


5th April, 2022.

Appellant along with counsel present.

2. At the very outset, when confronted with the situation that the matter does not come in the jurisdiction of this Tribunal, learned counsel for the appellant was fair and frank enough to say that it may be disposed off leaving the appellant at liberty to approach the proper forum.

3. Instead of disposing it of let the memo and grounds of appeal be returned to the appellant for presentation before the proper forum. Copies of memo and grounds of appeal as well as original order sheets be placed on this file while original memo and grounds along with the accompaniments be returned to the appellant against the proper receipt. Consign.

4. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 5th day of April, 2022.


(MIAN MUHAMMAD)
Member (E)


(KALIM ARSHAD KHAN)
Chairman

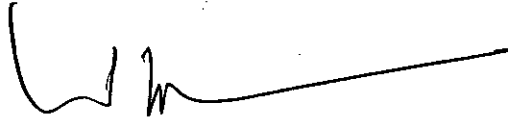
22.10.2021

Counsel for the appellant present.

Mr. Muhammad Rasheed, Assistant Advocate General for respondents present.

Due to paucity of time, arguments could not be heard.

~~Adjourned. To come up for arguments on 20.12.2021 before D.B.~~



(ATIQ UR REHMAN WAZIR)
MEMBER (E)



(ROZINA REHMAN)
MEMBER (J)

20.12.2021

Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments before the D.B on 04.04.2022.



(Atiq Ur Rehman Wazir)
Member (E)

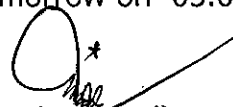


Chairman

04.04.2022

Appellant present in person and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Former seeks adjournment due to non-availability of his learned counsel. Adjourned. Case to come up for arguments tomorrow on 05.04.2022 before S.B.



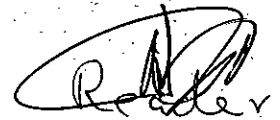
(Mian Muhammad)
Member(E)



Chairman

31.03.2021

Due to non-availability of concerned D.B, The case is adjourned to 01.07.2021 for the same as before.




Reader

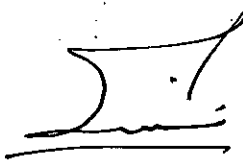
01.07.2021

Junior of learned counsel for the appellant present. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for arguments before the D.B on 22.10.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

R

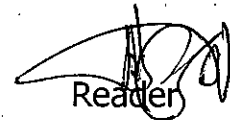
01.07.2020

Due to COVID-19, the case is adjourned to 26.08.2020 for the same.


Reader

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

Appellant in person and Usman Ghani, District Attorney alongwith Subhanullah, Litigation Asstt. for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 13.01.2021 for hearing before the D.B.


(Mian Muhammad)
Member


Chairman

13.01.2021


Learned counsel for the appellant present. Addl: AG for respondents present. Due to pandemic of Covid-19, the case is adjourned to 31.03.2021 for the same.


Reader

17.10.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment on the ground that his counsel is not in attendance. Adjourn. To come up for arguments on 31.12.2019 before D.B.


Member


Member

31.12.2019

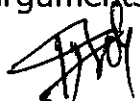
Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 19.02.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

19.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondent No.2 present. Mr. Khalid Rehman learned counsel for respondent No.1 is not present therefore, notice be issued to him for attendance and arguments. Adjourned. To come up for arguments on 06.04.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member


6-4-2020

Due to COVID 19, the case is adjourned to 1-7-2020 for same as before.



13.05.2019

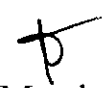
Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG for respondent No. 2 present. Mr. Khalid Rehman learned counsel for respondent No. 1 is not present therefore, notice be issued to him for attendance and arguments as a last chance. Learned counsel for respondent No. 1 is directed to ensure his presence on the next date. Adjourned to 08.07.2019 for arguments before D.B.

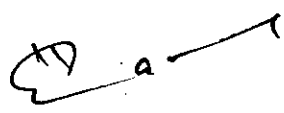

(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

08.07.2019

Representative of respondent No.1 present. Mr. Riaz Paindakheil learned Assistant Advocate General present. Adjournment requested. Adjourn. To come up for arguments on 02.09.2019 before D.B.


H. A. Member


Member

02.09.2019

Appellant in person and Mr. Usman Ghani, District Attorney for respondent No. 2 present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 17.10.2019 for arguments before D.B.



(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

Service Appeal No. 303/2018

18.12.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant submitted rejoinder, and requested for adjournment for arguments. Adjourned. To come up for arguments on 13.02.2019 before D.B.



(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

13.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned To come up for arguments on 21 .03.2019 before D.B.



(Hussain Shah)
Member


(Muhammad Amin Khan Kund))
Member

21.03.2019

Appellant in person and Addl. AG alongwith Attaur Rahman, S.I (Legal) for the respondents present.

Due to second day of the strike on the call of Bar Council, instant matter is adjourned to 13.05.2019 before the D.B.


Member


Chairman


13.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak AAG, alongwith Mr. Subhan ullah Assistant (litigation) and Jaffar Ali Senior Clerk for the respondents present. Written reply on behalf of respondent No.1 submitted. Written reply not submitted on behalf of the respondent No.2. Representative of the respondent No.2 seeks further time to file written reply/comments. Granted. To come up for written reply/comments on behalf of the respondent No.2 on 15.10.2018 before S.B.


(Muhammad Amin Kundi)

15.10.2018

Petitioner in person present. Mr. ^{Member} Subhanullah, Litigation Officer alongwith Mr. Kabirullah Khattak, Addl:AG for respondents present. Due to general strike of the Bar the case is adjourned. Case to come up for further proceedings on 22.11.2018 before S.B.


(Ahmad Hassan)
Member

22.11.2018

Counsel for the appellant and Mr. Subhanullah, Assistant for respondent No. 1 alongwith Addl. AG for the respondents present. No one for respondent No. 2 present.

Respondent No. 2 shall file the requisite comments within one week, failing which the matter will be decided on the basis of available record. Adjourned to 18.12.2018 before D.B.


Chairman

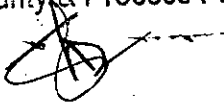
Service Appeal No. 303/2018

06.07.2018

Counsel for the appellant Qeemat Gul present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Health Department as Muslim Sweeper. It was further contended that during service the appellant was imposed major penalty of removal from service by the competent authority vide order dated 23.01.2017 on the allegation of absence. That the appellant filed departmental appeal but the same was not responded hence, the present service appeal. It was further contended that the appellant remained absent for only six days on the ground that he was seriously ill and it was beyond his control to attend the duty. It was further contended that neither proper inquiry was conducted nor opportunity of hearing and defence was provided to the appellant nor any absence notice was issued to the appellant therefore, the impugned order is illegal and liable to be set-aside. Furthermore the punishment awarded to the appellant is also not in commensurate with the guilt of the appellant.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 13.08.2018 before S.B.


Appellant Deposited
Security & Process Fee




(Muhammad Amin Khan Kundi)
Member


04.04.2018

Counsel for the appellant present and seeks adjournment.
Adjourned. To come up for preliminary hearing on 18.04.2018
before S.B.


(Ahmad Hassan)
Member


18.04.2018

Counsel for the appellant present and seeks adjournment.
To come up for preliminary hearing on 09.05.2018 before S.B.


(Ahmad Hassan)
Member

09.05.2018

The Tribunal is non functional due to retirement of the
Honorable Chairman. Therefore, the case is adjourned. To come up for
the same on 06.07.2018 before S.B.


Reader

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 303 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05/03/2018	<p>The appeal of Mr. Qeemat Gul presented today by Mr. Taimur Haider Khan Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 5/3/18</p>
2-	19/03/18 <i>[Signature]</i>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/03/18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
19.03.2018		<p>Appellant in person present and seeks adjournment as his counsel is not available. Adjourn. To come up for preliminary hearing on 04.04.2018 before S.B</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

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

Appeal.No. ^{303/}2018

Qeemat Gul S/o Khaista Gul R/o Village Banda Sheikh Ismail,
Post Office Pabbi Tehsil Pabbi District Nowshera

.....Appellant

VERSUS

**1. Hospital Director MTI, Khyber Teaching Hospital
Peshawar**

2. Secretary health Secretariat, Khyber Pakhtunkhwa Peshawar


.....Respondents

INDEX

Sr#	Description	Annexure	Pages
1.	Appeal		1-9
2.	Affidavit		10
3.	Copy of appointment documents along with medical detail	A	11-13
4.	Copy of impugned order No . 2709-19/KTH/E dated: 23.1.2017	B	14
5.	Copy of impugned charge sheet letter No. 34331-36/KTH/E dated: 29.12.2016	C	15-16
6.	Copy of departmental appeal dated: 20.2.2017	D	17-18
7.	Copy of applications	E	19-21
8.	Wakalatnama		22

Original Appeal
Number: 303/2018
Qeemat Gul
vs
Court

Petitioner
Through


Taimur Haider Khan
Advocate High Court
Off: 37th, 2nd Floor, Malik
Tower, Peshawar
Cell No.0346-9192561

Received by me
SALMAN ZEB clerk of
Advocate Taimur Haider Khan
28-4-2022

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR.

