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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 160/2016

BEFORE: MRS. ROZINA REHMAN ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Ikram Noor, JCT Surgical, Bacha Khan Medical Complex, Swabi.
... (Appellant)

Versus

1. Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Swabi.
4. Medical Superintendent, Bacha Khan Medical Complex, Swabi.

... (Respondents)

Mr. Syed Noman Ali Bukhari
Advocate

... For appellant

Mr. Muhammad Adeel Butt
Addl. Advocate General

... For respondents

Date of Institution.....22.02.2016

Date of Hearing.....19.07.2022

Date of Decision.....19.07.2022

JUDGMENT

FAREEHA PAUL MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 06.11.2015 whereby the appellant was terminated from service alongwith recovery of Rs. 358554/-, with the prayer that on acceptance of the appeal the impugned order may be set aside and he may be reinstated in service with all back benefits.

2. Brief facts of the case, as given in the memorandum of appeal, are that the District Health Officer, Swabi/respondent No. 3 advertised various post in newspaper dated 26.08.2013 including post of JCT surgical. Requisite



qualification as per advertisement was SSC Science and diploma in surgical from a recognized institution. The said advertisement was corrected through corrigendum dated 27.08.2013 wherein diploma was substituted by certificate. The petitioner was in possession of diploma in surgical technology and therefore he applied for the post. After going through tests and interview, he was selected by Departmental Selection Committee (DSC) and his appointment order dated 08.11.2013 was issued. He joined the service on 12.11.2013. Meanwhile, some complaints were made regarding appointments of candidates on which inquiry was conducted. According to the Inquiry Officer the allegations mentioned by the applicants in complaint were irrelevant and recommended that the complaint may be filed. Through an office order dated 06.11.2015 services of the appellant were terminated in the light of audit report in complaint No. 128/2015 and complaint No. 9806 dated 11.09.2015 carried out by Anti Corruption Department. Services of two other employees were also terminated through the same order on the ground of being qualified from/having diploma of Skill Development Council Lahore and Trade Testing Centre Peshawar. They were further directed to deposit the amount of pay drawn into government treasury. The appellant filed departmental appeal and waited for statutory period of 90 days but his appeal was not responded; hence the service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We heard the learned counsel for the appellant as well as the Assistant Advocate General and perused the case file with connected documents minutely and thoroughly.

4. Learned counsel for appellant contended that no proper inquiry was conducted and appellant was condemned unheard. He further contended that the certificates of the appellant were verified by Skill Development Council Lahore.



The advertisement, according to him, did not restrict candidates who had Skill Development Council certificates to apply for the post. As the appellant improved his qualification further during the year 2016-18, he was qualified for the post of JCI (Surgical).


5. The learned Additional Advocate General contended that advertisement stated "recognized institutions", and it meant the institutions recognized by Medical Faculty Khyber Pakhtunkhwa. He invited the attention to the appointment order of the appellant, S.No 9 of which stated that his appointment would be subject to the registration /renewal of technical certificate/diploma/degree with the Medical Faculty Khyber Pakhtunkhwa, otherwise the order would be considered as withdrawn. As far as Skill Development Council was concerned, the Additional Advocate General clarified that it was not recognized by the Medical Faculty of Khyber Pakhtunkhwa. He brought attention of Tribunal that in similar case in respect of Tufail Ahmad and others, the Secretary Khyber Pakhtunkhwa Medical Faculty Peshawar clearly stated vide his letter dated 18.05.2015 that Skill Development Council had been banned by Peshawar High Court. Moreover, it was not just the appellant who was removed from service based on the non verification of his educational documents, there were other persons also who were removed through the same order and they did not file any appeal against that order.

6. Record provides the terms and conditions on which the appellant was appointed. It is clearly stated that his appointment will be subject to the registration/renewal of technical certificate/diploma/degree with Khyber Pakhtunkhwa Medical Faculty otherwise the order will be withdrawn. It is understood that verification of document took time and there is no doubt that the due procedure was adopted for appointment on the posts advertised by DHO Swabi. Definition of recognized institutions as given by learned Additional



Advocate General is also convincing and it is a fact that Skill Development Council was not recognized by the Medical Faculty Khyber Pakhtunkhwa, and as certified by Secretary Khyber Pakhtunkhwa Medical Faculty through his letter dated 18.05.2015, the Hon'able Peshawar High Court has placed ban on the Skill Development Council. Therefore, we have got no hesitation in saying that the appellant was in possession of a diploma from an institution that was not recognized by the Medical Faculty Khyber Pakhtunkhwa and hence services of the appellant were rightly terminated by competent authority after necessary verification. Hence, the appeal in hand is dismissed. However, this Tribunal is of the view that since the appellant served the government from his arrival on 12.11.2013 till his termination on 06.11.2015, he should be paid for that period and no recovery should be made from him. Parties are left to bear their own costs. Consign.

7. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 19th day of July, 2022.*


(ROZINA REHMAN)
Member (J)

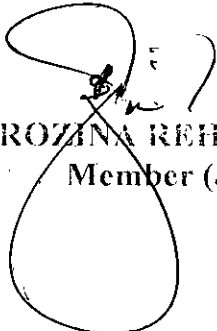

(FAREEHA PAUL)
Member (E)

Service Appeal No. 160/2016

Mr. Muhammad Asif Yousafzai, Advocate for the appellant present. Mr. Muhammad Adcel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

2. Vide our detailed judgement of today containing 04 pages, we have arrived at the conclusion that the appellant was in possession of a diploma from an institution that was not recognized by the Medical Faculty Khyber Pakhtunkhwa and hence services of the appellant were rightly terminated by competent authority after necessary verification. Hence, the appeal in hand is dismissed. However, this Tribunal is of the view that since the appellant served the government from his arrival on 12.11.2013 till his termination on 06.11.2015, he should be paid for that period and no recovery should be made from him. Parties are left to bear their own costs. Consign.

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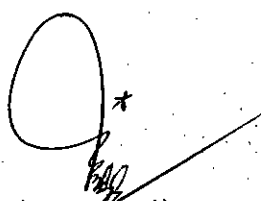

(ROZINA REHMAN)
Member (J)


(FAREEHA PAUL)
Member (E)

16.11.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


Learned Member Judicial Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 17.01.2022 before the D.B.


(Mian Muhammad)
Member (E)

17.01.2022

Counsel for the appellant and Mr. Asif Masood Ali Shah, DDA for the respondents present.

Counsel for the appellant seeks adjournment for further preparation. Request accorded. To come up for arguments on 05.04.2022 before the D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

05-04-2022

Proper DB is on tour, therefore the case is adjourned to 19-07-2022 for the same as before.


Reader

12.01.2021

Counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment in order further prepare the brief. Adjourned to 19.04.2021 for hearing before the D.B.




(Atiq-ur-Rehman Wazir)
Member(E)



Chairman

19.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 11.08.2021 for the same as before.



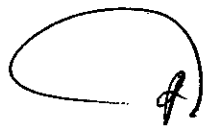
Reader

11.08.2021

Nemo for appellant.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 16.11.2021 for arguments before D.B.



(Rozina Rehman)
Member (J)



Chairman

Asif Masood Ali Shah
13/9/21

26.08.2020

Due to summer vacation case to come up for the same on 02.11.2020 before D.B.




Reader

02.11.2020

Junior to counsel for the appellant and Addl. AG alongwith Bilal Khan, Admn. Officer for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 12.01.2021 for hearing before the D.B.



(Mian Muhammad)
Member

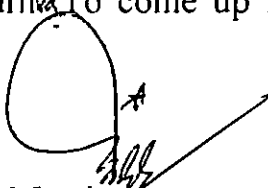


Chairman

20.02.2020

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 26.03.2020 before

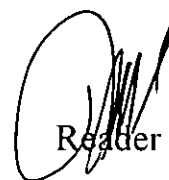
D.B.


Member


Member

26.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 15.06.2020 before D.B.

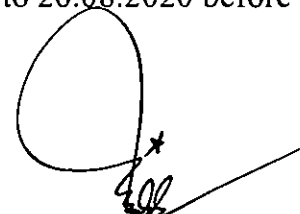

Reader

15.06.2020

Learned counsel for the appellant and Additional Advocate General for respondents No. 1,2 and 3 present. Nemo for respondent No.4 present.

On the last date of hearing instant matter was adjourned on the strength of reader note. Learned AAG has informed that the respondent No.4 is represented through the Legal Advisor/Private counsel who is not available today. Let respondent No.4 be served through notice for next date of hearing.

Adjourned to 26.08.2020 before D.B.


MEMBER


CHAIRMAN

25.07.2019

Appellant alongwith his counsel Mr. Taimur Ali Khan, Advocate and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 11.10.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

11.10.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 18.12.2019 before D.B.


Member


Member

18.12.2019

Junior to counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Sher Baz S.O present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 20.02.2020 before D.B.

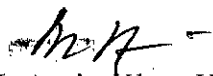

Member


Member

06.12.2018


Clerk to counsel for the appellant present. Dr. Niaz Muhammad, Dy: DHO and Mr. Abdur Rahim, Assistant alongwith Mr. Kabirullah, Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant was busy before the Hon'ble Peshawar High Court. Adjourned. Case to come up for arguments on 22.01.2019 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

22.01.2019

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.03.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

25.03.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned Deputy District Attorney seeks adjournment. Adjourned to 15.05.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

15.05.2019

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 25.07.2019 for arguments before the D.B.

Chairman 

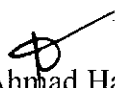
30.04.2018 Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General, present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 09.07.2018




READER

09.07.2018

Learned counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Hazrat Shah Superintendent, Abdul Raheem Assistant, and Fazilat Khan S.C for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.09.2018 before D.B.




(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

04.09.2018

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Abdur Raheem Assistant for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 23.10.2018 before D.B.



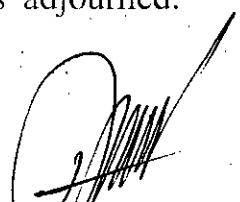
(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

23.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 06.12.2018.

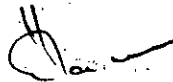


Reader

18.10.2017

Bench incomplete. To come up for 14.11.17 before

D.B.




(Muhammad Hamid Mughal)
Member

14.11.2017

Appellant in person present. Some points need consideration. Learned counsel for the appellant not available. Adjourned. To come up for arguments on 17.01.2018 before D.B.



(Gul Zeb Khan)
Member



(Muhammad Hamid Mughal)
Member

17.01.2018

Appellant in person present. Mr. Zia Ullah, learned Deputy District Attorney for the respondents present. Appellant seeks adjournment as his counsel is not available. Adjourned. To come up for arguments on 22.03.2018 before D.B.




(Gul Zeb Khan)
MEMBER



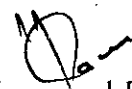
(Muhammad Hamid Mughal)
MEMBER

22.03.2018

Learned counsel for the appellant and Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments alongwith connected appeals on 30.04.2018 before D.B.



(Muhammad Amin Kundi)
Member

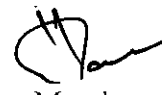


(Muhammad Hamid Mughal)
Member

19.09.2017

Junior to counsel for appellant present. Learned Additional Advocate General for the respondents present. Junior to counsel for appellant seeks adjournment on the ground that senior counsel for appellant was busy before august Supreme Court of Pakistan. Adjourned. To come up for arguments on 20.09.2017 before D.B.


Member
(Executive)


Member
(Judicial)

20.09.2017

Counsel for the appellant present. Learned Deputy District Attorney for the respondents present. Arguments heard. To come up for final order on 10.10.2017 before D.B.



Member
(Executive)


Member
(Judicial)

10.10.2017

Due to rush of other judicial works, further proceeding in the present case could not be conducted. Adjourn. To come up for further proceedings on 16.10.2017 before D.B.

