

9th June, 2022

1. None present for the petitioner. Kabirullah Khattak, Addl: AG for respondents present.

2. The instant execution petition was called time and again but none present on behalf of the petitioner. In view of the above, the execution petition is dismissed in default. Consign.

3. *Pronounced in open court in Swat and given under my hand and seal of the Tribunal this 9th day of June, 2022.*



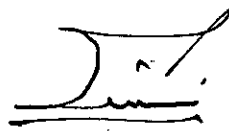
(Kalim Arshad Khan)
Chairman
Camp Court Swat

10.02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 07.04.2022 for the same as before at Camp Court Swat.


Reader


07.04.2022 Learned counsel for the petitioner present. Mr. Nawab Ali, EPI Coordinator alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

While going through order sheets dated 05.10.2020 and 24.08.2021, it deems appropriate that concerned DHO shall personally appear for proper resolution of controversy in question. To come up for personal appearance of DHO concerned and arguments on the issue on 06.06.2022 before the S.B at Camp Court Swat.


(Salah-Ud-Din)
Member (J)
Camp Court Swat

06.06.2022 None for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

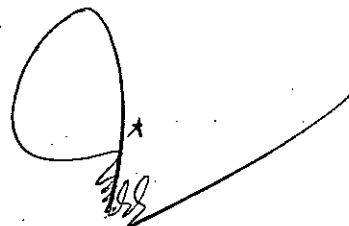
On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellatant did not appear before the court. Adjourned. To come up for further proceedings on 09.06.2022 before the S.B at camp court Swat. .


(Kalim Arshad Khan)
Chairman
Camp Court Swat

03.01.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned AAG requested that updated position ~~is~~ ^{is being} obtained from the respondent-department to whom he is in touch. To come up for proper implementation report, as per directions given vide order sheet dated 06.12.2021, on 06.01.2022 before S.B at camp court Swat.

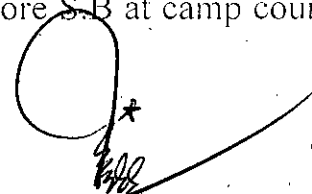


(Mian Muhammad)
Member(E)
Camp Court Swat

06.01.2022

Clerk of learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General present.

As per previous order sheet dated 03.01.2022, request of the learned AAG was acceded to enabling him to contact the respondent-department and to come up with implementation report. However, he could not produce implementation report today. On the other hand, clerk of learned counsel for the petition requested for adjournment on the ground that learned counsel for the petitioner being out of station is not available today. Learned AAG is therefore, given last chance to submit implementation report on the next date positively. To come up for further proceedings on 10.02.2022 before S.B at camp court Swat.



(Mian Muhammad)
Member(E)
Camp Court Swat

06.12.2021

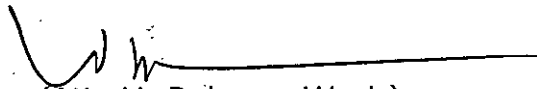
Learned counsel for the petitioner present.

Mr. Muhammad Rasheed, Deputy District Attorney alongwith Dr. Nawab Ali, Coordinator for respondents present.

Learned counsel for the appellant stated that the petitioner has been posted against the post of Dai, the duties of the said are always performed by the female staff of the hospital. Therefore, he requested that there are numerous post available whose duties are performed by the male staff of the hospital i.e. Dental Attendant, X-Ray Attendant and Ward Attendant.

On the other hand representative of the department submitted that his posting on the above mentioned posts will be subject to the availability of post.


In view of the above discussion, the respondents are directed to post the petitioner on the post of Dental Attendant or X-Ray Attendant or Ward Attendant. If there is no available vacancy of the said post then representative is directed to furnish details of the above mentioned posts. Furthermore, the representative is directed to speed up the process of SNE. To come up for implementation report/further proceedings on 03 / 01 /2022 before S.B at Camp Court Swat.


