

30th June, 2022

1. Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Dr. Fakhar Zaman, District Specialist for respondents present.

2. Petitioner submits that his grievance has been redressed and does not want to further pursue this execution. The instant execution petition is disposed of being executed. Consign.

3. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 30th day of June, 2022.*



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

14.12.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, learned Additional Advocate General alongwith Mr. Mishqatullah, DMS for the respondents present.

Learned AAG seeks short adjournment in order to contact DHO concerned to apprise the Tribunal about the steps taken towards implementation of the judgment under execution. Request is accorded. Case to come up on 15.12.2021 before S.B at Camp Court, D.I.Khan.


Chairman
Camp Court, D.I.Khan

15.12.2021

Counsel for the petitioner and Mr. Muhamad Adeel Butt, learned Additional Advocate General for the respondents alongwith Dr. Abbas Sherani, M.S (respondent No. 3) in person present.

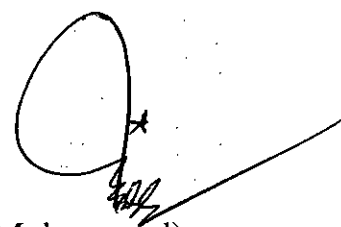
According to correspondence produced by the respondent department and placed on file, the process for release of admissible salaries etc. to the petitioner and other similarly placed with him is underway in the higher quarter. The respondents are directed to pursue the case vigorously. Case to come up on 27.01.2022 for implementation report before S.B at Camp Court, D.I.Khan.


Chairman
Camp Court, D.I.Khan

25.03.2021 Counsel for the petitioner present. Mr. Muhammad Rashid, DDA alongwith Dr. Fakhar Zaman, MS, Tank for respondents present.

Representative of the respondents made a commitment that complete and conclusive implementation report will be produced on the next date of hearing.

Adjourned to 21.06.2021 before S.B at camp court D.I.Khan.



(Mian Muhammad)
Member(E)
Camp Court D.I.Khan

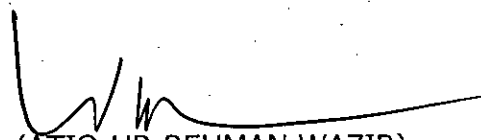
21.06.2021 Due to COVID-19, the case is adjourned to 25.10.2021 for the same.

READER

25.10.2021 Counsel for the appellant present.

Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Dr. Fakhar Zaman, Litigation Officer for respondents present.

Implementation report not submitted. Representative of the respondents requested for time for submission of implementation report. Adjourned. To come up for implementation report on 14.12.2021 before S.B at Camp Court, D.I. Khan.

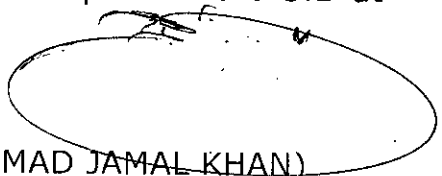


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COUR D.I KHAN

28.10.2020

Petitioner is present in person. Mr. Usman Ghani, District Attorney alongwith Mr. Hazrat Shah, Section Officer and Dr. Fakhar Nawaz, D.M.S, for the respondents are also present.

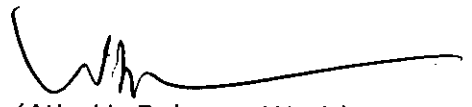
Petitioner requested for adjournment on the ground that the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, his counsel is not available today. Adjourned to 25.11.2020 on which date to come up for implementation report before S.B at Camp Court, D.I.Khan.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

25.11.2020

Petitioner with counsel and Mr. Muhammad Jan, learned DDA alongwith Mishqat Ullah Superintendent for respondents present.

Representative of respondents submitted a letter dated 23.011.2020 addressed to the Director General Health Services, Peshawar, whereby guideline regarding arrears of reinstated employee was sought by the Medical Superintendent DHQ Hospital Tank. The list of reinstated employee has also been annexed with the letter. The respondent department is directed to expedite the matter and resolve the issue of arrears at earliest. To come up for implementation/progress report on 27.01.2021 before S.B at Camp Court, D.I Khan.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I.Khan

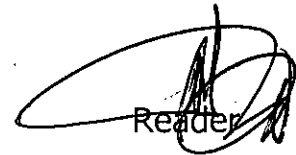
26/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/4/2020 at Camp Court, D.I Khan


Reader

22/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/9/2020 at Camp Court, D.I Khan

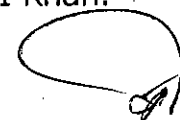

Reader

23.09.2020

Petitioner present through counsel.

Dr. FaKhar Nawaz D.M.S being representative of respondents, present. Mr. Usman Ghani, learned District Attorney present.

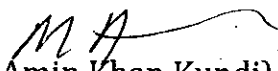
A request was made for adjournment by the respondents in order to apprise the Tribunal in respect of the implementation report as case of the petitioner is under process; allowed. To come up for implementation report on 28.10.2020 before S.B at Camp Court D.I Khan.



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan


28.01.2020

Mr. Hidayatullah, one of the petitioner in connected Execution Petition No. 14/2018, on behalf of the petitioner present. Mr. Usman Ghani, District Attorney for the respondents present. Mr. Hidayatullah, requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Representative of the respondents is also absent, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court on the next date positively. Adjourned to 25.02.2020 for arguments before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

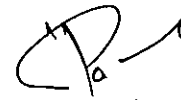
25.02.2020

Counsel for the petitioner and Mr. Usman Ghani, District Attorney alongwith Dr. Umer Daraz, Medical Superintendent (Tank) (Respondent No. 2) for the respondents present. Respondent No. 2 submitted implementation report. The same is placed on record. Learned counsel for the petitioner requested for adjournment to examine the same. Adjourned to 26.03.2020 for further proceedings before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

23.09.2019

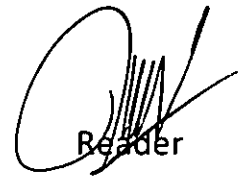
Petitioner in person present. Mr. Farhaj Sikandar learned Deputy District Attorney alongwith Umar Zada M.S present, stated that the petitioner has been reinstated in service and submitted office order dated 18.09.2019 to that effect placed on file^{of} connected execution petition No.14/2018. Learned DDA seeks adjournment to furnish reply. Adjourn. To come up for reply/arguments on 21.10.2019 before S.B at Camp Court, D.I.Khan.



Member
Camp Court, D.I.Khan.

21/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 26/11/2019.



Reader

26.11.2019

Counsel for the petitioner and Mr. Ziaullah Deputy District Attorney alongwith M/S Umer Daraz, M.S (Tank) and Hazrat Shah, Superintendent for the respondents present. Vide order sheet dated 23.09.2019 the reinstatement order of the petitioner was furnished by the respondent-department and the case was adjournment for objection petition/reply and arguments. Today, learned counsel for the appellant submitted objection petition/reply which is placed on record. Case to come up for arguments on 28.01.2020 before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

25.06.2019

Counsel for the petitioner and Mr. Farhaj Sikandar, District Attorney alongwith Dr. Ihsanullah, M.S (Tank) for the respondents present. Implementation report not submitted. Representative of the department is directed to submit the implementation report on the next date positively. Adjourned to 27.08.2019 for implementation report before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.08.2019

Counsel for the petitioner present. Mr. Farhaj Sikandar, District Attorney alongwith Dr. Umer Nawaz, Medical Superintendent DHQ Hospital Tank (Respondent No. 2) present. The Execution Petition was fixed for implementation report for today but Dr. Umer Nawaz, Medical Superintendent DHQ Hospital Tank (Respondent No. 2) stated that he assumed the charge today and requested for short adjournment. Dr. Umer Nawaz, Medical Superintendent DHQ Hospital Tank (Respondent No. 2) stated at the bar that he will definitely furnish implementation report on the next date. He is strictly directed to furnish implementation report on the next date positively. To come up for implementation report on 23.09.2019 before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

21.01.2019

Junior to counsel for the petitioners and Mr. Farhaj Sikandar, District Attorney alongwith Samiullah, Data Entry Operator for the respondents present.