(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

160/2016

09.05.2017


Appellant alongwith his counsel present. Mr. Usman Ghani, District Attorney for the respondents also present. Requested for adjournment. Adjourned. To come up for arguments on 23.06.2017 before D.B. Any appointment against the subject post shall be subject to final decision of this Tribunal.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

23.06.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned Deputy District Attorney requested for adjournment. Adjourned. To come up for arguments on 17.08.2017 before D.B. Any appointment against the subject post shall be subject to final decision of this Tribunal.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

17.08.2017

Counsel for the appellant and Assistant AG for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.09.2017 before the D.B. Any appointment against the subject post shall be subject to final decision of this Tribunal.


Member


Chairman

05.10.2016

Counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted. To come up for arguments on 29.11.2016. Any appointment against the subject post shall be subject to final decision of this Tribunal.

(M. AAMIR NAZIR)
(MEMBER)

(PIR BAKHASH SHAH)
MEMBER

29.11.2016

Counsel for the appellant and Mr. Abdur Rahim, Assistant alongwith Mr. Ziaullah, GP for respondents present. Application for placing of further documents on record was submitted by the learned counsel for the appellant, copy of which is handed over to learned GP. To come up for reply on application and complete arguments on 14.3.17. Any appointment against the subject shall be subject to final decision of this Tribunal.

(ABDUL LATIF)
MEMBER

(PIR BAKHASH SHAH)
MEMBER

14.03.2017

Counsel for appellant and Mr. Abdur Raheem, Assistant alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Learned counsel for appellant seeks adjournment. Adjournment granted. To come up for reply on application and complete arguments on 09.05.2017 before D.B. Any appointment against the subject post shall be subject to final decision of this Tribunal.

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

13.06.2016

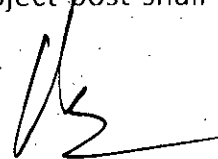
Counsel for the appellant present. Requested for requisitioning of file for to-day. File has been requisitioned.

Learned counsel for the appellant submitted an application for restraining the respondents from appointment against the post previously occupied by the appellant. Notice of application shall be issued to the respondents for the date fixed i.e. 18.08.2016 before S.B. Any appointment against the subject post shall be subject to final decision of this Tribunal.


Chairman

18.08.2016

Clerk to counsel for the appellant M/S Yar Gul, Senior Clerk, Younas Khan, Computer Operator, and Tufail Khattak, SO alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 05.10.2016. Any appointment against the subject post shall be subject to final decision of this Tribunal.



Member

02.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Junior Clinical Technician vide order dated 8.11.2013 and was terminated from service vide impugned order dated 6.11.2015 on the allegations of lacking prescribed qualification where-against he preferred departmental appeal on 9.11.2015 which was not responded and hence the instant service appeal on 22.2.2016.

That that appellant was having the prescribed qualification and was appointed after fulfilling the prescribed codal formalities but was terminated from the service without affording him any opportunity of hearing or conducting formal inquiry.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 10.5.2016 before S.B. Notice of stay application be also issued for the date fixed.

Deposited
Security & Process Fee


Chairman

10.5.2016



Counsel for the appellant and Addl. AG for the respondents present. Written reply by respondents not submitted. Learned Addl. AG requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 18.08.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 160 /2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.02.2016	<p>The appeal of Mr. Ikram Noor presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR -</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>02-03-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 160 /2016

Ikram Noor

V/S

Health Deptt.

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3.	Copies of Diploma, Merit list, appointment order and notification	C, D, E & F	9 to 16
4.	Copy of arrival report and medical fitness certificate	G & H	17 to 18
5.	Copy of corrigendum and verification letter	I & J	19 & 20
6.	Copy of inquiry report	k	21 & 22
7.	Copy of order and departmental appeal	L & M	23 to 24
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APPELLANT

Ikram Noor

Ikram Noor

THROUGH:

M. Asif Yousafzai

(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 160 /2016

K.P.K. Provincial
Service Tribunal
Diary No. 186
Dated 22/2/2016

Ikram Noor, JCT Surgical
Bacha Khan Medical Complex, Swabi.....
(Appellant)

VERSUS

1. The secretary health K.P.K, Peshawar.
2. The Director General Health K.P.K, Peshawar.
3. District Health Officer Swabi.
4. Medical Superintendent Bacha Khan Medical Complex Swabi.

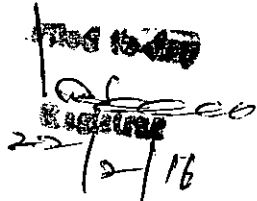
.....(Respondent)



APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED: 6.11.2015 WHEREBY THE APPELLANT WAS TERMINATED FROM THE SERVICE AND THE RECOVERY OF RS 358554/- IMPOSED UPON THE APPELLANT AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 06.11.2015 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE ALONG WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.


22/2/16

RESPECTFULLY SHEWETH:

FACTS:

1. That the respondent No.3 advertised various post on daily newspaper dated: 26.8.2013. In the said advertisement in which JCT Surgical post also included. The requisite qualification mentions in the advertisement were SSC Science and Diploma in Surgical from a recognized institution. The said advertisement was further corrected through a corrigendum dated: 27.8.2013 wherein the diploma was substituted by certificate. **(Copy of advertisement and corrigendum are attached as Annexure-A & B).**
2. That as petitioner was a processing diploma in surgical technology therefore he also applied for the post. After going through test & interview. The appellant was became on merit by securing 62 marks was selected by the Departmental Selection Committee vide order dated: 08.11.2013 in BPS (9) and subsequently upgraded to BPS (12) in light of general notification of Finance Department dated: 11.8.2015. **(Copies of Diploma, Merit list, appointment order and notification are attached as Annexure-C, D, E & F respectively).**
3. That appellant grant medical fitness certificate and reported for duty on 12.11.2013. **(Copy of arrival report and medical fitness certificate are attached as Annexure-G & H).**
4. That vide corrigendum dated: 4.12.2013, the condition of SNo. 9 of the appellant order of the selected candidate was also corrected and substituted as, "that his / her appointment is subjected to the verification of his / her Technical certificate / Diplomas / Degrees from the concerned institutions" resulting the diploma of the appellant was also got verified from the concerned institution as correct vide letter dated: 2.2.2014. **(Copy of corrigendum and verification letter is attached as Annexure-I & J).**
5. That meanwhile some complaints were made regarding the appointment of candidates. The matter was inquire by Director General Health Services through Dr. Niaz Muhammad inquiry officer who recommended that " After verification of all the record of recruitments and based on the above mention facts I am of opinion that all the appointments made were purely on merit, according to ESTA CODE and as per government policy. Officers and official involved in the process of recruitment were relevant for the said job and no irregularity has been found in the process. All other allegations mention by applicant in his complaint are irrelevant, vague and not in the scope of the inquiry officer. Therefore, it is

recommended that the compliant may please be filed". **(Copy of inquiry report is attached as Annexure-K).**

6. That on 6.11.2015 on the basis of audit report in which the appellant was never associated. The appellant was terminated from Service and also ordered for recovery of Rs. 358554/- on the flimsy grounds of having diploma from Skill Development Council. The appellant filled departmental appeal on 9.11.2015 and waited for statutory period of 90 days but till no reply so far has been received by the appellant. **(Copy of order and departmental appeal are attached as Annexure-L & M).**
7. That the appellant has no other remedy but come this august Tribunal on the basis of following grounds amongst others.

GROUND:


- A) That the impugned order dated 6.11.2015 and not taking any action on the department appeal, is against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That there were no proper inquiry was conducted because appellant has been condemned unheard and not providing fair chance of defence to the appellant which is against the law and rules.
- C) That the appellant has been condemned unheard and has not been treated according to law and rules which is violation of Principle of Audi Alteram Partem which the Honourable Supreme Court of Pakistan has also declared the violation of law in case of Aneesa Rehman, 1994 SCMR Page 2232.
- D) That the appellant neither was associated with the enquiry proceedings nor provided any chance to the appellant to defend himself which is violation of norms of justice.
- E) That no charge sheet and statement of allegations were issued to the appellant which is against the law and in violation of E&D Rules.
- F) That no personal hearing was given to appellant and no proper chance provided to appellant.

- G) That the certificates of the petitioner are correct and verified from the Skill Development Council, Lahore, therefore, the termination order passed on the basis of fake documents is not sustainable in the eyes of law.
- H) There are no conditions at all in the advertisement to restrict the candidates who having qualification from SDC. Therefore, the termination order passed on the basis of that is not sustainable in the eyes of law.
- I) That even the termination order is the violation of Article-10(A) of the Constitutional because the petitioner has been stigmatized without following proper procedure and not providing fair chance of defence to the petitioner.
- J) That SDC is valid constitutional body which was established under National Training Ordinance / Act 1980 (Amend Ordinance No.II of 2002) and valid through out Pakistan.
- K) That the appellant has not been treated according to law and rules.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

THROUGH:

Appellant
Ikram Noon 


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

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

Appeal No. _____/2016

Ikram Noor
Deptt.

V/S

Health

.....

**Application for suspending the operation of
impugned order dated 6.11.2015 to the extent
of recovery of Rs. 358554/- from the appellant till
the disposal of main appeal.**


RESPECTFULLY SHEWETH:

1. That the appellant has filed an appeal along with this application which no date has been fixed so far.
2. That the appellant has a good prima facie case and all the ingredients are in favor of the appellant.
3. That, if the impugned order has not been suspended, then the main appeal of appellant would become infructuous.
4. That the balance of convenience is also in favour of appellant.
5. That the impugned order has been passed by the respondent, which is illegal and violation of rules.

It is, therefore, most humbly prayed that the operation of recovery of payment amounting to Rs. 358554/- from the appellant as mentioned in his termination Order dated 6.11.2015 may be suspended till the disposal of main appeal. Any other remedy with this august Tribunal deems fit may also be awarded in favor of appellant.

APPELLANT
Ikram Noor

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.