Date of Presentation 05.03.2018
Khyber Pakhtunkhwa Service Tribunal
Diary No. 313
Date 05-3-2018
Date of Return 05/4/2018
Reason - Lack of Jurisdiction

Qeemat Gul S/o Khaista Gul R/o Village Banda Sheikh Ismail, Post Office Pabbi Tehsil Pabbi District Nowshera

Appellant

VERSUS

- 1. Hospital Director MTI , Khyber Teaching Hospital Peshwar**
- 2. Secretary health Secretriat, Khyber Pakhtunkhwa Peshawar**

Respondents

Filed to day 5/3/18.

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 23.1.2017 VIDE OFFICE NO.2709-19/KTH/E WHEREIN THE APPELLANT VIDE MAJOR PENALTY HAS REMOVED FROM SERVICE ON ACCOUNT OF WILLFUL ABSENCE I.E FROM

2

19.12.2016 TO 25.12.2016 DESPITE
THE FACT AT THAT VERY TIME THE
APPELLANT WAS IN A DILAPIDATED
HEALTH CONDITION BEING CLEARED
FROM THE PROVIDED MEDICAL
DETAIL AND UNFORTUNATELY
WITHOUT SERVING THE
RESPONDENT'S LETTER OF
EXPLANATION VIDE NO.34331-
36/KTH/E DATED 29.12.2016 ON
APPELLANT WHICH COULD HAVE
BEEN PROPERLY
REPLIED/EXPLAINED VIA
REPRESENTATION AS NEITHER ANY
SUMMON/RESPONDENT SERVICES OF
WHATSOEVER HAS BEEN SERVED ON
THE APPELLANT BEING IN A
DILAPIDATED HEALTH CONDITION
WAS AT BED REST AS PER THE
PRESCRIPTION/ADVISED OF THE
DOCTOR MOREOVER THE
RESPONDENT HAS PLACED THE
APPELLANT IN DOLDRUMS VIA UNDO
AND UNTRUE COMMITMENT TO
REINSTATE THE APPELLANT INTO
HIS SERVICES BUT TILL DATE DILLY
DELAYING THE MATTER AND HAVING
NO OTHER REMEDY BUT TO KNOCK
THE DOOR OF THIS HONORABLE
TRIBUNAL KEEPING IN VIEW AS PER
THE DIRECTION OF THE

RESPONDENTS SERIES OF
APPLICATION VIA REMINDERS HAVE
BEEN PLACED FOR THE NEEDFUL BUT
OF NO AVAIL.

Prayer:

It is therefore, most convivially and courteously prayed that on acceptance of this appeal on the basis of expounded subject, facts and circumstances the appellant may kindly be re-instated with retrospective benefit and the impugned orders mentioned above may kindly be set-aside wherein the appellant has been removed from service on the baseless charges of willful absence for the best administration of justice and fair play.

Respectfully Sheweth;

- 1) That with profound veneration, since the appointment (2007) of the appellant in the respondent department as Muslim Sweeper for more than 10 years of pain stacking and sedulous hardworking, remained a soft, sober gentleman, ever tried his best due to keep the morale of the department high, obedient to his officers and consider his duty as a sacred trust of Allah Almighty and never thought to commit the alleged negligence via willful absence and was having unblemished service carrier keeping in view the alleged allegation was not intentional but due to dilapidated

health condition being cleared from medical detail and conspicuously was out of the domain/control of the appellant. **(Copy of appointment documents along with medical detail is annexed as annexure "A")**

- 2) That the stroke of misfortunate hit the appellant, when he was indulged in a dilapidated health condition and was unable to perform his duties. It is rudimentary to mention here that though the relatives of the appellant have telephonically informed the respondents regarding his illness.

- 3) That the appellant was shocked and astonish to know that he was removed from service due to unjustifiable reason of willful absence vide impugned order No.2709-19/KTH/E 23.1.2017 despite the fact the respondents were duly informed regarding the illness of the appellant. **(Copy of impugned order No . 2709-19/KTH/E dated: 23.1.2017 is annexed as annexure "B")**

- 4) That it is also rudimentary to mention here that prior to the dismissal order, the appellant was also put in dark regarding the charge sheet/explanation etc detail vide office letter No.34331-36/KTH/E dated: 29.12.2016 so that to be properly replied/explained but unfortunately without any intimation of service/summon of the same on the appellant but has been removed from service via ex-party decision. **(Copy of impugned charge sheet letter No.**

34331-36/KTH/E dated: 29.12.2016 is annexed as annexure "C").

- 5) That the law demands justice may not only be done but it should manifestly be seen to be done keeping in view the violation of the fundamental right of the appellant, as the apex Court of Pakistan in plethora of judgments observed that no one should be condemned unheard "AUDI ALTERAM PARTEM" but mendiously the impugned order was passed on the instigation of Christians Sweepers, as they have no tolerance for the appellant being a Muslim Sweeper.
- 6) That after the removal order, the appellant has placed forth a departmental appeal, where upon the appellant was called to respondent office and after detail discussion, the appellant was assured that in near future, he will be reinstated into his services but unfortunately via undo and untrue commitment dilly dallying the matter with different pretext. **(Copy of departmental appeal dated: 20.2.2017 is annexed as annexure "D")**
- 7) That on 12.5.2017 again the official of KTH, Peshawar telephonically informed the appellant for the needful and assured that your case is in process and for that you are required to be in touch with the respondent department. After the lapse of 03 Months, again the appellant has placed forth an application for the needful but of no avail. And finally the respondent again directed to write the grievance in written, exactly

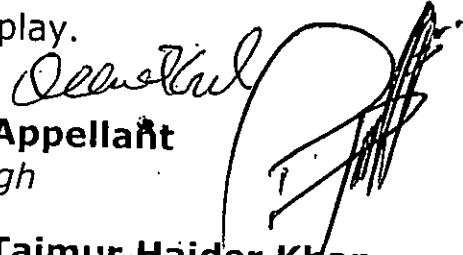
the same was done again but even after the lapse of 3 Months, nothing has been carried out and having no other remedy but to knock the door of this honorable tribunal for the needful. **(Copy of applications is annexed as annexure "E")**.

- 8) That as expounded above, the appellant has served for more than 10 years of unblemished services and on a single stroke of pen has crippled his service and has been removed from service, which is no doubt against the mandate of law and natural justice.
- 9) That the absence from service was not deliberate rather it was forceful coercion as the appellant was not a position to attend his official duty to mention reason of dilapidated health condition. Conspicuously prima facie innocence of the appellant is cleared from the annexed medical prescriptions of the Doctors.
- 10) That the appellant is a poor person and being the only supporter of his family, was utilizing the daily pursuit of his family due to his employment in order to meet the both ends but unfortunately presently is in doldrums to accomplish the daily pursuit as well as to fulfill the fundamental right of education of his children and due to the impugned order the domestic set up has been disturbed, agonized, affect the education of the children last but not the least violated the fundamental right of the appellant being enshrined in the constitution of Pakistan 1973.

11) That any other ground may raised at the time of arguments for the best assistance of this Honorable Court.

Prayer:

It is therefore, most convivially and courteously prayed that on acceptance of this appeal on the basis of expounded subject, facts and circumstances the appellant may kindly be re-instated with retrospective benefit and the impugned orders mentioned above may kindly be set-aside wherein the appellant has been removed from service on the baseless charges of willful absence for the best administration of justice and fair play.



Appellant

Through

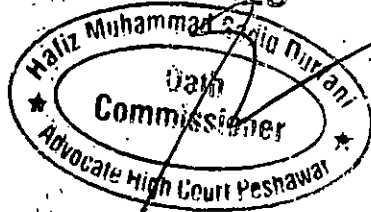
Taimur Haider Khan

Advocate, High Court
Room No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar

Office:

03 MAR 2018

ATTESTED



Haliz Muhammad Sajid Nuri
Commissioner
Advocate High Court Peshawar

8

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

Appeal.No. /2018

Qeemat Gul S/o Khaista Gul R/o Village Banda Sheikh
Ismail, Post Office Pabbi Tehsil Pabbi District Nowshera

.....Appellant

VERSUS

**1. Hospital Director MTI, Khyber Teaching
Hospital Peshawar**

**2. Secretary health Secretariat, Khyber Pakhtunkhwa
Peshawar**

.....Respondents

AFFIDAVIT

I, **Qeemat Gul** S/o Khaista Gul R/o Village Banda Sheikh Ismail, Post Office Pabbi Tehsil Pabbi District Nowshera do hereby solemnly affirm and declare on oath that the contents of instant appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Qeemat Gul
Deponent

03 MAR 2018

CNIC#172016106194-3

ATTESTED



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

IN RE: -

Qeemat Gul **Vs Hospital Director MTI and Others**

PETITION FOR THE CONDONATION OF DELAY

Respectfully Sheweth:

1. That the appellant has filed an appeal in which no date has been fixed.
2. That from deep perusal of the case file, it is the respondent, who had delayed in deciding the appeal of the appellant by showing undue untrue commitments regarding the disposal of the said appeal despite the repeated requests of the appellants.
3. That the spiteful approach is further clear from this fact that the respondents tried to restrain the appellant/applicant from filling the appeal before this Honorable Tribunal by showing green gardens that in near future, he will be reinstated to his position but astonishingly vide illegal and unlawful order his removal order was passed.
4. That the delay in filing of the appeal is not intentional or deliberate rather due to above reason.