In view of order dated 20.04.2018 in C.Ps No. 212-P to 246-P/2018 the representative of respondents, when required to produce the implementation report, requested for adjournment. He stated that the judgment under implementation, as per Medical Superintendent DHQ Hospital, Tank will be implemented before 01.04.2019.

The instant matter is adjourned to 22.04.2019 at camp court, D.I.Khan on which date the implementation report shall positively be submitted else the respondent No. 2 shall appear in person before the Tribunal.

Chairman
Camp Court, D.I.Khan

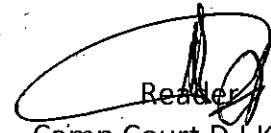
22.04.2019

Learned counsel for the petitioner and Mr. Farhaj Sikandar learned District Attorney alongwith M/S Ihsan Ullah Medical Superintendent (respondent No.2), Fakhar Zaman Pathologist and Sajjad Qureshi CT Pharmacy present. Learned District Attorney stated that respondent No.2 (Medical Superintendent) has not brought in the notice of high-ups that the appointments made by the then Medical Superinntendent Mr. Muhammad Khan Afridi, were subject to the outcome of the decision in service appeals under implementation. Respondent No.2 seeks adjournment to furnish the actual facts to the notice of respondent No.1. Adjourn. To come up for implementation report/further proceedings on 25.06.2019 before S.B at Camp Court, D.I.Khan.

Member
Camp Court, D.I.Khan.

12.09.2018

12th September has been declared as public holiday on account of 1st Muharram therefore, the case is adjourned for the same on 27.11.2018 before S.B at Camp Court D.I.Khan.


Reader
Camp Court D.I.Khan

27.11.2018

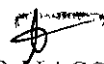
Counsel for the petitioners present. Mr. Usman Ghani, District Attorney alongwith Dr. Fakhar Zaman, District Specialist Pathology present. Implementation report not submitted. Learned District Attorney requested for further adjournment. Adjourned. To come up for implementation report on 21.01.2019 S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

15.03.2018


Counsel for the petitioner and Mr. Ziaullah, Deputy District Attorney alongwith Dr. Khayal Muhammad, M.S respondent no.2 in person present. Respondent no.2 appeared in person and presented some documents through which the case has been taken with the quarter concerned for creation of posts of Class-IV etc. He is directed to submit written implementation report positively on the next date of hearing. To come up for implementation report on 26.04.2018 before S.B


(AHMAD HASSAN)
MEMBER
Camp Court D.I.Khan

22.06.2018

Petitioner alongwith counsel Mr. Waqar Alam, Advocate present. Dr. Fakhar Zaman, DMS on behalf of the respondents present.

The above named DMS made a request for adjournment so as to implement the order of this Tribunal in letter and spirit. Granted. Respondents are directed to implement the order of this Tribunal and produce documentary proof on 30.08.2018 before S.B at camp court, D.I.Khan.


Chairman
Camp Court, D.I.Khan

30-8-18

*petitioner present in person. Dr. Fakhar Zaman
lit. officer for respondent present. Fair is hereby
cancelled, therefore the petition is adjourned
for the same on 12-9-18 at camp court
D. I. Khan*



22.02.2018

Counsel for the petitioner present. Mr. Usman Ghani, District Attorney alongwith Dr. Khail Muhammad Barki, M.S (Tank) for the respondents also present. Implementation report not submitted. Representative of the department requested for adjournment. Adjourned. To come up for implementation report on 15.03.2018 before S.B at Camp Court D.I.Khan.

MA

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

15.03.2018

Counsel for the petitioner and Mr. Ziaullah, Deputy District Attorney alongwith Dr. Khayal Muhammad, M.S for respondents present. Representative of respondent no. 2 presented some documents through which the case has been taken with the quarter concerned for creation of posts of Class-IV etc. He is directed to submit written implementation report positively on the next date of hearing. To come up for implementation report on 26.04.2018 before S.B

(AHMAD HASSAN)
MEMBER

Camp Court D.I.Khan

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL DISTRICT TANK

No. _____ /

Dated 23/01/2020.

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Subject: **INFORMATION REGARDING ADJUSTMENT OF RE-INSTATED EMPLOYEES BY HONOURABLE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR CAMP COURT D.I. KHAN.**

R/Sir,

It is submitted for your kind information that undersigned implemented the decision of Honourable Services Tribunal Khyber Pakhtunkhwa Peshawar Camp Court (D.I. Khan) on dated 25-10-2017 and adjusted 19 employees mentioned below on their original post (with the same direction of Govt. of Khyber Pakhtunkhwa Health Department No. SOH (Lit-II) 13-4045/2016 dated 22-1-2018 and Director General Health Services letter no. 13316-17 dated 03-12-2019 for the implementation of decision of above mentioned Honourable Court. The source form for stoppage of pay of and starting of pay of reinstated employees are also sent to DAO Tank. (Photocopy attached).

Sl. No.	Working Employees	Designation/BPS	Re-instated Employees	Designation/BPS
1	Mr. Anjid Khan	Store Keeper (B-7)	Mr. Illa-ud-Din	Store Keeper (B-7)
2	Mr. Ali Khan	Store Keeper (B-7)	Mr. Shoukat Ullah	Store Keeper (B-7)
3	Mr. M. Inam	Electrician (B-7)	Mr. Wajid Munir	Electrician (B-7)
4	Mr. Khatir Saeed	Plumber (B-7)	Mr. Fazal Nadeem	Plumber (B-7)
5	Mr. Hussain Bakhsh	Carpenter (B-6)	Mr. Shaukat Khan	Carpenter (B-6)
6	Mr. Sadam Hussain	Ward Orderly (B-4)	Mr. Naimat Ullah W/O	Ward Orderly (B-4)
7	Mr. Iqbal Khan	Ward Orderly (B-4)	Mr. Irfan Ullah	Ward Orderly (B-4)
8	Mr. Fouseef Ahmad	Ward Orderly (B-4)	Mr. Hidayat Ullah	Ward Orderly (B-4)
9	Mr. Nazeem Ullah	Ward Orderly (B-4)	Mr. Sami Ullah	Ward Orderly (B-4)
10	Mr. Hasan Ullah	Ward Orderly (B-4)	Mr. Asmat Ullah	Ward Orderly (B-4)
11	Mr. Saqib Khan	Ward Orderly (B-4)	Mr. Mehran	Ward Orderly (B-4)
12	Mr. Mujeeb ur Rehman	Ward Orderly (B-4)	Mr. Waris Khan	Ward Orderly (B-4)
13	Mr. Faisal Nawaz	Ward Orderly (B-4)	Mr. Muhammad Waqas	Ward Orderly (B-4)
14	Mr. Abdul Karim	Ward Orderly (B-4)	Mr. Munir Khan	Ward Orderly (B-4)
15	Mr. Muhammad Saleem	Ward Orderly (B-4)	Mr. Gulfam Hussain	Ward Orderly (B-4)
16	Mr. Zafar Ali	X-Ray Attendant (B-4)	Mr. Umar Hayat	X-Ray Attendant (B-4)
17	Mr. Saqib Khan	Sweeper (B-3)	Mr. Imran Khan	Sweeper (B-3)
18	Mr. Rameez Khan	Sweeper (B-3)	Mr. Muhammad Ali	Sweeper (B-3)
19	Mr. Shoaib Khan	Chowkidar (B-3)	Mr. Waheed Khan	Chowkidar (B-3)

Furthermore, the case of four to five employees is still in trial in the same Honourable Court and the decision is still pending from their side. After the final decision of Honourable Services Tribunal Court Khyber Pakhtunkhwa Peshawar Camp Court D.I. Khan then the pay and removal from automatic attendance of Mr. Ikramullah Ward Orderly and Mr. Haman Jazbe Sweeper will be stopped and re-instated employees will be adjusted on their original posts.