(Atiq Ur Rehman Wazir)
Member (E)
Camp Court, Swat

04.10.2021

Mr. Imdadullah, Advocate present. Mr. Riaz Khan Paindakheil,
Assistant Advocate General for the respondents present.


As per the statement of Assistant Advocate General SNE of the said post is well in process and the petitioner is not willing to be adjusted in category-D Hospital Wari Dir Upper. Respondents are directed to expedite the SNE of the said post in BHU Patrak District Dir Upper. Adjourned. To come up for further proceedings/implementation report on 06.12.2021 at Camp Court Swat.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT SWAT

24.08.2021

Counsel for the petitioner and Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Dr. Nawab Ali, Medical Officer for the respondents present.

The representative of the respondents has informed that a post of Chowkidar has become vacant in Category-D Hospital Wari Dir Upper and it is possible to make adjustment of the petitioner against the said post. Apparently, there appears no reason to delay the adjustment of the petitioner against the said post so as to enable the satisfaction of this Execution Petition. It has been indirectly pointed out that the said post may not suit to the petitioner due to distance of the place of duty on the said post from the native area of the petitioner. However, this reason for not making adjustment on the post of Chowkidar Category-D Hospital Wari is only workable when option is given by the petitioner that he is not willing to get his adjustment on the said post as creation of new post in pursuance to SNE is already in process. If the petitioner do not exercise the said option in writing, the respondents shall make adjustment of the petitioner against the post of Chowkidar in Category-D Hospital Wari with accruable benefits in the light of judgment of this Tribunal. To come up for implementation report on 04.10.2021 before S.B at camp court, Swat.

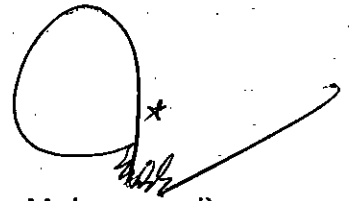

Chairman
Camp Court, Swat

03.03.2021

Counsel for the petitioner present. Mr. M. Riaz Khan Paindakhel, Asst: AG alongwith Dr. Fazal Tehseen Sahib Zada, DHO, Dir Upper present.

Progress report with regard to the implementation status in the case shows that SNE for the creation of the new post has been moved to DG Health Services Peshawar which is under process at that level. Learned counsel for the petitioner agreed to wait for outcome of the proposed SNE.

Adjourned to 04.05.2021 for final implementation report before S.B at camp court Swat.



(Mian Muhammad)
Member(E)
Camp Court Swat

26.07.2021

To come up for implementation report on 24.08.2021 before S.B at Camp Court, Swat. Notices be issued to petitioner/counsel as well as respondents for the date fixed.



Chairman

4-1 .2021

Due to summer vacation, case is adjourned to
1-3 .2021 for the same as before.

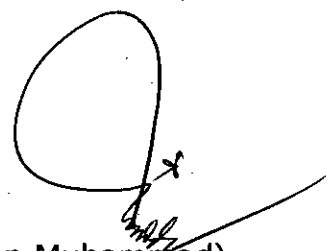

Reader

01.03.2021

Petitioner with counsel present. Mr. M. Riaz Khan
Paindakhel, Asst: AG alongwith Mr. Salman Arshad, Medical
Officer for respondents present.

Implementation report not submitted. Learned Asst: AG
seeks time to submit the same on the next date. As per order
sheet dated 05.10.2020 and 03.11.2020 DHO Health Dir
Upper is directed to appear and apprise the court about the
final implementation report in the instant case.

Adjourned to 03.03.2021 before S.B at camp court
Swat.

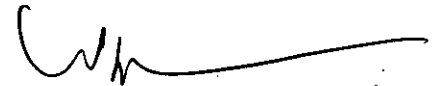

(Mian Muhammad)
Member(E)
Camp Court Swat

03.11.2020

Petitioner in person present.