Deponent

اساتحادیہ طلبہ

حکومت سندھ میں موجود ذیل آسامیوں کو برقرار رکھنے کیلئے طلبہ سہولتی اسکیموں اور طلبہ تعلیمی قابلیت کے حامل ہزاروں امیدواروں سے درخواستیں مطلوب ہیں۔ درخواست نامہ دفتر بھارت سے اوقات کار میں بلا معاوضہ (مفت) حاصل کی جاسکتی ہیں۔ طلبہ سہولتی کے اہل امیدواروں کی عدم دستیابی کی صورت میں دوسرے اضلاع کے امیدواروں کی درخواستوں پر غور کیا جاسکتا ہے۔ درخواست نامہ کے ساتھ ساتھ طلبہ انتہول دستاویزات امتحانی کارڈ اور ایسٹبلشمنٹ شوقیت امتحانہ شعبہ میں تجربے کی سند اور ایک عدد پاسپورٹ تصویر کے ہمراہ دفتر ای ایچ او ضلع سہولتی کو اس ایشمار کے دس (10) دن کے اندر داخل کرنا چاہئیں۔ نامہ مکمل اور دوسرے موصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر شمار	نام آسامی	BPS	مرکب سہ	مطلوبہ تعلیمی قابلیت
1	جوئینر ٹیچنگ ٹیچنگ (ریٹریاتی)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
2	جوئینر ٹیچنگ ٹیچنگ (اسٹریٹیجی)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
3	جوئینر ٹیچنگ ٹیچنگ (ڈیپارٹمنٹ)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
4	جوئینر پرائمری ٹیچنگ ٹیچنگ (NTP)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
5	جوئینر ٹیچنگ ٹیچنگ (سرٹیکٹ)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
6	جوئینر ٹیچنگ ٹیچنگ (ای ای ای)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
7	جوئینر ٹیچنگ ٹیچنگ (فارسی)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
8	جوئینر ٹیچنگ ٹیچنگ (ڈیپارٹمنٹ)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
9	جوئینر ٹیچنگ ٹیچنگ (پبلک سروس)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
10	جوئینر ٹیچنگ ٹیچنگ (ڈیپارٹمنٹ)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
11	جوئینر ٹیچنگ ٹیچنگ (ڈیپارٹمنٹ)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
12	جوئینر ٹیچنگ ٹیچنگ (ڈیپارٹمنٹ)	09	۲18 سال	یکٹوری سکول سرٹیکٹ بھارت میں کی تعلیم شدہ بورڈ اور متعلقہ شعبہ میں کی تعلیم شدہ ادارے سے ایلوہ
13	پبلک سروس ٹیچنگ ٹیچنگ ایکوچمنٹ ٹیچنگ	09	۲18 سال	1- کسی تعلیم شدہ بورڈ سے بھرتک (2) کسی تعلیم شدہ سرکاری پبلیک سروس سے ایلوہ ٹیچنگ ٹیچنگ ٹیچنگ ٹیچنگ سے ایلوہ ٹیچنگ ٹیچنگ ٹیچنگ ٹیچنگ سے ایلوہ ٹیچنگ ٹیچنگ ٹیچنگ ٹیچنگ سے ایلوہ ٹیچنگ ٹیچنگ ٹیچنگ ٹیچنگ سے ایلوہ
14	جوئینر بھرتک	07	۲18 سال	کسی تعلیم شدہ بورڈ سے بھرتک یا ساری قابلیت ایشمار نامہ میں 130 ایشمار کی پبلیٹی سنٹ
15	ٹیلینون آپریٹر	07	۲18 سال	تعلیم شدہ بورڈ سے یکٹوری سکول سرٹیکٹ و ٹیلی فون آپریٹر میں بھارت (اگر پبلیک سروس بورڈ سے ایلوہ) بھارت بھارت ضروری ہے
16	پبلر	06	۲18 سال	تعلیم شدہ بورڈ سے بھرتک۔ کسی تعلیم شدہ پبلیک سروس سے بھرتک
17	ایگزیکٹو	06	۲18 سال	بھرتک۔ پبلیک سروس بھرتک سے متعلقہ شعبہ میں ایلوہ
18	ریٹیننٹ (اسٹنار)	05	۲18 سال	تعلیم شدہ بورڈ سے یکٹوری سکول سرٹیکٹ (اگر پبلیک سروس بورڈ سے ایلوہ) بھارت بھارت ضروری ہے
19	سٹور کپر	05	۲18 سال	تعلیم شدہ بورڈ سے بھرتک سرٹیکٹ بھارت بھارت پبلیٹی 125 ایشمار کی سنٹ

تذری سہولتی حکومت کے سرچیز اور سہولتی کے تحت مکمل میں لالی یا پبلیٹی۔ سفار اور ایلوہ کیلئے دو لیسڈ کو کوشش ہے۔ جبکہ 0.5% کوہ آہستہ کیلئے کوشش ہے۔ اسی طرح کلک حکومت کے جن ملازمین کی فونکس دوران ملازمت ہو چکی ہوں ان کے بے طلبہ قابلیت رکھتے ہوں تو وہ بھی درخواست دے سکتے ہیں۔ انٹرویو کے وقت اصل اسناد پیش کرنا لازمی ہوگی۔ سرکاری ملازمین بھارت سے درخواستیں بھی دیں۔ بھارتی آسامیوں کو کسی بھی آسامی پر کرنے یا بھرتک کے نامہ مکمل اختیار حاصل ہے۔ طلبہ قابلیت پر بھارت سے ایلوہ بھارت کی درخواستوں پر غور نہیں کیا جائیگا۔ صرف بھارت سے ایلوہ امیدواروں کو ایلوہ کیلئے بلایا جائیگا۔

ATTENDED

B

8

27 August 2013

26/8/2013

C
S
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تصريح

روزنامہ مشرق مورخہ 26-8-2013 میں مختلف کیٹیگریز جو نیئر پرائمری کیٹریگری میں متعلقہ شعبہ میں کسی تسلیم شدہ اوارے سے ڈپلومہ لکھا گیا ہے۔ لہذا ڈپلومہ کی بجائے سرٹیفکیٹ پڑھا جائے۔

المنشیہ ڈاکٹر احسان الاکبر ڈسٹرکٹ ہیلتھ آفیسر صوابی

INF(P)-2336 Also available on www.khyberpakhtunkhwa.gov.pk

ATTESTED



SDC

SKILL DEVELOPMENT COUNCIL LAHORE

Skill Development Council Punjab Lahore

Established under National Training Ordinance / Act 1980 (Amended Ordinance No: II of 2002)

TRANSCRIPT

DIPLOMA IN SURGICAL TECHNICIAN (FINAL RESULT)

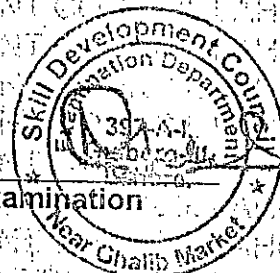
Name of Candidate: IKRAM NOOR
 Father's Name: LAL GUL
 Registration No.: SDCL/SIMS/SWB-1203464-A
 Session: 2012-2013
 Roll No : 23564
 Conducted at: SEENA INSTITUTE OF MEDICAL SCIENCES, SWABI

The Candidate has passed the examination by securing 58% marks and in Internal Assessment he/ she was awarded grade "C". He/ She offered the subjects and obtained the marks as follows:

Sr.No	Paper	Total Marks	Marks Obtained
1	Paper -A (Anatomy physiology & First Aid)	100	64
2	Paper -B (Pharmacology)	100	55
3	Paper-C (Concerned Technology)	100	59
4	Paper- D (English)	100	52
5	Practical/Viva	100	60
	Total	500	290

Marks Obtained	290
Total Marks	500
Percentage	58%
Grade	C
Remarks	Pass

Controller of Examination
 Skill Development Council Punjab
 397-A, Gulberg III
 Near Ghalib Market Lahore



Controller of Examination

SKILL DEVELOPMENT COUNCIL, LAHORE

397-A-1, GULBERG III, NEAR GHALIB MARKET, LAHORE TEL: 042-35757776, 35764286, FAX: 35763477
 E-mail: info@sdc.gov.pk, www.sdc.gov.pk

Reg. No: SDCL/SIMS/SWB-1203464-A
Roll. No: 23564

Serial No. 031281

Skill Development Council

Established under National Training Ordinance / Act 1980 (Amend Ordinance No: II of 2002)
<http://www.sdc.gov.pk>

Competency Based

Diploma

THIS IS TO ACKNOWLEDGE THAT

IKRAM NOOR S/O LAL GUL'

has successfully completed the prescribed
course of study in

SURGICAL TECHNICIAN

Passed in Grade 'C' / Percentage: 58% = 290/500

Conducted at: **SEENA INSTITUTE OF MEDICAL SCIENCES, SWABI**

Duration: One Year (Passed in two semesters consisting of six months each)

Session: 2012-2013

MANAGING DIRECTOR
Seena Institute of Medical
Sciences Swabi

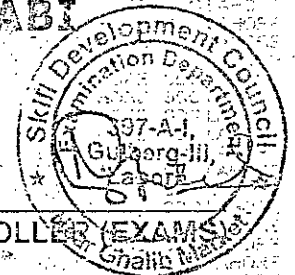
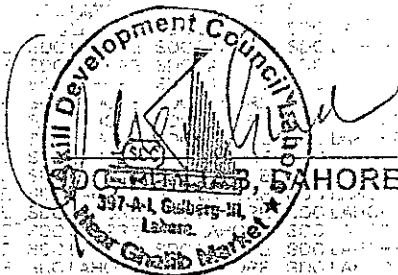
PRINCIPAL / DIRECTOR

Checked & Verified

[Signature]
Manager (Student Affairs)
Skill Development Council Punjab
397-A-I, Gulberg-III,
Near Ghalligh Market Lahore



AWARDED



CONTROLLER (EXAMS)

(17) (11)

Seena Institute Of Medical Sciences & College



SWABI

Ref. No. _____

Date: 10-03-2013

Course Completion Certificate

To Whom It May Concern:

This is to certify that Mr IKRAM NOOR S/O LAL GUL whose Enrollment Number is 23564 has completed one year Diploma in "SURGICAL TECHNICIAN" at Seena Institute of Medical Sciences Swabi. He was fully devoted to his oral, written as Well as practical work.

As a regular student he was a hardworking, Cooperative and an individual of good moral character. I wish him best of luck in his future. Should you require any further information please do not hesitate to contact us on the following address.

MANAGING DIRECTOR
Seena Institute of Medical Sciences
[Signature]
Seena Institute of Medical Sciences
Swabi

ATTESTED
[Signature]

Near PSO Pump Jehangira Road Opposite Mela Ground, Swabi City.
Tel: 0938 223112 / seenaswabi@gmail.com / www.facebook.com/seenaswabi

12

12

13	12	MUHAMMAD HAYAT SHAIH	MUHAMMAD ROBAT SHAIH	SWABI	13.01.1976	38				10	6			44				3	4	5	4	4	58	selected sub: to age relax of O/A 7y 7m 2d
14	12	BAKHT UN NISA	FAZAL KHAN	SWABI	01.04.1980	38				10				48				2	2	2	2	2	50	selected sub: to age relax of O/A 3y 5m 4d
15	24	SAQIB KHAN	YAQOOB KHAN	SWABI	17.04.1979	38			15		8			61										Absent

FINAL MERIT LIST OF JUNIOR CLINICAL TECHNICIAN SURGICAL OUT DISTT;

16	11	MIAN NOOR BADSHAH	MIAN ZAR BADSHAH	MARDAN	03.03.1982	50				15	6			71				6	5	7	6	6	77	selected : O/A by 1y 6m 2d
17	6	MUJAHID KHAN	SAID KARIM	CHARSADA	07.05.1989	50				15	6			71				5	7	6	6	6	77	Selected
18	27	ADNAN ZEB	JEHAN ZEB	PESHAWAR	25.01.1991	38				15		8		61				8	7	7	6	7	68	Selected
19	26	Naeemullah	Ellu Noor	Karak	18.02.1977	38				15		8		61				6	5	7	6	6	67	O/A far flung area not recomnded
20	8	MUHAMMAD HAYAT	MUHAMMAD ROSHA	CHARSADA	07.01.1983	38				15				53				5	6	7	6	6	59	selected O/A by 7m 28d
21	25	DAUD	MUHAMMAD MASKE	PESHAWAR	15.01.1996	38				15				53				3	6	6	5	5	58	
22	16	SHAHANA AFSHEEN	JAVED HASSAN	MARDAN	06.05.1992	50				15				65										Absent
23	22	MAHTAB ALI SHAH	GUL JAMAL SHAH	BANU	05.03.1987			30		15				45										Absent

[Signature]
 Dr. Muhammad Sherin
 M S BMC Swabi
 (Member 2) Rep; of DGHS
 Peshawar

[Signature]
 Dr. Muhammad Tariq
 Coordinator
 DHO Office Swabi
 (Member 1)

ATTESTED

[Signature]
 Dr. Muhammad Usman
 M O BMC Swabi
 (Member 3)

[Signature]
 Dr. Ihsanul Akbar
 District Health Officer
 swabi
 (Chairman)