- 5. That if the delay is not condoned, the petitioner will suffer an irreparable loss and injury.
- 6. That any other point may be raised at the time of arguments for best assistance of this Honorable Court.

PRAYER

Under the circumstances, it is humbly prayed that on the basis of expounded subject, facts and circumstances the delay in filing the appeal though on the part of respondents, may kindly be condoned, in the interest of justice and fair play.

Petitioner
Through



Taimur Haider Khan
Advocate High Court
Off: 37th, 2nd Floor, Malik
Tower, Peshawar
Cell No.0346-9192561

Dated: 09-3-2018

AFFIDAVIT

I, **Qeemat Gul** S/o Khaista Gul R/o Village Banda Sheikh Ismail, Post Office Pabbi Tehsil Pabbi District Nowshera do hereby solemnly affirm and declare on oath that the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

03 MAR 2018

ATTESTED



Qeemat Gul
Deponent

CNIC#172016106194-3

11

DHIS - 02 (F)

A

Sent To: _____

OUT DOOR PATIENT TICKET

District: _____

CRP No: _____

Facility Name: _____

Name: *J. S. S.* Age: _____ Sex: _____

Father's/Husband's Name: _____

Monthly OPD Serial No. 11703

Provisional Diagnosis: _____

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
29/12/16	<p><i>T46/6 Noida U3 to 1-1 Somy</i></p>
<p><i>-MP -Typhoid</i></p>	<p><i>T46/6 Nubial 1-1 Jori</i></p>
<p><i>Enteric</i></p>	<p><i>Spl Lysow L22</i></p>
<p><i>benz</i></p>	<p><i>Adv. Complete Home Bed rest for 03 weeks.</i></p>

Handwritten notes and signatures on the right side of the table, including a large scribble and some illegible text.

DHISA
DISTRICT HEALTH
INFORMATION SYSTEM

Senior Medical Officer
D.H.Q. Hospital
Nowsbera



12

DHIS - 02 (F)

Sent To: _____

OUT DOOR PATIENT TICKET

District _____

CRP No: _____

Facility Name _____

Name J. S. S.

Age: _____ Sex: _____

Father's/Husband's Name _____

J. S. S.

Monthly OPD Serial No. _____

6182

Provisional Diagnosis: _____

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
2 19.12.2016	<p><u>Pro, cough</u> <u>Penicillin, 200</u> <u>XE Test</u> <u>SIP</u> <u>sterilize</u> <u>19-12-16 to 20-12-16</u> <u>7m (10 days)</u> <u>head</u></p>

Handwritten signature

Handwritten notes

Medical Officer
 Mian Rashid Hussain Shaheed
 Memorial Hospital Pabbi



DIRECTORATE OF FINANCE, KTH, KMC & KCD, PESHAWAR

KTH-September-2016

1720161061943

Qiamat Gul

Sweeper

BPS:4

13

NTN 0

Pays & Allowances		Amount	Deductions		Amount	Loan/Fund	PRIN REPAID	Balance
A01151 B Pay		11240	CPFund		534			17150
A01203 CA		1785	G05214 B Fund		120	Others		
A01202 H R A		1458	G06408 G Ins		67			
A01217 Medical ALL		1500	PL305703 Add G Ins		6			
A01208 Dress & Unif		150	Deduction		727			
Wash A		150						
A01205 adhoc rel 2010		1768						
Ad Rel 2013		330						
adrel 2015		228						
Adhoc Rel 2016		1124						
Payment		-19733						

Net Pay: 19006 September-2016 *Note: Exact GPFund/CPFund is maintained in AG-Khyber Pakhtunkhwa*

[Signature]
 Panna Haddi 1000
 Adhocafo 1494/2016



MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL, PESHAWAR
Office of the Hospital Director

(14)

"B"

No. 2709-19 /KTH/E

Dated 23/01/2017

NOTIFICATION

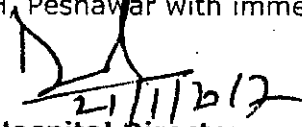
WHEREAS Mr. Qeemat Gul S/O Khaista Gul, Muslim Sweeper, (Institutional Employee), MTI, KTH, Peshawar was proceeded under Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011, for the charges mentioned in the Charge Sheet.

2. AND WHEREAS a formal inquiry under the Govt. of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011 adopted by this institution in its Regulations i.e. KMI Regulations-2012 was conducted into the matter.

3. AND WHEREAS an opportunity of personal hearing was provided to the official concerned under the aforesaid mentioned rules, but he failed to appear.

4. AND WHEREAS the charges mentioned in the charge sheet against Mr. Qeemat Gul, Muslim Sweeper were proved accordingly.

5. NOW THEREFORE, in exercise of powers conferred under Khyber Pakhtunkhwa, Govt. Servants Efficiency and Disciplinary Rules, 2011, after having examine the charges, evidence on the record and explanation of the accused official, the Competent Authority is pleased to impose major penalty of "**Removal from service**" on Mr. Qeemat Gul S/O Khaista Gul, Muslim Sweeper, (Institutional Employee), MTI, KTH, Peshawar with immediate effect.


21/1/2017
Hospital Director
MTI, KTH, Peshawar.

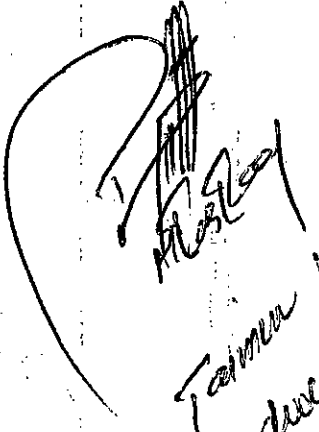
21/1/2017

No. _____ /KTH/E

Copy to:-

1. Director Administration, MTI, KTH, Peshawar.
2. Manager Human Resources, MTI, KTH, Peshawar.
3. Director Finance, MTI, KTH, Peshawar.
4. I/C Litigation, MTI, KTH, Peshawar.
5. Secretary to BOG, MTI, KTH, Peshawar.
6. Senior Media & Protocol Manager, MTI, KTH, Peshawar.
7. Account Officer, MTI, KTH, Peshawar.
8. Audit Officer, MTI, KTH, Peshawar.
9. Head Sweeper, MTI, KTH, Peshawar.
10. Resident Assistant Director (Audit), MTI, KTH, Peshawar.
11. Mr. Qeemat Gul S/O Khaista Gul, Village Banda Sheikh Ismail, P.O Pabbi, District Nowshera.

Hospital Director
MTI, KTH, Peshawar.


Taimur Hunda Khan
Advocate High Court

15



**KHYBER TEACHING HOSPITAL, PESHAWAR
OFFICE OF THE HOSPITAL DIRECTOR (MTI)**

No. 34331-36 /KTH/E Dt: 29-12 /2016

CHARGE SHEET

I, Dr. Farman Ali Hospital Director KTH/KMC/KCD, Peshawar, as authorized officer, hereby charge you (Mr. Qeemat Gul Sweeper) KTH as follows:-

- i. That you were absent from your duty w.e. from 19.12.2016 to 25.12.2016 without prior permission /application.
 - ii. That your personal file is full of explanations, deductions, warnings etc.
2. By reason of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
 3. You are, there, required to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Inquiry officer.
 4. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you which may warn on your termination from service.
 5. Intimate whether you desire to be heard in person.
 6. Statement of allegations is enclosed.

Handwritten notes:
Taimin Haq
KTH/KMC/KCD
Peshawar

Signature
Hospital Director MTI,
KTH/KMC/KCD,
Peshawar
29/12/16


No. _____ /KTH/E
Copy to:

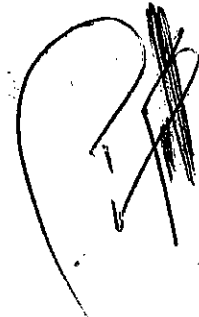
1. Medical Director (MTI) KTH.
2. Director Administration (MTI) KTH.
3. Dr. S.M. Zahir Shah Manager Administration MTI, is hereby nominated as Inquiry officer. He is requested to conduct inquiry in to the above case and submit report to the undersigned within 07 days for further necessary action.
4. Accounts Officer KTH.
5. Head Cleaning Staff KTH.
6. Official concerned.

Hospital Director MTI,
KTH/KMC/KCD,
Peshawar

STATEMENT OF ALLEGATIONS

1. That you were absent from your duty w.e.from 19.12.2016 to 25.12. without prior permission /application.
2. That your personal file is full of explanations, deductions, warnings etc.