The case is referred to your's good office for further directions and guidelines.

MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

No. _____ / Dated Tank the 23/01/2020.

Copy to the:-

- 1 Honourable Services Tribunal Khyber Pakhtunkhwa Peshawar Camp Court D.I. Khan.
- 2 Deputy Commissioner, Tank.
- 3 SO (Lit-II) Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
- 4 Accountant DHQ Hospital Tank.

MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

**OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL
DISTRICT TANK**

OFFICE ORDER:

In-continuation of this office letter No: 281 Dated 22-01-2020 and reply of District Accounts Office, Tank (regarding this office letter number mentioned above) vide Letter No. Pay/DAO Tank / 2019-20 / 27 Dated 22-01-2020, in which it is mentioned that the post of CT (Surgical) BPS – 12 & CT (Pharmacy) BPS – 12 are technical cadre posts, the specialized professional cadre posts & the Store Keepers in BPS -07 may be adjusted against their original post (Photocopy attached).

Therefore, as per reply of DAO Tank vide letter number mentioned above and decision of Honourable Services Tribunal-Khyber Pakhtunkhwa Peshawar (D.I. Khan Bench) decision on 25-10-2017 and reference Govt. of Khyber Pakhtunkhwa Health Department No. SOH (Lit-II) 13-4045/2016 dated 22-1-2018 and reference Director General Health Services letter no. 13316-17 dated 03-12-2019, Mr. Illa-ud-Din Store Keeper BPS – 07 is hereby adjusted on the post occupied by Mr. Amjid Khan Store Keeper BPS – 07 and Mr. Shoukat Ullah Store Keeper BPS – 07 is hereby adjusted on the post occupied by Mr. Arif Khan Store Keeper BPS – 07 with immediate effect.

xxxSDxxx

**MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK**

No 281 / Dated Tank the 23/1 /2020.

Copy to the:-

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner, Tank.
3. District Accounts Officer, Tank with the request to start the Pay of Mr. Illa-ud-din S/K BPS -07 against his original post occupied by Mr. Amjid Khan S/K BPS -07 and the start the pay of Mr. Shoukat Ullah BPS – 07 against his original post occupied by Mr. Arif Khan S/K BPS – 07 and stop the pay of Mr. Amjid Khan S/K BPS -07 and Mr. Arif Khan S/K BPS – 07 with immediate effect. Being a court, the matter may please be treated as most urgent as to avoid contempt of court (Source form for starting of pay and stoppage of pay are attached for necessary action please.
4. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar (D.I.Khan Bench)
5. SO (Lit-II) Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
6. Accountant DHQ Hospital Tank for necessary action
7. Above to mentioned store keepers

**MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK**

THE MEDICAL SUPERINTENDENT DHQ HOSPITAL DISTRICT TANK

The District Accounts Officer,
District Tank.

No. 281
Dated 22/01/2020

REINSTATEMENT / ADJUSTMENT OF 19 EMPLOYEES.

With reference this office order No. 226-32 Dated 20-01-2020 (Photocopy attached) in which the resigned adjusted Mr. Shoukat Ullah Store Keeper BPS – 07 against the vacant post of CT Pharmacy BPS – 12 and Mr. Ila-ud-Din Store Keeper BPS – 07 is adjusted against the vacant post of CT (Surgical) BPS – 12.

Therefore, it is requested that undersigned may please be informed well in time before the meeting of Honourable Services Tribunal Camp Court D.I. Khan that either the provisional ID of above mentioned posts i.e. CT (Pharmacy) BPS – 12 and CT (Surgical) BPS – 12 may be activated for the above mentioned reinstated employees or not. If the provisional ID of CT (Pharmacy) BPS – 12 & CT (Surgical) BPS – 12 is not activated then Mr. Shoukatullah Store Keeper BPS – 07 and Mr. Ila-ud-Din Store Keeper BPS – 07 will be adjusted against their original post as store keeper BPS - 07.

Furthermore, this office also addressed a letter for re-instatement of 17 employees against their original post which is mentioned in this office letter vide letter No. 266-72 Dated 21-01-2020 for the purpose of stoppage of pay of the re-instated employees.

Therefore, you are requested to stop the pay of mentioned below staff persons and start the pay of reinstated employees mentioned in column No. 03 against their original posts as per decision of Honourable Services Tribunal Khyber Pakhtunkhwa Peshawar Camp Court D.I. Khan on dated 25-10-2017 and reference of Khyber Pakhtunkhwa Health Department No. SOH (Lit-II) 13-4045/2016 Dated 22-01-2019 and Khyber Pakhtunkhwa Letter No. 13316-17 Dated 13-12-2019.

Source forms for starting of pay of reinstated employees were also sent to your good office along with stoppage forms for stoppage of pay of staff mentioned in column no. 2.

Working Employees	Designation/BPS	Re-instated Employees	Designation/BPS
Mr. Waheed	Electrician (B-7)	Mr. Wajid Munir	Electrician (B-7)
Mr. Iqbal Saeed	Plumber (B-7)	Mr. Fazal Nadeem	Plumber (B-7)
Mr. Iqbal Bakht	Carpenter (B-6)	Mr. Shaukat Khan	Carpenter (B-6)
Mr. Iqbal Hussain	Ward Orderly (B-4)	Mr. Maimat Ullah W/O	Ward Orderly (B-4)
Mr. Iqbal Khan	Ward Orderly (B-4)	Mr. Irfan Ullah	Ward Orderly (B-4)
Mr. Iqbal Ahmad	Ward Orderly (B-4)	Mr. Hidayat Ullah	Ward Orderly (B-4)
Mr. Iqbal Ullah	Ward Orderly (B-4)	Mr. Sami Ullah	Ward Orderly (B-4)
Mr. Iqbal Ullah	Ward Orderly (B-4)	Mr. Asmat Ullah	Ward Orderly (B-4)
Mr. Iqbal Khan	Ward Orderly (B-4)	Mr. Mehrban	Ward Orderly (B-4)
Mr. Iqbal Rahman	Ward Orderly (B-4)	Mr. Waris Khan	Ward Orderly (B-4)
Mr. Iqbal Nawaz	Ward Orderly (B-4)	Mr. Muhammad Waqas	Ward Orderly (B-4)
Mr. Iqbal Karim	Ward Orderly (B-4)	Mr. Munir Khan	Ward Orderly (B-4)
Mr. Muhammad Saleem	Ward Orderly (B-4)	Mr. Gulfam Hussain	Ward Orderly (B-4)
Mr. Zafar Ali	X-Ray Attendant (B-4)	Mr. Umar Hayat	X-Ray Attendant (B-4)
Mr. Sohail Khan	Sweeper (B-3)	Mr. Imran Khan	Sweeper (B-3)
Mr. Ramiez Khan	Sweeper (B-3)	Mr. Muhammad Ali	Sweeper (B-3)
Mr. Shoab Khan	Chowkidar (B-3)	Mr. Waheed Khan	Chowkidar (B-3)

282 - 86 / Dated 22/01/2020.