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FINAL MERIT LIST OF JUNIOR CLINICAL TECHNICIAN SURGICAL

Sl. No.	Candidate Name	Father's Name	District	Date of Birth	Matric Marks			Tech: Education			Higher Qualificat			Total	Experience Mark			Interview Marks				AVG:	G. Total	Remarks
					1st	2nd	3rd	Deg	Dip	Cer:	FA/FS	BA/BS	A/M		1-Yrs	2-Yrs	3-Yrs	DHO	M 1	M 2	M 3			
					50	38	30	20	15	10	6	8	12		4	7	10	8	8	8	8			
		TAWAS KHAN	SWABI	03.03.1990	50				15		6			71				4	6	5	5	5	76	Selected
17	ABDUL WAKEEL	AZIZ GUL	SWABI	03.03.1975		38				10	6			54			10	8	8	8	8	8	72	selected sub. to age relax of O/A 8y6m?
2	AKAB GUL	ZAFAR ALI KHAN	SWABI	15.02.1976		38				10	6			54			10	8	8	8	8	8	72	selected sub: to age relax of O/a 7y6m20d
10	MANZOOR AHMAD	WAZIR MUHAMMAD	SWABI	01.04.1971		38			15					53			10	6	6	6	6	6	69	Selected sub to age relax O/A by 12y 5m4d from Compt Auth
5	1	ZAHID MUHAMMAD	JAN MUHAMMAD	SWABI	05.04.1988		38			15	6			59				8	8	8	8	8	67	Selected
6	19	ARSHAD ALI	JALAT KHAN	SWABI	21.12.1979		38			15	6			59				4	7	7	6	6	65	selected sub: to age relax of O/a 3y 8m14d
7	9	HABIB UR REHMAN	SHER UMAR KHAN	SWABI	15.02.1992		38			15	6			59				2	4	3	3	3	62	Selected
8	3	IKRAM NOOR	LAL GUL	SWABI	01.02.1993		38				10	6		54				8	8	8	8	8	62	Selected
9	21	BAHADAR ALI	QURBAN ALI	SWABI	20.08.1985		38			15	6			59				2	2	2	2	2	61	Selected
10	89 PHC	MIRAJ HUSSAIN	NOOR MALIK	SWABI	10.01.1992		38			15				53				8	8	8	8	8	61	Selected
11	13	MUHAMMAD ISLAM	ZRANABIKHAN	SWABI	02.03.1992		38			15				53				6	6	6	6	6	59	Selected
12	4	NASAR MUHAMMAD	MUHAMMAD ASLAM	SWABI	03.02.1981			30		15	6			51				8	8	8	8	8	59	selected sub: to age relax of O/A 2y 7m 2d

ATTESTED

Handwritten signatures and initials at the bottom of the page.

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Office of The District Health Officer Swabi

Email ID: cdlohealthswabi@yahoo.com

Office Tel & Fax: 0938-221606, 224604

No. _____ Dated _____



Office Order

Consequent upon the recommendations of Distt: Selection Committee in its meeting held on 07.11.2013, Mr. Ikram Noor S/O Lal Gul of vill: & P/O Gohati Teh: Razar Distt: Swabi is hereby appointed as JCT: Surgical in BPS-09 (6200-380-17600) plus usual allowances as admissible to him under the Rules.

His appointment will be subject to the following terms and conditions.

1. That he will be allowed minimum of the pay scale.
2. That he will be on usual probation for a period of 01 year.
3. That his services can be dispensed with, without any notice during the probation period if his work and conduct found unsatisfactory.
4. That he will be entitled to gratuity and pension etc as per Rules.
5. That his appointment will be subject to production of medical fitness certificate from the Medical Superintendent.
6. That he will be governed by such Rules and orders as may be issued by the Govt of KPK from time to time for the category of Govt: servants to which he belongs.
7. That if he wish to resign at any time, he will resign in written within 30 days notice or forfeit one month pay in lieu thereof and will continue to serve the government till the acceptance of his resignation by the competent Authority.
8. That he will not be entitled to claim any TA/DA for the medical examination and joining of his 1st appointment.
9. That his appointment will be subject to the Registration/ Renewal of his technical Certificate / Diploma/ Degree with KPK Medical Faculty otherwise the order will be considered as withdrawn.
10. That he will be posted anywhere in Distt Swabi.

If he accepts the above terms and conditions, he should report to MS BMC Swabi within 20 days after the issuance of this order failing which the order will be considered as withdrawn & cancelled.

-----sd-----
District Health Officer
Swabi

No. 5866-701 Dated: 08/11/2013

Copy forwarded to:

1. DGHS Khyber Pakhtunkhwa Peshawar.
2. Dy. Commissioner Swabi
For information
3. DAO Swabi.
4. MS BMC Swabi.
5. Mr. Ikram Noor S/O Lal Gul of vill: & P/O Gohati Teh: Razar Distt: Swabi For information and necessary action.

District Health Officer
Swabi

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 11-08-2015

NOTIFICATION

NO. SO(FR)FD/7-3/2015/Paramedics. The competent authority has been pleased to upgrade all the Paramedics Staff appointed under Khyber Pakhtunkhwa Civil Servants Act, 1973, with immediate effect:

- I. All the incumbents Paramedics in BS-09 are upgraded to BS-12. In future the initial recruitment will be made in BS-12 instead of BS-09 and the Administrative Department shall immediately amend the service rules through SSRC accordingly.
- II. The incumbents presently serving in BS-12 & BS-14 are allowed 02 steps upgradation respectively with relaxation of condition of 10 years service in the same grade stipulated in the existing upgradation policy.
- III. The Paramedics presently serving in BS-16 and BS-17, having 05 years service in the respective pay scales, are allowed an allowance at the rate of fixation of pay in next grade.
- IV. The Administrative Department shall further streamline the service structure of BPS-16 and above through the mechanism of SSRC.
- V. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
- VI. This department notification bearing No. SO(FR)FD/10-22/2015 dated 30-06-2015 will have no affection to the above employees.

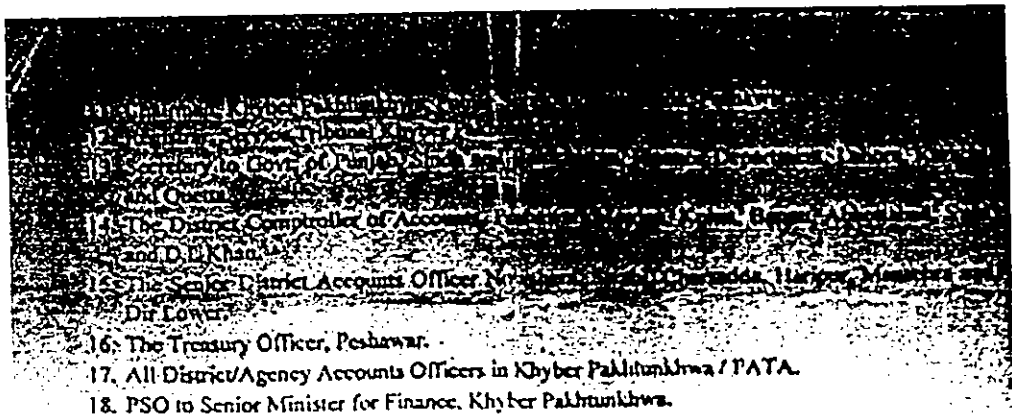
SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.

ATTESTED
[Signature]



- 16. The Treasury Officer, Peshawar.
- 17. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / PATA.
- 18. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19. PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar
- 21. PS to Finance Secretary
- 22. PAs to All Additional Secretaries Deputy Secretaries in Finance Department
- 23. All Section Officers Budget Officers in Finance Department
- 24. Mr. Siraj Burki, chairman, All Paramedics Association, Khyber Pakhtunkhwa, Peshawar.
- 25. Mr. Johar Ali, President, Provincial Paramedical Association, Khyber Pakhtunkhwa.

(Signature)
 (MURAD AHMAD)
 SECTION OFFICER (FR)
 (0919212635)

(Signature)



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To

Medical Superintendent
BMC Swabi

Subject: Arrival report

R/Sir,

I have been appointed as JCT (Surgical) in BPS-09 vide District Health Officer Swabi office order No. 5866-70/ dated 08-11-2013 (Copy attached).

It is therefore requested to kindly accept my Arrival report on 12-11-2013 and oblige.

Dated: 12-11-2013

Yours obediently

[Signature]
12/11/13

Mr. Ikram Noor S/O Lal Gul
VOP, Gohati Tehsil Razar Distt: Swabi

Approved
[Signature]

ATTENDED
[Signature]

18

18

MEDICAL CERTIFICATE

Official's Name

MR. Iqbal Noor

Father's Name

Lal Gul

Religion

Muslim

Residence

V.P.O. Gohati Tehsil Rajan
Dist Swabi

Date of Birth

01-02-1993

Exact height

57

Mark of Identification

NIL

Official Signature

[Signature]

Signature of Deptt: Incharge

Seal of Deptt: Incharge

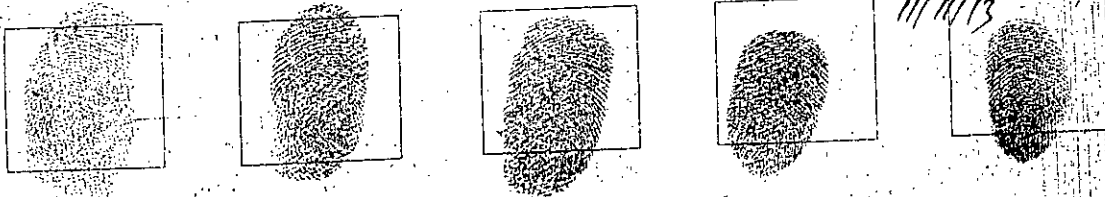
Medical Superintendent
Bacha Khan Medical Complex
Swabi

I do hereby certify that I have examined Iqbal Noor a candidate for employment in the DHO Health. ICT Surgical and cannot discover that he had any disease communicable or other constitutional infection or bodily infirmity except NIL

I do not consider this as disqualification for employment in the DHO, Health, ICT Surgical His/Her age according to his/hers own statement is 20 years and by appearance about 20 years.

[Signature]
Medical Superintendent
DHO Hospital Swabi
Medical Superintendent
D.H.Q. Hospital Swabi

Left/Right hand thumb and fingers impression:



11/11/13
[Signature]

OFFICE OF THE DISTRICT HEALTH OFFICER SWABI

Office Phone # +92-938-221606, Email: edohealthswabi@yahoo.com

CORRIGENDUM

Considering the joint application of the newly appointed various categories of Paramedics at BMC Swabi, duly forwarded by MS BMC Swabi dated 03.12.13, being genuine case, the Para # 09 of terms and conditions in all the appointment orders of the Paramedics may be read & corrected as:-
"That his / her appointment is subject to the verification of his / her Technical certificates / Diplomas / Degrees from the concerned institutions".

-----SD-----

District Health Officer

Swabi

No. 7461-66/A-6 /DHO

DATE: 4 / 12 / 2013

CC:

- 1. DGHS Peshawar
- 2. Dy. Commissioner Swabi
- 3. DAO Swabi
For information
- 4. Accounts Section DHO Office Swabi
- 5. All concerned newly appointed Paramedics / ICT's etc
For information & necessary action

③ Ms BMC / DHC2 Swabi

[Handwritten Signature]

District Health Officer
Swabi

ATTENDED
[Handwritten Signature]

(B)
SKILL
DEVELOPMENT
COUNCIL LAHORE.



Established under National Training Ordinance/Act 1980 (Amend Ordinance No: II of 2002)

SDCL-2(54)-2014

02nd FEB, 2014

To,

Medical Superintendent,
Bacha Khan Medical Complex
Swabi,

SUBJECT:- Verification of Diplomas

Dear Sir,

Reference to your letter # NO.133-34 of dated 17-19/01/2014. It is to inform you that issuance of diplomas of following candidates through The Seena Institute Of Medical Sciences, Swabi are genuine and hereby verified.

Yours truly,

Sr #	Name	Father Name	Course	Roll No	Reg No
1	Ikram Noor	Lal Gul	Surgical Technician	23564	SDCL/SIMS/SWB-12014-34-A
2	Nasar Mohammad	Mohammad Aslam	Surgical Technician	23565	SDCL/SIMS/SWB-12014-35-A

WAQEEB ASLAM

Chief Controller Exams

Ministry of Health, Punjab

Plot No. 10, Ghalib Market, Lahore.