Hospital Director MTI,
KTH/KMC/KCD
Peshawar


M. S. Khan
Tajma Hospital
Rawalpindi

خدمت جناب Hospital Director خیر بچنگ ہسپتال ایسٹون

درخواست عراد بحالی سائل جو کہ لوہ غیر عاجزی

سات یوم آڈر مورف $99 \frac{12}{016}$ کو فونری سے درخواست

کیا گیا۔ حالانکہ لف شدہ ڈاکٹری رپورٹ سے واضح

ہے کہ سائل انتہائی مخلق بیماری کی وجہ سے

غیر عاجز تھا۔ حالانکہ سائل کے مہر والوں نے ہر وقت

صنور وال کے سٹاف کو بیماری سے آگاہ کیا تھا۔

مزید برآں کہ نہ تو چھٹی سرکاری صرف $99 \frac{12}{016}$

بابت جائزہ شدہ وغیرہ ^{KITHÉ} 34331-34 سے آگاہ کیا

تھا اور نہ ہی کسی قسم کی تعمیل وغیرہ ہوا تھا اور بلکہ

کاروائی کے تحت سائل کو فونری سے درخواست کیا گیا۔

سائل کیس خیل سرفہر کار ہے۔

یہ کہ سائل انتہائی شریف النفس اور اچھے گھرانے سے تعلق

رکنے کے علاوہ ایک محب الوطن شہری ہے کسی قسم کی

بھی غیر قانونی سرگرمی میں ملوث نہ ہے

یہ کہ سائل 2007ء میں صنور وال کے محکمہ میں بطور

مسلم سویپر انجینئر ہوا اور اس سال سے زیادہ ملازمت

کے دوران کسی بھی غیر قانونی یا ملازمت میں مبتلا وغیرہ

Handwritten notes on the right margin:
11/11/2007
Tammam Haddad
Nawale Haddad
Lamia

و منشی آفسیر سرالحام دیبا ریہ -

یہ کہ جس طرح عنوان بالا میں ذکر کیا گیا ہے کہ سائل کو ضرور
محقق بیماری ہسپتال میں داخل ریہ اور بدین و مہ ضرور والا
کے ہسپتال میں ڈیوٹی سے ماہر ریہ - حالانکہ سائل نے گھر والوں
نے بروقت ہسپتال کے اہلکاران کو بیماری سے آگاہ کیا تھا لیکن
باوجود اس کے سائل کو انتہائی کوشش اور حیرانگی ہوئی کہ
یوبہ غیر حاضری نوکری بالا آڈ سے ذکر بالا آڈ کے مطابق مہ خاصہ
کیا گیا۔ مزید برآں نہ جس طرح ذکر کیا گیا نہ تو سائل پر کسی قسم کی
تعمیل ہوئی اور نہ ہی جارٹھیٹا وغیرہ سے آگاہ کر دیا گیا تھا
جو کہ یوبہ بدینٹی کریجین اہلکاران کی ایماہ پے سپرنٹنڈنٹ
و متعلق اہلکاران کی ساز و باز کی بنیاد سے اصل حقیقت سے
ضرور والا کو آگاہ نہ کیا گیا اور نتیجتاً سائل کی تفراسٹ ہوئی۔

Alles Good

ضرور والا سائل انتہائی غریب گھرانے سے تعلق رکھتا ہے۔ واحد
مرد ہے جو کہ بچوں اور بوڑھے والدین کی کفالت کرتا ہے اور دوسرا
کسی قسم کا بھی ذریعہ زیر معاش نہ ہے۔

یہ کہ اگر ضرور والا مناسب سمجھے تو مزید رہنمائی کیلئے بذات
حاضر ہو کر صفائی کا موقع دیں۔ ذکر بالا بیان کو مد نظر رکھتے ہوئے انصاف
کی اہولوں کے مطابق سائل کو نوکری پر بحال کی جاوے۔

آغا نالغ فرماں
قیمت مل ولد خالستہ گل
گاہوں باندہ شیخ الہامیوں ڈاکخانہ پی
کے ۱۲۴۱۱۱ ڈسٹریکٹ ٹوٹہ

۵۱۶/۵
۵/۵

گورنمنٹ صحابہ ڈائریکٹر ایڈمنسٹریشن KTH 12/5/2017

ڈیوائسنگ آفیسر کے لئے جواب مورخہ 2/17/2017

کہ حضور دراصل اس سلسلے میں سے ہیں اور ان کی اسٹیٹس کو اسٹیٹس کی نظر سے لیا جائے گا۔

اس کے علاوہ ان کی اسٹیٹس کو اسٹیٹس کی نظر سے لیا جائے گا۔ اس کے علاوہ ان کی اسٹیٹس کو اسٹیٹس کی نظر سے لیا جائے گا۔

(Signature)
Fazim Ahmad Khan
Deputy Director
KTH

صاحب عالی اسٹیٹس ڈیپارٹمنٹ اسلام آباد

میں حضور نے اسٹیٹس کی جواب مورخہ 2/17/2017 کے جواب میں کہا ہے کہ حضور دراصل اس سلسلے میں سے ہیں اور ان کی اسٹیٹس کو اسٹیٹس کی نظر سے لیا جائے گا۔ اس کے علاوہ ان کی اسٹیٹس کو اسٹیٹس کی نظر سے لیا جائے گا۔

اس کے علاوہ ان کی اسٹیٹس کو اسٹیٹس کی نظر سے لیا جائے گا۔ اس کے علاوہ ان کی اسٹیٹس کو اسٹیٹس کی نظر سے لیا جائے گا۔

To,

The Director Hospital, KTH, Peshawar

APPLICATION FOR REAPPOINTMENT AS
YOUR GOOD SELF PROMISED THE UNDERSIGNED
TO BE REINSTATED IN SERVICE

IN THE MONTH OF AUGUST 2017,
KEEPING IN VIEW EVEN TWO MONTHS
HAVE BEEN LAPSED BUT THE UNDERSIGNED
HAS NOT BEEN REAPPOINTED AS
HENCE THE INSTANT APPLICATION FOR
THE NEEDFUL

Handwritten notes:
1. E. S. by
Former Head of
reinstated my name

R/sir,

With great respect I am well educated
hold F.A Certificate. Sir! kindly reinstate
me into my service, as your good self
has promised me to be reinstated in the
month of August, 2017. I will be thankful
to you for the rest of my life. Dec 2017

Handwritten signature:
HR
Per up note

Handwritten notes:
Direct to doctor
met Prof. 7/11/17
Deemat
11/15-10-17

Yours Truly

Dr. S/o Khairat
Dated: 24-10-2017

حکومت پنجاب ہسپتال ڈیپارٹمنٹ خیرپور لکھی ہسپتال لہور

جدا بہ عالی: درخواست نمبر 11/11/17

موجودہ گزشتہ سال میں ایک مریب گودام سے لٹنی دکنڈا پتھر
اسٹیک فوری اد صیقل کو پھردھم دینے کے لیے کمر لگوا کر
پیس آف ٹیڑھا مہرگی کی بنا پر تو کمری سے نکل دیا ہے۔ لیٹر وینٹہ لگائی ہے
ایک دفعہ میں میں اد منعقدہ کے خلاف پتھر لگائے گئے ہیں اور
پتھر لگانے کا شکر گزار ہوں اور ساری عمر جوڑھا میں رہتا رہتا ہوں۔

پتھر صریحاً لگائی ہے

(مبارک علی محمد صاحب) درخواستیں لف ہیں

مذکورہ لکھنؤ

ایڈیٹور جی ایم ایچ سٹیٹ منسٹر کونسل آف ایجوکیشن لاہور

Jan 11/11/2017

Atiqul Haq
Tasnuva Haque Khan
Nawroz High School

HR put up note

Now man
supdt HR
put up myself
11/11/17

MANAGER OF MS
Duty No. 1167
Date 02/11/17



22

POWER OF ATTORNEY

IN THE COURT OF HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Ref.# _____

Date: _____

Q EEMAT GUL

(Petitioner)
(Appellant) ✓
(Plaintiff)

Versus

HOSPITAL DIRECTOR MTL, and OTHER

(Defendant)
(Respondent) ✓

I/We, the undersigned do hereby nominate and appoint

TAIMUR HAIDER KHAN
ADVOCATE, HIGH COURT

On behalf of APPELLANT

Know all to whom these presents shall come that I/We the undersigned appoint the above named Advocate in District Peshawar in the above mentioned case to do all the following acts, deeds and things.

- To act, appear and plead in the above mentioned case in this court or any other court in which same may be tried or heard in the first instance or in appeal or review or revision or application or at any other stage of its progress until its final decision.
- To present pleadings, appeals, case objection or petitioners for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution/defence of the said case at all stages.
- To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise in any manner relating to said cause.
- To employ, authorize any other legal practitioner to assist or exercise the power in authority hereby conferred on the advocate whenever he may think to do so.

AND I/We, hereby agree to ratify whatever the advocate or his substitute shall do in this behalf and I/We hereby agree not to hold the advocate or his substitute responsible for the result of the case in consequences of his absence from the Court when the said case is called up for hearing.

AND I/We in case of expiry of the said advocate any full fee or part payment thereof, will not claim in any manner whatsoever, or in case of disengagement of the said advocate will not make any claim regarding fee.

Handwritten note:
M. Iqbal Khan
Advocate
Peshawar

(Signature of thumb impression of the Executant).

