

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 8830/2020

Date of Institution ... 09.07.2020

Date of Decision ... 28.01.2022

Farmanullah S/o Ghulam Ullah, PHC Technician (DHO Office Shakar Dara Kohat).  
... (Appellant)

**VERSUS**

The Secretary Health Government of Khyber Pakhtunkhwa Peshawar and others.  
... (Respondents)

Syed Mudasir Pirzada,  
Advocate

... For Appellant

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents

**AHMAD SULTAN TAREEN** ...  
**ATIQU-UR-REHMAN WAZIR** ...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case are

that the appellant was appointed as Technician (BPS-09) vide order dated 30-06-2015. Salary of the appellant was stopped vide order dated 05-03-2020 on the charges of non-verification of his EPI certificate. The appellant filed departmental appeal, which was not responded within the statutory period, hence the instant service appeal with prayers that all the impugned orders including the order dated 05-03-2020 may be set aside and the appellant may be released his salary with all back benefits and the appellant may not be harassed on such charges in future.

02. Learned counsel for the appellant has contended that the illegal act of respondent No. 5 is against law, facts and norms of natural justice, therefore not

tenable and liable to be set aside; that there is no proper reason defined by respondent No. 6 as to how record of the appellant is not traceable inspite of the fact that the appellant had completed the required course as well as obtained valid certificate to this effect; that the impugned order transpires that the respondents No. 4 and 6 directly without inquiring into the actual crux of the matter, without issuing any show cause notice and without personal hearing has issued the impugned order, which is illegal and against the existing service rules; that biasness of the respondents is evident from the fact that departmental appeal of the appellant was not entertained, which is also violation of judgment 2009 PLC (CS) 77.

03. Learned Additional Advocate General for the respondents has contended that pre-requisite for appointment against the post of technician was one year diploma from medical faculty; that the EPI Certificate possessed by the appellant was sent to medical faculty for verification but the faculty did not verify his certificate; that salary of the appellant has been stopped in accordance with law, as diploma of the appellant was not verified by the concerned medical faculty; that inquiry to this effect is still in progress and the appellant may join proceedings of the inquiry and defend his cause.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that upon recommendation of Departmental Selection Committee, the appellant was appointed as EPI Technician vides order dated 30-06-2015. The appellant served for almost five years against the post, when in 2020, the respondents realized that diploma in respect of the appellant was not verified by the medical faculty, hence his salary was stopped vide order dated 05-03-2020 and departmental proceedings initiated against him. Record would suggest that the appellant has obtained EPI Course for one year from health department and certificate to this effect has been issued to him by the office of

DG Health Services on 22-03-2006, which is placed on record, whereas the respondents had sent it for verification to medical faculty, which however, was required to be traced in health department. Respondents were repeatedly asked to check their own record, but they failed to do so under the pretext that it would become difficult to search a document issued in 2006 in old files due to bulkiness of record; hence, the respondents were unable to properly assist this Tribunal to this effect. We have observed that since the appellant was equipped with prescribed qualification, hence he was appointed upon recommendation of departmental selection committee and after fulfilling all the codal formalities. Antecedents of the appellant had gone through the process of verification and everything was clear during his initial appointment, which is evident from record of the respondents, which is un-disputed and not fake. The appellant has served against the post for quite longer and has developed vested right over the post, but his salary was stopped illegally without observing the legal formalities under the pretext that his record was not traceable. It however was the statutory duty of the appointing authority to check and re-check the appointment procedure, which however was done in case of the appellant well before time, but later in time, the respondents denied its own acts and to this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1350 has held that authority having itself appointed civil servant could not be allowed to take benefit of its lapses in order to terminate service of civil servant merely because it had itself committed an irregularity in violating procedure governing appointment. Appointment of the appellant was made by competent authority by following the prescribed procedure, petitioner was having no nexus with the mode of selection process and they could not be blamed or punished for the laxities on part of the respondents. The order affecting the rights of a person had to be made in accordance with the principle of natural justice; order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind

an order if the same had taken legal effect and created certain legal rights in favor of the appellant. Reliance is place on 2017 PLC (CS) 585. Appointing authority had been acting mechanically without application of mind; therefore, the civil servant could not be made to suffer for whimsical and mechanical acts of the authorities.

06. We are of the considered opinion that the appellant has not been treated in accordance with law and his salary was illegally stopped vide impugned order dated 05-03-2020, which however is not allowable under the law. In a situation, the instant appeal is accepted as prayed for. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED  
28.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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

ORDER

28.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we are of the considered opinion that the appellant has not been treated in accordance with law and his salary was illegally stopped vide impugned order dated 05-03-2020, which however is not allowable under the law. In a situation, the instant appeal is accepted as prayed for. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED

28.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN

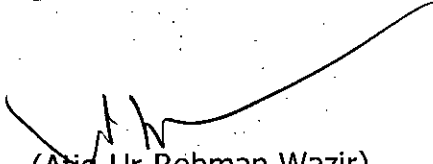


(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

25.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Dr. Omer Deputy Director and Jaffar Ali, Assistant for the respondents present.

Partial arguments heard. Representative of respondent namely Dr. Omer Deputy Director requested for time to produce relevant record. Last opportunity is granted. To come up for remaining arguments before the D.B on 27.01.2022

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

  
Chairman

27.01.2022

Syed Mudassir Pirzada, Advocate for the appellant present. Mr. Muhammad Adeel Butt, learned Addl. AG alongwith Dr. Omer Deputy Director for respondents present.

Arguments heard. To come up for order before the D.B on 28.01.2022.

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

  
Chairman

15.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Ibrahim Khan, Jaffar Ali, Assistants for the respondents present.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 06.12.2021.

  
Chairman

06.12.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought time to furnish rejoinder to the written reply of the respondents. Adjourned. Case to come up for rejoinder and arguments on 08.02.2022 before the D.B.


  
(Salah-ud-Din)  
Member (J)

  
Chairman

20.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Hameed Ullah, Statistical Officer for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 25.01.2022.

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

  
Chairman

23.12.2020

Junior counsel for appellant present.

An application for grant of permission to deposit security and process fee was submitted which is allowed to deposit the same within 3 days positively, where-after notices be issued to respondents for submission of reply/comments, for 08.02.2021 before S.B.

Appellant Deposited  
Security Process Fee  
23/12/20

(Rozina Rehman)  
Member (J)

08.02.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Reply on behalf of respondents was not submitted. Learned A.A.G made a request for time to furnish written reply/comments on behalf of respondents; granted. To come up for written reply/comments on 07.04.2021 before S.B.

(Rozina Rehman)  
Member (J)

07.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 15.07.2021 for the same as before.

READER



25.09.2020

Syed Mudassir Prizada, Advocate, for appellant is present. Preliminary arguments heard. The issue involved in the instant appeal required further elaboration and assistance of learned counsel for appellant as well as learned counsel representing respondents, therefore, it is deemed appropriate to issue pre-admission notice to the respondents who are to file their respective reply. File to come up for reply and arguments on 19.11.2020 before S.B. The expenses of notices shall be borne by the appellant.

(Muhammad Jamal Khan)  
Member (Judicial)

19.11.2020

Counsel for appellant and Addl; AG for respondents present.

Despite notices no one is present in the capacity of representative of respondents. Resultantly, the requisite reply could also not be submitted.

The matter pertains to monthly salaries of appellant and due to disinterest by the respondents, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 01.02.2021 before S.B.



  
Chairman

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 8830/2020 \_\_\_\_\_


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/08/2020	<p>The appeal of Mr. Farmanullah resubmitted today by Syed Mudassir Pirzada Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/09/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Farmanullah son of Ghulam Ullah PHC Technician DHO Office Shakar Dara Kohat received today i.e. on 09.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

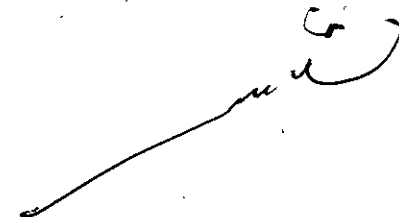
- ✓ 1- Memorandum of appeal may be signed by the appellant.
- ✓ 2- Affidavit may be got attested by the Oath Commissioner.
- ✓ 3- Annexures of the appeal may be flagged.
- ✓ 4- In the memo of appeal places have been left blank which may be filled up.
- ✓ 5- Eight more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal

No. 1639 /S.T,

Dt. 10-07 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Mudassir Pirzada Adv. Kohat.

*Re-Submitted after compliance.*  


BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal 8830 / 2020.

Farmanullah S/o Ghulam ullah ,PHC Technician (DHO Office ShakarDara Kohat)

(Appellant)

Versus

- 1:- The Secretary Health Govt of Khyber PakhtunKhaw Peshawar.
- 2:-Director General Health Service KPK Peshawar.
- 3:-Deputy Director EPI FATA Secretariat Peshawar
- 4:-DHO Kohat.
- 5:-Deputy Director Expanded Program on Immunization NWFP Now (KPK ) Peshawar.
- 6:-Director Anti Corruption Peshawar

(Respondents)

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Dated: \_\_\_\_\_ / 2020

*Farmanullah*  
Appellant

Through

*Syed Mudasir Pirzada*  
Advocate  
Cell 0345-9645854

①

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal 8830 / 2020.