[Signature]
MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

- Copy to the:-
- Honourable Services Tribunal Khyber Pakhtunkhwa Peshawar Camp Court D.I. Khan.
 - Director General Health Services, Khyber Pakhtunkhwa Peshawar.
 - Deputy Commissioner, Tank.
 - SO (Lit-II) Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
 - Accountant DHQ Hospital Tank for necessary action.

[Signature]
MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

THE MEDICAL SUPERINTENDENT DHQ HOSPITAL DISTRICT TANK

CE ORDER REGARDING RE-STATEMENT OF THE 17 EMPLOYEES

With the reference Honourable Services Tribunal Khyber Pakhtunkhwa Peshawar (D.I.Khan Bench) decision on 25-10-2017 and reference Govt. of Khyber Pakhtunkhwa Health Department No. SOH (Lit-II) 13-4045/2016 dated 22-1-2018 and with the reference Director General Health Services letter no. 13316-17 dated 03-12-2019, with the direction to implement the judgment of the Honourable Services Tribunal Khyber Pakhtunkhwa (D.I.Khan Bench).

In the view of the above directions the following seventeen employees have been re-instated on their designated posts as mentioned below:-

Furthermore, The salaries and Biometric Attendance of the employees already working on these posts have been stopped with the immediate effect in the best public interest.

S #	Working Employees	Designation/BPS	Re-instated Employees	Designation/BPS
1	Mr. M. Inam	Electrician (B-7)	Mr. Wajid Munir	Electrician (B-7)
2	Mr. Iqbal Saeed	Plumber (B-7)	Mr. Fazal Nadeem	Plumber (B-7)
3	Mr. Hussain Bakhsh	Carpenter (B-6)	Mr. Shaukat Khan	Carpenter (B-6)
4	Mr. Sadam Hussain	Ward Orderly (B-4)	Mr. Naimat Ullah W/O	Ward Orderly (B-4)
5	Mr. Javed Khan	Ward Orderly (B-4)	Mr. Irfan Ullah	Ward Orderly (B-4)
6	Mr. Touseef Ahmad	Ward Orderly (B-4)	Mr. Hidayat Ullah	Ward Orderly (B-4)
7	Mr. Naseeb Ullah	Ward Orderly (B-4)	Mr. Sami Ullah	Ward Orderly (B-4)
8	Mr. Ihsan Ullah	Ward Orderly (B-4)	Mr. Asmat Ullah	Ward Orderly (B-4)
9	Mr. Shabir Khan	Ward Orderly (B-4)	Mr. Mehrban	Ward Orderly (B-4)
10	Mr. Mujeeb ur Rehman	Ward Orderly (B-4)	Mr. Waris Khan	Ward Orderly (B-4)
11	Mr. Saleem Nawaz	Ward Orderly (B-4)	Mr. Muhammad Waqas	Ward Orderly (B-4)
12	Mr. Abdul Karim	Ward Orderly (B-4)	Mr. Munir Khan	Ward Orderly (B-4)
13	Mr. Muhammad Saleem	Ward Orderly (B-4)	Mr. Gulfam Hussain	Ward Orderly (B-4)
14	Mr. Zafar Ali	X-Ray Attendant (B-4)	Mr. Umar Hayat	X-Ray Attendant (B-4)
15	Mr. Sohail Khan	Sweeper (B-3)	Mr. Imran Khan	Sweeper (B-3)
16	Mr. Rameez Khan	Sweeper (B-3)	Mr. Muhammad Ali	Sweeper (B-3)
17	Mr. Shoaib Khan	Chowkidar (B-3)	Mr. Waheed Khan	Chowkidar (B-3)

MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

No. 46/12 / Dated Tank the 21/1/2020.

Copy to the:-

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner, Tank
3. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar (D.I.Khan Bench)
4. SO (Lit-II) Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
5. DAO Tank
6. Accountant DHQ Hospital Tank.
7. All officials concerned.

MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL DISTRICT TANK

No. 257 /

Dated 20/01 /2020.

To
District Account Officer,
District Tank

Subject: TO PROVIDE PROVISIONAL IDs OF THE RE-INSTATED EMPLOYEES AGAINST THE VACANT CHARGE NURSE POSTS

Memo,

Reference of this letter No.3758 dated 15-10-2019 on the subject cited above.
Your reply received with the observation that these re-instated employees cannot be adjusted against the post of charge Nurses BPS-16 for the drawl of pay.

For your kind information we have no vacant post to re-instate these employees. We can not directly terminate the working employees on these post working in the last three years, without any explanation, warning and show cause notice. Direct termination is the human right violation.

Director General Health Services, Khyber Pakhtunkhwa directed the undersigned to draw the salaries of the re-instated employees against the vacant Charge nurse post, which is the provisional IDs for these said employees, but you are constantly refusing to start the salaries.

So contempt of court comes on the side of the District Account Officer Tank in order to avoid contempt of court, so kindly once again, you are hereby requested to start salaries of these re-instated employees (Copies attached).

Furthermore, Trauma and Burn centers are going to be started by the Govt of KPK very soon due to which more than forty vacancies will be created over here and these employees will be adjusted on their own posts.

This is Court matter should be dealt in the first priority and urgently.

MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

No. 260-65 / Dated Tank the 20/01 /2020.

Copy to the:-

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner, Tank
3. Registrar Khyber, Pakhtunkhwa Services Tribunal Peshawar (D.I. Khan Bench)
4. SO (Lit-II) Govt. of Khyber Pakhtunkhwa Health Department Peshawar
5. Accountant DHQ Hospital Tank.
6. Master file

MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL DISTRICT TANK

OFFICE ORDER

With the reference Honourable Services Tribunal Khyber Pakhtunkhwa Peshawar (D.I.Khan Bench) decision on 25-10-2017 and reference Govt. of Khyber Pakhtunkhwa Health Department No. SOH (Lit-II) 13-4045/2016 dated 22-1-2018 and with the reference Director General Health Services letter no. 13316-17 dated 03-12-2019, with the direction to implement the judgment of the Honourable Services Tribunal Khyber Pakhtunkhwa (D.I.Khan Bench).

In the view of the above direction the two store keepers are adjusted as below.

1. Mr. Shaukat Ullah Store Keeper BPS-7 adjusted against the vacant post of CT Pharmacy BPS-12.
2. Mr. Illa ud Din Store Keeper BPS-7 adjusted against the vacant post of CT Surgical BPS-12.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

No. 22632 / Dated Tank the 20/1 /2020.

Copy to the: -

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner, Tank
3. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar (D.I.Khan Bench)
4. SO (Lit-II) Govt. of Khyber Pakhtunkhwa Health Department Peshawar.
5. DAO Tank
6. Accountant DHQ Hospital Tank.
7. Above to mentioned store keepers.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR, CAMP COURT
DERA ISMAIL KHAN**

Execution Petition No. 15 /2018

Wajid Munir Nasri etc
(**Petitioner**)

VS

DG Health Services etc
(**Respondents**)

INDEX

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1	Execution Petition with affidavit	--	1-4
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Dated: 10 /01/2018

Your humble petitioners,

Wajid Munir Nasri etc

Through counsel:-


Muhammad Waqar Alam

Advocate High Court

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR, CAMP COURT
DERA ISMAIL KHAN**

Execution Petition No. 15 /2018

In Service Appeal Nos. 874/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 59

Dated 11-1-2018

1. **Wajid Munir Nasri** s/o Muhammad Arshad r/o Mohallah Qasaban District Tank. (Electrician BPS-07)
2. **Shaukat Khan** s/o Haibat Khan (Carpenter PBS-5).
3. **Fazal Nadeem** son of Abdul Hameed (Plumber BPS-5)
4. **Illaud Din** son of Abdul Rehman (Store Keeper BPS-6)

..... (**PETITIONERS**)

VERSUS

1. **Director General Health Services, KPK, Peshawar.**
2. **Medical Superintendent, DHQ Hospital, Tank.**

.....