Qeemat Gul

Dated: 2-3-2018
Accepted subject of the terms
And full payment of Settled Fee

Taimur Haider Khan
Advocate, High Court

*Qeemat Gul s/o Khwaja Gul
70 Village Bonda, Sheikh Bano
P/O Pabba, Tehsil Pabbi, District*

Office # 37, Malik Tower 2nd Floor, Pajjagi Road, Peshawar. (091) 6006362

Handwritten note:
Nawab

Handwritten notes:
Accepted by
Taimur Haider Khan
Advocate High Court

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 303 /2018

Qeemat Gul.....Appellant

VERSUS

Hospital Directors MTI/KTH etc Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Reply with Affidavit		-	1-5
2.	Service history/ Detailed Report in respect of appellant		Reply/1	6-20
3.	Relevant Record		Reply/2	21-29
4.	<i>Wekalet Nama</i>			30

Through

Respondent No 1
(Hospital Director)

Khaled Rahman
Advocate,
Supreme Court of Pakistan

3-D, Haroon Mansion,
Khyber Bazar, Peshawar.
Off: 091-2592458
Cell # 0345-9337312

Dated: 13 /08/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 303 /2018

Qeemat Gul:.....Appellant

VERSUS

Hospital Directors MTI/KTH etc Respondents

REPLY ON BEHALF OF RESPONDENT NO.1 (HOSPITAL DIRECTOR)

Respectfully Sheweth,

Preliminary objections.

- I. That the appellant has got no cause of action and locus standi to file the instant service appeal.
- II. That appellant being institutional employee cannot avail the jurisdiction of this Hon'ble Tribunal
- III. That disputed questions of facts have been raised which cannot be decided in extraordinary constitutional jurisdiction of this Hon'ble Tribunal.
- IV. That the appellant is estopped by his own conduct to file the appeal in hand because the whole career of the appellant is full of explanations and Warnings.
- V. That the instant appeal is badly time barred because the impugned order was passed on 23.01.2017 and filed departmental appeal on 20.02.2017 while the instant service appeal has been filed in the year 2018.

- VI. That the appellant is not an “*aggrieved person*” within the meaning of Section-2(b) of the Khyber Pakhtunkhwa Civil Servants Act, 1973.
- VII. That the appellant has failed to point out which legal provision of which law has been violated hence the instant appeal is not maintainable.

Reply to Facts:

1. Incorrect hence emphatically denied. Appellant from the very first day of his service has been in receipt of numerous explanations/warnings/penalties from the Departmental Authorities. The service history/detailed report (*Annex:-Reply/1*) in respect of Petitioner are as under:-

S#	Description	Date
1.	D.O. Birth	14.3.1978
2.	Arrival Date	26.2.2007
3.	Explanation	7.11.2008
4.	Warning	16.3.2008
5.	Explanation	18.6.2009
6.	Explanation	27.1.2009
7.	Explanation	17.11.2009
8.	Strict warning	23.11.2009
9.	Warning	16.12.2009
10.	Explanation	27.10.2009
11.	Explanation	8.1.2010
12.	Explanation	28.2.2011
13.	Explanation	8.4.2011
14.	Warning	26.4.2011
15.	Explanation	29.4.2011
16.	Explanation	17.5.2011
17.	Explanation	29.6.2011
18.	Explanation	26.10.2011
19.	Explanation	22.11.2011
20.	Explanation	21.12.2011
21.	Warning	14.12.2011
22.	Explanation	9.1.2012
23.	Explanation	9.1.2012
24.	Explanation	14.1.2012
25.	Explanation	24.1.2012
26.	Explanation	24.1.2012
27.	Charge Sheet	24.1.2012
28.	Final Warning	2.2.2012
29.	Office order (stoppage of 02 annual increments with accumulative effect	1.3.2012
30.	Office order (Appeal accepted and the increments and pay were released)	5.4.2012
31.	Explanation	16.4.2012
32.	Warning	25.4.2013

33.	Explanation	9.4.2013
34.	Warning	18.12.2013
35.	Warning	7.1.2014.
36.	Explanation	24.12.2013
37.	Explanation	20.2.2014
38.	Charge Sheet	10.6.2014
39.	Explanation	15.3.2014
40.	Explanation	30.5.2014
41.		
42.	Explanation	17.5.2014.
43.	Explanation	16.4.2014
44.	Explanation	22.3.2014
45.	Explanation	30.5.2014
46.	Office order (absent period 11 days is treated as without pay)	3.7.2014
47.	Warning	9.3.2015
48.	Explanation	25.9.2014
49.	Explanation	5.1.2015
50.	Explanation	5.1.2015
51.	Explanation	10.4.2015
52.	Explanation	10.8.2015
53.	Explanation	19.8.2015
54.	Explanation	19.8.2015
55.	Explanation	19.8.2015
56.	Explanation	27.8.2015
57.	Charge Sheet	19.9.2015
58.	Explanation	4.12.2015
59.	Explanation	8.12.2015 .
60.	Office order (99 days) absent period without pay with stoppage of one annual increment with non accumulative effect)	29.12.2015
61.	Explanation	15.1.2016
62.	Explanation	16.1.2016
63.	Office Order / regarding minor penalty imposed upon the official concerned i.e stoppage of 03 annual increments with hon accumulative effect.	26.03.2016
64.	Explanation	29.04.2016
65.	Show Cause Notice	16.05.2016
66.	Warning	29.08.2016
67.	Explanation	24.10.2016
68.	Explanation	28.12.2016
69.	Charge Sheet	29.12.2016
70.	Explanation (Stop his pay)	28.12.2016

Thus the above details reveal about the non-serious attitude of appellant towards his duties, therefore, his service career cannot be termed as unblemished one.

2. Incorrect hence denied. As already explained hereinabove appellant's attitude towards his duties was not serious. Furthermore, it was the duty of the appellant to inform the high-ups for his leave and the assertion of the appellant that his relative had informed the high-ups is

totally baseless.

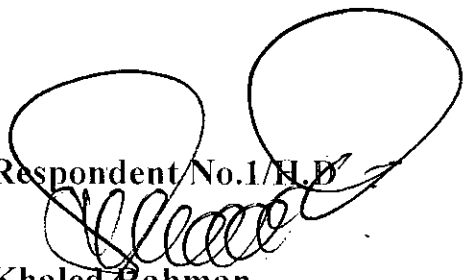
3. Incorrect hence vehemently denied. The Department after observing all the codal formalities removed him from service. As a matter of fact appellant is an institutional employee and it is crystal clear from the impugned order dated 23.01.2017 (*Page-14 of the Service Appeal*) that order was passed by the Hospital Director MTI/KTH, Peshawar, therefore, Petitioner did not fulfill the requirement of Section-2(b) of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Furthermore, appellant has not obtained sanctioned leave from the high-ups, therefore, has rightly been removed from service.
4. Incorrect hence denied. The answering Respondent properly issued Charge Sheet and Statement of Allegations to appellant. It is significant to mention here that as per law every civil servant who is aggrieved from any final or appellate order shall file the Service Appeal before the Service Tribunal after the lapse of 90 days while the impugned order was passed on 23.01.2017 whereas appellant filed the instant Service Appeal in the year 2018.
5. Incorrect hence denied. The impugned order has been issued after observing all the codal formalities. It is added that the colleagues of the appellant have time and again complained against the appellant that he was not performing his duties (Relevant record *Annex:- Reply/2*).
6. Incorrect hence denied. It is a settled law that a civil servant after filing a Departmental Appeal against the original order shall wait for the disposal of the said appeal for 90 days and thereafter he shall invoke the jurisdiction of the Tribunal within 30 days, Therefore, it is settled view of the superior Courts that if the service appeal is time barred then there is no need to discuss the merit of the case.

7. Incorrect hence denied. The detailed reply has already been given in the preceding paras.
8. Incorrect hence denied. The whole service career of the appellant was prejudicial against good order.
9. Incorrect hence denied. The detailed reply has already been given in the preceding paras.
10. Incorrect. The appellant has been treated in accordance with the prevailing and it is his own attitude which led to the passing of the impugned order.

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

Through

Respondent No.1/H.D.


Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 13 /08/2018

Counter Affidavit

Verified as per instructions that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Counsel

R/1

6

~~6~~

Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar


No 4052-56 /KTH/E
Dt: 16/03 /2009

Mr. Qemat Gul
Muslim Sweeper
KTH.

Subject: Warning

Reference your reply to the explanation vide no. 2578-83 dt: 17-02-2008 found unsatisfactory.

You are warned to be careful in future.



Dy. Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

~~MB~~
ou

No _____ /KTH/E

Copy to:


1. Accounts Officer KTH. No deduction will be made.
2. Head Cleaner KTH.


Dy. Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

~~MB~~
OK

Attested



No was


Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar

No. 2578-83 /KTH/E
Dt: 17-02 /2008

(7)

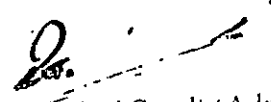
(20)

Mr. Irshad Amant
Mr. Qasir Khan
Mr. Qaimat Gul
Ms. Fozia Bibi

Subject: Explanation

It has been reported by the Head Cleaner (Night Shift) that you were absent from your duty on 21-12-2008 without any leave application or prior permission which is rules and regulation.