Farmanullah S/o Ghulam ullah ,PHC Technician (DHO Office ShakarDara Kohat)

(Appellant)

Versus

1:- The Secretary Health Govt of Khyber Pakhtunkhaw Peshawar.

2:-Director General Health Service KPK Peshawar.

3:-Deputy Director EPI FATA Secretariat Peshawar

4:-DHO Kohat.

5:-Deputy Director Expanded Program on Immunization NWFP Now (KPK ) Peshawar.

✓6:-Director Anti Corruption Peshawar

Khyber Pakhtunkhwa  
Service Tribunal

Diary No 6543

Dated 9/7/2020

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 5/3/2020 IN WHICH THE SALARY OF THE APPELLANT IS STOPPED WITHOUT ANY LAWFUL JUSTIFICATION AND THE APPELLANT PREFER DEPARTMENTAL REPRESENTATION WHICH WAS NOT CONSIDER NOR ENTERTAIN TILL TO DATE

FACTS

1:- That the Appellant was appointed as PHC Technician (MP)EPI Technician ( BPS-09) as recommended by the Departmental Selection committee on dated 30.06.2015 vide order No 2672-74/P-3 and the Appellant duly submit his arrival report and after submission of the arrival report the respondent No: 4 deputed the Appellant services at BHU Gabari District Kohat vide order No: 3147-53 dated 14.09.2015 (Copy of the office order is annexed as Annexure A)

2:- That as per impugned office order No: 7846-50 dated 05.03.2020 issued by respondent No: 4 regarding the stoppage of the salary of the Appellant on the charges of verification of EPI certificate on the basis that the certificate of the Appellant having no record (Copy of the impugned office order and verification letter of respondent No: 4 is annexed as Annexure B)

3:-That the Appellant prior to induction in the respondent Department obtained a training completion certificate from respondent No: 5 which was duly signed by the committee which shows that the Appellant had properly and legally appear in the training and got completion certificate and after receiving the training completion certificate the respondent No: 5 issued the certificate of EPI training certificate (Copy of certificates is annexed as **Annexure C**)

4:-That the Appellant from the date of his appointment with zeal performing his duty till date and having good service record and there is nothing against the Appellant which shows any indulgences in any subversive activities which are against to the norms of the rules and regulations nor did any unfair practices but while issuing the

Filed to-day

Registrar

9/7/20

Re-submitted to-day and filed.  
Registrar S/o 9/8/2020

impugned order the respondent No: 4 by ignoring this fact directly stopped the salary of the Appellant of the above score charges which are false and slanderous.

5:- That the Appellant is a bonafide employee and still serving in the Department and the Appellant him self does not know as to whether a document/ certificate which is duly issued by the authority become without record.

6:- That the respondent department verified the Appellant's all credential at the time of appointment and then after the respondent department released the Appellant salaries accordingly and the Appellant is still unable to understand that what element promoted the mind of the respondent No: 4 on the charges that the Appellant certificate of training which were issued by respondent No: 5 having no record.

7:- That the Appellant in the light of the above circumstance regarding the impugned order feeling aggrieved preferred departmental representation which was not entertained nor consider till to date (Copy of the representation is annexed as Annexure D).

8:- That the Appellant is ready to furnish every type of sureties in shape of affidavit or any bonds which are man of means for the satisfaction of the respondents for the final redressal of the grievance and ready to present him self before any forum or any stage of the service that if the allegations are proved the Appellant shall be held responsible with cost for any liability.

That the Appellant feeling aggrieved from the illegal act of the respondent No: 4 and having no alternate remedy except this hon'able court for speedy disposal/ redressal for the infringement of the rights through present constitutional petition on the following amongst other grounds

GROUND:-

- a. That the illegal act of the respondent No: 5 is against to the cannon of law as well as against to the natural justice.
- b. That there is no proper legal cogent reason defined by respondent No: 6 that how the record of the Appellant is not found when the Appellant having already completion certificate in hand and the respondent No: 6 also not enquired this fact that if the record of the Appellant is not found so who is on the record of the Appellant and how the Appellants roll No & serial No is issued to any other person which shows clear biasness on the part of the respondent No: 6 as well.
- c. That the impugned order transpired that the respondent No: 4 & 6 directly without enquiring the actual crux of the matter and without issuing any show cause notice, statement of allegation and charge sheet etc and without any personal hearing as well as without providing the opportunity of defense directly issued impugned order which is illegal and against to the existing service rules and against to the constitutional of Pakistan regarding fair inquiry.

3

d. That again the biasness of the respondents above clearly proved by not entreating the departmental representation of the Appellant which is also the violation of the judgment 2009 PLC (CS) 77.

e. That it is clearly mentioned in 2003 PLC (CS) 1468 that any instructions issued in violation of rules would be illegal and void.

f. That some other grounds will be agitated at the time of arguments with the prior permission of this Hon'able August court.

INTERM RELIEF

It is humbly prayed that during the pendency of instant service appeal all the illegal operations/orders against the Appellant intending criminal actions may graciously be suspended till the final disposal of the instant service appeal and release the pending salaries till the submission of comments from all respondents above.

PRAYER

In the light of above mentioned circumstance it is humbly prayed on acceptance of instant service appeal the Hon'able court may direct to respondent above to set-aside all the illegal or impugned order and the Appellant salaries may graciously be released and the Appellant may not harassed in future on the following charges mentioned above and in future as well as blessed with any other suitable remedy as deem proper in the larger interest of the justice

Through

Appellant

Syed Mudasir Pirzada

Advocate HC

Cell 0345-9645854

Certificate:-

Certified that as per instruction received from my client this is the first service appeal on the subject matter ever moved before this Honorable Court.

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client.

List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Case Law according to need.

(4)

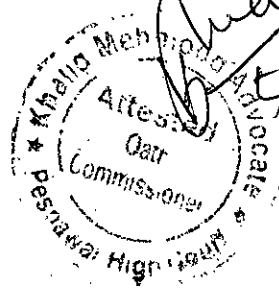
BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal \_\_\_\_\_ 2020

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate  
, as per instruction of my client do  
here by solemnly affirm and  
declare that all the contents of  
accompanying service appeal are  
true and correct to the best of my  
knowledge and belief and nothing  
has been concealed from this  
Honorable Tribunal.

*Syed Mudasir Pirzada*  
5-8-20



*Syed Mudasir Pirzada*  
Advocate



5

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal \_\_\_\_\_ / 2020.

Farmanullah S/o Ghulam ullah ,PHC Technician (DHO Office ShakarDara Kohat)

(Appellant)

Versus

- 1:- The Secretary Health Govt of Khyber PakhtunKhaw Peshawar.
- 2:-Director General Health Service KPK Peshawar.
- 3:-Deputy Director EPI FATA Secretariat Peshawar
- 4:-DHO Kohat.
- 5:-Deputy Director Expanded Program on Immunization NWFP Now (KPK ) Peshawar.
- 6:-Director Anti Corruption Peshawar

(Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT**

Farmanullah S/o Ghulam ullah ,PHC Technician (DHO Office ShakarDara Kohat)

**RESPONDENTS:-**

- 1:- The Secretary Health Govt of Khyber PakhtunKhaw Peshawar.
- 2:-Director General Health Service KPK Peshawar.
- 3:-Deputy Director EPI FATA Secretariat Peshawar
- 4:-DHO Kohat.
- 5:-Deputy Director Expanded Program on Immunization NWFP Now (KPK ) Peshawar.
- 6:-Director Anti Corruption Peshawar

  
Appellant

Through

Syed Mudasir Pirzada  
Advocate HC  
Cell 0345-9645854



OFFICE ORDER.

(6)

Annexure "A"

P.No:

OFFICE OF THE  
DISTRICT HEALTH OFFICER  
KOHAT

As recommended by the Departmental Selection Committee interview held on 20-02-2014, and approved by the Secretary to Govt of KP Health Department letter no. SOH-3/8-89/2015 (Paramedics/DHO Kohat) dated 20/5/2015 and Director General Health Services KP Peshawar Letter No. 8153/AE-VI dated 16/6/2015, Mr. Farman Ullah S/o Ghulam Ullah Mohallah Rafiq Shinwari OTS Road Kohat is hereby appointed as Jr.PHC Technician (MP)/EPI Technician (BPS-09) plus usual allowances sanctioned by the Government.

Terms and conditions of his appointment will be as under:-

1. He is domiciled of Kohat District / KPK.
2. Declared medical fit for Govt. service.
3. He will be governed by such rules/ orders and regulations as may be issued by Govt. for category of Govt. service to which he belongs to.
4. His appointment is purely on temporary basis and can be terminated at any time without any notice, but in case he wish to resign from the post he will serve the Health Department with 30 days notice or deposit/ forfeited 30 days pay in lieu of 30 days notice period.
5. He will serve anywhere in Kohat District / KPK.
6. He will be on probation period for one year extendable.
7. No TA / DA will be paid to assume his duty on his first appointment.