Acc. Section
12/01/2014
12/24/13

12/01/2014
7-2-14

ATTESTED
f

OFFICE OF THE DISTRICT HEALTH OFFICER SWABI

Email ID: edohealthswabi@yahoo.com
Office Tel & Fax: 0938-280008

No. 6632/ES /DHO Swabi

Dated: 21/8/2015

To

The Director General Health Services
Khyber Pakhtunkhwa, Peshawar

SUBJECT: INQUIRY AGAINST DR. IHSANUL AKBAR EX-DHO SWABI AND MR. NASIR ALI JCT REGARDING APPOINTMENTS AND MISS USE OF POWER

Sir,

Reference your office letter No. 2364/CC/2890/2015 Dated: 26.05.2015.

I have conducted detail inquiry on the subject cited above, the facts, findings and recommendation is as under: -

FACTS & FINDINGS:

1. Dr. Ihsanul Akbar remained posted as DHO Swabi from April 2013 to December 2014. In Oct-2013, on the direction of the Provincial Govt: regarding filling of vacant posts of paramedic staff in the district, advertisement was given by DHO in the news paper as per standard Govt: procedures.
2. In response to advertisement, applications were received in the office of DHO Swabi for various Categories for paramedic's posts.
3. District Selection Committee was constituted for selection according to Govt: instructions. MS DHQ Hospital Swabi was nominated as a member representing DG Health Office. He expressed his some personal commitments and MS BMC Swabi was replaced as a member in place of MS DHQ Hospital Swabi.
4. Proper provisional merit list was prepared by the establishment branch of DHO Office Swabi which was duly displayed for the candidates on the notice boards of DHO Office Swabi and in different hospitals.
5. Merit list was prepared as per ESTA CODE and no objection was received by any candidates in DHO Office Swabi.
6. Interview were conducted by the selection committee in Oct-2013, the merit list was finalized. The selection list of successful candidates was prepared by the selection committee and was displayed for the information of general public in DHO Office and other health institutions of the district.
7. Meanwhile the paramedical staff (JPHC MP) appointed against the vacant posts on contract basis in BHU by PPHI approached the court of law for their regularization against their posts.
8. Status quo was granted by the Honorable Court therefore, a process of recruitments was stopped for the post of JPHC (MP), and appointments were made on the other categories of paramedics staff.
9. After the trial by court, the appeal of applicants was dismissed in Sep-2014 and recruitments on already prepared merit lists were initiated.

ATTESTED
[Signature]

29

OFFICE OF THE DISTRICT HEALTH OFFICER SWABI

Email ID: edohealthswabi@yahoo.com
Office Tel & Fax: 0938-280008

No. _____ /DHO Swabi

Dated: _____

10. Appointments JPHC (MP) were made as per merit list in Oct-2014.
11. In appointment letters it was clearly mentioned that the documents will be verified from relevant authorities and then salary will be activated. Academic documents and technical documents were sent for verification to relevant authorities in Nov-2014.
12. On 22.12.2014 Dr. Ihsanul Akbar then DHO (who was already transferred in Sep-2014 but was retaining the charge of DHO on the direction of Provincial Health Department as no substitute was posted) left the charge of DHO and I took over the charge of DHO Swabi.
13. Some verification were received before 22.12.2014 and few received during my tenure. The candidates whose documents were not verified have already terminated from service.

OPINION & RECOMMENDATIONS:

After verification of all the record of recruitments and based on the above mentioned facts I am of opinion that all the appointments made were purely on merit, according to ESTA CODE and as per government policy. Officers and officials involved in the process of recruitments were relevant for the said job and no irregularity has been found in the process. All other allegations mentioned by applicant in his complaint are irrelevant, vague and not in the scope of the inquiry officer. Therefore, it is recommended that the complaint may please be filed.

Dr. Niaz Mohammad
(Inquiry Officer)

District Health Officer
Swabi

No. 6633/2015 /DHO Swabi Dated 21-12-2015

Copy forwarded to the Assistant Director (P-II) Directorate General Health Services
Khyber Pakhtunkhwa, Peshawar.

Dr. Niaz Mohammad
(Inquiry Officer)

District Health Officer
Swabi

ATTESTED
A

OFFICE OF THE MEDICAL SUPERINTENDENT
BACHA KHAN MEDICAL COMPLEX SWABI

Office Ph # 0938 - 280214

Fax # 0938 - 280214

Email: BMCswabi@yahoo.com



OFFICE ORDER

In light of the Audit Report in complaint No. 128/2015 and Complaint No. 9806 dated 11.09.2015, carried out by Anti Corruption Department, addressed to DHO Swabi vide letter No. 163/CO.ACE8 dated 3.11.2015 duly endorsed: by DHO Swabi vide endorsed: No. 1535/A-8 dated 3.11.2015, the services of the following 03 JCT (Surgical) are hereby terminated with immediate effect, being qualified from/having diploma from Skill Development Council Lahore and Trade Testing Board Peshawar respectively.

1. Mr. Nasar Muhammad s/o Muhammad Aslam (SDC Lahore)
2. Mr. Miraj Hussain s/o Noor Dad (TTB Peshawar)
3. Mr. Ikram Noor s/o Lal Gul (SDC Lahore)

They are further directed to deposit into Govt treasury on proper challan, the amount of pay drawn during the period up to 10.2015 as noted against their names below:-

S.NO	Name	Amount
1	Mr. Nasar Muhammad	341701/-
2	Mr. Miraj Hussain	355535/-
3	Mr. Ikram Noor	358554/-

SD/

MEDICAL SUPERINTENDENT
BMC SWABI

DATE 06/11/2015

NO 6413-21/G.T./BMC

Copy forwarded to:-

1. DGHS, KP, Peshawar
2. DHO, Swabi
3. Circle officer, Anti Corruption Establishment, Swabi w.r.t his letter No. referred above
4. DMS, BMC, Swabi
5. Paramedics Supervisor, BMC, Swabi
6. I/C OT
- For information
7. Concerned officials
8. Receipt clerk
- For information & n.a
9. Accountant, BMC, Swabi to stop their salaries immediately

ATTESTED
[Signature]

[Signature]
MEDICAL SUPERINTENDENT
BMC SWABI

24

M
=

To

The Director General (Health) Services,
Khyber Pakhtunkhwa Peshawar,

Subject: DEPARTMENTAL APPEAL FOR REINSTATEMENT AGAINST ORDER OF THE MEDICAL SUPERINTENDENT SWABI NO : 1413 - 21/GTe/BMCS Dated 06-11-2015.

Respected Sir,

It is requested in your honour that the DHO Swabi advertised the various posts in the Daily News Paper Mashriq dated 26/8/2013 I submitted my documents for the post of Surgical Technician at serial No: 5. The concern authorities issued a letter No: 5129/DHO Swabi Dated 11/10/2013 for interview on 30/10/2013 at 9:00 am in the Office of the DHO Swabi in which I appeared and qualified the interview. Then I was appointed on merit as JCT (Surgical Technician BPS-09) in the Bacha Khan Medical Complex Swabi Vide DHO Swabi No: 5866-70/ Dated 8/11/2013 after observing the coddle formalities, the merit list is attached herewith.

The Medical Superintendent of the BMC Swabi verified my documents from the concerned Board and Skill Development Council Lahore Established under Training Ordinance/Act 1980 (Amend Ordinance No: II of 2002) and then released my pay.

But after two years the Medical Superintendent have terminated me from my services Vide his office No: 1413-21/GTe/BMCS Dated 6/11/2015 without any reason i.e. Show Cause Notice/Personal Hearing /Explanation OR Charge Sheet etc and also directed to deposit the amount of pay that is drawn during the period up to 10/2015 from the date of taking my charge that is 12/11/2013 which is Rs. 358554/-.

Therefore, hereby you are requested to reinstate me on my job and oblige otherwise I will knock the door of law for the redressal of my grievances.

The following documents are attached along the appeal

1. Advertisement.
2. Interview Call Letter.
3. Merit List.
4. Appointment Order.
5. Arrival Order & Medical Certificate.
6. The Termination Order.

ATTESTED
/s/

Appellant

Name: IKRAM NOOR S/O LAL GUL

JCT (SURGICAL) Bacha Khan Medical Complex Swabi

Copy to the Medical Superintendent, Swabi for information.

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal Peshawar

Ikram Noor (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Health Dept. (Respondent)
(Defendant)

I/we Ikram Noor (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Ikram Noor (CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Appeal No.160/20156

Ikram Noor

V/S

Health Deptt:

.....

APPLICATION FOR RESTRAINING THE RESPONDENTS FROM FILLING THE POST OF CLINICAL TECHNICIAN SURGICAL ADVERTISED IN THE NEWS PAPER "MASHRIQ" DATED 22.05.2016 TO THE EXTANT OF ONE POST OF APPELLANT AT BKMC SWABI

.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the mentioned appeal against the order dated 06.11.2015 whereby the appellant was terminated from service and the recovery of RS. 34170/. Imposed upon the appellant. The appeal of the appellant is now in reply stage and fixed for 18.8.2016.
2. That the respondent department has advertised the posts of different Technicians including the appellant's post in the daily News paper "Mashriq" dated 22.5.2015 from which the appellant was terminated and in respect of which the appeal is subjudice. It is mentioned here that in said advertisement 9 posts of Clinical Technician Surgical were also included for BKMC Swabi from which the appellant was terminated. (Copy of advertisement is attached as Annexure-A).
3. That if the respondents are not restrained from making appointment on one post of the appellant of Clinical Technician Surgical at BKMC Swabi, then the legal complications will be created and if the appellant is reinstated then there will be no available post due to which the appellant will be deprived from the benefits of reinstatement.

4. That as per demand of justice and proprietary, it would be just and fair to restrain the respondents from making appointment on one post of Clinical Technician Surgical at BKMC Swabi from which the appellants was terminated.
5. That the application is based on cogent and legal aspect of the case and all the legal position is in favour of the appellants.

It is, therefore, most humbly prayed that the respondents may be restrained from making appointment on one post of Clinical Technician Surgical at BKMC Swabi which was advertised in the daily News Paper "Mashriq" dated 22.5.2016 till the decision of main appeal to meet the ends of justice. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellants.

APPLICANT/APELLANT

THROUGH:



(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AND



(TAIMUR ALI KHAN)
ADVOCATE, PESHAWAR.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.




