

BEFORE Service Tribunal Khyber Pakhtunkhwa
Camp Office D.I.Khan

IMPLEMENTATION APPLICATION

Execution Petition No. 165/2022

Yasmin Bibi

VERSUS

Govt of KPK through Secretary Health Department & Others

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3.	Copies of Arrival dated 30/10/2021 report Retirement letter dated 29-11-2021, Charge Report dated 1/12/2021	C + D	12	14
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Humble Petitioner


Thorough Counsel

①

**BEFORE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR CAMP OFFICE
DERA ISMAIL KHAN**

Yasmin Bibi D/O Rehmat Ullah W/O Muhammad Rasheed R/O Village ^{Kakakhel} & P/O Ghazni Khel
Tehsil & District Lakki Marwat

Exception petition no. 165/2022Applicant

VERSUS

1. Govt of Khyber Pakhtunkhwa
Through Secretary Health Civil Secretariat
Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 457

2. Director General Health
Gove of Khyber Pakhtunkhwa
Peshawar.

Dated 30-3-2022

3. District Health Officer
DHO Office Lakki Marwat.

9/11/2022

.....Respondents

**APPLICATION FOR IMPLEMENTATION OF JUDGMENT
DATED 28-09-2021 PASSED BY THIS HONORABLE
COURT TRIBUNAL VIDE WHICH APPLICANT WAS
REINSTATED IN SERVICE WITH ALL BACK BENEFITS
BY SETTING ASIDE ORDER DATED 16-05-2016 OF
TERMINATION FROM SERVICES.**

PRAYER

**On acceptance of instant application for
implementation this Honorable Tribunal may be
pleased to pass an order by directing the
respondents to release all the back benefits of
petitioner from termination of services till her
reinstatement and they may be further directed to
release her current monthly salary in the interest of
justice.**

[Handwritten scribbles]

Respected Sir,

1. That applicant had assailed /impugned her termination services order bearing No. 3707/NP dated 16-05-2016 in this Honorable Tribunal through service appeal No. 955/2016 which was accepted and she was reinstated in service with all back benefits by setting aside ibid impugned order dated 16-05-2016 vide judgment dated 28-09-2021 passed by this honorable Tribunal. Copy of service appeal and judgment dated 28-09-2021 are marked and enclosed as **Annexure A & B.**

[Handwritten signature]

2. That applicant reported for duty on 30-11-2021 in the office of respondents No. 3 after submission of arrival Report alongwith copy of judgment dated 28-09-2021 of this Honorable Tribunal she was taken on duty and was posted at Ladies Health Centre B-11-U Abakhel vide order dated 29-11-2021. Copy of arrival report and posting order dated 29-11-2021 are enclosed and marked ad **Annexure C & D.**

9980-88/LMW

3. That after resuming the duty on 30-11-2021 on the post of LHW at B.H. Abakhel area Meenakhel applicant requested the respondents, to release all her back benefit since her termination from service on 16-05-2016 and also release her current month salary. Copy of application is enclosed and marked as **Annexure E**.

4. That respondents are procrastinating the matter on one pretext or another and they are showing their reluctance in respect of releasing of the arrears of her salaries and other benefits since her termination from service. Even neither uptill now neither current monthly salary has been released nor arrears from date of termination from service i.e 16-05-2016. Hence instant implementation application is being filed in this Honorable Tribunal inter alia on the following grounds.

GROUND S

- a) That act of respondents for not implementing the judgments the dated 28-09-2021 in toto and not releasing arrears of her salaries other ancillary benefits since 16-05-2016 is contemptuous in nature therefore they are liable to be dealt in accordance with law.
- b) That act of respondents for not releasing applicant's current month salary after submission of arrival report and posting her at B.H. Abakhel Area Meenakhel is wrong without lawful authority.
- c) That after reinstatement in service and acceptance of applicant's arrival report posting her at B.H. Abakhel Meenakhel by respondents are liable to release her monthly salary as well as arrears of her salaries.
- d) That applicant is being discriminated by respondents in respect of not releasing arrears of salaries as well current monthly salary. Thus act of respondents is without lawful authorities therefore they are liable to be dealt with iron hands.
- e) This honorable Tribunal has ample powers to implement the judgments dated 28-09-2021 upon respondents.
- f) That applicant may be allowed to raise additional grounds during the course of arguments.

[Handwritten signature]

In view of the submissions made above it is benignly prayed that applicant's implementation application may be accepted as prayed for in the heading of instant application in the best interest of justice.

Dated:19-02-2022

Applicant

[Handwritten signature]
Yasmin Bibi

[Handwritten signature]
Through Counsel
Muhammad Iqbal Kundi
Advocate High Court
Dera Ismail Khan

BEFORE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR CAMP OFFICE
DERA ISMAIL KHAN

Yasmin Bibi D/O Rehmat Ullah W/O Muhammad Rasheed R/O Village & P/O Ghazni Khel
Tehsil & District Lakki Marwat

Kaka Khel

.....Applicant

VERSUS

1. Govt of Khyber Pakhtunkhwa
Through Secretary Health Civil Secretariat
Peshawar.
2. Director General Health
Gove of Khyber Pakhtunkhwa
Peshawar.
3. District Health Officer
DHO Office Lakki Marwat.

.....Respondents

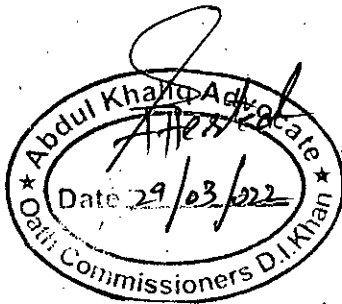
AFFIDAVIT

I, Yasmin Bibi D/O Rehmat Ullah W/O Muhammad Rasheed R/O Village & P/O Ghazni Khel
Tehsil & District Lakki Marwat do hereby solemnly affirm on oath that contents of instant
implementation application are correct to the best of my know legged and nothing has been
concealed from this court.