You are hereby directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the rules.


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

No. _____ /KTH/E
Copy to:

1. Accounts Officer KTH. To be deduct the absent period from the above named official.
2. Head Cleaner Night Shift KTH.

Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

Attest P e/



Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar


No 16787-88 /KTH/Admn
Dt: 27-10- /2009

Mr. Qimat Gul OPD
Mr. Islam Gul OPD
Mr. Tariq Masih Medical B
Mr. Shah Miran Ortho
KTH.

Subject: Explanation


It has been reported that you were absent from your duty on 23-10-2009 without any leave application or prior permission for the competent authority which is against rules and regulation.


You are hereby directed to explain your position within 03 days after the receipt of this letter otherwise strict disciplinary action will be taken against you under the existing rules.


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

No 16787-88 /KTH/Admn
Copy to:

1. Accounts Officer KTH. To deduct the absent period from the above named official.
2. Head Cleaner Night Shift KTH.


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

Attested


گفتاور جناب ڈی ایچ ایس آر (پنس) جنرل ہارنسی سنیکل سنیکل
 (48) (9)

جناب عالی

- نوڈ بانٹ لٹریچر کی جاتی 2 اے میں داخل
 سوڈیز سنیکل (پنس) ڈی ایچ ایس آر، جنرل ہارنسی سنیکل (پنس) ڈی ایچ ایس آر
- | | | | |
|----------|------|---------------|---|
| 23/10/09 | فونڈ | ڈی ایچ ایس آر | 1 |
| " | " | " | 2 |
| " | " | میلنگ B | 3 |
| " | " | ارٹھوڈکس | 4 |

لینا ایک ممبران کی فہرست میں اس کے نام کی جاتی کے
 ان کے خلاف عدالت سے نفاذ ہونے کا وائی کی جانے

Call exp
 Deductible
 24/10/09
 23/10/09
 فونڈ
 Attested
 (Q)

10

51

Office of the Medical Superintendent
Khyber Teaching Hospital, Peshawar.

No. 18201 /KTH/E
Dt: 17-11- /2009

Mr. Qimat Gul
Sweeper, OPD
KTH, Peshawar.

Subject: Explanation

It has been noticed that you always come for duty at 9.00pm as such you are habitual late comer.

You are directed to explain your position within 03 days of the receipt of this letter otherwise strict disciplinary action will be taken against you.

[Signature]
Medical Superintendent
Khyber Teaching Hospital
Peshawar.

No. _____ /KTH/E
Copy to:-

1. Head Cleaning Staff night shift KTH.

[Signature]
Medical Superintendent
Khyber Teaching Hospital
Peshawar.

Attested
[Signature]

[Faint handwritten notes and signatures at the bottom of the page]

(11)

(20)

Office of the Medical Superintendent
Khyber Teaching Hospital Peshawar

No 18635-36 /KTH/E
Dt 23-11- /2009

Mr. Qimat Gul
Muslim Sweeper
Night Shift
KTH

Subject: Strictly Warning
Memo,

Reference your reply to the explanation No.18201dt: 17-11-2009 found unsatisfactory.

You are hereby strictly warned to be careful in future.



ark Medical Superintendent
Khyber Teaching Hospital
Peshawar

No 18635-36 /KTH/E

Copy to:

1. Head Cleaning Staff night shift KTH



e.w Medical Superintendent
Khyber Teaching Hospital
Peshawar

Attested



Fam
M.S
Dr. J...
D.M.S.C

Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar

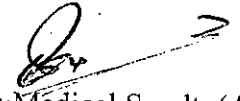
No. _____ /KTH/Admn
Dt: 16/12/09 /2009

Mr. Qimat Gul
M/Cleaner KTH.

Subject: Warning


Reference your reply to the explanation vide No. 16787-88/KTH/Admn
Dt: 27-10-2009 found unsatisfactory.


You are warned to be careful in future.


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital MAB
Peshawar adl

No. 18842 /KTH/Admn
Copy to:

1. Head Cleaner Night Shift KTH.


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital MAB
Peshawar adl

Attested


Office of the Medical Superintendent
Khyber Teaching Hospital Peshawar

No. _____ /KTH/E
Dt: 8/01 /2010

- 1 Mr. Qemat Gul Surgical D
 - 2 Mr. Irshad OPD
 - 3 Mr. Ghafoor OPD
 - 4 Mr. Wilson Medical C
 - 5 Ms. Fahmida Labour Room
 - 6 Ms. Robina Gynae B
- KTH. Sweepers

Subject: Explanation

It has been reported that you were absent from your duty on 30-12-2009 without any leave application or prior permission of the competent authority which is against the rules and regulation.

You are directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the existing rules.

sh
Medical Superintendent
Khyber Teaching Hospital
Peshawar

No. 432-35 /KTH/E
Copy to:

1. DMS (Admn) KTH.
2. Dr. Inayat DMS (Night Shift) KTH.
3. Head Sweepers-KTH.

sh
Medical Superintendent
Khyber Teaching Hospital
Peshawar

Attested
Q

30/12/09
Q

Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar

No. 4714-17 /KTH /Admn
Dt: 15/2 /20

(14) (S)

Mr. Qimat Gul M. Super SAV
Mr. Akhtar Rehm. orderly SB W
KTH.

Subject: Explanation

It has been reported that you were absent from your duty on 20-2-2011 without any leave application or prior permission of the competent authority which is against the rules and regulations.

You are directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the existing rules.

~~Signature~~
Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar
MP
DTC

No. 4714-17 /KTH/Admn
Copy to:

1. Medical Superintendent KTH.
2. Head W/orderly
3. Head Cleaning Staff KTH.

~~Signature~~
Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar
MP
DTC

Attested
Q

Dated 5/4/11

To

The Medical Superintendent
Khyber Teaching Hospital
Peshawar.

Subject: Absentee Report

It is submitted for your kind information that I had detailed round on 20-2-2011 at 9.30pm as administrative officer, the following staff were found absent from their place of duty with out prior permission. OR sanctioned of leave. Their names, designation and their place of duty are as under

- 1 MR QIMAT GUL Muslim sweeper SURGICAL " A " WARD
- 2 Akhtar Rehman W/O Surgical B WARD
- 3 Ambreen 4th year students nurse Med D and E WARD
- 4 NO TMOs available in Surgical D WARD

Report is submitted for further n/action please.

[Signature]
BLOOD BANK OFFICER,
KTH Peshawar.

M.B. No. 1770
Distt No. 21/2/11
Date

B.B no 82

Date 21/2/2011

✓
DMG/Admin
[Signature]

Attested
[Signature]

Dated 5/4/11

15

Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar


No 7293-96/KTH/Admn
Dt: 8-4 /2011

Mr. Qeemat Gul
Sweeper SAW (Night Shift)
KTH.

Subject: Explanation


It has been reported that you are irregular in the performance and did not take interest in the assigned duty and willful absent from the last 10 days without any leave application or prior permission of the competent authority which is against the rules and regulation.


You are directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the existing rules.


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

No 7293-96 /KTH/Admn
Copy to:

1. Medical Superintendent KTH.
2. Head Nurse SAW KTH.
3. Head Cleaning Staff KTH. He is directed to change the above named sweeper from SAW with a good substitute.


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

Attested


Dated 5/4/11

Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar

No 8451-53 /KTH/Admn
Dt: 26-4 /2011

(30)


(17)

Mr. Qimat Gul M/Sweeper
(Night Shift) SAW
KTH.

Subject: Warning

Reference your reply to the explanation vide No. 7293-96/KTH/Admn
Dt: 8-4-2011, found unsatisfactory.

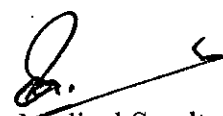
You are warned to be careful in future.


~~Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar~~


MAB
OLL

No 8451-53 /KTH/Admn
Copy to:

1. Medical Superintendent KTH.
2. Head Cleaning Staff KTH.


~~Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar~~

MAB
OLL

Attested


Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar

No 8685-87 /KTH/Admn
Dt: 29-4 /2011

18 38

Mr. Qiyamat Gul M/Sweeper
Ms. Robina Sweeper
Mr. Shah Miran Khan M/Sweeper

Khyber Teaching Hospital Peshawar


Subject: Explanation

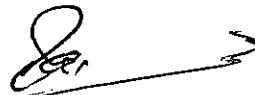
It has been reported that you were absent from your duty on 10-4-2011 without any leave application or prior permission of the competent authority which is against the rules and regulation.

You are directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the existing rules.

No 8685-87 /KTH/E
Copy to:

1. Medical Superintendent KTH.
2. Head Cleaning Staff KTH..


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar


Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

Attested



کفر صمدی در کمال اسرار و اسرار و اسرار

مقام عالی

موصوفه کرامت و مندرجه اول

19

بهره کرامت و کمال و کمال و کمال
بهره کرامت و کمال و کمال و کمال

1- کرامت و کمال

2- کرامت و کمال

3- کرامت و کمال

کرامت و کمال و کمال و کمال

کرامت و کمال
1344/201

Call exp

h

Attested
Q

Office of the Dy: Medical Supdt: (Admn)
Khyber Teaching Hospital Peshawar

No 13537-39 /KTH/Admn
Dt: 17-5 /2011

Mr. Qimat Gul
Mr. Abdul Samad
Ms. Robina Christen
Sweepers KTH.