Deponent

آسامیان خالی ہیں

یہ کے لئے تمام اسٹانڈرڈ تعلق رکھنے والے اہل امیدواروں سے درخواستیں مطلوب ہیں۔ علاقہ نشین میں اہل امیدوار دستیاب نہ ہونے کی صورت میں دوسرے علاقوں سے اہل امیدوار کی تقریبی فہرست پیش کی جاسکتی ہے۔

Requirements:-

For Clinical Technician, PHC Technician (Multi Purpose): (BPS-12): Age: 18 to 30

Qualification:- (1) Secondary School Certificate at least 2nd division in Science from recognized board & (2) Diploma in the technology from any other recognized institution provided, the same is registered by the Medical Faculty Khyber Pakhtunkhwa P

For PHC Technician (MCH): (BPS-12): Age: 18 to 30

Qualifications:- Secondary School Certificate with Science at least 2nd division from recognized board. & Diplomas of LHV and

S #	Districts	Facility	Clinical Technician Dental	Clinical Technician Pharmacy	Clinical Technician Radiology	Clinical Technician Pathology	Clinical Technician Anesthesia	Clinical Technician Cardk
1	Abbottabad	DHO	1	4	6	10	4	-
	-do-	DHO	-	-	-	-	-	-
2	Bannu	DHO	1	1	2	1	1	-
	-do-	DHO	-	-	-	-	-	-
	-do-	W&C Teaching Hospt. Bannu	1	4	1	1	-	-
3	Batagram	DHO	-	-	2	2	1	-
	-do-	DHO	-	-	3	-	3	-
4	Buner	DHO	-	5	-	-	1	-
	-do-	DHO	1	1	-	1	2	-
5	Charsadda	DHO	-	-	11	-	4	-
	-do-	DHO	-	1	2	-	-	-
6	Chitral	DHO	2	5	5	2	3	-
	-do-	DHO	-	-	1	-	-	-
7	D I Khan	DHO	-	-	1	-	2	-
	-do-	DHO	-	7	8	5	3	-
	-do-	MMTH D.I.Khan	-	-	2	-	7	-
8	Dir Lower	DHO	2	3	9	2	6	-
	-do-	DHO	-	-	-	-	6	-
9	Dir Upper	DHO	2	-	3	3	3	2
	-do-	DHO	-	-	2	-	5	-
10	Hangu	DHO	1	-	1	-	-	-
	-do-	DHO	1	-	2	1	1	1
11	Haripur	DHO	2	-	7	6	2	-
	-do-	DHO	-	1	-	2	2	-
12	Karak	DHO	3	4	6	2	6	-
	-do-	DHO	-	-	-	-	-	-
13	Kohat	DHO	-	-	2	1	-	-
	-do-	DHO	-	-	-	-	-	-
14	Kohistan	DHO	3	-	2	-	2	-
	-do-	DHO	-	-	-	-	-	-
15	Lakki Marwat	DHO	-	-	3	-	2	-
	-do-	DHO	-	-	4	9	9	-
	-do-	City Hospt. Lakki Marwat	1	1	1	1	1	-
16	Malakand	DHO	-	-	5	-	-	-
	-do-	DHO	-	-	-	-	-	-
17	Manshra	DHO	5	-	6	6	-	-
	-do-	M&G Hospt. Dadar Manshra	-	1	-	-	1	-
	-do-	King Abdullah Tech Hospt. Manshra	1	-	-	-	-	-
18	Mardan	DHO	2	3	13	-	-	-
	-do-	DHO	-	3	-	1	-	-
19	Nowshera	DHO	3	-	1	6	-	-
	-do-	DHO	-	-	-	-	-	-
20	Peshawar	DHO	-	-	3	-	-	-
	-do-	DHO	-	-	-	-	-	-
	-do-	Molvi Ameer Shah Hospt. Peshawar	-	-	1	-	-	-
	-do-	Sarhad Hospt. Psy. Disease Pesh	-	5	-	-	-	-
	-do-	Services Hospt. Pesh.	-	1	-	-	-	-
	-do-	PAPH Food Analysis Lab. Hayatabad Pesh	-	-	-	2	-	-
	-do-	Sifwal Ghayoor SM Hospt. Pesh	-	-	3	-	-	-
21	Shangla	DHO	1	1	5	1	3	1
	-do-	DHO	-	1	1	-	1	1
22	Swabi	DHO	3	9	16	1	7	1
	-do-	DHO	1	5	1	1	1	1
	-do-	BKMC Swabi	-	-	2	2	2	-
23	Swat	DHO	-	21	5	5	5	-
	-do-	SGTH Swat	-	9	7	14	-	-
	-do-	Navaz Sharif Kidney Hospt. Swat	-	1	8	-	-	-
24	Tank	DHO	-	-	1	-	-	-

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(گورنمنٹ ہسپتال، کوئٹہ) (گورنمنٹ ہسپتال، کوئٹہ)

روزنامہ شرق پشاور اسلام آباد

پیرامیڈیکل سٹاف کے

صحت خیر بہتر خوا کے مختلف سڑک بنیاد آئیر ڈاؤر ہسپتالوں کے میڈیکل پرسنل اور انچارج کے دیگر کئی مختلف مراکز صحت میں مندرجہ ذیل پیرامیڈیکل سٹاف کی آسامیاں قابل ہیں جن پر تقریباً

the relevant Paramedical Technology from Khyber Pakhtunkhwa Medical Faculty or diploma in the relevant Paramedical wa Peshawar.

and Midwifery from recognized Nursing Examination Board.

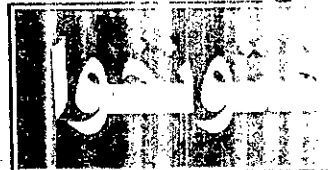
Clinical Technician Cardiology	Clinical Technician Surgical	Clinical Technician Dialysis	Clinical Technician Physiotherapy	Clinical Technician Pulmonology	Clinical Technician Gastroenterology	Clinical Technician Ophthalmology / Otorhinolaryngology	PHC Technician (Multi-Purpose)	PHC Technician (MCH)
-	5	-	-	-	-	-	11	-
-	1	-	-	-	-	-	4	-
2	-	-	-	-	-	-	-	-
-	1	-	-	-	-	-	25	-
1	8	1	3	-	-	2	6	-
1	1	-	1	1	-	1	4	-
1	1	-	-	-	-	3	18	-
1	1	-	-	-	-	1	-	-
-	1	-	-	-	-	-	-	-
1	2	-	-	1	-	1	-	-
-	7	1	-	2	-	1	-	-
1	7	-	-	-	-	1	8	-
-	-	-	-	-	-	-	-	-
2	2	-	-	-	-	-	2	-
-	5	-	3	-	-	-	-	-
1	2	-	1	-	-	1	-	-
-	4	-	-	-	-	-	10	-
-	2	2	1	-	-	1	-	-
-	5	-	-	-	-	-	3	-
-	4	-	1	-	-	2	-	-
-	-	-	-	-	-	-	-	-
-	2	-	-	-	-	-	13	-
-	-	-	-	-	-	-	-	-
1	2	-	-	-	-	2	-	-
1	10	-	-	-	-	1	-	-
1	1	-	1	-	-	1	-	-
1	3	-	-	-	-	-	-	-
2	-	-	-	-	-	1	-	-
-	8	-	-	-	-	-	38	-
-	4	-	-	-	-	-	-	-
-	12	-	-	-	-	1	18	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	-	-
-	-	-	-	-	-	-	-	-
-	3	-	-	-	-	-	-	-
-	4	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
1	1	-	-	-	-	-	14	-
1	1	-	1	-	-	1	-	-
1	10	-	-	-	-	-	7	-
1	2	4	1	-	-	1	-	-
2	9	-	-	2	-	-	-	-
1	8	-	-	-	-	2	-	-
2	10	-	1	-	-	-	-	-
2	7	5	-	-	-	-	2	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	3	-	-

		DHO					
25	Foghar	DHO	-	1	1	1	1
	-do-	DHQ	-	-	-	-	-
		Total	36	98	167	94	118
		Grand Total=	954				
Female Technicians & I							
1	Abbot abad	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
2	Bannu	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	2	-
	-do-	W&C Teaching Hospt. Bannu	-	-	-	-	1
3	Battagram	DHO	-	-	-	-	-
	-do-	DHQ	2	1	-	2	2
4	Buner	DHO	-	-	-	-	-
	-do-	DHQ	2	2	1	2	3
5	Charsadda	DHO	-	-	-	-	-
	-do-	DHQ	-	-	1	-	-
6	Chitral	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
7	D.I Khan	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
	-do-	MMTHI D.I Khan	-	-	-	-	-
8	Dir Lower	DHO	1	1	1	-	-
	-do-	DHQ	-	-	-	-	-
9	Dir Upper	DHO	-	-	-	-	-
	-do-	DHQ	1	1	1	-	-
10	Hangu	DHO	-	-	-	-	-
	-do-	DHQ	-	1	-	1	1
11	Haripur	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
12	Karak	DHO	-	-	-	-	-
	-do-	DHQ	-	-	1	1	1
13	Kohat	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
14	Kohistan	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
15	Lakki Marwat	DHO	-	-	-	-	-
	-do-	DHQ	-	1	-	-	-
16	Malakand	DHO	-	-	-	-	-
	-do-	DHQ	2	3	1	2	1
17	Mansehra	DHO	-	-	-	-	-
	-do-	M&G Hospt. Dadar Mansehra	-	-	-	-	1
	-do-	King Abdullah Tech Hospt. Mansehra	-	-	-	-	-
18	Mardan	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	1
19	Nowshera	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
20	Peshawar	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
	-do-	Molvi Ammer Shah Hospt. Pesh.	-	-	-	-	-
	-do-	Sarhad Hospt. Psy. Disease Pesh.	-	-	-	-	-
	-do-	Services Hospt. Pesh.	-	-	-	-	-
	-do-	PAPH Food Analysis Lab. Hayatabad Pesh.	-	-	-	-	-
	-do-	Sifat Ghayoor SM Hospt. Pesh	-	2	1	2	-
21	Shangla	DHO	-	-	-	-	-
	-do-	DHQ	-	-	2	1	1
22	Swabi	DHO	-	-	-	-	-
	-do-	DHQ	-	2	-	1	-
	-do-	BKMC Swabi	-	-	1	1	-
23	Swat	DHO	-	3	2	-	-
	-do-	SGTH Swat	-	-	-	-	-
	-do-	Nawaz Sharif Kidney Hospt. Swat	1	8	1	1	1
24	Tank	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
25	Torghar	DHO	-	-	-	-	-
	-do-	DHQ	-	-	-	-	-
		Total	9	25	13	16	13
		Grand Total=	143				

بشپن 15 نومبر کے بعد 15 نومبر کے اندر متعلقہ محکمہ کے ڈسٹرکٹ ہیلتھ آفیسر District health Officer/ Medical Superintendent کے پاس اپنی درخواست سادہ کاغذ پر بعض ہی کیپیڈ شہر انڈسٹریل سٹیشن کا کارڈ پیش کرنا اور شہر میں گریڈنگ کا کارڈ پیش کرنا۔ 5۔ گریڈنگ کا کارڈ پیش کرنا۔ 6۔ شہر کے اندر تصویر کیا جائے گا۔ 6۔ شہر کے اندر کوئی بھی ایسی ڈھلوانی نہیں رہا جائے گا۔ 7۔ صرف شہر کے اندر امیدواروں کو انڈسٹریل سٹیشن بلایا جائے گا۔ 8۔ ڈسٹرکٹ ہیلتھ آفیسر کے پاس پیش کیا جائے گا۔ 11۔ شہر کے اندر امیدواروں کی لسٹ تیار اور ان کی جانے گا۔ 12۔ امیدوار انڈسٹریل سٹیشن کے ممبران پر اپنے اصل دستاویزات پیش کرنا۔ 13۔ 14۔ 15۔ گریڈنگ کا کارڈ پیش کرنا۔ 16۔ شہر کے اندر کوئی بھی ڈھلوانی نہیں رہا ہے۔

Say No
to Corruption

INF(P)2377



Also available on www.khyberpakhtunkhwa.gov.pk

29	168	13	15	4	29	183	
MCH Technician MCH							
						6	1
							3
2							
	3						
1							4
		3					
1							
							1
1	1						1
1	1						
							3
							5
	1						
							4
1							
1	1		1		1		
1	1						
5	5		1				
							6
14	13	3	2	1	1	6	7B

تشریح و ضوابط: 1۔ اسٹ لائٹنگ کے لئے تاریخ مقررہ District health officer / Medical Superintendent سے ہے۔ 2۔ فراہم شدہ امیدوارا شمارہ
 اور کی صورت میں اور تین ہزار پانچ سو روپے کروا کر لیا جائے گا۔ 3۔ امیدواروں کی تعداد میں کمی بیشی ہو سکتی ہے۔ 4۔ 2% فی صد کو منظور فرما دیا جائے گا۔ 5۔ امیدواروں کی سرٹیفکیٹ امتحان کار امتحانی سے
 8۔ تقرری سوڈی حکومت کے تجویز و قواعد و ضوابط کے تحت عمل میں لائی جائیں گی۔ 9۔ تمام سرکاری ملازمین اپنے ادارے کے ذریعے درخواستیں ارسال کریں گے۔ 10۔ مکمل اور مقررہ تاریخ کے بعد
 مانگے جائیں۔ 13۔ جس امیدوار کی عمر مزید عمرت زیادہ ہو وہ Age relaxation certificate پیش کرنے کا پابند ہوگا۔ 14۔ کئی بھی قسم کی جعلی اسنادیں کرنے والے امیدوار کے خلاف قانونی کارروائی
 کی جائے گی۔

سیکرٹری محکمہ صحت خیبر پختونخوا

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

APPEAL No. 160/2016

Mr. Ikram Noor S/O Lal Gul JCT (Surgical) Bacha Khan Medical Complex Swabi
.....
(Appellant)

VERSUS

1. The Secretary to Govt: of Khyber Pakhtunkhwa, Health Department, Civil Secretariat, Peshawar
2. The Director Général Health Services Khyber Pakhtunkhwa, Peshawar
3. The District Health Officer, District Swabi
4. Medical Superintendant Bacha Khan Medical Complex Swabi
.....
(Respondents)

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS
PRELIMINARY OBJECTIONS

Respectfully Sheweth:

1. That the petitioner has no cause of action/ locus stand.
2. That the petitioner has deliberately concealed the material facts from this honorable court, hence liable to be dismissed.
3. That the petitioner has not come to this tribunal with clean hands.
4. That the petitioner has filed the instant appeal just to pressurize the respondents.
5. That the petitioner has filed the instant appeal on malafide motives.
6. That the instant petition is against the prevailing Law and Rules.
7. That the petition is not maintainable in the present form and also in the present circumstances of the issue.