Kaka Khel

ياسمين بيبی

Deponent



MM (A) (1)

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

Service Appeal No. 955/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 973

Date: 07-9-2016

Yasmeen Bibi D/o Rehmat Ullah wife of Muhammad Rasheed
R/o Village and Post Office Ghazni Khel Tehsil and District
Lakki Marwat.

.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Health Civil Secretariat, Peshawar.
2. Director General Health Government of Khyber Pakhtunkhwa, Health Department Peshawar.
3. District Health Officer, DHO District Lakki Marwat.

.....(Respondents)

**SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST TERMINATION
FROM SERVICE ORDER NO. 3707/NP
DATED 16/05/2016.**

Prayer:-

ON ACCEPTANCE OF INSTANT SERVICE APPEAL THIS HONOURABLE TRIBUNAL MAY BE PLEASED TO PASS AN ORDER FOR SETTING ASIDE IMPUGNED TERMINATION ORDER NO. 3707/NP DATED 16/05/2016 AND DIRECT THE RESPONDENTS TO REINSTATE THE APPELLANT IN SERVICE ALONG WITH ALL BACK BENEFITS TILL RE INSTATEMENT IN SERVICE AND SHE MAY ALSO BE PAID ARREARS OF SALARY FROM 01/07/2012 (BEING DATE OF REGULARIZATION) TILL 30/06/2016 IN THE INTEREST OF JUSTICE AND EQUITY.

Filed to-day

Registrar

2/9/16

[Signature]

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Respectfully Sheweth:-

1- That under "National Programme for family planning and primary care" were to be appointed on the post of Lady Health Workder in all the District of the Country on Contract basis.

2- That the appellant, being resident of District Lakki Marwat and academically qualified, was appointed on ⁷⁻⁷⁻²⁰⁰⁹ ~~01/07/2009~~ as Lady Health Worker at Meena Khel area of Basic Health Unit (BHU) Aba Khel. She also executed surety bond in respect of training organized by respondent for lady Health Workers and since then she had been performing her duties to the entire satisfaction of her superiors. Copy of domicile certificate, school leaving certificate and surety bond are enclosed as Annexure "A, B & C".

3- That during performing of her duty she has not only participated in several seminars and courses but also improved her academic qualification by passing Secondary School Certificate (SSC) / Matric Examination from BISE Bannu in the year 2013, under Roll No. 33596 as Private candidate. Copy of SSC certificate is enclosed as Annexure "D".

4- That appellant services were regularized on permanent basis Under Section 4(1) of Khyber Pakhtunkhwa (Lady Health Worker Programme) Employees regularization and standardization Act 2014 vide office order No. 760/NP dated 22/09/2014 by respondent No. 2 along with other Lady Health Workers. Appellant name is available at serial No. 7 of ibid order. Copy of office order dated 22/09/2014 is enclosed as Annexure "E".

*attested
S. Qureshi*

5- That all of a sudden while performing duty at B.H.U Abba Khel, appellant's services were terminated by respondent No. 3 vide office order No. 3707/NP dated 16/05/2016. Copy of the termination order dated 16/05/2016 is enclosed as Annexure "F".

6-

That feeling aggrieved from the impugned termination from service order dated 16/05/2016 appellant filed Departmental Appeal on 01/06/2016 before higher authority i.e respondent No. 2 for redressal of her grievances. Copy of the Departmental appeal and postal receipt are enclosed as Annexure "G, G/1".

7-

That while not responding to the Departmental Appeal within stipulated period of 90 days appellant now humbly approaches this Honourable Tribunal through instant Service Appeal for setting aside impugned termination from service order dated 16/05/2016 and reinstatement of appellant with all back benefits till reinstatement in service and payment of arrears of salary from 01/07/2012 (being date of regularization till 30/06/2016) inter alia on the following grounds:-

GROUND:-

- a) That the impugned order dated 16/05/2016 is illegal, void and without lawful authority, thus the same is ineffective upon the rights of the appellant.
- b) That the appellant services have been terminated on flimsy and inadequate ground of alleged fake school leaving certificate of alleged Government School Mala Khel FR Tank. It is submitted that appellant has neither submitted / provided the alleged School leaving Certificate nor she remained the student in the alleged School even she has no concern with the alleged fake School leaving Certificate mentioned in the impugned order dated 16/05/2016 whereas actually she was the student of Government Girls High School Tattar Khel and thereafter during his services she had improved her qualification by passing Secondary School Certificate examination in the year 2013 under roll No. 33596 from BISE Bannu as private candidate. Thus on this score alone the impugned order

*attested
Secy*

dated 16/05/2016 is liable to be set aside / recalled.

- c) That when appellant had been having school leaving certificate of 8th Class issued by Government Girls High School Titar Khel Lakki Marwat on 30/05/2002 prior to her appointment on contract basis on the post of LHW i.e 07/02/2004 then why it was needed for appellant to submit alleged bogus certificate of alleged Government School Malakhel FR Tank. Thus grounds given by the respondents for termination of appellant's services are flimsy, frivolous, even neither understandable nor acceptable to the prudent mind and therefore impugned letter dated 16/05/2016 is liable to be set at naught.
- d) That other Lady Workers whose services were terminated on the same allegations have been reinstated by respondents but appellant case was not considered despite the fact School leaving certificate issued by Government Girls High School Titar Khel as well as secondary school certificate are available in the record of respondent No. 3.
- e) That respondents were required to verify her academic certificate from the GGHS Tatar Khel and not from alleged Government School Malakhel FR Tank.
- f) That neither any show cause notice / charge sheet has been served upon the appellant in respect of alleged charge of fake school leaving certificate nor any departmental inquiry has been conducted by D.H.O Lakki Marwat in this regard.
- g) That no chance of personal hearing was given to the appellant before imposing harsh punishment of termination from services whereas the same is mandatory in case of awarding major penalty of termination.
- h) That impugned order dated 16/05/2016 is non speaking order as no any proper ground has been

*Attested
Secretary*

given in the impugned order dated 16/05/2016. Thus the same is warranted to be set aside.