Muhammad Jan learned Deputy Attorney alongwith Dr. Manzoor Ali Deputy D.H.O, Zia Ullah Legal Officer and Jaffar Ali Assistant for respondents present.

Petitioner requested for adjournment as lawyers are on general strike, therefore, case is adjourned to 04.01.2021 for arguments/further proceedings, before S.B at Camp Court, Swat.



Member (E)
Camp Court, Swat

05.10.2020

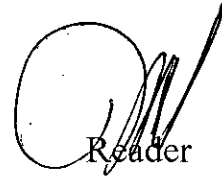
Mr. Imdad Ullah, Advocate, for petitioner is present. Mr. Usman Ghani, District Attorney alongwith representative of the department Dr. Taj Muhammad, Medical Officer are also present.

According to learned counsel for the petitioner the claim of petitioner with respect to arrear accruing towards his back benefits is satisfied however, petitioner has been reinstated on the post of Dai instead of Chowkidar against which post he was originally appointed. Petitioner is seeking rectification in this regard and prayed that his reinstatement order has to be made at the post of Chowkidar rather than Dai

Respondents on the other hand submitted a letter bearing No. 8352-55 dated 11.09.2020 written by the District Health Officer District Dir Upper to the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, that since the post of Chowkidar has been filled and at the moment and the referred to post do not exist, therefore, he has beseeched for sanction of SNE for creation of the post of Chowkidar at category "D" Hospital Patrak. The question arises as to whether under the law and rules on the subject petitioner can be reinstated on the post of Dai instead of Chowkidar? An anomaly has to be addressed by the competent authority, therefore, in the circumstances the District Health Officer, Dir Upper, is required to attend this Tribunal for resolution of the issue on 03.11.2020 before S.B at Camp Court, Swat.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT SWAT

01.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 07.07.2020 before SB at camp court Swat.



Reader

07.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 06.08.2020, at camp court Swat.



Reader

03.02.2020 Petitioner with counsel present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Jaffar Ali Assistant present and submitted copy of office letter dated 13.01.2020 of the DHO District Dir Upper addressed to DG Health Services Khyber Pakhtunkhwa in relation to SNE for new creation of post of Chowkidar at Category "D" Hospital Patrak Dir Upper and seeks adjournment for doing the needful. Adjourn. To come up for further proceedings/implementation report on 02.03.2020 before S.B at Camp Court Swat.



Member
Camp Court, Swat.

02.03.2020 Petitioner in person present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Jaffar Ali Assistant present. Petitioner seeks adjournment as his counsel is not available. Adjourn. To come up for further proceedings/implementation report on 06.04.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

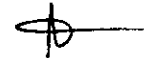
Due to corona virus tour to
comp court swat has
been cancelled to come up
for the same on 01/06/2020



Member.

02.12.2019

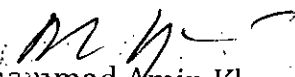
Counsel for the petitioner present. Mr. M. Riaz Khan Painsdakhel, Assistant Advocate General alongwith M. Naeem, AD, Mr. Amjid Ali, Assistant, Mr. Jafar Ali, Assistant and Mr. Hayat Ullah, Senior Clerk for respondents present. Learned counsel for the petitioner argued that though some partial payment to the tune of Rs. 1100000/- was made but Rs. 181633/- were outstanding. However, the critical issue regarding grant of seniority etc. was not resolved. The respondents adjusted him against the post of Dai due to non-availability of post of Chowkidar. This will have serious adverse implications on the service career of the appellant in future. When learned counsel for the petitioner was confronted on the point whether the appellant was entitled for the seniority under the rules was unable to give any satisfactory reply. He also did not address the issue raised vide order sheet dated 02.09.2019. To come up for further proceedings on 06.01.2020 before S.B at camp court Swat.