If he accepts this offer, he is directed to report for duty to the undersigned within 14 days from the receipt of this order, failing which this order will be treated as cancelled.

SD/-  
District Health Officer  
Kohat

No 2672-74 /P-3, dated kohat the 30 /06/2015.

Copy forwarded to:-

1. The District Accounts Officer, Kohat.
2. Account Section, DHO Office, Kohat.
3. Mr. Farman Ullah S/o Ghulam Ullah Mohallah Rafiq Shinwari OTS Road Kohat

*[Handwritten signature]*

District Health Officer  
Kohat.

District Health Officer Office, KDA Complex Block-1, Gate No.2, Ph. & Fax No. (0922) 9260364  
Email: dr.habibkhattak@gmail.com

**ATTESTED**

**ATTESTED**

(7)

Arrival Report

الحوالہ آرڈر نمبر 3147-53 لاہور از ڈسٹرکٹ ہیڈ کوارٹرز

صوبہ گویا کے مورخہ 14/9/2015ء کی ایچ۔سی ڈسٹریکشن (ای سی ڈی)

ڈسٹریکشن فرمان اللہ نے آج مورخہ 19/9/2015ء قبل روز درپور

اپنے عہدے کا چارج سنبھال لیا۔

چارج ریپورٹ ریپورٹ دفتر ہذہ کو ارسال فرمات ہے۔

شعبہ

شعبہ اللہ انچارج صدر اعلیٰ ڈسٹریکشن

B.H.U گبیرا کراچی

کامی مہرائے اطلاع ڈسٹرکٹ ہیڈ کوارٹرز

ATTESTED

ATTESTED



8

OFFICE OF THE  
DISTRICT HEALTH OFFICER  
KOHAT

OFFICE ORDER

On submission of arrival report the following Jr. PHC Technician (MP) / EPI Technicians are hereby directed to report to the Health Facilities noted against their names.

S.No	Name of Jr. PHC Technician/EPI	Name Of Health Facility
1.	Mr. Adnan Khan Bangash	Civil Hospital Shakardarra
2.	Mr. Mohammad Noor	BHU Summari
3.	Mr. Iqbal Khan, BIJU Mohammad Zai	CD Chikerkot
4.	Mr. Adil Mehmood	BHU Mohammad Zai
5.	Mr. Mohammad Rafiq	BHU Dholi Banda (03 days in BIJU Shawaki)
6.	Mst. Faiza Hameed	RHC Gumbhat
7.	Mr. Zaheer Abbas, CD Mir Ahmad Khel	BHU Kachai
8.	Mr. Farmanullah	BIJU Gabari

Note: Mr. Mubasir EPI Technician UC Bahaderkot is directed to perform 03 days outreach duty at UC Khushal Garh and 03 days at UC Bahaderkot.

--sd--  
DISTRICT HEALTH OFFICER  
KOHAT

No. 3147-53 /P.3 dated Kohat the 14 /09/2015.

Copy forwarded to:

1. DSM PPHI Kohat.
2. SMO I/C CH Shakardarra.
3. MO Incharge BHU Mohammad Zai/Summari/Dholi Banda/ Kachai/ Gabari/Shawaki.
4. PMO I/C RHC Gumbhat.
5. I/C CD Chikerkot.
6. Accountant DHO Office Kohat.
7. Persons Concerned.

**ATTESTED**

*[Signature]*  
DISTRICT HEALTH OFFICER  
KOHAT

*[Signature]*  
**ATTESTED**



(9)

Annexure "B"

Page No. \_\_\_\_\_

Impugned  
order

OFFICE OF THE  
DISTRICT HEALTH OFFICER  
KOHAT

Phone & Fax No. (0922) 514100

Email add: dhokohat@gmail.com

**OFFICE ORDER**


The salary of Mr. Farman Ullah, PHC Technician (Multi Purpose) / EPI BPS-12 is hereby stopped with immediate effect, in light of the letter vide No. 95/EPI dated 20/01/2020 of Director EPI, Khyber Pakhtunkhwa, Peshawar & Circle Officer, Anti Corruption Establishment Kohat letter No. 44-ACE-KT, dated 28/01/2020, till the completion of the investigation.

Sd/-  
District Health Officer  
KOHAT

No 7846-50 /P.3, dated Kohat the 05 /03/2020.

Copy forwarded to:-

1. The Director EPI, Khyber Pakhtunkhwa, Peshawar.
2. The Circle Officer, Anti Corruption, Establishment, Kohat.
3. The District Accounts Officer, Kohat.
4. Account Section, DHO Office Kohat for n/action.
5. Mr. Farman Ullah, PHC Tech. (M.P) / EPI.

  
District Health Officer  
on KOHAT  
05-3-2020

~~ATTESTED~~

~~ATTESTED~~



10

**OFFICE OF THE  
DISTRICT HEALTH OFFICER  
KOHAT**

No 7053 /P.3,  
dated 28 /01/2020

Phone & Fax No. (0922) 514100  
Email add: dhokohat@gmail.com

To,

Mr. Fannanullah, EPI Tech.  
BHU Gabari, Kohat.

Subject: VERIFICATION OF EPI CERTIFICATE.

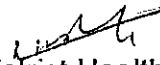
MEMO:

With reference to the Director, EPI Khyber Pakhtunkhwa Peshawar No. 95/EPI, dated 20/01/2020, on the subject noted above.

Your EPI Certificate bearing No. 2050, dated 22/03/2006, Roll No. 112, was sent for verification by the Anti Corruption Department Kohat. In response to the Anti Corruption Department Kohat letter No. referred to above, the Director EPI, KPK, Peshawar recorded the following remarks in your certificate.

"Not found in our record"

You are therefore directed to submit your training certificate duly signed by the Incharge of EPI Centre, the then Coordinator EPI & countersigned by the then EDO (Health) Kohat, alongwith other documents so as to proceed further into the matter.

  
District Health Officer  
KOHAT

No 7056-57 /P.3, Dated Kohat the 28 /01/2020.

Copy forwarded to:-

1. The Director EPI, Khyber Pakhtunkhwa, Peshawar w/r to his No. referred to above.
2. The ACE, Kohat.

**ATTESTED**

  
District Health Officer  
KOHAT

**ATTESTED**



No. 95 / EPI

Dated 30-01-2020

To

Circular Officer  
Anti-Corruption Establishment  
District Kohat.

Subject: VERIFICATION OF EPI CERTIFICATE

Reference your application No. ACE Kohat IYO 30 dated 14-01-2020 received from you good office on the subject quoted above, the fact is given below for your information.

S.No	Name/ Father's Name	No.	Session	Remarks
1	Mr. Adnan Khan Bangash S/O Abdul Qayyum	705/EPI dated 12-03-2008 Roll No. 111	Jan 2007 to Jan 2008	Verified and found correct
2	Mr. Farman Ullah S/o Ghulam Ullah	2050 dated 22-03-2006 Roll No. 112	01.01.2005 to 31.12.2005	Not found in our record

CC:  
District Health Officer Kohat.

*[Signature]*  
Director EPI  
Khyber Pakhtunkhwa

*Estab. / coord EPI  
to discuss!*

*23/1/2020*

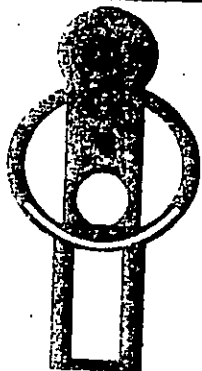
**ATTESTED**

**ATTESTED**

**EXPANDED PROGRAMME ON IMMUNIZATION  
NWFP, PESHAWAR.**

No. 2050

Date: 22.3.2006



**DEPARTMENT OF HEALTH  
Government of NWFP (Pakistan)**

R.No.112

*Annexure*

**EPI TRAINING CERTIFICATE**

**ATTESTED**

*P-C*

**ATTESTED**

This is to Certify that Mr./ Mrs. FARMAN ULLAH S/o, D/o, W/o GHULAM ULLAH  
resident of Moh. Shinwari, OTS Road, Jangle Khel, Kohat

P.O. Jangle Khel Tehsil Kohat District Kohat

Has successfully completed EPI Training, From 01.01.2005 to 31.12.2005  
at EPI Centre LMH Kohat.

at his own cost and risk.

Prepared by:

*[Signature]*

*[Signature]*  
DATE

**DEPUTY DIRECTOR  
EXPANDED PROGRAMME ON IMMUNIZATION  
NWFP, PESHAWAR.**



# EXPENDED PROGRAM ON IMMUNIZATION

## TRAINING COMPLETION CERTIFICATE

It is certified that Mr /Miss Ferwana Akht / O, D/O, W/O Ghulamullah  
has successfully completed his/here E.P.I Training Course w.e.f 1-1-2005 to 31-12-2005 at E.P.I center LMH Kohat with five hundred children and women fully vaccinated.

*SW*  
**ATTESTED**

Coordinator EPI

*[Signature]*

EPI EDO Kohat.



Name incharge

*[Signature]*

Sign

*[Signature]*

E.P.I Center

L.M.H Kohat

**EPI CENTRE  
LMH KOHAT**

**ATTESTED**

EDO(H) Kohat.