20

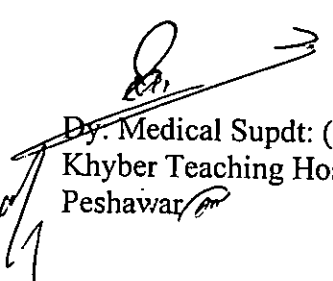
Subject: Explanation

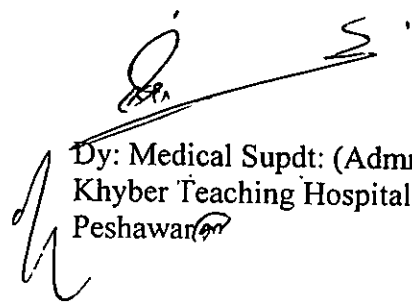
It has been reported that you were absent from your duty on 8-5-2011 without any leave application or prior permission of the competent authority which is against the rules and regulation.

You are directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the existing rules.

No 13537-39 /KTH/Admn
Copy to:

1. Medical Superintendent KTH.
2. Head Cleaning Staff KTH.


Dy. Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar


Dy. Medical Supdt: (Admn)
Khyber Teaching Hospital
Peshawar

AAHSTRG
R

مجلس شورى علماء اهل السنة والجماعة
مجلس علماء اهل السنة والجماعة

(14)
(21)

وعدنا اننا نراهم في كل يوم
في كل يوم في كل يوم
كل يوم في كل يوم
كل يوم في كل يوم

- 1- قسمة
- 2- قسمة
- 3- قسمة
- 4

العلماء اهل السنة والجماعة
العلماء اهل السنة والجماعة

Call exp.
Call

Attested
Q

خدمت صاحب ڈیپارٹمنٹ ایڈمنسٹریٹو سیکرٹری، چیف ایگزیکٹو آفیسر، ہسپتال لیٹور

(22)

عنوان! رپورٹ نمبر انٹیکسٹریٹو

جناب عالی

(23)

تمہارا شی کی حالتی ہے کہ مندرجہ ذیل مینٹنر سٹاف نے کسی اتفاق سے انٹیکسٹریٹو حاضر ہوئے ہیں جن کے نام مندرجہ ذیل ہیں۔

سلسلہ: 22/12/2016, 21, 20, 19, 4, 21

سربراہ ای سی او

تعمیرات

~~22/12/2016~~

~~22/12/2016~~

~~22/12/2016~~

لہذا آپ کو مطلع کیا جا رہا ہے کہ ان کے خلاف کارروائی کی جائے گی اور رپورٹ نمبر 22/12/2016 عین نواز میں ہوگی۔

22/12/2016

الکافی

آپ کا نام اور حیدرآباد ایگزیکٹو سٹاف

Received

→ Stop Salary; Asst
Explanation
22/12/16

Attested

خدمت جناب ڈائریکٹر ایڈمنسٹریشن صیبر سٹیجنگ ہسپتال لہور

(23)

معاون! ایورٹ برائے بغیر ص

جناب عالی!

~~23~~

تعارف کی جاتی ہے کہ قیامت قبل مسلم کلینر مورچے پر صیبر
نامہ شفقت مورچہ 04/01/2017 کو کسی انفارمیشن کے بغیر صیبر
لغذا آپ صاحبان مہربانی کر کے دن کے خدوفا قانونی کارروائی
ایورٹ کرنا ہے؟

عین نواز شہبازی

الکلف

المورچہ 04/01/2016

جناب عالی

پتہ آرٹس ہے کہ سہی پیمت کی بلڈنگز مورچہ 19-12-16 سے 17-1-17
محمد فائز سے ایورٹ آپ صاحبان سے کٹ آرٹس ہے کہ ان کا خلاف قانونی کارروائی

آپ صاحبان کے راج الامین کلینر
نامہ شفقت

آپ افسانہ ایورٹ کلینر
صفحہ (1/1)
صفحہ (1/1)

Forwarded

DATE
3-1-17

Attested
Q

2



KHYBER TEACHING HOSPITAL, PESHAWAR
OFFICE OF THE DIRECTOR ADMINISTRATION (MTI)

No. 6082-85 /KTH/Admn Dated 06-01- /2017

Subject: Explanation

It has been reported by **Head Cleaning Staff** of this institution that you the following **Sweepers** were absent from their duties on the dates mentioned against each without any leave application or prior permission of the competent authority which is against the rules and regulation.

- | | |
|---------------------------------------|---|
| 1. Mr. Waris Masih Surgical A -B unit | Dt: 31.12.2016 and 01.01.2017 (02 days) |
| 2. Mr. Jozaf Masih Private "B" side | 01.01.2017 |
| 3. Mr. Qeemat Gul Surgical ICU | do |

You are directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the existing rules.

Shah
Director Administration (MTI)
Khyber Teaching Hospital
Peshawar

No. 6082-85 /KTH/Admn
Copy to:

1. Hospital Director (MTI) KTH, Peshawar.
2. Accounts Officer KTH. To deduct the absent period of the above named officials.
3. Head Cleaning Staff KTH.

Shah
Director Administration (MTI)
Khyber Teaching Hospital
Peshawar

Attest
B

06-01-17
HOSPITAL DIRECTOR OFFICE
Khyber Teaching Hospital
Peshawar

بخدمت صاحب ادارہ قمر نذر ایڈمنسٹریٹو ایجنسی

معاون! رپورٹ نمبر ان غیر حاضر

28

جواب عالی

~~29~~

گزارش کی جاتی ہے کہ مندرجہ ذیل مہینہ سٹاف نے کسی افسار کے

کے غیر غیر حاضر ہونے سے اس کے نام مندرجہ ذیل ہیں -

01/01/2017	12/31/2016	سرمنٹل 15 پی ڈی ڈی	1 عوارث
01/01/2017		پوسٹل ڈیپوٹ	2 جوہان
01/01/2017		سرمنٹل ڈیپوٹ	3 مکتبہ

لہذا آپ صاحبان سے اپنی سہولتوں کے خلاف جانکاری کی جانے پر
میں نوازش ہوتی۔

مکرمہ 01/01/2017

الکافی

Forwarded to DA / In/ta
pleas.

آپ کا لہذا حیدر زوج الامین مہینہ
تاریخ

Deduct Salary one day
As to explanation
long

Attested
S



26

KHYBER TEACHING HOSPITAL, PESHAWAR
OFFICE OF THE DIRECTOR ADMINISTRATION (MTI)

No. 582-86 /KTH/Admn Dated 05-01-2017

290

1. Mr. Qeemat Gul Surgical ICU
2. Mr. Waris Rehmat Surgical A-B

Sweeper (Night Shift) KTH.

Subject: Explanation

It has been reported by Head Cleaning Staff (Night Shift) that you were absent from your duty on 02.01.2017 without any leave application or prior permission of the competent authority which is against the rules and regulations.

You are directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the existing rules.

Shah
Director Administration (MTI)
Khyber Teaching Hospital
Peshawar

No. 582-86 /KTH/Admn
Copy to:

1. Hospital Director (MTI) KTH/KMC/KCD, Peshawar
2. DMS (Night Shift) MTL, KTH.
3. Accounts Officer MTI, KTH. To deduct the 03 days absent period of the above named official.
4. Head Cleaning Staff KTH.

Shah
Director Administration (MTI)
Khyber Teaching Hospital
Peshawar

Attest

582-86-1-79
HOSPITAL DIRECTOR OFFICE
Khyber Teaching Hospital
Peshawar

محکمیت جناب ڈی ایچ ایس صاحب حیدر بیگم کیتھن

موضوع: ڈیوٹی سے غیر حاضر سوئیپر

(27)

جناب عالی،

مقررہ تاریخ گزارشی کھرتا بیوں سے مندرجہ ذیل نام

سوئیپر اپنی ڈیوٹی سے بغیر کسی اطلاع اور بغیر درخواست کے غائب
ہیں جسکی وجہ سے نہایت مشکلات کا سامنا ہے آج صبح
اتنا س ہے کہ انکے خلاف قانونی کارروائی کی جائے

1) قیمت کلر (S.1cu) 02/01/17

2) وارنٹ (سر جیل) (A+B) 02/01/17

شکر

مورخ

آپ کا نامبر ٹائٹ پیڈ
روح الامین

01/2017

Deduct one days salary
4. AAO explanation

shah. Not a Commeded
right OM
INTU
09/11/2017

At festeg

HOSPITAL DIRECTOR OFFICE
Khyber Teaching Hospital
Peshawar



KHYBER TEACHING HOSPITAL, PESHAWAR
OFFICE OF THE DIRECTOR ADMINISTRATION (MTI)

No. 1325-28 /KTH/E Dt: 11-01-2017

Subject: Explanation

It has been reported by Head Cleaning Staff (Evening Shift) of this institution that you the following Sweepers were absent from their duties on the dates mentioned against each without any leave application or prior permission of the competent authority which is against the rules and regulation.