(**RESPONDENTS**)

**IMPLEMENTATION/EXECUTION PETITION
OF ORDER DATED 25/10/2017 PASSED BY
THIS HONORABLE TRIBUNAL IN SERVICE
APPEAL NUMBERS
874/2016.....**

Handwritten mark

Respectfully Sheweth;

1. That the present petitioners had filed Service Appeals for their reinstatement into service which was very graciously be accepted by this worthy court vide order dated 25/10/2017 and all the petitioners reinstated in service. Copies of service appeals and order dated 25/10/2017 are enclosed herewith.
2. That after getting attested copies of the reinstatement order dated 25/10/2017 of this Honourable Tribunal the petitioners conveyed the same to the all concerned respondents. Copies of letters in this regard are enclosed herewith.
3. That on 06/01/2018, petitioners moved an application to the respondent No.2 for redressal of their grievances under right to information ordinance but the respondent no.2 dispatched the application of the petitioners and no response yet has been received by the petitioners from the respondents side which is clearly violation, disobedience by the respondents. Hence, the execution petition is filed in the worthy tribunal. Copy of application is enclosed herewith.
4. That on 21/11/2017 the petitioners moved applications to respondent No. 2 along with other respondents for implementing the order of this Honourable Court in letter and spirit but unfortunately they have not complied the same. Copies of applications are enclosed herewith.
5. That the instant application is being preferred in the aforesaid background, as order dated 25/10/2017 of this Honourable Court has been violated by respondents and contempt of Court proceedings are sought to be initiated against the said respondents on the following grounds amongst others:-

GROUNDS

- a. That the Respondents wilfully and with malafide intentions not obeying the legal orders of this Honourable Court/Tribunal hence liable to be contempt of court proceedings.
- b. That since the aforesaid order passed by this Honourable Court has been violated, the petitioners are left with no option but to invoke the powers vested in the Honourable Court for initiating contempt proceedings or other appropriate order thereon.
- c. That respondents have been guilty of disobedience of the lawful orders passed by this Honourable Court and therefore, a penal action be initiated against respondents under the law.

In view of above submissions, it is earnestly prayed that on acceptance of this application, contempt proceedings be initiated against respondents and they be apportioned severe punishment in accordance with law and the order dated 25/10/2017, may please be implemented/executed in favour of petitioners against the respondents to the best interest of justice and equity.

Dated: 10/01/2018

Your humble petitioners,

Wajid Munir Nasri *Ula*

Shaukat Khan *Shaukat*

Fazal Nadeem *Fazal*

Illaud Din *Illaud*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR, CAMP COURT
DERA ISMAIL KHAN**

Execution Petition No. _____/2018


Wajid Munir Nasri etc
(Petitioner)

VS DG Health Services etc
(Respondents)

AFFIDAVIT

I, **Muhammad Waqar Alam** Advocate High Court, **counsel for petitioners**, do hereby solemnly affirm and declare on Oath that contents of the accompanying execution petition are true and correct as communicated to me by my client and nothing has been deliberately concealed from this Hon'ble Court.


DEPONENT 


10.1.18

5



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 874 /2016

Khyber Pakhtunkhwa Service Tribunal

Diary No. 901

Dated 29-8-2016

Wajid Munir Nasri s/o Muhammad Arshad r/o Mohallah Qasaban Tank City, Tehsil & District Tank.
Electrician

(Appellant)

VERSUS

1. Government of KPK, through secretary Health Department, KPK Peshawar.
2. Secretary to Govt: of KPK, Health Department, Peshawar.
3. Director General Health services, KPK Peshawar.
4. District Health officer (DHO), District Tank.
5. District Accounts Officer, District Tank
6. Medical Superintendent (DHQ Hospital), District Tank

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER No. 2322-26 DATED 09/05/2016 ISSUED BY RESPONDENT NO.6/M.S DHQ Hospital, TANK, WHEREBY APPELLANT WAS REMOVED/TERMINATED FROM SERVICE AND AGAINST THE OMISSION ON THE PART OF RESPONDENT NO.3 FOR INDICISION OF THE DEPARTMENTAL APPEAL WHICH IS AGAINST THE LAW AND IN VIOLATION OF SERVICES LAWS AND

File

Filed to-day

Registrar

29/8/16

ATTESTED

EXAMINER
Khyber Pakhtunkhwa Service Tribunal,
Peshawar

(6)

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

Appeal No. 878/2016

Date of Institution ... 29.08.2016

Date of Decision ... 25.10.2017



Shafiq-ur-Rahman S/O Gul Rahman Caste Kundi,
R/O Village Nandoor Pai, Tehsil & District Tank.
JCT Multipurpose

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Health Department,
Khyber Pakhtunkhwa Peshawar and 3 others. ... (Respondents)

MR. MUHAMMAD WAQAR ALAM

Advocate

MR. YOUSAF JAN

Advocate

SHAIKH IFTIKAHR-UL-HAQ

Advocate

--- For appellant.

MR. FARHAJ SIKANDAR,

District Attorney

... For respondents

MR. AHMAD HASSAN,

MR. MUHAMMAD HAMID MUGHAL

... MEMBER(Executive)
... MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.-

This judgment shall dispose of the instant service appeal as well as connected service appeal no. 860/2016 titled M. Iqbal, no. 861/2016 titled M. Nisar, no. 862/2016 titled M. Rizwan, no. 863/2016 titled Fazal Rehman, no. 874/2016 titled Wajid Munir Nasri, no. 875/2016 titled Sabir Khan, no. 876 of 2016 titled Naimat ullah, no. 877/2016 titled Sikandar Hussain, no. 879/2016 titled Shukat Khan, no. 880/16 titled Imran Khan, no. 881/2016 titled Bin Yamin, no. 882/2016 titled Naik Nawaz, no. 883/216 titled Irfanullah, no. 884/2016 titled Muhammad Ali, no. 885/2016 titled Waheed Khan, no. 886/2016 titled M. Imran, no. 887/2016 titled Hidayat Ullah, no. 888/2016 titled M. Daud, no. 889/2016 titled Ghulam Jafar Khan, no. 890/2016 titled Samiullah, no.891/2016 titled

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

7

Illaud Din, no. 892/2016 titled Waqar Ahmad, no. 893/2016 titled Asmatullah, no. 894/2016 titled Meherban, no. 895/2016 Waris Khan, no. 896/2016 titled M. Waqas, no. 897/2016 titled Farhan Haidar, no. 898/2016 titled Munir Khan, no. 899/2016 titled Gulfam Hussain, no. 900/2016 titled Umer Hayat, no. 901/2016 titled M.Ayub, no. 968/2016 titled Fazal-Ur-Rehman, no. 969/2016 titled Fazal Nadeem and no. 1060/16 titled Shaukat Ullah, as similar question of law and facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The brief facts are that the appellant was appointed as Junior Clinical Technician (Multipurpose) BPS-12 after observance of all codal formalities. Vide impugned order dated 09.05.2016 he was removed from service against which he preferred departmental appeal on 21.05.2016 but was not responded within the statutory period, hence, the instant service appeal.