- i) That the appellant has served the department with zeal and zest for about 12 years and her total carrier is clear and unblemished, but respondent No. 2 terminated the services of appellant with one stroke of pen without providing proper opportunity to the appellant.
- j) That the appellant is jobless since her service has been terminated and she has no any source of income to look after / survive her family.
- k) That the alleged impugned order dated 16/05/2016 is not tenable under the law, hence the same is liable to be set aside.

In view of the submissions made above it is humbly prayed that instant appeal of the appellant may be accepted as prayed for in the heading of appeal in the interest of justice and equity.

attested
[Signature]

Your Humble Appellant

[Signature]
Yasmeen Bibi
Through counsel

Dated: 06/09/2016

[Signature]
Muhammad Iqbal Kundi
Advocate High Court
Dera Ismail Khan.

AFFIDAVIT:-

I, **Yasmeen Bibi** D/o Rehmat Ullah wife of Muhammad Rasheed R/o Village and Post Office Ghazni Khel Tehsil and District Lakki Marwat, the appellant, do hereby solemnly affirm declared on oath that contents of the above **Appeal** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal Court.



[Signature]
Deponent

ANN- (B)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR
AT CAMP COURT D.I.KHAN**



Service Appeal No. 955/2016

Date of Institution ... 07.09.2016

Date of Decision ... 28.09.2021

Yasmeen Bibi D/O Rehmat Ullah Wife of Muhammad Rasheed
R/O Village and Post Office Ghazni Khel Tehsil and District Lakki
Marwat.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Health Civil
Secretariat, Peshawar and two others.

... (Respondents)

MR. MUHAMMAD IQBAL KUNDI,
Advocate

For appellant.

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

For respondents.

MR. SALAH-UD-DIN

MEMBER (JUDICIAL)

MR. ATIQ-UR-REHMAN WAZIR

MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that the appellant was appointed as Lady Health Worker vide order dated 01.07.2004 and was subsequently regularized with effect from 01.07.2012, vide order dated 22.09.2014. During the course of her service, she was terminated from service vide order dated 16.05.2016 on the ground that the school leaving certificate produced by the appellant at the time of interview was later on found bogus on verification. The appellant preferred departmental appeal, however the same was not responded to, therefore, she

ATTESTED

**EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar**

approached this Tribunal through filing of the instant service appeal for redressal of her grievance.

2. Notice was issued to the respondents, who submitted their comments.

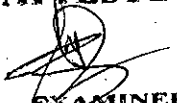
3. Learned counsel for the appellant has contended that the school leaving certificate, which was sent for verification was not at all submitted by the appellant, rather she was in possession of school leaving certificate issued from Government Girls High School Tattar Khel District Lakki Marwat; that during the course of her service, the appellant has passed Secondary School Examination also, which fact strengthens the stance of the appellant that she has never submitted any fake school leaving certificate at the time of interview; that neither any charge sheet and statements of allegations were issued to the appellant nor she was associated with the inquiry, therefore, the impugned order is nullity in the eye of law; that the appellant has served the department with zeal and zest for about twelve years but the competent Authority terminated the appellant from service with single stroke of pen, without even providing any opportunity of hearing to her; that the impugned order being not tenable in the eye of law is liable to be set-aside.

4. On the other hand, learned Deputy District Attorney for the respondents has contended that the school leaving certificate, submitted by the appellant at the time of interview, was found fake upon verification, therefore, the competent Authority had rightly terminated her from service; that the impugned order was passed after complying all legal and codal formalities, therefore, the same may be kept intact and the appeal may be dismissed with costs.

5. Arguments heard and record perused.

6. A perusal of the record would show that the appellant was initially appointed as Lady Health Worker on contract basis, however vide order dated 22.09.2014, the services of the appellant were regularized in light of Khyber Pakhtunkhwa Regulation of Lady Health Workers Programme and Employees (Regularization and Standardization) Act, 2014. During the course of service, the competent Authority terminated the services of the appellant with

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


immediate effect, vide order dated 16.05.2016 on the ground that the school leaving certificate produced by the appellant at the time of interview was later on found bogus on verification. The school leaving certificate so sent by District Health Officer to the District Education Officer FR Tank District Tank was issued from Government High School Mala Khel FR Tank, however the appellant has categorically denied that the same was not at all submitted by her at the time of her interview. The appellant has alleged that she belong to District Lakki Marwat and has been issued school leaving certificate from Government Girls High School Tattar Khel Lakki Marwat. The appellant has also alleged that during the course of her service, she has passed Secondary School Certificate Examination as private candidate in the year 2013 and has annexed photocopy of provisional certificate as well as detailed marks certificate alongwith her appeal. The respondents have not denied the passing of Secondary School Certificate examination by the appellant.


7. Furthermore, the competent Authority had straightway issued termination order of the appellant without issuing her any show-cause notice or conducting of regular inquiry in to the matter. Whole of the proceedings were conducted at the back of the appellant, without providing her any opportunity of defense. The procedure so adopted by the competent Authority is against the norms of natural justice as the appellant was condemned unheard. The impugned order is thus not sustainable in the eye of law and is liable to be set-aside.