*[Signature]*  
Executive Officer  
Health Kohat

*[Signature]*

(13)

خدمت جناب ڈائریکٹر صحت کی حیثیت سے KPC کے نام سے

طابع الا (14)

Annexure I

P-

عنوان:

ادخل بر خلاف آفیس آرڈر نمبر 50-7846 مورخ 5/3/2020

1 یہ کہ میں نے اپنے پروفیشنل فکس کی مدت میں بطور PHC - پبلسیشن  
تعمیرات ہے۔

2 یہ کہ میں نے باقاعدہ طور پر سال 2008 میں ٹریننگ کی ہے  
اور ٹریننگ کا سرٹیفکیٹ باقاعدہ فکس نے جاری کیا ہے اور اس کا  
سرٹیفکیٹ میں تبدیل ادارہ کے ساتھ Training Completion Certificate  
بھی جاری کیا ہے۔ اس کے باوجود میں نے اپنی کارروائی کی صورت ہے  
اور میں نے اپنی تنخواہیں میز کردی گئی ہیں۔ اور غیر قانونی کارروائیاں بھی شروع  
کئی ہوئی ہیں۔ جن کا کوئی قانونی جائزہ ہے یا

3 یہ کہ متعلقہ ادارہ جسے جملے سرٹیفکیٹس لکھائی گئے ہیں جاری کیے ہوئے  
میں جواب طلبی کر کے سائل کو انصاف دلا جاوے۔

یہاں اسد غاصبہ مذکورہ آرڈر کو مسترد فرمایا جاوے اور اس کا ابطال  
کئی تنخواہیں جاری کی جاوےں کیونکہ سال بے گناہ ہے

مورخ 11-03-2020

ATTESTED

العارضی

PHC پبلسیشن سول ہسپتال منگدرہ کوٹلی

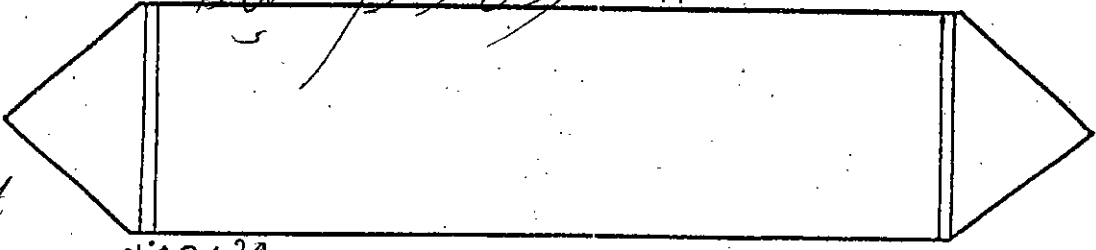
فرقان اللہ

ATTESTED

15

بعدالت

ROIC منروسین منسیر منسیر منسیر منسیر



Appellant

2020ء منجانب بنام سید سید سید سید

موزخه  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام \_\_\_\_\_ کیلئے \_\_\_\_\_ سند منسیر منسیر منسیر منسیر  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر حالت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جہاں التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

Attested & accepted

مقام المدعى عليه  
Appellant

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

\_\_\_\_\_ واہ العبد \_\_\_\_\_

مقام \_\_\_\_\_ کے لئے منظور ہے۔

## بعدالت جناب سروس ٹریونل خیبر پختونخوا ایشاور

فرمان اللہ بنام سیکرٹری ہیلتھ وغیرہ

درخواست بمراد جمع کرنے سیکورٹی ایزادگی مہلت طلب کرنے 3 یوم

**جناب عالی:** سائل حسب ذیل عرض رساں ہے۔

1- یہ کہ مقدمہ بعنوان بالا میں آج عدالت حضور میں تاریخ پیشی مقرر ہے جس میں سائل نے سیکورٹی فیس جمع نہیں کروائی تھی۔

2- یہ کہ سائل ایک غریب گھرانے سے تعلق رکھنے والا شخص ہے اور اسی وجہ سے سیکورٹی فیس بروقت جمع نہ کروا سکا جس کی وجہ سے مزید مہلت کا طلب گار ہے۔

اہم: اس دعا کی جاتی ہے کہ منظور درخواست ہذا مندرجہ بالا متن کی روشنی میں سائل کو مزید 3 یوم کی مہلت مرحمت فرما کر مشکور فرمایا جاوے تاکہ من سائل اپنی سیکورٹی فیس جمع کروا سکے۔  
المرقوم 23/12/2020

رض

سائل:-

فرمان اللہ

بذریعہ:- سید مظاہر شاہ۔ کلرک آف سید مدثر پیرزادہ ایڈوکیٹ

**BEFORE THE HONOURABLE KPK SERVICE**

**TRIBUNAL PESHAWAR**

**Service Appeal No.....8830/2020.**

Farmanullah S/O Ghulam Ullah, PHC Technician,  
(DHO Office Shakardara Kohat)

.....**Appellant**

***VERSUS***

1. The Secretary Health Govt of Khyber Pakhtunkhwa Peshawar.
2. Director General, Health Service KPK Peshawar.
3. Deputy Director EPI FATA Secretariat Peshawar.
4. DHO Kohat.
5. Deputy Director Expanded Program on Immunization NWFP Now,  
(Khyber Pakhtunkhwa) Peshawar
6. Director Anti Corruption, Peshawar.

.....**Respondents**

**Subject: COMMENTS ON BEHALF OF RESPONDENTS NO 1 TO 5**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has no cause of action and locus standi.
2. That the appellant has concealed the material facts from the Honorable Service Tribunal.
3. That the appellant has not come to the Honorable Service Tribunal with clean hands.
4. That the appeal is not maintainable in its present form.
5. That the appeal is bad for non joinder of necessary proper and mis-joinder of unnecessary parties

6. That the appellant is estopped by his own conduct to file the instant appeal.
7. That the appeal is barred by law.

**PARA-WISE REPLY ON FACTS:**

1. Pertains to record.
2. Correct in light of the letter of the Director EPI, Khyber Pakhtunkhwa, Peshawar vide No. 95/EPI, dated 20.01.2020, addressed to Circle Officer Anti-Corruption, Establishment Kohat & copy endorsed to the office of the undersigned **(copy attached as annex-A)**.
3. incorrect, As per letter of Director EPI, Khyber Pakhtunkhwa, Peshawar vide No. 95/EPI, dated 20.01.2020 addressed to Circle Officer, Anti-Corruption Establishment, Kohat & copy endorsed to the undersigned, mentioned that "NOT FOUND IN OUR RECORD" which clearly indicates that the documents provided by the appellant at the time of interview were FAKE **(copy attached as Annex-B)**
4. Incorrect. Detail reply already given in Paras ibid.
5. Reply already given in Para-3 ibid and Annexure-B attached.
6. Not correct, not verified from the concerned office at the time of appointment.
7. Incorrect. No departmental appeal filed by the appellant.
8. As stated is against law & rules. Moreover, the respondents acted in accordance facts with prevailing law / rules.

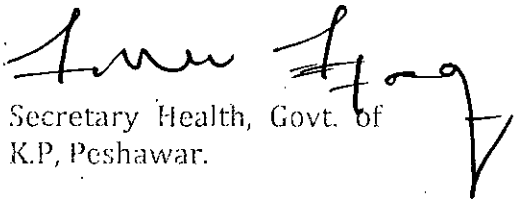
**REPLY ON GROUNDS:**

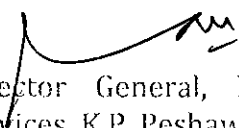
- A. In light of the Director EPI, Khyber Pakhtunkhwa, Peshawar letter bearing endorsement No. 95/EPI, dated 20.01.2020, the appellant was asked vide this office letter No. 7055/P.3, dated 28/01/2020, to


produce the verified documents, so as to proceed further, but he failed to provide (copy of letter attached as Annex-C).


- B. As stated is incorrect, hence denied. Detail reply has been given in Para-A ibid.
- C. Incorrect. The order was issued after receipt of the letter No. 95/EPI, dated 20.01.2020 (Annexure-B) & issuance of letter No. 7055/P.3, dated 28/01/2020 (Annexure-C).
- D. Incorrect. The appellant have not filed departmental appeal.
- E. Respondents have not violated any law/rules.
- F. That additional grounds will be agitated during the arguments with permission of Honourable Tribunal


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

  
1. Secretary Health, Govt. of  
K.P, Peshawar.

  
2. Director General, Health  
Services, K.P, Peshawar.

  
3. District Health Officer,  
Kohat.

  
4. Deputy Director EPI/FATA  
Secretariat Peshawar.

  
5. Deputy Director, EPI,  
Khyber Pakhtunkhwa  
Peshawar

CORPORATE GENERAL HEALTH SERVICES KHYBER ROAD, Khyber Pakhtunkhwa  
Tel: 091-9212418 Fax. No. 9213849 E-mail: epipeshawar@yahoo.com



No. 95 / EPI

Dated 30-01-2020

To

Circular Officer  
Anti-Corruption Establishment  
District Kohat.

Subject: VERIFICATION OF EPI CERTIFICATE

Reference your application No. ACE Kohat IYO 30 dated 14-01-2020 received from you good office on the subject quoted above, the fact is given below for your information.

S.No	Name/ Father's Name	No.	Session	Remarks
1	Mr. Adnan Khan Bangash. S/O Abdul Qayyum	705/EPI dated 12-03-2008 Roll No. 111	Jan 2007 to Jan 2008	Verified and found correct
2	Mr. Farman Ullah S/o Ghulam Ullah	2050 dated 22-03-2006 Roll No. 112	01.01.2005 to 31.12.2005	Not found in our record

Director EPI  
Khyber Pakhtunkhwa

CC: District Health Officer Kohat.

*Bctab / coord EPI  
to discuss*

*23/10/2020*

*This is an incorrect  
Record not found  
ESI- to prepare  
grounds for his  
termination*

*23/1/2020*





**EXPANDED PROGRAMME ON IMMUNIZATION**

Director General Health Services, Khyber Pakhtunkhwa  
Warsak road (Old Fata Secretariat), Peshawar  
Tel: 091-9212418, 9210568 Fax. No. 9213849 E-mail: epikhyberpakhtunkhwa@gmail.com

Date: 21/10/2020

Ref No. 623 /EPI

To

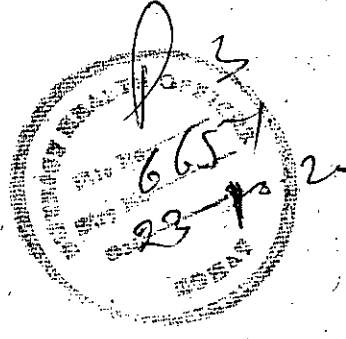
The District Health Officer  
Kohat

Sub: VERIFICATION OF EPI CERTIFICATE.

Enclosed please find herewith a self-explanatory letter NO.95/EPI, dated 20-1-2020 on the subject cited above for further necessary action please.

*[Signature]*  
Director EPI 21/10/2020  
Khyber Pakhtunkhwa;

- Cc:
1. PA to Director General Health Services, Khyber Pakhtunkhwa.
  2. The Circle Officer, Anti-Corruption, Establishment, Kohat.



*Record not found*

*[Signature]*  
23/10/2020

9 Annex A



DIRECTORATE GENERAL HEALTH SERVICES KHYBER ROAD, Khyber Pakhtunkhwa  
Tel: 091-9212418 Fax: No. 9213849 E-mail: epipeshawar@yahoo.com



No. 95 / EPI

Dated 30-01-2020

To

Circular Officer  
Anti-Corruption Establishment  
District Kohat.

Subject: VERIFICATION OF EPI CERTIFICATE

Reference your application No. ACE Kohat IYO 30 dated 14-01-2020 received from you good office on the subject quoted above, the fact is given below for your information.

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2	Mr. Farman Ullah S/o Ghulam Ullah	2050 dated 22-03-2006 Roll No. 112	01.01.2005 to 31.12.2005	Not found in our record

Director EPI  
Khyber Pakhtunkhwa

CC: 1 District Health Officer Kohat.

*Bstab. / coord EPI  
to discuss /  
23/1/2020*

(u) Annexure B

CORPORATE GENERAL HEALTH SERVICES KHYBER ROAD, Khyber Pakhtunkhwa  
Tel: 091-9212418 Fax. No. 9213849 E-mail: epipeshawar@yahoo.com



No. 95 / EPI

Dated 10-01-2020

To

Circular Officer  
Anti-Corruption Establishment  
District Kohat.

Subject: VERIFICATION OF EPI CERTIFICATE


Reference your application No. ACE Kohat IYO 30 dated 14-01-2020 received from you good office on the subject quoted above, the fact is given below for your information.

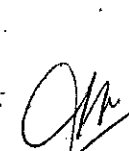
S.No	Name/ Father's Name	No.	Session	Remarks
1	Mr. Adnan Khan Bangash S/O Abdul Qayyum	705/EPI dated 12-03-2008 Roll No. 111	Jan 2007 to Jan 2008	Verified and found correct
2	Mr. Farman Ullah S/o Ghulam Ullah	2050 dated 22-03-2006 Roll No. 112	01.01.2005 to 31.12.2005	Not found in our record

  
Director EPI  
Khyber Pakhtunkhwa

CC:  
District Health Officer Kohat.

Estab. / coord EPI  
to discuss

  
23/1/2020

  
23/10/2020  
This is an in  
Record not found  
ESI- to prepare  
grounds for his  
termination

Annex  
⑤ (C)

**OFFICE OF THE  
DISTRICT HEALTH OFFICER  
KOHAT**

No 7055 /P.3,  
dated 28 /01/2020

Phone & Fax No. (0922) 514100  
Email add: dhokohat@gmail.com

To,

Mr. Farmanullah, EPI Tech,  
BHU Gabari, Kohat.

Subject: **VERIFICATION OF EPI CERTIFICATE.**

MEMO:

With reference to the Director, EPI Khyber Pakhtunkhwa Peshawar No. 95/EPI, dated 20/01/2020, on the subject noted above.

Your EPI Certificate bearing No. 2050, dated 22/03/2006, Roll No. 112, was sent for verification by the Anti Corruption Department, Kohat. In response to the Anti Corruption Department Kohat letter No. referred to above, the Director EPI, KPK, Peshawar recorded the following remarks in your certificate.

"Not found in our record"

You are therefore directed to submit your training certificate duly signed by the Incharge of EPI Centre, the then Coordinator EPI & countersigned by the then EDO (Health) Kohat, alongwith other documents so as to proceed further into the matter.

  
District Health Officer  
KOHAT

No 7056-57 /P.3, Dated Kohat the 28 /01/2020.

Copy forwarded to:-

1. The Director EPI, Khyber Pakhtunkhwa, Peshawar w/r to his No. referred to above.
2. The ACE, Kohat.

  
District Health Officer  
KOHAT

*All the completed & investigated*

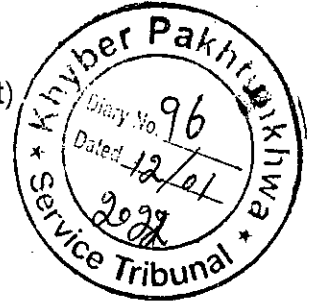
08/02/22

**BEFORE THE HONOABLE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No 8830/2020

Farmanullah S/o Ghulam ullah ,PHC Technician (DHO Office ShakarDara Kohat)

(Appellant)



Versus

- 1:- The Secretary Health Govt of Khyber PakhtunKhaw Peshawar.
- 2:-Director General Health Service KPK Peshawar.
- 3:-Deputy Director EPI FATA Secretariat Peshawar
- 4:-DHO Kohat.
- 5:-Deputy Director Expanded Program on Immunization NWFP Now (KPK ) Peshawar.
- 6:-Director Anti Corruption Peshawar

(Respondents)

*Allowed.  
Be fixed in  
third week  
of January, 2022.  
20-1-22  
12/1/2022*

**Application For Fixation of Early Hearing**

Respectfully Sheweth,

*on 8/2/2022*

That the above title appeal is pending before adjudicator and date is fix for rejoinder and arguments dated

That the council for the appellant is ready for arguments before KPK Service Tribunal Peshawar with the kind permission.

That the appeal of the appellant is pending adjudicated before the August Service Tribunal Peshawar since 2020 and the appellant is still serving with the respondent department without salary and suffering from poverty and starvation under the pressurized economy.

That the appellant is serving in the respondent department under very cruel and compelling circumstances which indulge the appellant in mantel diseases.

That under the above stating situation the justice demand speedy justice and would need indulgences of honorable tribunal for the redressal of the grievance of the appellant.

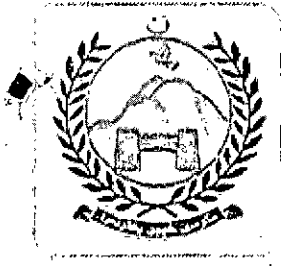
Therefore it is humbly prayed that the subject cited above may graciously be allowed and fixed early date which ever is deem appropriate for the end of the justice.

Through

Appellant

Date:-

*[Signature]*  
Syed Mudasir Pirzada  
Advocate HC  
0345-9645854



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 879 /ST

Dated: 7-4- /2022

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

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

To

The District Health Officer,  
Government of Khyber Pakhtunkhwa,  
Kohat.

Subject: JUDGMENT IN APPEAL NO. 8830/2020, MR. FARMAN ULLAH

I am directed to forward herewith a certified copy of Judgement dated 28.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

**Before the Khyber Pakhtunkhwa Service Tribunal Peshawar**

**Service Appeal No. 8830/2020**

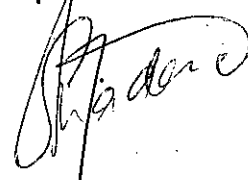
**Farmanullah S/o Ghulam Ullah, PHC Technician (DHO Office Shakar  
Dara Kohat).....Appellant**

*Versus*

- 1. The Secretary Health Govt of Khyber Pakhtunkhwa Peshawar.**
- 2. Director General Health Service KPK Peshawar.**
- 3. Deputy Director EPI FATA Secretariat Peshawar.**
- 4. DHO Kohat.**
- 5. Deputy Director Expanded Program on Immunization E-WFP Now  
(KPK) Peshawar.**
- 6. Director Anti-Corruption E Peshawar.....Respondents**

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3	Copy of Complaint	A	07-08
4	Copy of Sr. Auditor Report	B	09
4	Copy of Verification Certificate Received from Director EPI	C	10

Respondent  
Through  
  
Sadeeq Anjam  
Assistant Director (Legal)  
ACE, Peshawar.

①

**Before the Khyber Pakhtunkhwa Service Tribunal Peshawar**

**Service Appeal No. 8830/2020**

**Farmanullah S/o Ghulam Ullah, PHC Technician (DHO Office Shakar Dara Kohat).....Appellant**

*Versus*

- 1. The Secretary Health Govt of Khyber Pakhtunkhwa Peshawar.**
- 2. Director General Health Service KPK Peshawar.**
- 3. Deputy Director EPI FATA Secretariat Peshawar.**
- 4. DHO Kohat.**
- 5. Deputy Director Expanded Program on Immunization NWFP Now (KPK) Peshawar.**
- 6. Director Anti-Corruption E Peshawar.....Respondents**

**Comments on behalf of Respondents No.6.**

**Brief Facts:**

An Open Enquiry No. 10/2016, was initiated on the complaint received to this Establishment, wherein, allegation of corruption, misuse of official power, irregularities in appointment process and receiving illegal gratification for various post laying vacant at District Health Office Kohat against the concern officer/official of District Health Office Kohat.

On institution of enquiry field staff recommended the case for Audit inspection and the same was carried out accordingly. During the course of inspection the relevant record was checked and it was observed that the verification/attestation of the diplomas and other relevant documents of the appointees appointed against the post of junior PHC Technicians EPI (including the present appellant) were not provided to the auditor for examination, therefore, it was recommended that the documents of the Junior PCH Technicians (including the present petitioner) be verified from medical faculty Govt: of Khyber Pakhtunkhwa Peshawar.

It is worth mentioning here that the EPI certificate of the present appellant was sent to medical faculty Govt: of Khyber Pakhtunkhwa



Peshawar for verification and the same was received with remarks "Not Found in Our Record". It is further to add that the enquiry is still under process with this Establishment and the same will be finalized after fulfilment of codal formalities. **(Copy of Complaint, Copy of Sr. auditor Report, and Verification Certificate Received from Director EPI are attached as Annexure, "A" & "B")**

2

### Preliminary Objections:

1. That the Appellant has got no locus standi/cause of action to file the instant Service Appeal.
2. That the appellant is not aggrieved person within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, his Appeal is therefore not maintainable.
3. That neither Fundamental nor any legal right of the appellant has been violated and the law has taken its legal course of action.
4. That no discrimination or injustice has been done to appellant or anyone.
5. That the appellant has not come to this Honorable court with clean hands, hence, disentitled for any relief whatsoever.
6. That the Service Appeal is fraught with factual controversies, as well as filed with malafide intention, therefore not maintainable.
7. That the Service Appeal is bad for mis/non joinder of necessary parties.
8. That the appellant by filing this Appeal is pressurizing and trying to put the answering respondents into unnecessary, unjustified and unlawful litigation, which is liable to be reprimanded, therefore, the present Service Appeal is liable to be dismissed.

### FACTS BEHIND PRESENT CONTROVERSY:

1. **Incorrect and misconceived thus denied.** That the appellant was appointed against the post of PHC Technician (MP) EPI Technician (BPS-09, and one of the pre-request for the appointment of said post was one year diploma from Medical Faculty Khyber Pakhtunkhwa.

Peshawar. The EPI-Certificate possessed by the present appellant was sent to medical faculty Govt: of Khyber Pakhtunkhwa Peshawar for verification and the same was received with remarks "Not Found in Our Record".

2. No Comments, as the said para is not related to answering respondent.

3. **Incorrect and misconceived thus denied.** That verification of EPI Certificate furnished by Director EPI, Khyber Pakhtunkhwa vide letter bearing No. 95/EPI, Dated 20/01/2020, make the stance of the present appellant otherwise.

4. No Comments, as the said para is not related to answering respondent.

5. Reply to this para has been given in preceding paras.

6. No Comments, as the said para is not related to answering respondent.

7. **Incorrect and misconceived thus denied.** That entire proceeding has been conducted in accordance with law and is based on law, rules and evidence. No baleful influence was ever exercised in finalizing the enquiry/case nor any nullity has been pointed out expect bare allegations. Every attempt has been made to safeguard the constitutional rights of present Petitioner and others, however their wrong doing cannot be screen under the illegal & unrealistic plea of constitutional right infringement.

8. **Incorrect and misconceived thus denied.** That so far, proceeding in Anti-Corruption Establishment is concerned, ways are still open to the petitioner in form of joining inquiry, and putting his defense and presenting record that he intended to rely upon. If present petitioner succeeded in making out his case and validly satisfy the observation, the said enquiry can be filed.

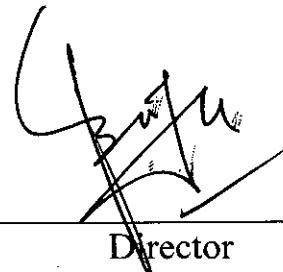
**On Grounds:**

a. That ground "a" is not related to answering respondent.

- b. That reply to ground "b" has been given in preceding paras. Further to add entire proceeding has been conducted in accordance with law and is based on law, rules and evidence. No baleful influence was ever exercised in finalizing the enquiry/case nor any nullity has been pointed out expect bare allegations. Likewise, proceeding in Anti-Corruption Establishment is concerned, ways are still open to the appellant in form of joining inquiry, and putting his defense and presenting record that he intended to rely upon. If present appellant succeeded in making out his case and validly satisfy the observation, the said enquiry can be filed.
- c. That reply to ground "c" has been given in preceding paras. Further to add that the answering respondents during the course of inquiry/Investigation has collected cogent and solid evidence, which depicts that no record of appellant's EPI Certificate is laying with medical faculty Govt: of Khyber Pakhtunkhwa Peshawar.
- d. That reply to ground "d" has been given in preceding paras.
- e. That ground "e" needs no comments.
- f. That in reply to ground "f" it is submitted that all the grounds have been taken by the appellant, therefore, he may not be allowed to take any other ground.

## Prayer:

Considering the above submission, it is humbly prayed that this Service Appeal, being devoid of any merit, may please be dismissed with cost.



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Director  
Anti-Corruption Establishment,  
Khyber Pakhtunkhwa  
Peshawar.

(5)

**Before the Khyber Pakhtunkhwa Service Tribunal Peshawar**

**Service Appeal No. 8830/2020.**

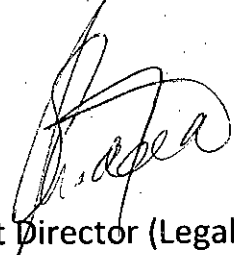
**Farmanullah S/o Ghulam Ullah, PHC Technician (DHO Office Shakar  
Dara Kohat).....Appellant**

*Versus*

- 1. The Secretary Health Govt of Khyber Pakhtunkhwa Peshawar.**
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- 4. DHO Kohat.**
- 5. Deputy Director Expanded Program on Immunization NWFP Now  
(KPK) Peshawar.**
- 6. Director Anti-Corruption E Peshawar.....Respondents**

**AFFIDAVIT**

I, Sadeeq Anjam, Assistant Director Legal, Anti-Corruption Establishment, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying Parawise comments are true and correct to the best of my knowledge and noting has been concealed.

  
Assistant Director (Legal)  
ACE, Peshawar.

(6)

**Before the Khyber Pakhtunkhwa Service Tribunal Peshawar**

Service Appeal No.8830/2020

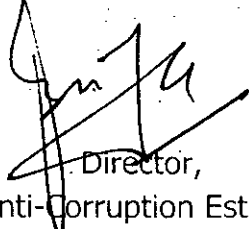
Farmanullah s/o Ghulam Ullah, PHC Technician (DHO Office Shakar Dara Kohat).....Appellant.

*Versus*

1. The Secretary Health Govt of Khyber Pakhtunkhwa Peshawar.
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3. Deputy Director EPI FATA Secretariat Peshawar.
4. DHO Kohat.
5. Deputy Director Expanded Program on Immunization NWFP Now (KPK) Peshawar.
6. Director Anti-Corruption E Peshawar ..... Respondents

**AUTHORITY LETTER**

Sadeeq Anjam, Assistant Director Legal, Anti-Corruption Establishment, Peshawar, is hereby authorized to attend the Honorable Service Tribunal Peshawar, in the above noted writ on behalf of Director Anti-Corruption Establishment.

  
Director,  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa  
Peshawar.

## عزت مآب جناب ضیاء اللہ خان طورو ڈی جی اینٹی کرپشن خیب پختونخوا

جناب عالی: یہ کہ بندہ آپ کی تو جو ایک کرپشن کی طرف دلانا چاہتا ہے اس امید کے ساتھ کہ آپ ایک نڈر اور ایماندار آفیسر ہونے کے ناطے ایکشن ضرور لیں گے۔

جناب والا: عمر نواز نامی بندہ جس کا تعلق ضلع کرک سے ہے ڈی ایچ او کوہاٹ کے دفتر میں بہ حیثیت ہیڈ کلرک پچھلے بیس سالوں سے کام کر رہا ہے۔ اس بندے نے کرپشن کی انتہا کر دی اللہ تعالیٰ اس کو سزا بھی دے رہا ہے۔ مطلب اس کا گھر ٹینشن اور بیماریوں سے بھرا پڑا ہے لیکن ہم یہ کہانی آپ کو اس لیے بھیج رہے ہیں کہ آپ کی طرف سے بھی اس کو سزا مل جائے اور یہ آئندہ غریب لوگوں کو مجبور نہ کرے۔

جناب: ابھی حالیہ دنوں میں ضلع کوہاٹ کے مختلف ہسپتالوں میں تقریباً (18) اٹھارہ (MTS, LHV, EPI Technician) بھرتی ہو گئے جس میں سے ایک یہ غریب بندہ بھی شامل ہے۔ جو اپنی فریاد آپ کو لکھ رہا ہے۔

جناب والا: ایک بندے کے بدلے تین تین لاکھ روپے عمر نواز نے اپنے سرکاری گھر جو کہ لیاقت میموری ہسپتال میں واقع ہے میں رات کے وقت اپنے بیوی بچوں کے سامنے لیے ہر رات دو دو بندوں کو گھر بلاتا اور نقد تین لاکھ روپے وصول کرتا۔ جناب اسی طرح (18) اٹھارہ بندوں سے تقریباً پچاس لاکھ سے زیادہ پیسے لیے گئے اس میں سے DHO کوہاٹ عبدالخالق کا بھی حصہ

ہے اس کے علاوہ ان تمام بندوں کو Appointment آرڈر ستمبر 2015 میں دیے گئے اور ان میں سے (Arrival) جولائی 2015 میں لیا گیا اس میں یہ شرط رکھا گیا کہ جولائی اور اگست کی تنخواہیں عمر نواز کو بطور (صحبت) دے جائیں گے جناب عالی ہم آپ سے عاجزانہ درخواست کرتے ہیں کہ آپ ٹیم کوہاٹ بھیج دے اور یہاں سے سارا ریکارڈ لے لیں۔

ان نئے بھرتی شدہ لوگوں کو بلائیں اور بیچ میں قرآن پاک رکھ دے اگر ایک بندے نے بھی قرآن پاک پر ہاتھ رکھ کر یہ کہا کہ مجھ سے عمر نواز نے پیسے نہیں لیے ہیں۔ تو یہ درخواست آپ پھاڑ کر ردی کے ٹوکری میں پھینک دے۔ اس کے علاوہ یہ بندہ (عمر نواز) اگر کسی کی چھٹی یا بدلی کروانا ہے تو بدلے میں منہ مانگی قیمت وصول کرتا ہے۔ اور اگر کوئی انکار

7/10/15

محترم مہاجرین کے لیے طبی اور دینی سہولتوں کی پیشین گوئی

عالمی: یہ کہ بندہ آپ کی توجہ ایک کورپشن کی طرف دلا جا رہا ہے اس افسانے سے اس وقت

آپ ایک ڈر اور ایماندار امسروں کے ناطے ویکشن ضرور لیں گے۔ جناب والا

مگر نواز نامی بندہ جس کا تعلق ضلع کرب سے ہے DHO کو ہاٹ سے دکن میں بکھینچ

ADP دیکھ کر کٹ کر کچھلے 20 سالوں سے کام کر رہا ہے۔ اس بندے نے کہہ دیا کہ کورپشن

میں نہیں کر دے گی۔ اللہ تعالیٰ اسکو سزا بھی دے رہا ہے طلب اسکا گھر پینشن اور

بیادوں سے بڑا پڑا ہے کین ہم یہ کہانی آپ کو سنا رہے ہیں کہ آپ کو

DA سے بھی اسکو سزا مل جائے اور یہ اگلیہ غریب لوگوں کو مجبور نہ کرے۔

جناب ابھی غالبہ جنوں میں ضلع کرب ہاٹ کے قلعہ پینٹوں میں تقریباً (18) ہزار

MTs, LHV, EPI Technicians لہرٹی ہوئے ہیں میں اسے ایک یہ نمبر دیا ہوا ہے

بشمارہ 99 اپنی فریاد آپ کو لکھ رہا ہے۔ جناب والا اس بندے کے پاس تین تین

لاکھ روپے عمر گزارنے اپنے سرکاری گھر جو کہ باقیہ جمہوریہ ہسپتال میں واقع ہے

رات کے وقت اپنے بیوی بچوں کے سامنے بیٹھتا۔ پورا دن دوسروں سے

گھر بنا اور نقد کین لاکھ روپے وصول کرتا۔ جناب ابھی طرح 18 بندوں سے

5000000 روپے اس لاکھ سے زیادہ پیسے لے لے۔ اس میں سے DHO کو ہاٹ

بھی حصہ ہے۔ اس کے علاوہ ان تمام بندوں کو اپنا الیمینٹ آڈر ستمبر 2015

میں دیئے گئے اور ان سے "Arrival" جولائی 2015 میں دیا گیا۔ اس میں

یہ شرط رکھا گیا کہ جولائی اور اگست کی تقویمیں عمر گزارنے کے لیے

دیئے جائیں گے۔ جناب ابھی ہم آپ سے عاجزانہ درخواست کرتے ہیں کہ

کہ آپ ان تمام کو ہاٹ بھیج دیں اور یہاں سے سب کو دیکھا جائے۔ اس

نئے لہرٹی شدہ لوگوں کو کھانا اور بیچ میں فراہم کیا جائے۔ اس کے

آگیا بندے نے بھی قرآن پاک پڑھا تو رکھ کر یہ کہا کہ تم سے عمر گزارنے

کیسے نہیں لے لو گے درخواست آپ پھاڑ کر دے گی۔ اس کے لیے

کرتا ہے تو اس کو پھر بہت بڑی تکلیف اٹھانی پڑتی ہے کیونکہ DHO تو صرف برائے نام دیتا ہوتا ہے۔  
سب گیم یہی بندہ کھیلتا ہے۔ جناب عالی یہ 5000000 لاکھ روپے کا کرپشن ہے ہم بے بس اور مجبور لوگ آپ کی راہ  
دیکھ رہے ہیں۔ ہمارے پاس دعاؤں کے علاوہ اور کچھ نہیں۔ ہم آپ کے آنے کا انتظار کریں گے۔ شکریہ  
آپ کا مخلص  
کچھ غریب اور مجبور بندے ہے۔

کاپی برائے اطلاع  
(۱) اسٹنٹ ڈائریکٹر اینٹی کرپشن کوہاٹ ڈویژن

(۲) ضلع ناظم ضلع کوہاٹ

(۳) وزیر اعلیٰ کمپنٹ سیل پشاور کہاں ہے تبدیلی کہاں ہے انصاف

(۴) احتساب کمیشن خیبر پختونخوا پشاور

(۵) MPA، MNA ضلع کوہاٹ

(۶) رائٹ کوپلک روس ایکٹ کمیشن پشاور

(۷) سیکٹری ہیلتھ خیبر پختونخوا پشاور

(۸) ڈی جی ہیلتھ خیبر پختونخوا پشاور

(۹) کمشنر کوہاٹ ڈویژن کوہاٹ

(۱۰) ڈپٹی کمشنر کوہاٹ



کون کا ہے تو اس کو بھی ہوتا ہے کٹیف ا کٹانی بڑی ہے کیونکہ DHO کو صرف  
 ہوائے نام بیٹھا ہوتا ہے سب گیم یہی بندہ کہلاتا ہے۔ مہا عالی  
 یہ 500000 روپے کا کویشن ہے ہم بے بس اور جبور لوگ آج کی دن  
 آپ کو رہے ہیں۔ ہمارے پاس کچھ اور علاقہ اور کچھ نہیں۔ ہم اب  
 سے آگے کا انتظار کر رہے ہیں۔

آج کا محفل

کچھ نہیں اور جبور بندے

کا پی پرائے اطلاع

- 1 اسٹینڈ ڈائریکٹ اینڈ کریڈٹس کوہاٹ ڈویژن
- 2 ضلع ناظم ضلع کوہاٹ
- 3 وزیر اعلیٰ کمپینٹ سب اپنا اور کہاں ہے کہہ دیں کہاں ہے ان کے
- 4 اعصاب کمیشن چیئر مین خواجہ ایسا اور
- 5 MPA, MNA ضلع کوہاٹ
- 6 رائٹ ٹو پیس بیروس ایڈ کمیشن ایسا اور
- 7 سٹیڈی ہیلڈ چیئر مین خواجہ ایسا اور
- 8 ڈی جی ہیلڈ چیئر مین خواجہ ایسا اور
- 9 کمیشن کوہاٹ ڈویژن کوہاٹ
- 10 ٹریڈ کمیشن کوہاٹ

11

Anexaure 'B'

(C)

report in O/E No. 10/2016-Health against Mr. Abdul Khaliq DHO Kohat and Mr. Umar  
Senior Clerk DHO Kohat etc (complaint No. 10953 dated 12.10.2015)

Findings:- An anonymous complaint containing allegation of corruption and misuse of Official power by the subject officer/official.

Findings:- The undersigned was directed by the Competent Authority to conduct audit in the subject Open enquiry. The undersigned visited the office of District Health Office along with the I/O ACE Kohat. During checking of the available record it was noticed that advertisement was floated through information department on 29.01.2014 for various vacant posts of health Technicians BPS-9 and 20.2.2014 was fixed for interview/written test, but the written test was not conducted. During process the PPHI candidates filed writ petition in the Honorable Peshawar High Court for regularization their services against the vacant posts of M.T Technician BPS-9. The Honorable Peshawar High Court directed the respondents to consider the petitioners for the posts of LHV, MT and others and in this process the petitioners are to appear for their interview before the selection committee on 5.3.2015 at 9.30 AM at DHO Office Kohat. The petitioners are to be considered on merits and in accordance with law and if found suitable, eligible and fit for the posts, they be appointed along with others, keeping in view the recent policy of the Govt: In this connection the DHO Kohat make appointments according to advertisement of various posts. Amongst the appointees of various categories only the Diploma/relevant record of the appointees appointed against the posts of Junior Technician MT (MP) were submitted, their diplomas/relevant record dully verified by the Medical Faculty, Khyber Pakhtunkhwa Peshawar, where as the Diplomas/relevant record of the appointees appointed on remaining various categories was not submitted to the undersigned for audit.

Conclusion:- The complaint regarding verification/attestation of the diplomas and other relevant documents of the appointees appointed against the post of junior PHC Technicians EPI (MP), LHV/(MCH) and Radiology technician were not provided to the undersigned. So at this stage it is recommended that the documents regarding the above said appointees may please be provided from DHO Kohat duly verified from medical faculty Govt: of Khyber Pakhtunkhwa Peshawar to proceed further in the subject matter.

Submitted please.

(Khair Ud Din)  
Senior Auditor, ACE, Peshawar

No. 4590-14/ACE,

Dated. 14/3/17

Copy forwarded to:-


1. Director, Anti Corruption Establishment, Khyber Pakhtunkhwa, Peshawar.
2. Asstt: Director Crimes, Anti Corruption Estt: Kohat
3. Asstt: Director Admn: Anti Corruption Estt: Peshawar.
4. Circle Officer, Anti Corruption Estt:, Kohat. (Two original files attached).
5. S.A., ACE, Peshawar.

co, ACE, Kohat

for, N. 9

ACE, ACE, KI

15-03-017

  
**SADEEQ ANJAM**  
Prosecutor III  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa



DIRECTORATE GENERAL HEALTH SERVICES KHYBER ROAD, Khyber Pakhtunkhwa  
Tel: 091-9212418 Fax. No: 9213849 E-mail: epipeshawar@yahoo.com



Arb. No. 10

10  
19

No. 95 / EPI

Dated 20-01-2020

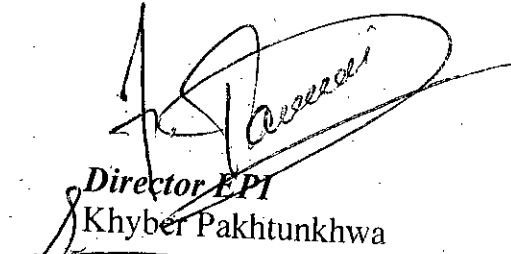
To :

Circular Officer  
Anti-Corruption Establishment  
District Kohat.

Subject: VERIFICATION OF EPI CERTIFICATE


Reference your application No. ACE Kohat IYO 30 dated 14-01-2020 received from you good office on the subject quoted above, the fact is given below for your information.

S.No	Name/ Father's Name	No.	Session	Remarks
1	Mr. Adnan Khan Bangash S/O Abdul Qayyum	705/EPI dated 12-03-2008 Roll No. 111	Jan 2007 to Jan 2008	Verified and found correct
2	Mr. Farman Ullah S/o Ghulam Ullah	2050 dated 22-03-2006 Roll No. 112	01.01.2005 to 31.12.2005	Not found in our record

  
Director EPI  
Khyber Pakhtunkhwa

CC:

1. District Health Officer Kohat.

  
SADEEQ ANJAM  
Prosecutor III  
Anti-Corruption Establishment  
Khyber Pakhtunkhwa

**BEFORE THE HONOABLE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No 8830/2020

**BEFORE THE HONOABLE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No \_\_\_\_\_

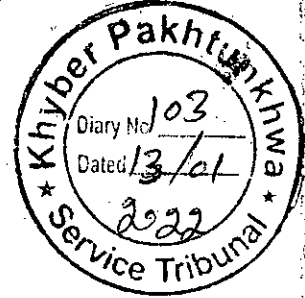
Farmanullah S/o Ghulam ullah ,PHC Technician (DHO Office ShakarDara Kohat)

(Appellant)

Versus

- 1:- The Secretary Health Govt of Khyber PakhtunKhaw Peshawar.
- 2:-Director General Health Service KPK Peshawar.
- 3:-Deputy Director EPI FATA Secretariat Peshawar
- 4:-DHO Kohat.
- 5:-Deputy Director Expanded Program on Immunization NWFP Now (KPK ) Peshawar.
- 6:-Director Anti Corruption Peshawar

(Respondents)



**Rejoinder for and on behalf of appellant to the comments ,filed by respondents**

Respected Sheweth,

**Rejoinder to the comments of respondent are as under.**

**Reply to Preliminary Objection :-**

- 1:- That Para No-1 in preliminary Objection is incorrect because the appellant has good cause of action and balance of convenience is also in favour of present appellant
- 2:-That Para No-2 is incorrect to without any cogent reason leveling allegations against the appellant is bad in eye of law as the appellant till date not concealed any facts before honorable tribunal.
- 3:-That Para No-3 is incorrect ,the appellant has properly file departmentally appeal to the respondent above but in vain having no other alternate remedy except the instant appeal .
- 4:- That the Para No-4 is incorrect ,the appeal of the present appellant is with in time, just & legal.
- 5:-That Para No-5 is incorrect all the necessary parties dully made as respondent and the appeal of the appellant is good prima fascia case.

**Facts Reply:-**

- 1:-Facts of Para No- 1 of comments of the respondent is not explained which shows the admission that the appellant legal status is deliberately denied by answering respondent.
- 2:-That Para No: 2 of the comments of respondents is appealable to a prudent mind as the appellant has not been afforded ample opportunity of personal hearing nor provided any chance to associated with the all proceeding so initiated against the innocent appellant.

3:- That Para No-3 of the Fact of the comments of the respondent is incorrect and at the time of appointment the appellant submitted all the original / testimonial before the respondent department why the respondent department not enquire and verify this factum at that time as well as the appellant has the copy of a register of the record in which appellant name is properly found in that record but this fact has not be consider as well as the respondent not asked the appellant to produced evidence in relation to the allegations.

4:- That Para No-4 of the fact of the comments of the respondents is incorrect the respondent deliberately not considering the legal status and indulge self-based assumptions.

5:- That Para No- 5 of the comments is incorrect already discuss above.

6:- That Para No-6 of the fact of the comments of the respondents is incorrect all the government servant after due course of appointment the authority would verify all the credentials then after completion of probation period service would regularized and found any irregularity then the authority were at liberty to take legal stern action against appellant.

7:- That Para No-7 of the fact of the comments of the respondents is incorrect when the respondent department has inability to found the record of the appellant then how they be able to found the departmental appeal of the appellant which is already on record and annexed of dated 11.03.2020.

8:- That Para No-8 of the Fact of the comments of the respondents is not justified and the respondent department acted illegally and for nefarious design deliberately intents to put the appellant in hot water for no good reason which is not warranted by law.

#### **Reply to reply of grounds:-**

a:- That Para No-a: of the grounds of respondents is incorrect that the appellant duly submitted his original verified documents before the respondent department which is already annexed with the appeal but the department deliberately intents to terminate the appellant and this fact would be agitated at the time of arguments.

b:- That Para No-b: of the grounds of respondents is incorrect and already mentioned in the appeal which need no further reply

c:- That Para No-c: of the grounds of respondents is incorrect all the correspondence so conducted is not according to law and not justifiable

d:- That Para No-d: of the grounds of respondents is incorrect already discussed in appeal which need no further reply.

e:- That Para No-e of the grounds of respondents department is incorrect the respondent department violated all the inquiry rules service rules , E&D rules etc.

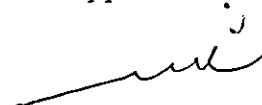
f:- That para f of the grounds is just hence needs no comments.

#### **Prayer of Rejoinder:-**

It is humbly prayed that the comments submitted by the respondent department may graciously be set a side and the appellant may blessed with all the prayers which are mentioned in the service appeal of the appellant.

Through

Appellant



Syed Mudasir Pirzada  
Advocate HC  
0345-9645854