ARGUMENTS

4. Learned counsel for the appellant argued that after fulfillment of codal formalities the appellant was appointed as JCT (Multipurpose) vide order dated 30.09.2012. Thereafter vide order dated 26.08.2013 he was adjusted in DHO Hospital Tank. On 28.04.2015 respondent no. 6 wrote a letter to District Accounts Officer to stop the salary of the appellant and others. The appellant and others filed Writ Petition nol. 418-D/2015 and Writ Petition no. 541-D/15 in Peshawar High Court Bench D.I.Khan for the redressal of their grievances. Divisional Bench of Peshawar High Court vide order dated 15.12.2012 disposed of the petition on the commitment of respondent no.6 M.S DHQ, Hospital Tank that salary of all employees will be released. Subsequently, on 09.01.2016 a show cause notice was issued to the appellant to which proper reply was submitted. Vide impugned order dated 09.05.2016 he was removed from service. Impugned order is against the law and rules, codal formalities were not completed before passing this order. Opportunity of personal hearing was also not provided to him and was condemned unheard. First enquiry

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

was conducted on the same allegations in 2013 and the enquiry officer declared these appointments valid. Though the merit list is maintained by the official respondents but one of the ground mentioned in the impugned order was that he failed to produce the same. After their termination these posts were again re-advertised and appointments made which clearly indicated that vacant posts were available. It is also amounts to discrimination as enshrined in Article-25 of the Constitution. Reliance was placed on case law as reported in 1996 SCMR 413, 1996 SCMR 1350, 2009 SCMR 412, 2006 SCMR 678, 2015 PLC (C.S) 1519, 2004 SCMR 468, 2004 SCMR 630, 2004 SCMR 49 and 2004 SCMR 158.

5. On the other hand learned District Attorney argued that sanctioned vacant posts were not available for appointment. Moreover, against the sanctioned strength of 117 posts of different categories DHQ, Hospital, Tank 139 officials were drawing salary. Thereafter enquiry was conducted and services of the appellant and others were terminated. Before passing the impugned order all codal formalities were observed.

CONCLUSION.

6. Careful perusal of record would reveal that the appellant was appointed after observance of all codal formalities. Moreover, it has not been disputed by the respondents or the enquiry officer that the appellant did not possess the required qualification for the post of JCT (Multipurpose). Main charge leveled in the show cause notice served on the appellant is that proper criteria contained in APT rules 1989 was not followed in its true spirit and the entire case of recruitment contained legal lacuna. It is a clear manifestation of incompetence, negligence, laxity and slackness on the part of respondents having failed to adhere to the criteria prescribed for recruitment in the said rules. However, to save their skin and shift responsibility appellant was made a escape goat. That Writ Petition no. 418-D/2015 was disposed of by the Peshawar High Court after commitment of M.S DHQ Hospital that salaries of appellant and others would be released in due-course of time. But he failed to honor the commitment and subsequently vide order dated 09.05.2016 appellant was removed from service. Attention is also invited to para-6 of the impugned order that

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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the appellant failed to produce original merit list. It is funny, flimsy and against the established norms of official business. Needles to emphases that maintenance of merit list is the responsibility of the respondents. It clearly demonstrates that the respondents had no solid grounds/justification to remove the appellant from service. Moreover, a letter dated 06.02.2012 annexed with the appeal indicates that 57 posts of various categories were created in DHQ, Hospital Tank during the financial year 2011-12. Hence, allegation of non-availability of posts could not be substantiated. Learned District Attorney when confronted on this point to produce authentic documentary evidence was unable to present the same. Even the Medical Superintendent present during the hearing could not satisfy this Tribunal when asked to provide documents indicating details of sanctioned post in DHQ, Hospital Tank. Several opportunities were afforded to them but they failed to bring these documents in support of their claim. Enquiry in 2015 was not conducted in the mode and manner prescribed in the rules. It appears to be a fact finding inquiry. Had it been conducted under E&D Rules 2011 then charge sheet and statement of allegations were required to be served on the appellant. As the appellant was not associated with the inquiry proceedings, hence, he was condemned unheard. He aptly raised similar objections and valid concerns in para-4 of the reply to the show cause notice served on him. In addition to above if inquiry was not conducted under E&D Rules 2011 and direct show cause notice was served on the appellant then specific reasons should have been recorded for dispensing with regular inquiry. However, the show cause is completely silent on this account. As such show cause notice was not served according to the procedure laid down in E&D Rules 2011. Moreover, the inquiry committee failed to probe the case properly. Neither specific discrepancies were highlighted nor tailor made recommendations firmed up. The committee failed to fix responsibility and its only achievement was to have created more confusion. The committee miserably failed to address the vital question of non-availability of sanctioned posts. It is still a mystery that if the posts were not available and the terminated employees were drawing salary over and above then sanctioned strength then why these post were re-advertised and fresh appointments were made? This Tribunal vide order sheet dated 27.12.2016 had directed that fresh appointments if made by the respondents would be subject to the decision of instant service appeal. This condition has

ATTESTED

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(B)

also been inserted in the appointment orders of newly appointed employees. Making fresh appointments against posts vacated due to termination of services of the appellant has proved beyond doubt that entire drama was staged by the respondents to accommodate their blue eyed candidates. Whenever an issue is subjudice in court of law government departments exercise extra care to avoid future complications. The respondents were not be able to justify undue haste shown in making these appointments.

7. Time and again it has been held by the superior courts in various judgments that in case illegal appointments are made then action should be taken against the authority who made these appointments instead of penalizing the employees. It is strange that no action was taken against those responsible for making these appointments against the rules. Reliance was placed on case law as reported in 1996 SCMR 413, 1996 SCMR 1350, 2009 SCMR 412, 2006 SCMR 678, 2015 PLC (C.S) 1519, 2004 SCMR 468, 2004 SCMR 630, 2004 SCMR 49 and 2004 SCMR 158.

8. As a sequel to above the appeal is accepted by setting aside the impugned order, dated 09.05.2016 and the appellant is reinstated in service. The intervening period may be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

[Signature]

(MUHAMMAD HAMID MUGHAL)
MEMBER

[Signature]

(AHMAD HASSAN)
MEMBER
CAMP COURT D.I.KHAN

ANNOUNCED
25.10.2017

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 15-11-17
Number of Words 2000
Copying Fee 12
Urgent 2
Total 14
Name of Copyist [Signature]
Date of Completion of Copy 15-11-17
Date of Delivery of Copy 15-11-17

11



A.No. — 874/2016
Wajid Munir Nassir vs Govt

Order
25.10.2017

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Khair Muhammad, MS Tank for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 878/2016 entitled "Shafiqur-Rehman-vs-Govt: of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa Peshawar and 3 others". Parties are left to bear their own cost. File be consigned to the record room.

Certified to be true copy
Announced:
25.10.2017

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

*Dr. Ahmad Hassan, Member
Chief Justice DIT Khan*

Dr. M. Ahmad Nughal, Member

Date of Presentation of Application	15-11-17
Number of Words	800
Copying Fee	6/-
Urgent	2/-
Total	8/-
Number of Copies	15-11-17
	15-11-17
Date of Delivery of Copy	15-11-17

12



A. No. 891/2016
Illumd Din vs Govt

Order

25.10.2017

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Khair Muhammad, MS Tank for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 878/2016 entitled "Shafiqur-Rehman-vs-Govt: of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa Peshawar and 3 others". Parties are left to bear their own cost. File be consigned to the record room.

Sd/- Ahmad Hassan, Member
Chief Justice D. I. Khan

Sd/- M. Hamid Mughal, Member

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Announced: 25.10.2017
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date of Presentation of Application 15-11-17
Number of Words 800
Copying Fee 6-
Urgent 2-
Total 8-
Name of Copyist [Signature]
Date of Completion of Copy 15-11-17
Date of Delivery of Copy 15-11-17

13



A.No - 879/2016
Shaukat Khan vs Govt

Order

25.10.2017

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Khair Muhammad, MS Tank for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 878/2016 entitled "Shafiqur-Rehman-vs-Govt: of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa Peshawar and 3 others". Parties are left to bear their own cost. File be consigned to the record room.