8. In light of the above discussion, the appeal in hand is allowed by setting-aside the impugned order and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
28.09.2021


(SALAF-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

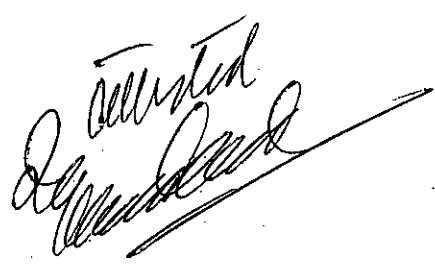
13426P
The District Health Officer
District Larki Manwat

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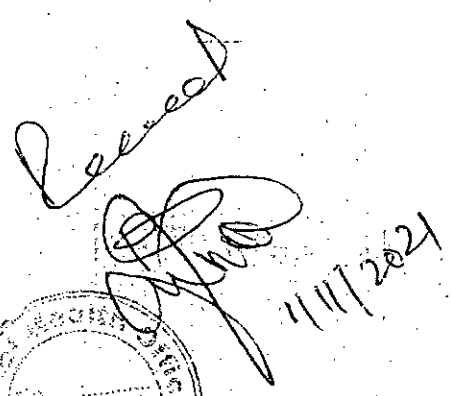
Sub: Annual Report for duty

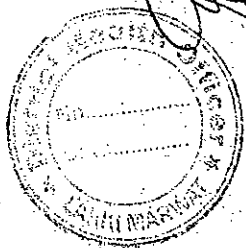
Respected Sir,

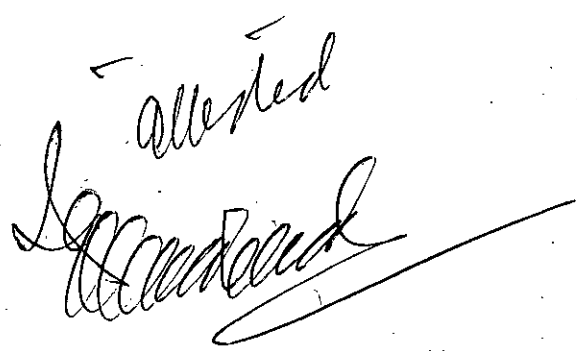
Pursuant to the Judgment of KPK
Services Tribunal Peshawar, I hereby
submit my annual report for duty
Today dated 01-11-2021 (FN): (Judgment annexed)

I attested


Yours obediently
Yasmin
Yasmin Bibi Djo
Rahmatullah wife of
Muhammad Rashid B.H.U
Aba Khel.
#0343-9336152

Received

11/11/2021



I attested




OFFICE OF THE DISTRICT HEALTH OFFICER LAKKI MARWAT

ANN-D

Email: dholakki@yahoo.com

Ph#: 0969-510472

Fax#: 0969-510474

Dated: 29/11/2021

No. _____

CONDITIONAL OFFICE ORDER

In compliance to the decision of the Honorable Court of Service Tribunal Khyber Pakhtunkhwa, Peshawar at Camp Court Dera Ismail Khan Dated: 28.09.2021 Via Service Appeal No: 955/2016 Title as a Yasmeen Bibi D/O Rehmat Ullah W/O Muhammad Rasheed R/O Village & post Office Ghazni Khel, Tehsil and District Lakki Marwat V:S Gov't Of Khyber Pakhtunkhwa, through Secretary Health, Peshawar, She is Re-instated conditionally as a LHW to her Catchment Area subject to the CPLA Final decision and on the basis of Initial directive given by the Honorable Court of Service Tribunal Khyber Pakhtunkhwa, Peshawar at Camp Court Dera Ismail Khan.

Note: This Office Order is applicable till the final decision of CPLA of Honorable Supreme Court of Pakistan.

Terms and condition are as under:

- This appointment order is conditionally issued under strict direction and Decision of Honorable Service Tribunal Court.
- No TA/DA is Allowed.
- She is appointed purely on temporary basis in U.C. Aba khel, Area Meena khel and she will submit surety bond of Rs. 50/- with the undersigned according to the program policy.
- Charge report Should be submitted to all concerned.
- She will governed by such rules and regulation as issued from time to time by the Government.
- In case of any error, deceit on behalf of the appointee found at any stage, the reinstatement order (conditionally) of the candidate will be withdraw/cancelled.
- The undersigned reserved the rights of Amendment in this conditionally reinstatement Order, in case of found any mistake/error or omission.

District Health Officer
Lakki Marwat.

No: 9980-88/LHW
C.C:

1. Director General Health Services Khyber Pakhtunkhwa Peshawar
2. Provincial Coordinator, LHW Programme, Peshawar Khyber Pakhtunkhwa
3. PS to Secretary Health Khyber Pakhtunkhwa Peshawar
4. LHW Coordinator, District Lakki Marwat.
5. Accountant DHO Office Lakki Marwat.
6. Registrar, Service Tribunal Khyber Pakhtunkhwa, Peshawar.
7. Official Concerned for necessary action.
8. Incharge BHU Abba Khel.
9. LHS Concerned.

Attested
[Signature]

District Health Officer
Lakki Marwat.

[Signature]

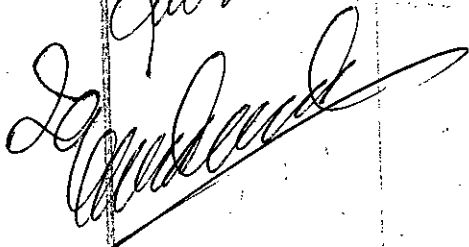
The DHO
Lakki Marwat

Sub:- Charge Report

Respectfully Sir,

In compliance to the office order
No. 9980-88/LHW I hereby submit
my charge report as a Lady Health
worker to her catchment area
Nina Khel vill: Ka Ka Khel BHU
Abba Khel Teh. & Distt Lakki Marwat
Today dated 30, Nov 2021 (F.N)

Witnessed Dt: 30/11/2021



- 1 - Director General KPK Peshawar
- 2 - Provincial Co-ordinator LHW KPK Peshawar
- 3 - PS to Secretary Health KPK Peshawar
- 4 - LHW coordinator Distt Lakki Marwat
- 5 - Accountant DHO office Lakki Marwat
- 6 - Registrar Service Tribunal KPK Peshawar
- 7 - Incharge BHU Abba Khel
- 8 - LHS Concerned

Yours obediently
Yasmin

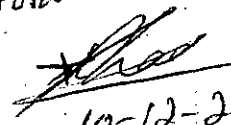
(Yasmin Bibi)