Para wise comments:

FACTS:

1. Correct to the extent that it is clearly mentioned in the advertisement that the diploma/certificate be from a recognized institute. Recognize institution means recognized by Medical Faculty Khyber Pakhtunkhwa. Medical faculty is proper authority to decide which institution is recognized and which is not.
2. Correct to the extent that only interviews were conducted and merit list was prepared as per ESTA Code. No written test was conducted.
3. Correct.
4. Correct that then EDO Health issued corrigendum on appeal of appellant which was forwarded to him by controlling officer that diploma may be verified from the institution from where the candidate has obtained diploma instead of medical faculty. But the fact is that this order of the EDO Health was wrong and against the Govt: Policy and this was reason that anti corruption department was approached by many complainants and they after conducting proper inquiry took action against the concerned EDO Health and order the termination of services of appellant as the


- medical faculty did not verified the diploma obtained from skill development authority.
5. Incorrect the facts are that enquiry was conducted by Dr. Niaz Muhammad but it was not related to appointment made in 2013. It was for the appointment made in Nov 2014 for JPHC (MP) and as is evident from Para No. 13 of the enquiry report wherein the services of candidates whose documents were not verified from medical faculty Khyber Pakhtunkhwa and they were qualified from Skill Development Council was terminated by inquiry officer.
 6. Correct to the extent that the services of the Petitioner was terminated in light of Para No. 3 of the enquiry report submitted by Circle Officer Anti-Corruption Establishment Swabi vide letter No. 163/CO-ACE dated 03-11-2015 (Annex-A)
 7. No comments

GROUND:

- A) Incorrect the termination has been made on the audit report of Anti Corruption Department and is according to the Rules and Law.
- B) Incorrect proper inquiry was conducted by the Anti Corruption Department and as the issue was related to validity of diploma therefore, no personal hearing was required. The documents were already returned un-verified by medical faculty.
- C) Incorrect. It was clearly mentioned in his appointment letter vide endorsement NO. 6154-58/A-6 dated 13.11.2013 at para-9 "That his appointment will be subject to the Registration / Renewal of his technical certificate / Diploma / Degree with KPK Medical Faculty otherwise the order will be considered as withdrawn". (Copy of appointment letter Annex-B)
- D) Incorrect. In a similar case in respect of Tufail Ahmd S/O Qaiser Ahmad & others, the Secretary KPK Medical Faculty Peshawar clearly stated vide his letter No. 1528 dated 18.5.2015, that skill development council has been banned by Honorable Peshawar High Court. (Annex .C.)
- E) Incorrect. He was terminated by Health Department as the matter was pointed by the Audit Report of Anti Corruption Department, so there was no question of charge sheet and statement of allegation.
- F) Incorrect. As in para 'D' above.
- G) Incorrect, the Skill Development Council is not an authorized body for verification. Already explain at para 'D' above.
- H) Incorrect. As in Para above It was clearly mentioned in the appointment letter that appointment subjected to the verification by Medical Faculty KPK at serial No. 09. (Copy of appointment letter Annex-B)

- I) Incorrect. All the procedures have been adopted according the appointment Rules.
J) Incorrect. Explained as in para 'G'.
K) Incorrect. All the procedures has been done according to the Appointment Rules and Regulations.
L) The respondents may kindly be allowed for arguments in support of this reply.

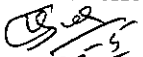
It is, therefore, requested that the appeal may kindly be dismissed with cost.


SECRETARY TO GOVT: OF
KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT PESHAWAR


DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR


DISTRICT HEALTH OFFICER,
SWABI


MEDICAL SUPERINTENDENT
BACHA KHAN MEDICAL COMPLEX SWABI


25/3/16

OFFICE OF THE CIRCLE OFFICER ANTI CORRUPTION
ESTABLISHMENT SWABI



Acu-A

No. 163/Ce-ACC-8 date: 3.11.15

District Health Officer
Swabi.

Subject:- AUDIT REPORT OF COMPLIANT NO.128/2015 AND COMPLAINT NO.9806
DATED 11.9.2015 AGAINST DR.HISAN AKBAR EX -DHO SWABI etc.

Memo:

Enclosed please find herewith the audit report on above cited subject with the direction to take necessary action in light of the audit report under intimation to the undersigned.

CIRCLE OFFICER ANTI CORRUPTION
ESTABLISHMENT SWABI

- Account / SR
for Compliance
- Copy to EX-DHO of Hisan Akbar
- G11 - k ms BKMC ✓

1535/A-8
3/11/15

→ Personal file of all four affidavits
Exempt. The details of Mr. Arif Gul are not mentioned
& rest of these affidavits by terminated with recovery of amount
as mentioned by Account Anti Corrupt.
offer to him proper terminated with affidavit of
recovery or stop to only terminated & as affidavit of Arif Gul
can be made with out copy

Allegation:-

A complaint submitted by Zahid Ali Mumtaz Khan medical technician BHU Beeka District Swabi containing allegation of corruption nepotism and irregularities in the appointment of Health Technician.

Finding:-

During checking of the record of District Health officer Swabi for the year 2013-014 it was noticed that post of various categories of Technician i.e Radiology, Anesthesia, Pathology, Pharmacy (MP), Pulmonology etc was advertised in the daily Mushing through information department on 26.8.2015 (Copy on file). Proper selection committee was constituted (Copy on file). As per diary register a total of 4093 number of applications received up to the closing date for various categories of post. All the appointment were made after observing all codal formalities. However during course of audit the following irregularities came to notice.

1. As per serial No. 9 of the appointment order these appointments were subject to the registration/renewal of the Technical certificate/Degree with the Khyber Pakhtunkhwa medical faculty otherwise the order would be withdrawn. However when these certificates/Diploma were sent to the Khyber Pakhtunkhwa medical faculty for verification these have been returned with a simple letter without any verification stamp and signature by the faculty officers. Moreover on the receipt back from the faculty these letters have directly been placed in file without any marking by the District Health officer Swabi.
2. The candidates who have been appointed against the post of OT Technicians and Pathology their documents have not been sent for verification to the Khyber Pakhtunkhwa medical faculty.
3. The following four number candidates appointed against the post of OT Technicians on the Trade Testing Board have no faculty registration. Moreover three number OT Technicians who have been appointed on the similar documents have already been terminated as per enquiry vide No. 6633/E-S dated 21.8.2015 conducted by Dr. Nair Muhammad. Therefore the four number illegal appointment of OT Technician need also to be removed from service along with the recovery of all pay and allowances drawn during the period i.e Rs. 1397279/-

S.No	Name and designation	Pay drawn during the period up to 10.2015
1.	Nasar Muhammad JCT (Surgical)	Rs. 341701/-
2.	Mariaj Hussain -do-	Rs. 355535/-
3.	Ikram Noor -do-	Rs. 358543/-
4.	Arab Gul -do-	Rs. 344498/-
Total=		Rs. 1397279/-

4. Mr. Muhammad Shafiq and Ibni Amin both were selected as a Junior Pharmacy (MP) Technician on the basis of Health Diploma but it was noticed that these two candidates were not qualified at the time of last date of advertisement for the said post. As they were stated that they have appeared in the exam but the result was awaited. It is also brought in the notice that after completion the selection process the result also came out and they declared qualified. However it is proposed that the Degree/Diploma presented both these official may be verified from the Khyber Pakhtunkhwa medical faculty.
5. It further stated that Mr. Faisal Mehboob and Ahmad Ali were selected as a Electro medical Technician and Health Technician respectively.

relative of DHO and store keeper or concerned the audit does not concern to that matter as they also qualified the selection process on merit basis. However their Degree/Diploma may also be verified from KPK medical faculty.

6. During checking of record it noticed that the department has purchased 1512 lunch box at the rate of Rs. 580 per unit along with Taxes while the same are available at the rate of Rs. 280 pulse Taxes Rs 59= Rs 339/- due to which the Govt. has sustained a heavy loss of Rs. 180,230/- as detail below which may be recovered from the contractor and from purchase committee concerned

Rate charge per lunch box = 580 x 1512 Rs. 876960

Tax deducted at source Rs. 184162

Net paid to contractor Rs. 692798/-

Required rate = 339 x 1512 = Rs. 512568/-

Difference = 692798 - 512568 Rs. 180230/-

7. During checking of the physical verification of the medicine store it revealed that the following medicines worth of Rs.1380807/- were found short. The bills were passed by the department and a certificate was found recorded on the bills items in question have received but actually the same are still outstanding as these were not found available in the stock during physical verification the amount of Rs. 1380807/- may be recovered from the concerned DHO Health store keeper and supplier and deposited into the Govt. treasury.

S No	Name of medicines	Quantity	Rate	Total amount
1	Cap: Amoxicillin 500 mg	99000	Rs. 3.15	Rs. 311850/-
2	Syp: Amoxicillin 250 mg	9800	Rs. 29.60	Rs. 290080/-
3	Tab: Erythromycin 500 mg	30000	Rs. 2.63	Rs. 79800/-
4	Tab: 250 mg	20000	Rs. 5.17	Rs. 103400/-
5	Tab: Clotrimazole 500 mg	1600	Rs. 11.99	Rs. 19184/-
6	Tab: Metronidazole 400 mg	198000	Rs. .85	Rs. 168300/-
7	Syp: Domperidon 120 ml	4900	Rs. 25.099	Rs. 127351/-
8	Cat Cut 2.0	330	Rs. 845	Rs. 278850/-
9	Tab: Salbutamol	6000	Rs. 332	Rs. 1992/-
Total=				Rs. 1380807/-
Total losses				Rs. 1380807/-

1. Rs. 1397279/-

2. Rs. 180230/-

3. Rs. 1380807/-

Total= losses= Rs. 2958316/-

Report submitted.

(Muhammad Yaqoob Shah),
Senior Auditor, ACE,
Peshawar.

No.

11136-90
/ACE,

Dated. 29.10.2015

Copy forwarded to:-

1. Director, Anti Corruption Establishment, Khyber Pakhtunkhawa, Peshawar.

2. Asstt: Director Crimes, Anti Corruption Estt: Mardan.

3. Asstt: Director Admn: Anti-Corruption Estt: Peshawar

4. Circle Officer, Anti Corruption Estt: Swabi.

5. SA, ACE, Peshawar

2. 11136-90 Files

" B "

14

E

Office of The District Health Officer Swabi

Email ID: cdloheallhswabi@yahoo.com

Office Tel & Fax: 0938-221606, 224604

No. _____ Dated _____



Office Order

Consequent upon the recommendations of Distt: Selection Committee in its meeting held on 07.11.2013, Mr. Ikram Noor S/O Lal Gul of vill: & P/O Gohati Teh: Razar Distt: Swabi is hereby appointed as JCT: Surgical In. BPS-09 (6200-380-17600) plus usual allowances as admissible to him under the Rules.