Announced:
25.10.2017

*SP/ Ahmad Hassan, Mawla
Cand court D.I Khan,*

SP/ M. Hamid Mughal, Mawla

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EX-100
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.

Date of Presentation of Application 15-11-17
Number of Words 880
Copying Fee 6-
Urgent 2-
Total 8-
Name of Copyist [Signature]
Date of Completion of Copy 15-11-17
Date of Delivery of Copy 15-11-17

14

Attested

[Signature]
10.11.18



A.No - 969/2016
Fazal Hadeem vs Govt

Order
25.10.2017

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Khair Muhammad, MS Tank for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 878/2016 entitled "Shafiq-ur-Rehman-vs-Govt: of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa Peshawar and 3 others". Parties are left to bear their own cost. File be consigned to the record room.

Announced:
25.10.2017

*SD/- Ahmad Hassan, Member
Comp Court DIKhow*

Certified to be true copy
EX-411
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

SD/- M. Hamid Mughal, Member

Date of Presentation of Application 15-11-17
Number of Words 800
Copying Fee 6
Urgent 2
Total 8
Name of Copyist [Signature]
Date of Completion of Copy 15-11-17
Date of Delivery of Copy 15-11-17

To.

The Medical Superintendent,
DHQ Hospital
District Tank.

15

Subject: ARRIVAL REPORT / IMPLEMENTATION OF ORDER OF SERVICE
TRIBUNAL DATED 25/10/2017

Respected Sir,

The applicant humbly requests from your good self to accept my arrival report against the post of "Carpenter" BPS-(5) in light of the order of reinstatement into senior by the honorable service tribunal K.P.K Peshawar dated 25/10/2017. Copy enclosed

Shaukat Khan
Your Sincerely

Dated 01/11/2017.

Shaukat Khan S/o Haibat Khan

DHQ Hospital Tank


No. 1128		Rs. 50/-		RP-51
Received a Registered Parcel	Registered Insured	Addressed	Weight	Value Rs.
Sender's Name and Address		Total		
Signature of Booking Official		Date stamp Booking Office		
Instruction see reverse.				

وکالت نامہ

16

N.W.F.P. BAR COUNCIL

MUHAMMAD WAQAR ALAM
 Advocate High Court
 N.I.C. 12101-4283535-5
 S.No. 1291



Issuing Authority

Father's Name: MUHAMMAD KHURSHID ALAM
 Address: USTRANA SOUTH NEAR GCT
 D.I KHAN
 Office Tel: 0968-719370, Cell # 0333-9950616
 Enrolment Dt. L.C. 28-05-2007
 Enrolment Dt. H.C. 03-10-2009
 Place of Practice: D.I.KHAN
 Date of Birth: 15-04-1982
 Blood Group:

1st Floor G-Block, Khyber Road Peshawar. Ph. 091-9211172
 E-mail: nwfpcouncil@hotmail.com

بعدالت جناب _____ سرور سید محمد حنیف صاحب صاحب خانہ کراچی
 منجانب _____
 دعوئی یا جرم _____
 تفصیل دعوئی یا جرم _____

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام
 محمد وقار عالم ایڈووکیٹ ہائی کورٹ

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں برپیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور بروقت پکارے جانے مقدمہ وکیل صاحب
 موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مقرر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف
 اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف مقدمہ تمام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بعد از تھیل بیروی کرنے کے
 ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف مقدمہ تمام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بعد از تھیل بیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ تمام بکھری کے علاوہ اور جگہ حالت ہونے یا بعد از تھیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر مقرر کو کوئی قصبان پچھے تو اس کے ذمہ
 دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا قائل نہ ہوں گے۔ نیز وکیل صاحب موصوف مقدمہ تمام بکھری کے اوقات سے پہلے یا پیچھے یا بعد از تھیل بیروی کرنے کے
 ذات خود حضور و قبول ہوگا۔ اور صاحب موصوف کو عرضی روکائی، یا جہاب روکائی یا درخواست اجراء کے ذریعہ نظر ثانی اپیل کرنا اور درخواست پر مدعا تصدیق کرنے کا
 بھی اختیار ہوگا۔ اور کسی حکم یا روکائی کرانے اور برہم کا رد یہ وصول کرنے اور رسید دینے اور باطل کرنے اور برہم کے بیان دینے اور اس پر باغی یا راضی نامہ فیصلہ
 صف کرنے، و اقبال روکائی کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ عدالت میں دن از بکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و حکمانی اور آمدگی
 مقدمہ یا موقوفی ذریعہ یا درخواست حکم استثنائی یا قرتی یا کرٹاری عمل از فیصلہ اجراء کے ذریعہ بھی صاحب موصوف کو بشرط امانتگی طبعہ عدالت بیروی کا اختیار ہوگا
 اور تمام ماخذ ہدایت صاحب موصوف عمل کردہ ذات خود حضور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
 کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا حکمانی یا دیگر صلاحہ مقدمہ مذکورہ کی دوسرے وکیل یا دیگر شخص کو اپنے بجائے یا اپنے مقرر کرے۔ اور اپنے شیرکانوں کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جاچہ التوا ہو چکا، وہ صاحب
 موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیصلہ تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کرے اور اسکی
 صحت میں ہر کوئی مطالبہ کسی حکم صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا نکات نامہ لکھ دیا ہے تاکہ سند ہے

201

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور حضور چاہا

العبد _____

محمد وقار عالم ایڈووکیٹ ہائی کورٹ

محمد حنیف خان
 محمد حنیف خان
 محمد حنیف خان

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 168 /ST

Dated 28 / 01 / 2019

To


The Medical Superintendent District Headquarter Hospital,
Government of Khyber Pakhtunkhwa,
Tank.

SUBJECT: -

ORDER IN EXECUTION PETITION NO. 15/2018, MR. WAJID MUNIR NASRI.

I am directed to forward herewith a certified copy of order dated 21.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE SYED MANSOOR ALI SHAH

CIVIL PETITIONS NO. 212-P TO 246-P OF 2018
*(on appeal against the judgment dated 25.10.2017 of the
KPK Service Tribunal Peshawar passed in Service Appeals
No: 878, 860-863, 874-877, 879, 880-901, 968, 969 and
1060/2016)*


Government of KPK, through Secretary Health
Department, Peshawar and others

...Petitioner(s)

VERSUS

Shafiq-ur-Rehman	(in CP 212-P/18)
Muhammad Iqbal	(in CP 213-P/18)
Muhammad Nisar	(in CP 214-P/18)
Muhammad Rizwan	(in CP 215-P/18)
Fazal Rehman	(in CP 216-P/18)
Wajid Muneer Nasri	(in CP 217-P/18)
Sabir Khan	(in CP 218-P/18)
Niamat Ullah	(in CP 219-P/18)
Sikandar Hussain	(in CP 220-P/18)
Shaukat Khan	(in CP 221-P/18)
Imran Khan	(in CP 222-P/18)
Bin Yamin	(in CP 223-P/18)
Naik Nawaz	(in CP 224-P/18)
Irfan Ullah	(in CP 225-P/18)
Muhammad Ali	(in CP 226-P/18)
Wahid Khan	(in CP 227-P/18)
Muhammad Imran	(in CP 228-P/18)
Hidayatullah	(in CP 229-P/18)
Muhammad Daud	(in CP 230-P/18)
Ghulam Jafer	(in CP 231-P/18)
Sami Ullah	(in CP 232-P/18)
Ilauddin	(in CP 233-P/18)
Waqar Ahmad	(in CP 234-P/18)
Asmatullah	(in CP 235-P/18)
Meharban	(in CP 236-P/18)
Waris Khan	(in CP 237-P/18)
Muhammad Waqas	(in CP 238-P/18)
Farhan Haidar	(in CP 239-P/18)
Munir Khan	(in CP 240-P/18)
Gulfam Hussain	(in CP 241-P/18)
Umar Hayat	(in CP 242-P/18)
Muhammad Ayub	(in CP 243-P/18)
Fazal-ur-Rehman	(in CP 244-P/18)
Fazal Nadeem	(in CP 245-P/18)
Shaukat Ullah	(in CP 246-P/18)