D/O Rehamatullah
w/o M. Rashid

0343-9536152

LHW BPS-5

Forward to DHO office



10-12-21

INCHARGE
B.H.U Abba Khel
Distt: Lakki Marwat

ANN

(E)

خدمت جناب ڈسٹرکٹ سیکرٹری سلیو اور سٹیٹ بکروٹ

صاحب عالی

مذکورہ مضمون اور اس کے تحت مندرجہ ذیل امور کے متعلق درخواستیں آئی ہیں۔

لیڈی سلیو ورکرز پروگرام اینڈ ایجوکیشنل ریسرچ سوسائٹی

2014 کے شیڈول (1) کے تحت معاہدہ کے بنیاد پر کام کرنے

اور تمام لیڈی سلیو ورکرز کو 2012-07-01 سے باقاعدہ

طور پر مستقل طور پر لیا گیا ہے، جس میں فدیہ کا نام کو بھی شامل ہے

کامی لے کر شہوت لے کر، جس کی روشنی میں تمام لیڈی سلیو

ورکرز کو تنخواہوں کی تقابلیات جو کہ تقریباً 1,53,000 روپے

بندہ کے ادا کئے گئے ہیں۔ لیکن فدیہ کو روپی تنخواہوں کی

تقابلیات ادا نہیں کئے گئے ہیں۔ بندہ (Statements)

لے کر ہے، اس لئے التماس ہے کہ دیگر لیڈی سلیو

ورکرز کی فدیہ کو بھی مذکورہ تقابلیات کی ادائیگی

کی ضمانت کے طور پر وادیں۔ اور اس کے علاوہ ماہانہ تنخواہوں کی باقاعدہ

میں 17/1 آئیں۔

عین نفاذ ہوگی

صرف - 03-01-2022

العارض

B#u

فدیہ یا تنخواہیں لیڈی سلیو ورکرز (BPS-05)

آج کل گاؤں لکھن میں تحصیل وصولی کی صورت

9336152-0343

attested
Signature

وکالت نامہ

ایک روپیہ قیمت	کورٹ فیس
----------------	----------

Before Services Tribunal Khyber Pakhtunkhwa Peshawar

Applicant: Yasmin Bibi ^{مخانب} Camp Office D.I. Mardan

Govt of Khyber Pakhtunkhwa Health Department & others

Application for implementation of ^{دعویٰ یا جرم}

Judgement dt 28.9.2021

تفصیل دعویٰ یا جرم

باعث تحریر آنگہ

D.I. Mardan

Muhammad Sepal Kundi Adv. High Court D.I. Mardan

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل ہونے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا معیت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسانے ڈگری نظر ثانی و پیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر چالنی یا راضی نامہ و فیصلہ برخط کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور ہیرون از پکھری صدر ہیرودی مقدمہ مذکور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوخ ڈگری یک طرفہ یا درخواست حکم اقامتی یا قرتی یا گمرانی قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ مختص ہیرودی کا اختیار ہو گا اور تمام ساختہ پرواخذت صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر چاند التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پوری نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
24.3.2022

مضمون وکالت نامہ کن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

(Signature)

محمد علی بی

24/3/2022



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 2872-74/ST Dated 20 / 10/2022

To:

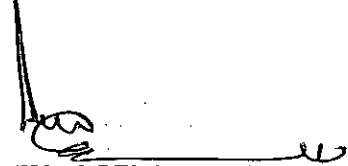
1. The Secretary Health Civil Secretariat, Khyber Pakhtunkhwa
2. The Director General Health Services, Civil Secretariat Khyber Pakhtunkhwa.
3. The District Health Officer Lakki Marwat

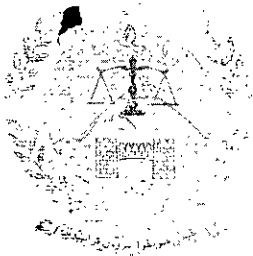
SUBJECT:- ORDER REGARDING PERSONAL APPEARANCE OF RESPONDENTS IN EXECUTION PETITION NO. 165/2022, TITLED Mst. YASMEEN BIBI-VS-HEALTH DEPARTMENT.

I am directed to forward herewith a certified copy of order dated 28.09.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.

a/c


(WASEEM AKHTAR),
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2875-77 /ST Dated 20 / 10 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

1. The Secretary Health Civil Secretariat, Khyber Pakhtunkhwa
2. The Director General Health Services, Civil Secretariat Khyber Pakhtunkhwa.
2. The District Health Officer Lakki Marwat

Subject: **SHOWCAUSE NOTICE IN EXECUTION PETITION NO: 165/2022 TITLED YASMEEN BIBI-VS-HEALTH DEPARTMENT.**

I am directed to say that execution petition No. 165/2022 was filed in this Tribunal against the respondents for disobedience of the order dated 28-9-2021 passed by this Tribunal in Service Appeal No. 955/2016 titled Yasmeen bibi-vs- Health Department


That when the above execution petition came up for hearing before this Tribunal on 28th day of Sept, the following orders were passed:

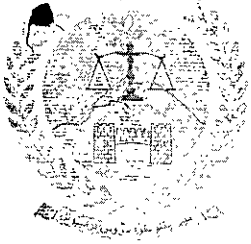
"Learned Counsel for the Petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

It is noted with concerned that no proper representation is made bty the respondent department before the Tribunal in violation of the standing orders of the Establishment Department. Despite clear direction given on the previous date, respondents have not submitted implementation report. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Account Officer Lakki Marwat are directed to attached salaries of the respondents No.1 to 3 till further Orders by this Tribunal and compliance reports be submitted to the Registrar of this Tribunal. Show Cause notice be also issued to the respondents as to why they should not be proceed under the Contempt of Court Ordinance 2003. Respondents are directed to appear in person alongwith proper implementation report. To come up for further proceeding on 27.10.2022 at camp court D.I.Khan."