1.	Mr. Qeemat Gul Surgical ICU	Dt: 19.12.2016 to 07.01.2017 (20 days)
2.	Mr. Liaqat Masih Medical ICU	07.01.2017
3.	Mr. Manzoor Masih Nephrology	do
4.	Ms. Shakeela Bibi Children A-B	06.01.2017
5.	Mr. Siraj Munir Reliever	06,07,08.01.2017 (03 days)
6.	Mr. Zaheer Ud Din Medical C-D	07,08.01.2017 (02 days)
7.	Mr. Israr Peads Surgical	08.01.2017

You are directed to explain your position within 03 days of the receipt of this letter failing which strict disciplinary action will be taken against you under the existing rules.

Shah
Director Administration (MTI)
Khyber Teaching Hospital
Peshawar

No. 1325-28 /KTH/E
Copy to:

1. Hospital Director (MTI) KTH.
2. Accounts Officer KTH. To deduct the absent period of the above named officials.
3. Head Ward Orderly KTH.

Shah
Director Administration (MTI)
Khyber Teaching Hospital
Peshawar

ATTACHED
[Signature]
HOSPITAL DIRECTOR OFFICE
Khyber Teaching Hospital
Peshawar
11-1-17

خدمت جناب ڈائریکٹر ایڈمنسٹریشن خیبر میڈیکل کالج ہسپتال پشاور

معاون! رپورٹ نمبر 1 کے بغیر حاضر

(89)

جناب عالی!

حتمی اوشن کی جاتی ہے کہ مندرجہ ذیل کلینر سٹاف نے کسی انفارمیشن کے بغیر غیور حاضر ہونے میں جن کے نام مندرجہ ذیل ہیں

(90)

07/2017 کے بغیر حاضر

- 1) منیجنگ آفسل
 - 2) سائمنگ مسج الوڈ
 - 3) منظر مسج
 - 4) سٹیکس بی بی آر شہر
 - 5) میزبان فیلڈ
 - 6) ظہیر الدین
 - 7) اشرف
- سر جیل آئی سی یو 07/01/2017
 منظر بی بی آر می یو 07/01/2017
 نعم الوجی 07/01/2017
 صدرین اسی 06/01/2017
 منظر و بلور 8, 07, 06/2017
 منظر بی بی آر می یو + ڈی 08, 07, 01/2017
 منظر بی بی آر می یو 07/01/2017

لہذا آپ صاحبان پر جاتی ہے ان کے خلاف قانون کاروباری کی جانب رپورٹ کرنا ہے

عین توازن ہوگی

اعلانیہ 07/01/2017

الکافی

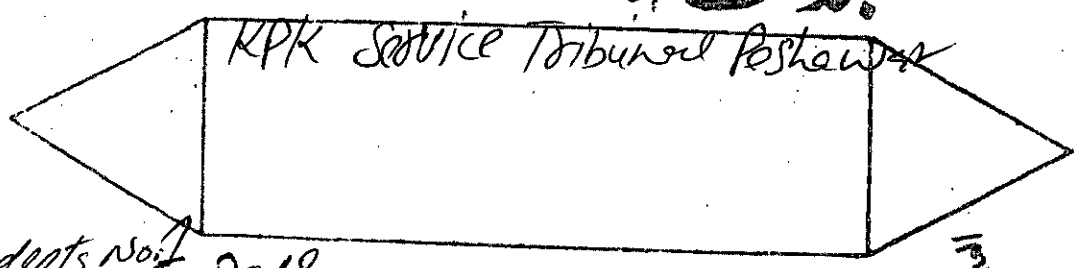
آپ کا اہلکار عبدالرحمن الامین کلینر سٹاف
نائب سٹینٹ

M. Comrade h
D. W. a. M. a. s.
07/11/2017

Delect me day salary
& ask explanation

ATTESTED

بدالت صحت



Respondents No. 1
2018

Mr. Qasim Gul Hospital Director
MTI, KTH Peshawar

Appeal No. 307/18

باعث تحریر نامہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواسیس و بھی دیکھ کر
 کارروائی متعلقہ آن مقام Peshawar کے لئے طرز کاروں اور ضوابط کے تحت
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوت کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برحلف دیے جواب دی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے ایوان اور دسولی چیک در پیہ اور عرضی دعویٰ اور درخواست ہڑت کی تصدیق
 نہ رہیں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
 نیز دائر کرنے اپیل ٹکرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی جگہ تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جلد مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
 پمداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو چیز ہر جائزہ اتوائے مقدمہ کے سبب سے ہوگا۔
 اسکے مستحق وکیل صاحب موصوت ہوں گے۔ نیز تقیاد و خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر
 کوئی تاخیر پیش منقام دورہ پے ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا دکالت نامہ کھدیا کہ سنند رہے۔

2018 08 13
المترجم

HOSPITAL DIRECTOR
Hospital Teaching Institution
Medical-Teaching KCD
KTH, KMC KCD
Peshawar

Peshawar کے لئے منظور ہے۔

Signature
Name

①

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

Re-Joinder
In
Appeal.No.303/2018

Qeemat Gul

.....Appellant

VERSUS

Hospital Director and Others

.....Respondents

**RE-JOINDER ON BEHALF OF APPELLANT
AS THE COMMENTS ON BEHALF OF
RESPONDENTS IS VEHEMENTLY
DENIED BEING SELF CONTRADICTORY
AND SELF EXPLANATORY IN FAVOR OF
THE APPELLANT AND ARE HAVING NO
CONCERN OF WHATSOEVER WITH THE
APPELLANT'S APPEAL AS THE MATTER
PERTAINS TO THE ALLEGED WILLFUL
ABSENCE AND NOT THE ALLEGED
DETAIL OF WARNINGS AND NON
PERFORMANCE OF PROPER DUTY
KEEPING IN VIEW THE APEX COURT IN
"2008 SCMR 214" CATEGORICALLY
OBSERVED THAT ON THE BASIS OF
WILLFUL ABSENCE NO MAJOR PENALTY
MAY BE AWARDED BUT
UNFORTUNATELY SINCE THE**

EMPLOYMENT OF THE APPELLANT IT IS
THE CHRISTIANS COMMUNITY, WHO
HAS NO TOLERANCE FOR THE MUSLIM
SWEEPER (APPELLANT) AND USUALLY
FOR TRIFLES MATTER BLAMED HIM FOR
UNJUSTIFIABLE PRETEXTS' DESPITE
THE FACT THE EX-CHIEF EXECUTIVE
INAYAT ULLAH ROKHANI HAS BEEN
PLEASED TO APPRECIATE AND
APPLAUDED THE SATISFACTORY
PERFORMANCE VIA DUTIES. OF THE
APPELLANTS AND CONDEMNED THE
CHRISTIAN SWEEPERS NOT TO
AGONIZE THE APPELLANT.

MOREOVER THIS HONORABLE
TRIBUNAL DO HAVE THE
JURISDICTION TO ENTERTAIN THE
SAME APPEAL AS WELL AS THE STANCE
OF TIME BARRED IS NOT APPEALABLE
TO A PRUDENT MIND AS THE
RESPONDENTS THEMSELVES VIA
REPEATED LETTERS ASSURED THE
APPELLANT TO BE APPOINTED IN NEAR
FUTURE AND DILLY DALLYING THE
MATTER KEEPING IN VIEW THE
RESPONDENTS DEPARTMENT
REMAINED MUM ON THE REPEATED
APPLICATIONS AND ITS
CORRESPONDENCE BEING ANNEXED
WITH THE MAIN APPEAL AS IT IS THE
RESPONDENTS WHO THEMSELVES

DIRECT THE RESPONDENTS TO
DENOVO SUBMIT THE REPLY VIDE
ORDER DATED: 24.10.2017 AND HENCE
THE DELAY IF ANY IS NOT PART OF THE
APPELLANT BUT ON THE PART OF
RESPONDENTS AND THE PROPRIETY
DEMANDS THAT THE SAME MAY BE
CONDONED FOR THE BEST
ADMINISTRATION OF JUSTICE AND
FAIR PLAY.

Respectfully Sheweth;

- 1) That with profound veneration as expounded in the subject as well as in the main appeal all the preliminary objections and factual objections raised in written comments are conspicuously contrary to the appellant stance and are not more than "cock and bull" sort of allegation.

In light of expounded points, on the basis of main subject and prayer of the appellant, the needful may kindly be done for the best administration of justice and fair play.

Appellant
Through

Taimur Haider Khan
Advocate, High Court
Office: Room No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL , PESHAWAR.

Re-Joinder

In

Appeal.No.303/2018

Qeemat Gul

.....Appellant

VERSUS

Hospital Director and Others

.....Respondents

AFFIDAVIT

I, Qeemat Gul S/o Khaista Gul (Muslim Sweeper), do hereby solemnly affirm and declare that the contents of instant rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Qeemat Gul
Deponent

CNIC#17201-6106194-3

[Signature]

[Signature]

18 DEC 2018
ATTESTED
Hafiz Muhammad Saifullah Nurrani
Commissioner
Advocate High Court Peshawar