ATTESTED


Assistant Registrar
Supreme Court of Pakistan
Peshawar

For the Petitioner(s): Mian Arshad Jan, Addl. AG, KPK.
Mian Saadullah Jandoli, AOR.
Mr. Bakhtiar Ali SO

For the Respondent(s): Mr. Saleemullah Khan Ranazai, ASC

Date of Hearing: 20.04.2018

ORDER

MIAN SAQIB NISAR, CJ.— All these petitions are 64 days time barred. In the applications for condonation of delay, no sufficient cause has been propounded. The same are accordingly dismissed with the result that the main petitions are also dismissed as barred by time.

Sd/- Mian Saqib Nisar, HCJ
Sd/- Umar Ata Bandial, J
Sd/- Syed Mansoor Ali Shah, J



PESHAWAR
20th April, 2018.
Not approved for reporting
Mutassar/

[Handwritten signature]
28/4/18

Certified to be true copy

[Handwritten signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar



MOST IMMEDIATE
COURT MATTER

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
NO. SOH (Lit-II)13-4045/2018
Dated Pesh: the, 04/05/2018

To

1. The Director General, Health Services,
Khyber Pakhtunkhwa, Peshawar.
2. The Medical Superintendent,
DHQ Hospital, Tank.

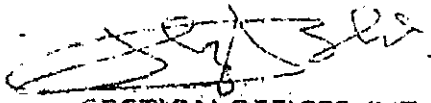
Subject: CIVIL PETITION, NO. 212-P TO 240-P OF 2018 - GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH - VERSUS SHAHIQ UR-REHMAN & 34 OTHERS.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of order dated 20.04.2018 of the Honorable Supreme Court of Pakistan in the above captioned matter with the request to implement final order of Supreme Court of Pakistan and implementation/compliance report may be submitted back to this Department immediately.

Being Court matter, hence may please be treated as Most Urgent.

Yours faithfully,
As Above


SECTION OFFICER (LIT-II)

Index: Ever. No. 2 date

Copy forwarded to: Information to

Secretary Health Govt of Khyber Pakhtunkhwa.

And the Additional Secretary (Development Department)

Secretary Health Department

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR BENCH, DERA ISMAIL KHAN

Execution Petition

Wajid Muneer Nasri and Others

Versus

MS Tank and Others

OBJECTION PETITION IN RESPECT OF APPOINTMENT
ORDERS OF THE DEGREE HOLDER.

The applicants humbly submit as under;

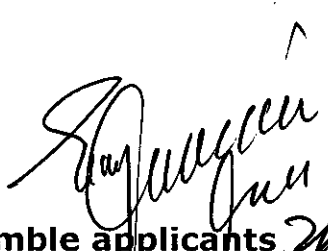
1. That the applicants was appointed in the year 2012 by the competent authority against the clear vacant post but unfortunately the applicants were terminated by the Ex-MS Muhammad Khan Afridi on flimsy grounds hence, the appellants being dissatisfied from the dismissal orders filed service appeal in this Honourable Tribunal which was very grievously be allowed by this Tribunal vide order dated: 25/10/2017.
2. That the department filed CPLA in the Supreme Court of Pakistan by challenging the order dated: 25/10/2107 which was also dismissed by the Supreme Court of Pakistan vide order dated: 20/04/2108 which is already placed on file.
3. That the applicants were reinstated into service by the competent authority but the applicants are dissatisfied from the reinstatement order on the following scores.
 - i. That the reinstatement order in respect of applicants is totally wrong and against the spirit of judgment dated: 25/10/2017 which is liable to be corrected according to the judgment of this Honourable Tribunal.
 - ii. That the applicants were reinstated/adjusted against the vacant posts of the Charge Nurse for the purpose of pay rather their reinstatement is required against their parent posts hence, the reinstatement order is liable to be corrected to the extent of parent posts reinstatement.



- iii. That the applicants posts are readvertised despite of the fact that the applicants got stay order from this Honourable Tribunal on 29/08/2016 which was passed by the Chairman of Service Tribunal and according with communicated to the respondents hence, during the period of stay appointment against the post of the applicants is totally illegal hence, the right of the applicants regarding reinstatement against other posts is required legal justification from the appointing authority. Copy of the advertisement dated: 17/04/2019 is enclosed.
- iv. That the applicants back benefits issue is still outstanding against the department which is also required to be resolved by this Honourable Tribunal in the interest of justice because in the case of Muhammad Ayub and Others the amount of arrears of Rs. 130,724/- is granted and the applicants are still deprived from back benefits. Copy of pay slip is enclosed.

It is therefore humbly requested that by accepting the instant application the official respondents may please be directed to reinstate the applicants against their parent post and the back benefits and seniority issue may also be resolved according to the judgment of this Honourable Tribunal which was upheld by the august Supreme Court of the Pakistan.

Dated: 23/09/2019.


Your humble applicants 26/11/19
Wajid Muneer Nasri & others



OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEAD QUARTER HOSPITAL
TANK.



Phone: 0963 512534

Fax: 0963-512534

Dated 7/05/2019

No. 1219 /Court

To

The Director General Health Services,
Khyber Pakhtunkhwa.

Subject: -

**APPROVAL FOR TERMINATION OF NEWLY APPOINTED EMPLOYEES OF
DHQ HOSPITAL TANK / RE-INSTAEMENT OF APPELLANT .**

R/Sir,

Reference honorable Khyber Pakhtunkhwa Service Tribunal Peshawar camp court Dera Ismail Khan.

It is submitted for your kind information that the honorable court has been ordered on 22.04.2019 to implement the said court order dated 25/10/2017 regarding re-Instaement of appellant before 25/06/2019.

It is requested that necessary approval may please be accorded.

Enclosure :- 15

Medical Superintendent,
DHQ Hospital Tank.

No. 1220-21

Copy is forwarded to the:

1. Registrar honourable Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Master File.

Medical Superintendent,
DHQ Hospital Tank.



**OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEAD QUARTER HOSPITAL**

TANK.



Phone: 0963 512534

Fax: 0963-512534

Dated 24/05/2019

No. 1498 /Court

Reminder.

To

The Director General Health Services,
Khyber Pakhtunkhwa.

Subject: - **APPROVAL FOR TERMINATION OF NEWLY APPOINTED EMPLOYEES OF
DHQ HOSPITAL TANK / RE-INSTATEMENT OF APPELLANT .**

R/Sir,

Reference this office letter No. 1219/Court dated 07/05/2019.

It is submitted for your kind information that the honorable court has been ordered on 22.04.2019 to implement the said court order dated 25/10/2017 regarding re-Instatement of appellant before 25/06/2019.

Once again it is therefore requested that necessary approval may please be accorded please.

Medical Superintendent,
DHQ Hospital Tank.

No. 1499-1500

Copy is forwarded to the:

1. Registrar honourable Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Master File.

Medical Superintendent,
DHQ Hospital Tank.