You are, therefore, served with show cause notice to explain as to why appropriate action may not be initiated against you for non-compliance of order of this Tribunal dated 28-9-2021.

o/c


(WASEEM AKHTAR),
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2878-78/ST Dated 20 / 10 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To:


1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Account Officer, Lakki Marwat.

SUBJECT:- ORDER REGARDING ATTACHMENT OF SALARIES OF RESPONDENTS 1 to 3 IN EXECUTION PETITION NO. 165/2022, TITLED YASMEEN BIBI-VS-HEALTH DEPARTMENT.

I am directed to forward herewith a certified copy of order dated 28.10.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.

o/c


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

OFFICE OF THE DHO Lakki Marwat

FOR THE MONTH OF 5/2022

DDO CODE LK 6066

PERSONAL NO 807107

CNIC NO _____

FORM: PAY02
DATE _____
PAGE NO: 139

Dated 16/5/22
District Health Officer
Lakki Marwat

DESCRIPTION LHW?

EMPLOYEE NAME _____

GRADE 05 (PAY SCALE GROUP)

Salary Status: _____ Start: _____ Stop: _____

REGULAR CODE	NEW CONTENTS	AMOUNTS	ARREAR CODE	CONTENTS	AMOUNTS	REMARKS
0001	Basic Pay		5801	Basic Pay	559160	
0046	Personal Pay		5808	Personal Pay		
1000	House Rent All:		5002	House Rent All:	66135	
1210	Conveyance All:		5011	Conveyance All:	79712	
1300	Medical All:		5012	Medical All:	61500	
1567	Washing All:		5070	Washing All:	5000	
1516	Dress All:		5026	Dress All:	5000	
1833	Integrated All:			Integrated All:	3000	
1560	Science Teaching All:		5063	Science Teaching All:		
1505	Charge All:			Charge All:		
2148	ARA-2013 15%		5309	ARA-2013 15%	12136	
2199	ARA-2015 10%		5964	ARA-2015 10%	6068	
2211	ARA-2016 10%		5975	ARA-2016 10%	42107	
2224	ARA-2017 10%		5990	ARA-2017 10%	55916	
2247	ARA-2018 10%		5322	ARA-2018 10%	5916	
2264	ARA-2019 %		5336	ARA-2019 %	40254	
2309	ARA-2021 10%			ARA-2021 10%	7130	
2315	Special All:		5149	Special All:		
2316	Teaching All:		5150	Teaching All:		
	GROSS PAY			GROSS PAY	998536	
	DEDUCTION			DEDUCTION		
30	GP Fund		6146	GP Fund	36499	
3501	B/Fund		6001	B/Fund	49200	
4004	R.B.D.C		6006	R.B.D.C	10050	
3999	E.E.F		6060	E.E.F		
3609	Income Tax			Income Tax		
	NET PAY			NET PAY	894399	

Arrear 47/18 to 30/11/21 (4100)

26615, 26610

stated the
at DHO
against her

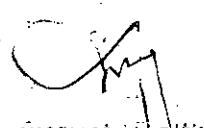
Prepared by: _____

Audit/Checked by: _____

District Health Officer
Lakki Marwat
Entered/Verified by: _____

Process the claim as per
concerned get
that if Supreme court decision
she will re-pay all benefits
District Account Officer
Lakki Marwat
concerned of Lakki Marwat

	Pay	NRA	CA	MD	DA	WA	Int/A	2013	2015	2016	2017	2018	2019	2021	GT	CPT	BF	RBDC	
1/7/18 to 31/1/18 (5M)	63800	7515	9660	7500	-	-	-	1480	740	5135	6380	6380	-	-	108590	4450	6000	2250	
1/7/18 to 31/1/19 (12M)	159120	18036	23184	18000	-	-	-	3552	1776	12324	15912	15912	6630	-	274446	10680	14400	5400	
1/12/19 to 31/1/20 (2M)	165120	18036	23184	18000	-	-	-	3552	1776	12324	16512	16512	16512	-	291528	10680	14400	5400	
1/12/20 to 31/1/21 (12M)	171120	22548	23184	18000	5000	5000	3000	3552	1776	12324	17112	17112	17112	7130	322970	10680	14400	5400	
	559160	66135	79212	61500	5000	5000	3000	12136	6068	42107	55916	55916	40254	7130	998534	36490	49200	18450	
																			29349
																			8943


 District Health Officer
 Lakkhi Narwal

7/18	1 ¹² / ₁₈	1 ¹² / ₁₉	1 ¹² / ₂₀	7 ¹² / ₂₁
12760	13260	13760	14260	14260
1503	1503	1503	1503	2255
1932	1932	1932	1932	1932
1500	1500	1500	1500	1500
296	296	296	296	1000
148	148	148	148	1000
1027	1027	1027	1027	600
1276	1326	1376	1426	296
1276	1326	1376	1426	148
		1376	1426	1027
		1376	1426	1426
		1376	1426	1426
		1376	1426	1426

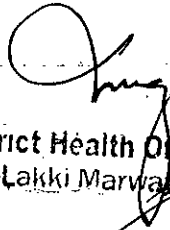
9018

2439
5104
349
39

Accounts Office Lakki
PAYROLL REGISTER
For the month of June 2018

DDO : LK5066 District Health Officer Lakki Marwat Payroll Section : 001 Payroll 1.

