

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 805 OF 2022

Dr. Kashif Uddin Khattak.....Appellant

Versus

Through Secretary Health & others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2, 7 & 8

Respectfully Sheweth:



Preliminary Objections:-

1. That the appellant has got neither cause of action nor did locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. Pertains to record.
2. Correct to the extent of transfer Notification dated 31/12/2018, however, it is worth mentioning that he was involved in embezzlement of Hepatitis-C Virus diagnostic kits which was provided by respondent No. 2 i.e. Director General Health Services Khyber Pakhtunkhwa free of cost to the Molvi Ameer Shah Memorial Hospital while reports from patients/attendant of the patients were received that the appellant got payment of Rs. 515/- per test (515 x 500 = 257,500). The then Medical Superintendent of the hospital constituted an enquiry, however, the appellant refused to hand over the record, therefore, the appellant was relieved vide order dated 26/08/2017 from the hospital (Annex-A).

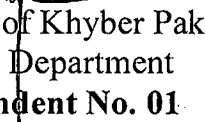
3. Incorrect to the extent that salary of the appellant was stopped by the replying respondent in light of decision of DAC. It is further to clarify that during audit for the year 2017-18, it was noticed by the audit officer that there were some mis-appropriation on account of share and other irregularities on the part of the appellant which was endorsed to him accordingly, but in vain (copy regarding audit para & letter of stoppage of salary as Annex-B & C).
4. As in preceding para.
5. Incorrect, already replied in Para No. 3.
6. Pertains to record.
7. Needs no comments being formal.


ON GROUNDS:


- A. Incorrect as in Para No. 3 of the Facts.
- B. Incorrect as in Para No. 3 of the Facts.
- C. As in preceding para.
- D. Incorrect. The replying respondents acted as per law, rules and in light of the decision of DAC.
- E. Subject to proof.
- F. Incorrect, as in Para No. 3 of the Facts.
- G. Incorrect as in Para No. 3 of the Facts.
- H. The replying respondents also seek permission of the Honorable Court to adduce other grounds during final hearing.

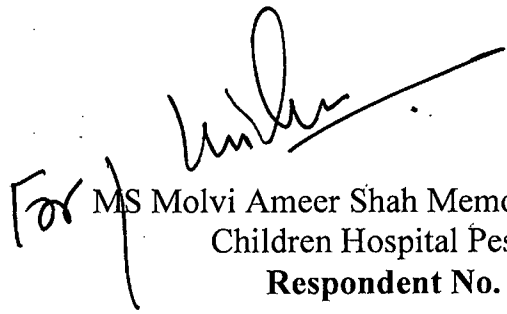
PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.


Secretary to Govt. of Khyber Pakhtunkhwa
Health Department
Respondent No. 01


Director General Health Services Khyber
Pakhtunkhwa Peshawar
Respondent No. 02


District Health Officer Charsadda
Respondent No. 07


MS Molvi Ameer Shah Memorial Women &
Children Hospital Peshawar
Respondent No. 08

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PESHAWAR.

Service Appeal No. 805 of 2022

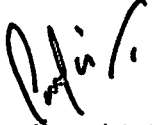
Dr. KASHIF UD DIN -----Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & Others-----Respondent

AFFIDAVIT.

I Mohammad Tufail Section Officer (Lit-II) govt. of Khyber Pakhtunkhwa Health Department do hereby solemnly affirm and declare that the implementation report in Service Appeal No.805 of 2022 is submitted on behalf of respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.


Section officer (Lit-II) 21/11/22
Govt: of Khyber Pakhtunkhwa
Health Department
Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa