

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No.6725/2021

Date of Institution ... 05.07.2021

Date of Decision ... 02.02.2022

Muhammad Wahéed son of Ghulam Ahmad (Tube Well Operator) DHQ Hospital Haripur, resident of Village Malikar, Tehsil and District Haripur.  
... (Appellant)

VERSUS

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

Present.Appellant ... *Pro se.*

Mr. Muhammad Adeel Butt,  
Addl: Advocate General, ... For respondents.

MR AHMAD SULTAN TAREEN ... CHAIRMAN  
MR. ATIQ-UR-REHMAN WAZIR ... MEMBER(E)

JUDGMENT

**AHMAD SULTAN TAREEN, CHAIRMAN:-** The appellant through the service appeal described in the heading has invoked the jurisdiction of this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer as copied below:-

**“On acceptance of the appeal, the impugned termination Order No. 7394-99/MS/DHQ(H) dated 25.10.2018 and 25.07.2019 may graciously be set aside and appellant may kindly be reinstated in service with all back benefits by restoring appointment order dated 03.06.2019.”**



2. Briefly stated, the facts of the appeal are that the appellant was appointed as Tube Well Operator in DHQ Hospital Haripur in the year 2009. His services were terminated by M.S DHQ Hospital Haripur vide order No. 7394-99/MS/DHQ (H) dated 25.10.2018. On appeal to the higher authority i.e. Director General Health Services Khyber Pakhtunkhwa Peshawar, he was reinstated into service vide order dated 7734-36 dated 03.06.2019 on acceptance of appeal by the appellate authority. For unknown reasons, the reinstatement order dated 03.06.2019 was withdrawn and termination order dated 25.10.2018 was restored vide letter No. 9102-5 dated 25.07.2019. The appellant purported to have submitted an application in the office of Director General Health vide Diary No. 8474 dated 16.03.2020 mentioning therein that the appellant is hanging and reinstatement of the appellant was not made practically. Subsequently, he filed departmental appeal before the respondent No. 2 and having received no response, the present service appeal has been preferred. The appellant submits that the impugned termination order dated 25.10.2018 and subsequent order dated 25.07.2019 are illegal, unlawful, without justification and against the law and facts. He prayed for acceptance of his appeal.

3. After admission of appeal notice was given to the respondents. As the notices were served upon the respondents for reply as per office note, the appeal was fixed before S.B on 25.01.2022. According to order sheet of said date, adjournment was sought by learned AAG which was granted requiring him to take the respondents on board to furnish reply/comments on or before the next date positively, failing which their right for reply/comments would be deemed as struck off. On the next date i.e. 31.01.2022, the written reply/comments were not submitted; therefore,



right for reply of the respondents was struck off and the case was fixed for arguments on 01.02.2022. On the next date, none was present on behalf of the appellant. Notice was issued to the appellant and his counsel for arguments on 08.02.2022 before the D.B. However, the appellant turned up on 02.02.2022 and submitted application for early hearing and the same was allowed. After reflecting the case in hearing list for 02.02.202, the arguments have been heard and record has been perused.

4. According to the copy of order dated 25.10.2018 as annexed with memorandum of appeal, the appellant was proceeded against under E&D Rules, 2011 for multiple charges including misconduct, in-efficiency, absenteeism and of disobedience among others. Consequently, he was dismissed from service. However, according to office order bearing No. 7734-36/Personnel dated 03.06.2019 of the Director General Health Services, the order dated 25.10.2018 was withdrawn and the appellant was reinstated in service with immediate effect. On copy of order dated 03.06.2019 as annexed with the appeal, there is a hand-written note under signature and stamp of Director Administration, Director General Health Services Khyber Pakhtunkhwa Peshawar marked to the Medical Superintendent DHQ Hospital, Haripur which speaks about discussion over phone for extending a single chance to the appellant and if he does it again, he shall be automatically terminated from his job. According to the application for mercy received in office of Director General Health Services vide Diary No. 8474 PR dated 16.03.2020 and discussed in the memorandum of appeal, it appears that the appellant was not given duty in pursuance to the reinstatement order passed by Director General Health Services on acceptance of his appeal.



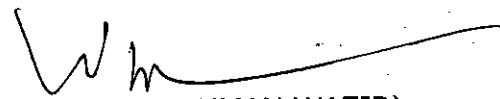
5. Needless to say that the appointing authority subject to law is empowered to proceed against a subordinate government servant under E&D Rules, if any ground for such action is made out as per satisfaction of said authority. The original dismissal order dated 25.10.2018 states that an enquiry was conducted and the court of enquiry recommended major penalty against the appellant who was then served with show cause notice and personal hearing was also afforded to him. If it is presumed that the original impugned order was passed in due compliance with the procedure provided under Khyber Pakhtunkhwa Government Servants E&D Rules, 2011, the same stood withdrawn by the higher authority i.e. Director General Health Services vide his order bearing endorsement No. 7734-36/Personnel dated 03.06.2019. The hand written note on the said order as discussed above gives a clue that the Medical Superintendent was not ready to comply with the order of the Director General Health Services. The subsequent withdrawal of the order of reinstatement and restoration of the original dismissal order is devoid of reason. Once the appellant was reinstated into service on withdrawal of the dismissal order dated 25.10.2018, the respondents were required to proceed against him having regards to requirements of E&D Rules, if there was any delinquency on his part. However, the order bearing endorsement No. 9102-05/Personnel dated 25.07.2019 did not mention as to what had made it expedient to withdraw the reinstatement order. Thus, the appellant has not been dealt with in accordance with law. The order dated 25.07.2019 is not tenable and liable to be set aside.

6. For what has gone above, the appeal in hand is accepted. The impugned order dated 25.07.2019 is set aside and in consequence of its





setting aside, the order dated 03.06.2019 stands restored. In consequence of restoration of order dated 03.06.2019, the original order dated 25.10.2018 having been withdrawn by the order dated 03.06.2019 is of no legal effect. The appellant shall be deemed to have been reinstated into service under the order dated 03.06.2019. The admissibility of back benefits in pursuance to order dated 03.06.2019 is left for the determination by departmental authorities. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
02.02.2022

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

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	02.02.2022	<p><u>Present.</u></p> <p>Appellant ... <i>Pro se</i></p> <p>Mr. Muhammad Adeel Butt, Addl. Advocate General, ... For respondents.</p> <p>Vide our detailed judgment, the appeal in hand is accepted. The impugned order dated 25.07.2019 is set aside and in consequence of its setting aside, the order dated 03.06.2019 stands restored. In consequence of restoration of order dated 03.06.2019, the original order dated 25.10.2018 having been withdrawn by the order dated 03.06.2019 is of no legal effect. The appellant shall be deemed to have been reinstated into service under the order dated 03.06.2019. The admissibility of back benefits in pursuance to order dated 03.06.2019 is left for the determination by departmental authorities. Parties are left to bear their own costs. File be consigned to the record room.</p> <p style="text-align: center;">         (ATIQU-UR-REHMAN WAZIR)        Member(E)     </p> <p style="text-align: right;">         (AHMAD SULTAN TAREEN)        CHAIRMAN     </p> <p><u>ANNOUNCED</u> 02.02.2022</p>

25.01.2022

Appellant in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Written reply/comments of the respondents are still awaited. Learned AAG seeks short adjournment. He is required to take the respondents on board to furnish reply/comments on or before the next date positively, failing which their right for reply/comments shall be deemed as struck off. Case to come up on 31.01.2022 before S.B.

  
Chairman

31.01.2022

Appellant present in person. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

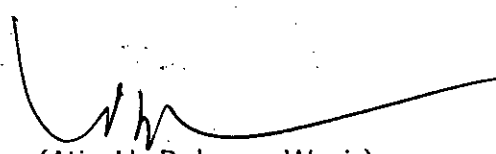
Written reply/comments have not been submitted despite warning given on the previous date as to deeming their right as struck off. The right of the respondents for reply is struck off. To come up for arguments on 01.02.2022 before the D.B.

  
Chairman

01.02.2022

None present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Notice be issued to appellant and his counsel. To come up for arguments on 08.02.2022 before the D.B.

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

  
Chairman

R/sin

The Service appeal No. 6725/2021 titled Motamed Mahed S/O Ghulam Ahmad versus Govt of Jharkhand Patanchura, through Secretary Health and 2 others was admitted for regular hearing on 03-10-2021. Notice have been issued to respondents on 14-12-2021 which were duly received by respondents 1 and 2 while notice to respondent No-3 has been issued through registered post on 8-2-2022 but reply/comments of the respondents are still awaited.


Sub-itted, Please

  
24/1/2022

Monthly affair - an

Fix the appeal before SR on

25-1-2022.

  
24/1/2022




03.12.2021

Counsel for the appellant present. Preliminary arguments have been heard.

As argued by the learned counsel for the appellant, the appellant was serving as Tube well Operator at DHQ Hospital Haripur is aggrieved of the impugned order dated 25.10.2018 whereby he was awarded major penalty of dismissal from service. The appellant submitted departmental appeal against the impugned order on 05.11.2018. It was considered and the impugned order was withdrawn on 03.06.2019. However, his reinstatement order was withdrawn and he was once again dismissed on 25.07.2019 without any reason or enquiry. No reason was given for the illegal and illogical second time dismissal. The appellant again submitted departmental appeal on 10.03.2021 which was not decided and the appellant therefore, approached the Service Tribunal on 05.07.2021. It was vehemently argued that the impugned orders dated 25.10.2018 and 25.07.2019 are illegal, unlawful, without lawful authority, without jurisdiction and being against the law, facts and circumstances are liable to be set aside and the appellant reinstated in service with all back benefits.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 08.02.2022 before S.B.

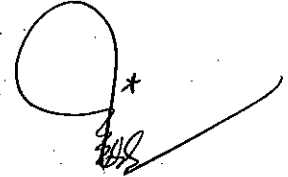
Security & Process Fee  
3/12/21

  
(Mian Muhammad)  
Member(E)

27.09.2021

None for the appellant present.

Notices be issued to the appellant and his counsel.  
Adjourned. To come up for preliminary hearing before the S.B  
on 18.11.2021.

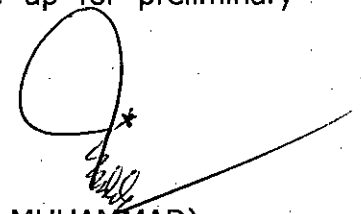


(MIAN MUHAMMAD)  
MEMBER (E)

18.11.2021

Appellant in person present.

Appellant seeks adjournment on the ground that his counsel is  
not available today. Adjourned. To come up for preliminary  
hearing before the S.B on 03.12.2021.



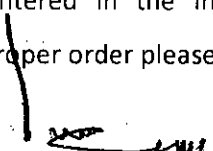


(MIAN MUHAMMAD)  
MEMBER (E)

Form- A

FORM OF ORDER SHEET

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

Case No.- 6729 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/07/2021	<p>The appeal of Mr. Muhammad Waheed presented today by Mr. Masood-ur-Rehman Khan 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>
2-	23.08.2021	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>23/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present and submitted Vakalatnama in favour of Mr. Javed Ali, Advocate, which is placed on file. Appellant also requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary arguments on 27.09.2021 before the S.B.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (J)</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2021

Muhammad Waheed

V/S

Govt. of K.P.K etc

**SERVICE APPEAL**

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Service appeal alongwith affidavit Addresses of parties		1-6
2.	Copy of terminated by the MS DHQ Hospital Haripur vide Office Order No. 7394-99/ MS/DHQ(H) dated 25.10.2018	"A"	7
3.	Copy of departmental appeal vide diary No. 3348 dated 05.11.2018	"B"	8
4.	Copy of reinstatement order No. 7734-36 dated 03.06.2019.	"C"	9
5.	Copy of termination letter No. 9102- 5 dated 25.07.2019	"D"	10
6.	Copy of application	"E"	11
7.	Copy of departmental appeal before the respondent No.2 Director General Health KPK Peshawar on 10.02.2021	"F"	12
8.	Wakalat Nama		13

Dated 03/07/2021

Appellant

Through counsel

**Masood ur Rehman Khan  
Advocate High Court  
At Haripur**

**Azra Suleman  
Advocate High Court  
At Peshawar**

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 6782

Dated 25/7/2021

Appeal No. 6725 /2021

Muhammad Waheed s/o Ghulam Ahmad (Tube Well Operator  
DHQ Hospital Haripur), resident of Village Malikar, Tehsil and  
District Haripur.

.....Appellant

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa, through Secretary Health  
Department Peshawar.
2. Director General Health Services KPK Peshawar
3. Medical Superintendent DHQ Hospital Haripur

....Respondents

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**SERVICE APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL  
ACT 1974 AGAINST THE IMPUGNED TERMINATION  
ORDER NO. 7394-99/MS/DHQ(H) DATED 25.10.2018.**

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**PRAYER :-** *On acceptance of the appeal, the impugned  
termination Order No. 7394-99/MS/DHQ(H)  
dated 25.10.2018 and 25.07.2019 may  
graciously be set aside and appellant may  
kindly be reinstated in service with all back  
benefits by restoring appointment order dated  
03.06.2019.*

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**Filed to-day**

**Registrar**

*05/07/2021*

**Respectfully Sheweth:-**

Brief facts giving rise to the present appeal are arrayed as under:-

1. the Appellant was appointed as Tube Well Operator at DHQ Hospital Haripur in the year 2009 and later on the services of appellant was illegally and unlawfully terminated by the MS DHQ Hospital Haripur vide Office Order No. 7394-99/MS/DHQ(H) dated 25.10.2018. Copy of termination order is annexed as **Annexure "A"**.
2. That appellant approached to the office of Respondent No.2 Director General Health Department KPK Peshawar and submitted departmental appeal vide diary No. 3348 dated 05.11.2018. Copy of appeal is annexed as **Annexure "B"**.
3. That appeal of the appellant was accepted and services of the appellant was reinstated vide order No. 7734-36 dated 03.06.2019. Copy of reinstatement order is annexed as **Annexure "C"**.
4. That due to some unknown reasons once again the reinstatement order dated 03.06.2019 was withdrawn and the termination order dated 25.10.2018 was restored vide letter No. 9102-5 dated 25.07.2019. Copy of letter is annexed as **Annexure "D"**.
5. That the appellant submitted an application in the office of DG Health vide diary No.8474 dated 16.03.2020 mentioning

therein mentioning therein that the appellant is hanging and reinstatement of the appellant has not been made practically. Copy of application is annexed as **Annexure "E"**.

6. That the appellant filed departmental appeal before the respondent No.2 Director General Health KPK Peshawar on 10.02.2021 but no positive response receive to appellant from the end of respondent No.2. Copy of departmental appeal is annexed as **Annexure "F"**.

**GROUND OF APPEAL:-**

- a. That the impugned termination Office Order No. 7394-99/ MS/DHQ(H) dated 25.10.2018 and 25.07.2019 are illegal, unlawful, without lawful authority, without jurisdiction, against the law, facts and circumstances of the case, discriminatory and ineffective upon the rights of the petitioner especially against the rule of locus potentia. Hence, liable to be set-aside.
- b. That the petitioner has been appointed as Tubw Well Operator being eligible because after proper scrutiny of the documents of petitioner.
- c. That valuable rights of the appellant is involved in the matter.

- d. That the other points shall be agitated at the time of arguments with the leave of this Honourable Court.

Under the circumstances, it is respectfully prayed that on acceptance of the instant service appeal, the impugned termination Order# 7394-99/MS/DHQ(H) dated 25.10.2018 and 25.07.2019 issued by Respondent No.3 may graciously be set aside and appellant may kindly be ordered to be reinstated in service with all back benefits w.e.f 25.10.2018. Any other relief deemed fit and proper in the circumstances of the case.

Dated 03/07/2021

  
Appellant

Through counsel

  
**Masood ur Rehman Khan**  
**Advocate High Court**  
**At Haripur**

  
**Azra Suleman**  
**Advocate High Court**  
**At Peshawar**

**VERIFICATION**

Verified on oath that the contents of forgoing Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Service Tribunal.

Dated 03/07/2021

  
Appellant



5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2021

**Muhammad Waheed**

**V/S**

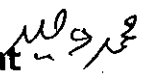
**Govt. of K.P.K etc**

**SERVICE APPEAL**

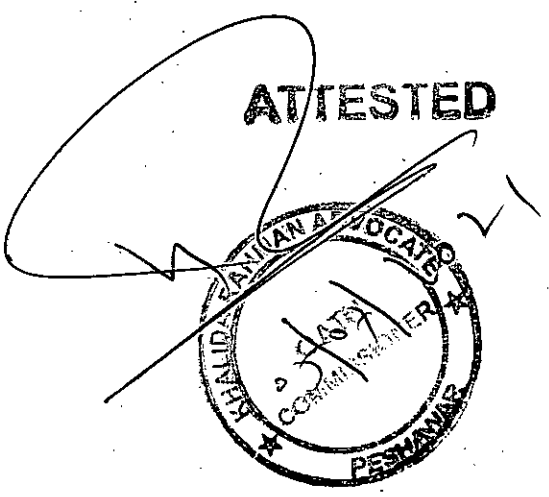
**AFFIDAVIT**

I, Muhammad Waheed s/o Ghulam Ahmad (Tube Well Operator DHQ Hospital Haripur), resident of Village Malika, Tehsil and District Haripur do hereby solemnly affirm and declare on oath that the contents of the foregoing service appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Dated: 03/07/2021

Deponent   
**Muhammad Waheed**  
CNIC # \_\_\_\_\_

**ATTESTED**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2021

**Muhammad Waheed V/S Govt. of K.P.K etc**

**SERVICE APPEAL**

**ADDRESSES OF THE PARTIES**

**APPELLANT**

Muhammad Waheed s/o Ghulam Ahmad (Tube Well Operator DHQ Hospital Haripur), resident of Village Malika, Tehsil and District Haripur.


**RESPONDENTS**

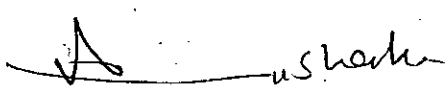
- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Health Department Peshawar.
- 2. Director General Health Services KPK Peshawar
- 3. Medical Superintendent DHQ Hospital Haripur

Dated 03/09/2021

  
Appellant

Through counsel

  
**Masood ur Rehman Khan  
Advocate High Court  
At Haripur**

  
**Azra Suleman  
Advocate High Court  
At Peshawar**

Ph # 0995-611850, Fax # 0995-610065

Email: [hrp7008@gmail.com](mailto:hrp7008@gmail.com)

No. FR 24-99/MS/DHQ (H)

Dated: Haripur the 25 / 10 / 2018

OFFICE ORDER

WHEREAS, Mr. Muhammad Waheed S/O Ghulam Ahmad Tube Well Operator BPS-04 attached to DHQ Hospital Haripur was proceeded against under the E&D 2011 for the charges mentioned below:-

- a) Misconduct
- b) Inefficient
- c) Habitual absenteeism
- d) Irregular
- e) Unwilling worker
- f) Disobedient

AND WHEREAS, and inquiry was conducted vide this office no 6028-30 dated 07-09-2018, in which the court of inquiry recommended major penalty against the accused.

AND WHEREAS, a show cause was served upon him vide this office letter no 6578-79 dated 01-10-2018 and the official concern was also called for personal hearing on 20-10-2018 vide this office letter no 6989-90 dated 15-10-2018.

AND WHEREAS, neither he defend himself in the reply of show cause notice nor in personal hearing. He also admitted in his reply of the above noted allegations.

NOW WHEREAS, I, the undersigned being the competent authority in exercise the powers conferred under the Khyber Pakhtunkhwa Peshawar E&D Rules 2011, (Special powers) ordinance 2000 clause 2 (C), am pleased to imposed major penalty of Dismissal from service upon Mr. Muhammad Waheed S/O Ghulam Ahmad Tube Well Operator BPS-04 attached to DHQ Hospital Haripur with immediate effect.

Medical Superintendent  
DHQ Hospital Haripur

Cc:

1. Director General Health Services KPK Peshawar for information.
2. Deputy Commissioner Haripur for information.
3. District Accounts Officer Haripur for information.
4. Divisional Monitoring Officer Hazara Division.
5. Accounts section of undersigned office for information and necessary action.
6. Mr. Muhammad Waheed S/O Ghulam Ahmad Tube Well Operator.

*[Handwritten Signature]*

Medical Superintendent  
DHQ Hospital Haripur

*[Handwritten Signature]*  
my

ڈائریکٹر جنرل صحت  
بیلو کمر عسکری ہسپتال  
حیدرآباد  
حیدرآباد  
ادارات ہزار ہمدردی



موردہ نامہ شہر میں کہ سائل میڈیکل سٹریٹنٹ (HCO) ہسپتال میں 2009 سے خوش الحول سے این ڈیول سر ایچ ایم ایچ حال 2015 میں مصلوب میں اینڈر سٹینٹ MS صحت کے سائل ہسپتال میں آئیڈیٹیکل کوئی سے برخواست کیا گیا۔ کوالیفیڈ نمبر 739699  
بشرہ پور میں سائل سر ایچ ایم ایچ جو کہ سائل کے چھوٹے چھوٹے اس نوکری کا عداوہ کوئی چارہ نہیں ہے۔ العمان سے ایچ ایم ایچ کے سائل کا عبوری بہ نظر آئے اور ایفری موقع دیا جائے اور سائل کو دور رہ نوکری برقرار کرنے کا اطلاعات جہاد فرما دیا۔  
سائل ایچ ایم ایچ کا تاحیات ڈیٹا کو رہ گیا  
بشرہ پور ہسپتال

8-11-14  
[Signature]

115 = [Signature]

3151801142

العدو  
ایچ ایم ایچ  
بشرہ پور ہسپتال  
بشرہ پور

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUN KHWA PESHAWAR**



E-Mail Address: [nwfdghs@yahoo.com](mailto:nwfdghs@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

The termination order in respect of Mr. Muhammad Waheed S/O Ghulam Ahmed Tube Well Operator BS-04 issued by MS DHQ Hospital Haripur vide bearing Endst. No. 7394-99/MS/DHQ (H) dated 25.10.2018 is hereby withdrawn.

Subsequently the services of the above named Official are re-instated in to Govt. service with immediate effect.

Sd/xxxxxxx  
DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR.

No. 2734-37 /Personnel

Dated 3 /06/2019

Copy forwarded to the:-

1. MS DHQ Hospital Haripur. He is requested to keep vigilant eyes on the performance of above named Official and submit his performance report quarterly basis.
2. DAO Haripur.
3. Official concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH SERVICES, K.P PESHAWAR.

*[Handwritten signatures and initials]*

*As discussed over phone, Mr. Waheed is being re-instated to this person and if he does it again, he shall be automatically terminated from his job.*

MS DHQ Haripur

DIRECTOR ADMINISTRATION  
DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

*3 June 2019*

# DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR



E-Mail Address: [kwipdrhs@yahoo.com](mailto:kwipdrhs@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

### OFFICE ORDER

The Office Order issued bearing Endst: No. 7394-99/MS/DHQ(H) dated 25.10.2018 by MS DHQ Hospital Haripur is hereby restored and the re-instatement order in respect of Mr. Muhammad Waheed S/O Ghulam Ahmad Tube Well Operator issued vide this Directorate Office Order bearing Endst: 7734-36/Personnel dated 03.06.2019 is hereby withdrawn.

Sd/xxxxxxx

DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR.


Dated 25/07/2019

No. 9102 OST /Personnel

Copy forwarded to the:-

1. MS DHQ Hospital Haripur.
2. DHO Haripur.
3. DAO Haripur.
4. Official concerned.

For information and necessary action.

  
DIRECTOR (ADMINISTRATION)  
DIRECTORATE GENERAL HEALTH SERVICES, K.P PESHAWAR.

*Handwritten signature: A. Waheed*

*Handwritten initials: L*  
*Handwritten signature: Waheed*  
*Handwritten date: 25.7.2019*

بخدمت جناب ڈائریکٹر جنرل صاحب، ہیلتھ سروسز خیبر پختونخواہ، پشاور

درخواست بمراد رقم فرمانے

8474 PR

16/3/2020

جناب عالی! مودبانہ گزارش ہے کہ آپ نے مجھے لیٹر 36-7734 مورخہ 03/06/2019 کو نوکری پر بحال فرمادیا تھا لیکن اس کے باوجود مجھے ابھی تک ڈیوٹی پر میڈیکل سپرنٹنڈنٹ ڈسٹرکٹ ہیڈ کوارٹر ہسپتال ہری پور نہیں لگایا۔ میں در بدر تھوکر بہا رہا ہوں۔ (نقل آڈر لف ہے)۔

بعد از درج بالا سائل نے پھر سے آپ صاحبان کو اطلاع دی جس پر آپ صاحبان نے سائل کو درج بالا لیٹر پر پھر سے سائل کی بحالی کا حکم صادر کیا مگر میڈیکل سپرنٹنڈنٹ ڈسٹرکٹ ہیڈ کوارٹر ہسپتال ہری پور سائل کو ڈیوٹی پر بحال نہیں کرتا بلکہ کہتا ہے کہ جاؤ اس منسٹراؤزیر کے پاس اور اس سے معافی مانگو تو پھر آچکو بحال کر دیا جائیگا۔

یہ کہ میں ایک غریب اور بال بچے دار آدمی ہوں۔ گھر کے تقریباً 10/18 افراد ہے اور سائل کی والدہ ام شہدہ بی بی بیار ہے جن کی کفالت کا واحد سہارا ہوں۔ دیگر کوئی بھی زرعیہ اور روزگار و شہرہ نہیں ہے۔ سائل کی ماہانہ تنخواہ فارغ ہوں۔ آپ کے حکم کے باوجود بھی مجھے نوکری پر نہیں لگایا جا رہا ہے۔ چلو۔ ٹی ٹی۔

نوبت فاقہ کشی پر پہنچ گئی ہے۔

(الرقوم: 16/03/2020)

سائل

محمد وحید ولد غلام محمد محمد وحید

نیوب ویل آپریٹر DHQ ہری پور

سکنہ محلہ سیدانوالہ، ملکیار تحصیل ضلع ہری پور

موبائل نمبر: 0331-9096646

سید کمال

12

To

**Director General Health  
Khyber Pakhtunkhwa  
Peshawar.**

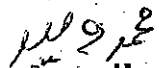
Subject **DEPARTMENTAL APPEAL**

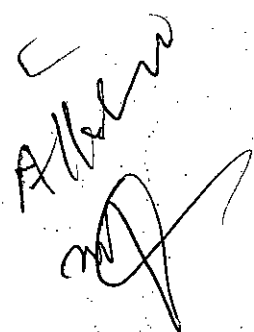
Sir,

1. It is humbly submitted that the Appellant was appointed as Tube Well Operator at DHQ Hospital Haripur in the year 2009 and later on the services of appellant was illegally and unlawfully terminated by the MS DHQ Hospital Haripur vide Office Order No. 7394-99/MS/DHQ(H) dated 25.10.2018. **copy of termination order are enclosed.**
2. That appellant approached to the office of Director General Health Department KPK Peshawar and submitted departmental appeal vide diary No. 3348 dated 05.11.2018. **Copy of appeal is enclosed.**
3. That appeal of the appellant was accepted and services of the appellant was reinstated vide order No. 7734-36 dated 03.06.2019. **Copy of reinstatement order is enclosed.**
4. That due to some unknown reasons once again the reinstatement order dated 03.06.2019 was withdrawn and the termination order dated 25.10.2018 was restored vide letter No. 9102-5 dated 25.07.2019. **Copy of letter is attached.**
5. That the appellant submitted an application in the office of DG Health vide diary No. 8474 dated 16.03.2020 mentioning therein mentioning therein that the appellant is hanging and reinstatement of the appellant has not been made practically. **Copy of application is attached.**
6. That now it came to the knowledge of appellant that his service has been terminated and letter of reinstatement is withdrawn, hence this appeal.

It is, therefore, humbly prayed that the appellant may also be reinstated and order of termination/removal from service may kindly be set aside in the best interest of justice.

Dated: 10-03/2021

  
**Appellant**  
**Muhammad Waheed**  
Tube Well Operator  
DHQ Hospital Haripur



**Copy to:**

1. MS DHQ Hospital, Haripur
2. Secretary Health, KPK Peshawar



قیمت  
50 روپے

89543



ایڈویکیٹ: A. Shaleh  
بار کونسل / ایسوسی ایشن نمبر: 16-7156  
رابطہ نمبر: 0335-536440

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹریبونل پشاور

مخانب: <u>سٹیشنر / اسٹینٹ</u>	دعویٰ: <u>Service Appeal</u>
	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____
<b>باعث تحریر آئکہ</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام محکمہ عدالت پشاور کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو راضی نامہ کر کے نوٹیفکیشن و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست آڑ پر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایپل کی برآمدگی اور سٹوپی، نیز دائر کرنے ایپل گزرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کوائف سے براہ راست حاصل ہوں گے اور ان کا ساختہ پر اجتناب سے منظور ہوگا دوران مقدمہ میں جو فریج ہر جائزہ تو اے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی معاذ اللہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سدر ہے

Attested

Accepted by

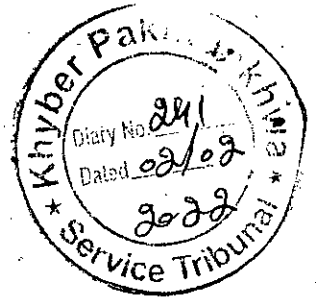
المقوم: 05/07/2021  
 العبد عبدالرحیم  
 المقام پشاور  
 کے لیے منظور ہے۔

Appellant عبدالرحیم

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔



BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.



Put up to the meeting chair with balance of appeal  
Appeal No. 6725/2021

Muhammad waheed

V/S

Govt of KPK

*Waheed*

*21/2/2022*

APPLICATION FOR EARLY HEARING IN THE ABOVE TITLED  
APPEAL INSTEAD OF 08.02.2022

*Fix for today*  
*02/2/2022*

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal against the removal order, whereby the appellant was awarded major penalty of removal from service.
2. That the previous date in the instant appeal for written reply and the next date fixed for arguments is fixed for 08.02.2022 before this Honourable KP Service Tribunal.
3. That as the appellant is removed from service and his financial position is unbearable and if the instant appeal is still linger on, the appellant will suffer allot.
4. That it will be in the interest of justice to fix in the instant case at any other near by possible date. i.e For today.

It is, therefore, most humbly prayed that on acceptance of this application, any other near by possible date of hearing may kindly be fixed in the above Service Appeal instead of 08.02.2022. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

*Waheed*  
**Appellant**

Muhammad Waheed