00897107 YAS MEEN		CNIC: 1120176443614	Desig: LADY HEALTH WORKER (80565003)	Grade: 05 NTN:	Buckle No.:	Ga	
PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID
0001 Basic Pay		12,760.00	3005 GPF Subscription	890.00-			
1000 House Rent Allowance		1,002.00	3501 Benevolent Fund	600.00-			GPF#:
1210 Convey Allowance 20		1,932.00	4004 R. Benefits & Death C	690.00-			
1300 Medical Allowance		1,500.00					
2148 15% Adhoc Relief All		296.00					
2199 Adhoc Relief Allow 3		148.00					
2211 Adhoc Relief All 201		1,027.00					
2224 Adhoc Relief All 201		1,276.00					
PAYMENTS		19,941.00	DEDUCTIONS	2,180.00-		NET PAY	17,761.00
Branch Code: 221169		LAKKI MARWAT	HABIB BANK LIMITED	LAKKI MARWAT		LAKKI MARWAT	Accnt


District Health Officer
Lakki Marwat

St Lakki

P Sec:001 Month:April 2022
LK6066 -District Health Officer La
DISTRICT HEALTH OFFICER L

Para 4 Date:01/07 Buckle:
Name YAS MIEN
ADD HEALTH WORKER
1111-1133614

NTN:
GPF #:
Old #:

ADD Health Worker Applied
Permanent

LK6066

DEPARTMENT	AMOUNT
2000 House Rent	14,760.00
1000 House Rent Allowance	1,503.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
2146 15 Ad Relief All 2013	296.00
2189 Adhoc Relief Allow 210%	148.00
2211 Adhoc Relief All 2016 10%	1,027.00
2224 Adhoc Relief All 2017 10%	1,476.00
2245 Adhoc Relief All 2018 10%	1,476.00
Total Medical Allowances	117,176.00

4000-R. Benefits & Death Comp:	890.00	Subrc:	890.00
Total Deductions			1,200.00
			450.00
			2,540.00

114,636.00

2264 Adhoc Relief All 2019 10%	1,476.00
2277 Adhoc Relief All 2020 10%	1,476.00
2301 Travel Allowance - 2021	1,600.00
2317 Transport Allowance 2021	1,000.00
2327 Entertainment Allowance 2021	600.00
5002 Adjustment House Rent	6,619.00
5011 Adj Conveyance Allowance	5,671.00
5012-Adjustment Medical All	4,409.00
5026-Adj Dress/Uniform Allowan	2,935.00
Crash Pay and Allowances	117,176.00

DEPARTMENT

GPF Balance	890.00	Subrc:	890.00
Total Deductions			2,540.00
			114,636.00

114,636.00

5002 Adjustment House Rent	2,935.00
5011 Adj Conveyance Allowance	4,332.00
5012-Adjustment Medical All	1,761.00
5026-Adj Dress/Uniform Allowan	4,332.00
5335 Adhoc Relief All 2019	4,332.00
5335 Adhoc Relief All 2016	2,521.00
5335 Adhoc Relief All 2017	4,332.00
5335 Adhoc Relief All 2018	4,332.00
Total Deductions	33,327.00

Total Deductions	117,176.00
------------------	------------


GPF Balance	890.00	Subrc:	890.00
Total Deductions			2,540.00
			114,636.00

114,636.00

D.O.B 06.07.1957 LFP Quota:
HABIB BANK LIMITED LAKKI MARWAR
5973-3


District Health Officer
Lakki Marwar

0	02	01 04.2022	31 12.9999	P1	17	05	10	14,760.00
0	2	01 12.2017	31 03.2022	P1	17	05	06	12,760.00
0	1	01 07.2017	31 01.2017	P1	17	05	05	12,260.00
0	2	01 11.2016	30 06.2017	P1	16	05	05	10,270.00
0		01 11.2016	30 11.2016	P1	16	05	04	9,850.00


 District Health Officer
 Lakki Marwar

OFFICE OF THE DISTRICT HEALTH OFFICER LAKKI MARWAT



Email: dholakki@yahoo.com

Ph#: 0969-510472

Fax#: 0969-510474

Dated: 29/11/2021.

No. _____

CONDITIONAL OFFICE ORDER

In compliance to the decision of the Honorable Court of Service Tribunal Khyber Pakhtunkhwa, Peshawar at Camp Court Dera Ismail Khan Dated: 28.09.2021 Via Service Appeal No: 955/2016 Title as a Yasmeen Bibi D/O Rehmat Ullah W/O Muhammad Rasheed R/O Village & post Office Ghazni Khel, Tehsil and District Lakki Marwat V:S Gov't Of Khyber Pakhtunkhwa, through Secretary Health, Peshawar, She is Re-instated conditionally as a LHW to her Catchment Area subject to the CPLA Final decision and on the basis of Initial directive given by the Honorable Court of Service Tribunal Khyber Pakhtunkhwa, Peshawar at Camp Court Dera Ismail Khan.

Note: This Office Order is applicable till the final decision of CPLA of Honorable Supreme Court of Pakistan.


Terms and condition are as under:

- This appointment order is conditionally issued under strict direction and Decision of Honorable Service Tribunal Court.
- No TA/DA is Allowed.
- She is appointed purely on temporary basis in U.C. Aba khel, Area Meena khel and she will submit surety bond of Rs. 50/- with the undersigned according to the program policy.
- Charge report Should be submitted to all concerned.
- She will governed by such rules and regulation as issued from time to time by the Government.
- In case of any error, deceit on behalf of the appointee found at any stage, the reinstatement order (conditionally) of the candidate will be withdraw/cancelled.
- The undersigned reserved the rights of Amendment in this conditionally reinstatement Order, in case of found any mistake/error or omission.

District Health Officer
Lakki Marwat.

No. 9980-88/LHW
C.C:

1. Director General Health Services Khyber Pakhtunkhwa Peshawar
2. Provincial Coordinator, LHW Programme, Peshawar Khyber Pakhtunkhwa
3. PS to Secretary Health Khyber Pakhtunkhwa Peshawar
4. LHW Coordinator, District Lakki Marwat.
5. Accountant DHO Office Lakki Marwat.
6. Registrar, Service Tribunal Khyber Pakhtunkhwa, Peshawar.
7. Official Concerned for necessary action.
8. Incharge BHU Abba Khel.
9. LHS Concerned.