His appointment will be subject to the following terms and conditions.

1. That he will be allowed minimum of the pay scale.
2. That he will be on usual probation for a period of 01 year.
3. That his services can be dispensed with, without any notice during the probation period if his work and conduct found unsatisfactory.
4. That he will be entitled to gratuity and pension etc as per Rules.
5. That his appointment will be subject to production of medical fitness certificate from the Medical Superintendent.
6. That he will be governed by such Rules and orders as may be issued by the Govt of KPK from time to time for the category of Govt: servants to which he belongs.
7. That if he wish to resign at any time, he will resign in written within 30 days notice or forfeit one month pay in lieu thereof and will continue to serve the government till the acceptance of his resignation by the competent Authority.
8. That he will not be entitled to claim any TA/DA for the medical examination and joining of his 1st appointment.
9. That his appointment will be subject to the Registration/ Renewal of his technical Certificate / Diploma/ Degree with KPK Medical Faculty otherwise the order will be considered as withdrawn.
10. That he will be posted anywhere in Distt Swabi.

If he accepts the above terms and conditions, he should report to MS BMC Swabi within 20 days after the issuance of this order failing which the order will be considered as withdrawn & cancelled.

-----sd-----

District Health Officer
Swabi

No. 5844-701 Dated: 08/11/2013

Copy forwarded to:

1. DGHS Khyber Pakhtunkhwa Peshawar.
2. Dy. Commissioner Swabi
For information
3. DAO Swabi.
4. MS BMC Swabi.
5. Mr. Ikram Noor S/O Lal Gul of vill: & P/O Gohati Teh: Razar Distt: Swabi For information and necessary action.

District Health Officer
Swabi

bun

- (v) to provide for conducting and making arrangement of examinations and for preparation, results of such examinations.

12. Now it is to be seen who is competent to issue degrees diplomas, licenses, certificates or other documents stating or implying that their holders, grantees or recipients are qualified to practice or perform duties of respective categories.

13. A careful reading of the above quoted rules shows that it is the domain of the Medical Faculty to issue degrees, diplomas licenses, certificates or other documents stating or implying that the holders, grantees or recipients are qualified to practice western medical science, or to perform duties of the respective category. Since it is a special field and requiring a specialized training, it alone has the power to confer, grant or issue diplomas etc.

14. Skill Development Council in view of the rules quoted above has the power to arrange courses for technical and professional

am

TESTED
May
EXAMINER
Lawrence Court

15. The long and short of what has been discussed is that these writ petitions being without substance are dismissed.

Dated: 14.6.2011

sd/ EJAZ AFZAL KH
CJ

sd/ Mazhar Alam
W/6

CERTIFIED TO BE TRUE COPY

[Signature]
24/6/2011
Peshwar High Court Peshawar
Authorised Officer for e-Case Office

18442

Date of Presentation of Application..... 15/6/2011

No of Pages..... 137

Copying fee..... 26

Urgent Fee.....

Total..... 26

Date of Preparation of Copy..... 23-6-11

Date Given For Delivery..... 24-6-2011

Date of Delivery of Copy..... 24-6-2011

Received By..... *[Signature]*

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arobbi
U Zaida
BHU Bal
MEDICAL FACULTY
PESHAWAR

No. 1528
Dated: 18-5-015

To

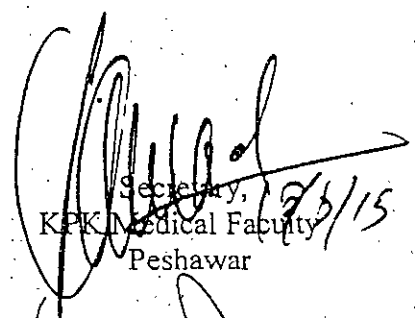
The Exective District Health Officer
Swabi

Subject: - VERIFICATION

Reference is made your office letter no.2960/P.F/DHO(H) Swabi dated 22-4-2014 on the subject cited above and to state that diploma/certificate in respect of Tufail Ahmad s/o Qaiser Ahmad and Sartaj Khan s/o Moeen Khan are issued by the Skill Development Council which is banned by the honourable Peshawar High Court.

In Writ Petition No.865/2010 Anwar Ali etc VS Government of Khyber Pakhtunkhwa, the honorable Peshawar High Court Peshawar held that "A careful reading of the above quoted rules shows that it is the domain of the Medical Faculty to issue degrees, diplomas, licenses, certificates or other documents stating or implying that the holders, grantees or recipients are qualified to practice western medical sciences, or to perform duties of the respective category. Since it is a special field and requiring a specialized training, it alone has the power to confer, grant or issue diploma etc.

(Copy of judgment attached).


Secretary,
KPK Medical Faculty
Peshawar
17/5/15

Case may be sent to

① D/Ltts inclsdly to

Copy of Court order passed by Comdr & Jttd of Jttd
For Qaidar ② Candidate to give an affidavit that will
be confirm no delay & if not confirm no claim, if
not yes to give affidavit & payment now

Dated Peshawar the 15th December, 1981

To: All Administrative Secretaries to
Government of N.W.F.P.

Subject: DELEGATION OF POWERS TO ADMINISTRATIVE DEPARTMENTS
REGARDING FIXATION OF THE INITIAL PAY OF AN OFFICIATING
GOVERNMENT SERVANT WHO IS APPOINTED TO OFFICATE IN
ANOTHER POST ON A TIME SCALE OF PAY.

Dear Sir:

I am directed to say that under rule 10(1) (i) of the N.W.F.P. Civil Services Pay Revision Rules, 1978 subject to the provisions of rule 11 thereof, where a Civil Servant is promoted from a lower to a higher post in Revised NPS-2 to 19 where the stage in the revised National Pay Scale of the higher post, next above the pay of the Civil Servant concerned in the pay scale of the lower post, gives a pay increase equal to or less than a full increment of the pay scale of the higher post, the initial pay in the Revised National Pay Scale of the higher post is to be fixed after allowing a premature increment in the Revised National Pay Scale of the higher post. In the application of this rule it has been observed that presently there are very few employees who have been declared substantive holders of permanent posts and for that matter a vast majority of them have not been in receipt of substantive pay. The result is that when an occasion arises to fix their pay on promotion to higher post sanctions have got to be issued by the Administrative Departments for fixation of the pay of officiating Government Servants who are promoted to higher posts in relaxation of rules in exercise of the powers delegated under the defunct Government of West Pakistan, Finance Department circular letter No.2176/SRVII/68, dated 4th March, 1969. In case of appointment to posts in which length of Service formula is applicable, sanctions are issued by the Finance Department. This has to be done even in those cases where the lower posts had been held continuously for the last 12 to 15 years, thus causing inconvenience to officiating officers / officials concerned and delay in fixation of pay.

Contd.....P/2

Dated Peshawar the 15th December, 1981

To:

All Administrative Secretaries to
Government of N.W.F.P.

Subject:

DELEGATION OF POWERS TO ADMINISTRATIVE DEPARTMENTS
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Contd.....P/2

Government Servant has already drawn continuously for three years or more the officiating pay in a grade, that officiating pay may be treated as substantive pay for the purpose of fixation of pay on promotion to higher grade.

Secretary to Govt. of N.W.F.P.
Finance Department
Tele: 74977

Encls. No. FD (SR-1) 1-8/76-II

Dated Peshawar, the 15th December, 1981

Copy forwarded for information to:-

1. Accountant General, NWFP, Peshawar with reference to this Memo No H-24 (68)/3897.
2. All District / Agency Accounts Officers in NWFP.
3. The Treasury Officer, Peshawar.

IFTIKHAR HUSSAIN,
Section Officer (SR-1)
Tele: 72180-87/42

Encls. No. FD (SR-1) 1-8/76-II

Dated Peshawar, the 15th December, 1981

1. PA to Secretary/Addl. Secretaries/Deputy Secretaries in Finance Department.
2. All Section Officers/Budget Officer in Finance Department.
3. The Secretary, Finance Department, Government of Punjab, Sindh and Balochistan.

IFTIKHAR HUSSAIN,
Section Officer (SR-1)
Tele: 72180-87/42

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 160/2016

Ikram Noor

VS

Health Department:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Partially admitted correct by the respondents, while the rest of the reply is incorrect. While para-1 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the revised order for PIMS, Al Shafa eye trust, AND NIH Candidates were also appointed in service order/corrigendum and are still in service. Thus it is clear case of discrimination.
- 2 Partially admitted correct by the respondents, while the rest of the reply is incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant.
- 3 Admitted correct by the Respondent's Department.
- 4 Partially admitted correct by the respondents, while the rest of the reply is incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the

appellant. Moreover, the revised order for PIMS, Al Shafa eye trust, AND NIH Candidates were also appointed in service order/corrigendum and are still in service. Thus it is clear case of discrimination.

- 5 Incorrect. While Para-5 of the appeal is correct as mentioned in the main appeal of the appellant.
- 6 Partially admitted correct by the respondents, while remaining Para is not denied by the department which mean that they have also admitted remaining para-6 of the appeal as correct. Moreover, para-6 of the appeal is correct as mentioned in the main appeal of the appellant.
- 7 The appellant has good cause of action and his appeal is liable to be accepted.

GROUND:

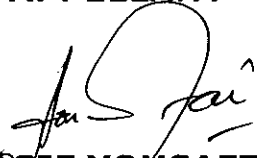
- A) Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, impugned order and not taking action is against the law, rules policy & facts and norms of justice.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the revised order for PIMS, Al Shafa eye trust, AND NIH Candidates were also appointed in service order/corrigendum and are still in service. Thus it is clear case of discrimination.
- C) Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the revised order for PIMS, Al Shafa eye trust, AND NIH Candidates were also appointed in service order/corrigendum and are still in service.

- D) Irrelevant and replied according to the content of the Para-D of the appeal.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. While Para-H of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- I) Incorrect. While Para-I of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- J) Incorrect. While Para-J of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- K) Incorrect. While Para-K of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- L) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

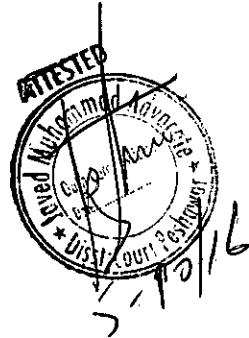
Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.


DEPONENT



Before The KPK, Service Tribunal, Peshawar

Appeal No. 160/2016

Ikram Noor

V/S

Health deptt.:

.....
**APPLICATION FOR PLACING ON FILE CERTAIN
DOCUMENTS ATTACHED HERewith THE
APPLICATION TO MEET THE END OF JUSTICE.**

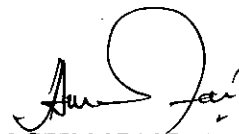
RESPECTFULLY SHEWETH:

1. That the above mentioned appeal is pending before this august Tribunal.
2. That the instant appeal is in arguments stage and next date fixed for arguments is 29.11.2016.
3. That the appellant wants to place on file some documents in the instant appeal which are necessary for ends of justice and fair conclusion. The attached documents annexed with the application are from page 1 to 19.

It is, therefore, most humbly prayed that on the acceptance of this application, attached documents annexed with this application may please be place on file as part of the instant appeal to meet the ends of justice and to reach the fair conclusion. Any other remedy which august Court deems fit and appropriate that may also be awarded in favour of appellant.

Applicant

THROUGH:



(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME PESHAWAR.

&

(TAIMUR ALI KHAN)

ADVOCATE HGH COURT

AFFIDAVIT

AFFIDAVIT.

It is hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief.



DEPONENT