Member
Camp Court Swat

06.01.2020

Petitioner in person and Mr. Usman Ghani, District Attorney present. None present on behalf of respondent-department despite the facts that the Execution Petition is pending for implementation since February 2017, therefore, pay of respondent No. 3 is attached till further orders. Case to come up for attendance and implementation report on 03.02.2020 before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)

Member
Camp Court Swat

02.09.2019

Petitioner with counsel present. Mr. Mian Amir Qadir learned Deputy District Attorney present.


Hayat Senior Clerk of DHO officer Dir Upper present and submitted his version in writing placed on file. Adjourn. To come up for arguments including arguments on the issue that as to whether the dispute between the petitioner and the accountant concerned falls within the terms & conditions of civil servant or otherwise, on 07.10.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

07.10.2019

Counsel for the petitioner and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Hashmat Badshah, DHIS Coordinator for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to 02.12.2019 for arguments/further proceeding before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

08.05.2019

Petitioner with counsel and Mr. Mian Amir Qadir learned District Attorney present.

As per reply submitted before this Tribunal on 06.05.2019, the amount of Rs. 1281663/- was paid to the petitioner, on the other hand learned counsel for the petitioner stated that only Rs.1100000/- has been paid to the petitioner. Learned counsel for the petitioner requested that concerned clerk namely Hayat Ullah of the office of DHO Dir Upper be summoned for clarification of issue. Learned District Attorney also showed his no objection if the concerned clerk is summoned for assistance in the matter.

Hayat Ullah Clerk of the office of DHO Dir Upper be put to notice to attend this Tribunal and render assistance. Adjourn. To come up for further proceedings on 02.07.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat.

02.07.2019

Petitioner present. Clerk to counsel for the petitioner present. Hayat Ullah Senior Clerk of the office of DHO Upper Dir, present. Clerk to counsel for the petitioner seeks adjournment as lawyer community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings on 02.09.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat

01.04.2019

Petitioner with counsel and Mian Amir Qadir learned District Attorney alongwith Saleem Javid Litigation Assistant present and seeks adjournment to furnish reply of application as mentioned in the preceding order sheet dated 07.02.2019. Adjourn. To come up for reply and arguments/further proceedings on 06.05.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat.

06.05.2019


Learned counsel for the petitioner and Mr. Mian Amir Qadir learned District Attorney alongwith Saleem Javid Litigation Assistant present. Representative of the respondent department submitted reply to the application as mentioned in the preceding order sheet dated 07.02.2019. Adjournment requested. Adjourn. To come up for further proceedings/arguments on 08.05.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.


10.01.2019

Petitioner alongwith his counsel present. Dr. Ibrar ~~alongwith~~ alongwith Mr. Mian Ameer Qadir, District Attorney for the respondents present. Implementation report not submitted. Learned District Attorney requested for further adjournment. Adjourned. To come up for implementation report on 07.02.2019 before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

07.02.2019

Learned counsel for the appellant petitioner and Mian Amir Qadar learned Deputy District Attorney alongwith representative of the respondent department present. Learned counsel for the petitioner stated that the net amount payable to the petitioner was Rs.1281663/- while the petitioner was paid Rs.110000/- and in this way amount Rs.181633/- is still outstanding. Learned counsel for the petitioner also submitted an application for the payment of the arrears to the tune of Rs.181663/-. Notice of the said application be given to the respondent department for 01.04.2019. To come up for reply and arguments on the said application on the date fixed before S.B at Camp Court Swat.


Member
Camp Court Swat.

04.09.2018

Petitioner Rehman Ullah in person present. Dr. Abdul Nasir alongwith Mr. Usman Ghani, District Attorney for respondents present. Representative of the respondents submitted implementation report a copy of which is given to the petitioner. Case to come up for further proceedings/arguments on 06.11.2018 before S.B at camp court Swat.


Chairman
Camp Court Swat

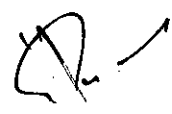
06.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 05.12.2018 at camp court Swat.


Reader

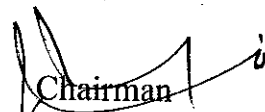
05.12.2018

Clerk to counsel for the petitioner and Mr. Mr. Usman Ghani learned District Attorney alongwith Dr. Abrar Ali Khan Dental Surgeon present. Adjournment requested. Adjourn. To come up for arguments/further proceedings on 10.01.2019 before S.B at camp court Swat.


Member
Camp Court, Swat

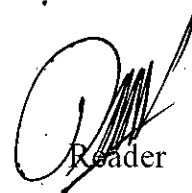
05.04.2018

Counsel for the petitioner and Mr. Usman Ghani, Distinct Attorney alongwith Dr. Ibrar Ahmad Dental Surgeon for the respondents present. Representative of the department submitted copy of the cheque in favour of the petitioner. Counsel for the petitioner requested for adjournment for seeking instructions from his client regarding his satisfaction or otherwise. To come up for further proceedings on 10.05.2018 before the S.B.


Chairman
Camp court, Swat

09.05.2018


The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the S.B at camp court, Swat.


Reader

05.07.2018

Petitioner Rehmanullah in person alongwith his counsel Mr. Imdadullah, Advocate and Dr. Ibrar, Dental Surgeon on behalf of the respondents alongwith Mr. Muhammad Jan, Deputy District Attorney present. Judgment of the Tribunal has not been fully implemented.

The above-named representative is directed to produce original record of service book, sanction order of arrears and bills submitted to the Accounts Office. To come up for further proceedings/arguments on 04.09.2018 before S.B at camp court, Swat.


Chairman
Camp court, Swat.

Handwritten notes and stamps at the bottom of the page, including a date stamp '04.09.2018' and some illegible text.


31.01.2018

Petitioner in person present and Addl: AG alongwith Dr. Ibrar Khan, Dental Surgeon & Jaffar Ali, Assistant for respondents present. Petitioner seeks adjournment as his counsel is not available today. Granted. To come up for implementation report/further proceedings on 07.03.2018 before S.B at Camp Court Swat.


Chairman
Camp Court, Swat

07.03.2018

Counsel for the petitioner and Addl. AG alongwith Qazi Muhammad Naem, A.D and Dr. Ibrar Ahmad, Dental Surgeon for the respondents present. The departmental representative pressed into service a copy of order dated 05.01.2018 whereby the petitioner has been reinstated and for the time being has been adjusted against a vacant post of Dai with the condition that he would be adjusted against a proper post as and when the same would be available. However, the grievance of the petitioner is that no pay has been released so far. The departmental representative assured this Tribunal that they would submit the pay bill of the petitioner in the Accounts Office today. To come up for implementation report and payment of pay on 05.04.2017 before S.B at camp court Swat.



Chairman
Camp court, Swat

31.01.2018

~~Appellant in person present and Addl: AG for the respondents present. Written reply not submitted. Learned Addl: AG~~


07.11.2017

Petitioner alongwith counsel and Addl. AG for the respondents present. Learned AAG submitted reinstatement order of the petitioner against the vacant post of Dai for pay purposes issued on 02.10.2017. But the counsel for the petitioner submitted that the petitioner was reinstated by this Tribunal as Chowkidar and not as Dai. Secondly, the petitioner submitted his arrival report in the office of the concerned DHO but the Senior Clerk of the concerned DHO refused to accept the charge report. The DHO District Dir Upper is personally summoned to appear before the Tribunal to show cause as to why proceedings should not be taken against him for disobeying the order of this Tribunal. To come up for implementation report on 4.01.2018 before S.B at camp court, Swat.


Chairman
Camp court, Swat

04.01.2018

Petitioner alongwith counsel and Addl. AG alongwith Dr. Iftikhar Ahmad, DHO (respondent No. 3) for the respondents present and submitted the reinstatement order of the petitioner for perusal, however, learned AAG admitted the same as defective, hence in response respondent No. 3 stated that he would issue correct reinstatement order today and shall hand over the same to the petitioner. Adjourned. To come up for implementation report/further proceedings on 31.01.2018 before S.B at camp court, Swat.