District Health Officer
Lakki Marwat.
District Health Office
Lakki Marwat

DHO
Lakki Marwat

Sub: Charge Report

Respectfully Sir,

In compliance to the office order
No. 9980-88/LHW I hereby submit
my charge report as a Lady Health
worker to her catchment Area
Mina Khel vill: Ka Ka Khel BHU
Abba Khel Teh. & Dist Lakki Marwat
Today dated 30, Nov 2021 (F.N)

Dt: 30/11/2021 ✓

Yours obediently
Yasmin

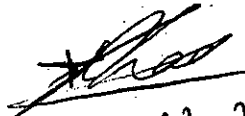
(Yasmin Bi Bi)

D/O Rehamatullah
W/O M. Rashid

0343-9336152

LHW BPS-5

Forward to DHO office

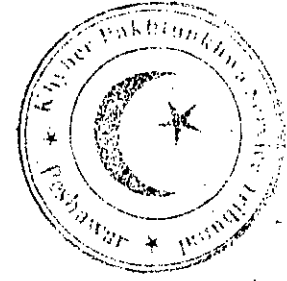


10-12-21

INCHARGE
B.H.U Abba Khel
Dist: Lakki Marwat

- 1 - Director General KPK Peshawar
- 2 - Provincial Coordinator LHW KPK Peshawar
- 3 - PS to Secretary Health KPK Peshawar
- 4 - LHW coordinator Dist Lakki Marwat
- 5 - Accountant DHO office Lakki Marwat
- 6 - Registrar Service Tribunal KPK Peshawar
- 7 - Incharge BHU Abba Khel
- 8 - LHS / Concerned

**THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR
AT CAMP COURT D.I.KHAN**



Service Appeal No. 955/2016

Date of Institution .. 07.09.2016

Date of Decision ... 28.09.2021

Yasmeen Bibi D/O Rehmat Ullah Wife of Muhammad Rasheed
R/O Village and Post Office Ghazni Khel Tehsil and District Lakki
Marwat. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Health Civil
Secretariat, Peshawar and two others. ... (Respondents)

MR. MUHAMMAD IQBAL KUNDI,
Advocate

For appellant.

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that the appellant was appointed as Lady Health Worker vide order dated 01.07.2004 and was subsequently regularized with effect from 01.07.2012, vide order dated 22.09.2014. During the course of her service, she was terminated from service vide order dated 16.05.2016 on the ground that the school leaving certificate produced by the appellant at the time of interview was later on found bogus on verification. The appellant preferred departmental appeal, however the same was not responded too, therefore, she

[Signature]
District Attorney Office
Lakki Marwat

ATTESTED
[Signature]
CLERK
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

approached this Tribunal through filing of the instant service appeal for redressal of her grievance.

2. Notice was issued to the respondents, who submitted their comments.

3. Learned counsel for the appellant has contended that the school leaving certificate, which was sent for verification was not at all submitted by the appellant, rather she was in possession of school leaving certificate issued from Government Girls High School Tattar Khel District Lakki Marwat; that during the course of her service, the appellant has passed Secondary School Examination also, which fact strengthens the stance of the appellant that she has never submitted any fake school leaving certificate at the time of interview; that neither any charge sheet and statements of allegations were issued to the appellant nor she was associated with the inquiry, therefore, the impugned order is nullity in the eye of law; that the appellant has served the department with zeal and zest for about twelve years but the competent Authority terminated the appellant from service with single stroke of pen, without even providing any opportunity of hearing to her; that the impugned order being not tenable in the eye of law is liable to be set-aside.

4. On the other hand, learned Deputy District Attorney for the respondents has contended that the school leaving certificate, submitted by the appellant at the time of interview, was found fake upon verification, therefore, the competent Authority had rightly terminated her from service; that the impugned order was passed after complying all legal and codal formalities, therefore, the same may be kept intact and the appeal may be dismissed with costs.

5. Arguments heard and record perused.

6. A perusal of the record would show that the appellant was initially appointed as Lady Health Worker on contract basis, however vide order dated 22.09.2014, the services of the appellant were regularized in light of Khyber Pakhtunkhwa Regulation of Lady Health Workers Programme and Employees (Regularization and Standardization) Act, 2014. During the course of service, the competent Authority terminated the services of the appellant with

Attested.

District Health Officer
Lakki Marwat

ATTESTED


WAZIR
Khyber Pakhtunkhwa
Government of Khyber Pakhtunkhwa


immediate effect, vide order dated 16.05.2016 on the ground that the school leaving certificate produced by the appellant at the time of interview was later on found bogus on verification. The school leaving certificate so sent by District Health Officer to the District Education Officer FR Tank District Tank was issued from Government High School Mala Khel FR Tank, however the appellant has categorically denied that the same was not at all submitted by her at the time of her interview. The appellant has alleged that she belong to District Lakki Marwat and has been issued school leaving certificate from Government Girls High School Tattar Khel Lakki Marwat. The appellant has also alleged that during the course of her service, she has passed Secondary School Certificate Examination as private candidate in the year 2013 and has annexed photocopy of provisional certificate as well as detailed marks certificate alongwith her appeal. The respondents have not denied the passing of Secondary School Certificate examination by the appellant.

7. Furthermore, the competent Authority had straightway issued termination order of the appellant without issuing her any show-cause notice or conducting of regular inquiry in to the matter. Whole of the proceedings were conducted at the back of the appellant, without providing her any opportunity of defense. The procedure so adopted by the competent Authority is against the norms of natural justice as the appellant was condemned unheard. The impugned order is thus not sustainable in the eye of law and is liable to be set-aside.


8. In light of the above discussion, the appeal in hand is allowed by setting-aside the impugned order and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

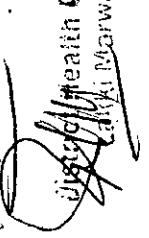
ANNOUNCED
28.09.2021


(SALAF-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested:

District Health Officer
Lakki Marwat