(MUHAMMAD HAMID MUGHAL)
Member
Camp Court, Swat

08.11.2017


Petitioner alongwith counsel and Addl. AG for the respondents present. Counsel for the petitioner submitted before the court that so far the department has not implemented the judgment of this Tribunal dated 08.11.2016 whereby the petitioner was reinstated alongwith back benefits.

The learned AAG submitted that on the next date they would submit implementation report. In the meantime the petitioner is directed to submit his arrival report to the department. To come up for implementation report on 07.12.2018 before S.B at camp court, Swat.


Chairman
Camp court, Swat

06.04.2017

Petitioner with counsel present. Mr. Amjid Ali, Assistant and Mr. Yar Gul, Senior Clerk alongwith Mian Amir Qader, Government Pleader for respondents also present. Implementation report not submitted. Respondents requested for further time for submission of implementation report. To come up for implementation report on 08.06.2017 before S.B at Camp Court Swat.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat


08.06.2017:

Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 05.10.2017 at camp court, Swat. Notices be issued to the parties for the date fixed accordingly.


Registrar




05.10.2017

Counsel for the petitioner and Mr. Anwarul Haq, DDA for the respondents present. The learned DDA seeks time to contact the respondents. To come up for implementation report on 08,11,2017 before S.B at camp court, Swat.


Chairman
Camp court, Swat

FORM OF ORDER SHEET

Execution Petition No. 10/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.01.2017	<p>The Execution Petition of Mr. Rehman Ullah submitted to-day by Mr. Aziz-ur-Rehman Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;">  REGISTRAR </p>
2-	26-1-2017	<p>This Execution Petition be put up before Touring S. Bench at Swat on <u>09-02-2017</u></p> <p style="text-align: right;">  CHAIRMAN </p>
	09.02.2017	<p>Counsel for the petitioner present. Notices be issued to the respondents. To come up for implementation report on 06.04.2017 before S.B at camp court, Swat.</p> <p style="text-align: right;">  Chairman Camp Court, Swat. </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Petition No. 10 of 2017

Rehman Ullah Ex-Chowkidar RHC Patrak, District Dir Upper.

...Petitioner

VERSUS

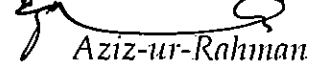
The Government of Khyber Pakhtunkhwa through Secretary Health Services,
Peshawar and Others.

...Respondents

INDEX

S. No.	Description of documents	Annexure	Pages
1.	Memo of Petition	1-2
2.	Affidavit	3
3.	Addresses of the parties	4
4.	Copy of the Judgement dated 08-11-2016	A	5-8
5.	Vakalat Nama	9

Petitioner Through


Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,
Mingora Swat, Cell 0300 907 0671

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 10 of 2017

Rehman Ullah Ex-Chowkidar RHC Patrak, District Dir
Upper.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 47

Dated 25/11/17

...Petitioner

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Health Services, Peshawar.
2. The Director General Health Services Government of Khyber Pakhtunkhwa, Peshawar.
3. The Executive District Officer / District Health Officer, District Dir Upper.

...Respondents




APPLICATION FOR
IMPLEMENTATION OF THE
JUDGMENT DATED 08-11-2016 PASSED
BY THIS HONOURABLE TRIBUNAL.

Respectfully Sheweth:

- i. That the petitioner was removed from service vide order dated 17-06-2011, felling aggrieved of the same the appellant preferred a departmental appeal, but the same was not responded to.
- ii. That the petitioner waited for the decision upon the departmental appeal, but when the same was no responded in the statutory period so the petitioner filed a Service Appeal before this Honourable Tribunal.

- iii. That after final arguments on the service appeal bearing No. 899/2015 this Honourable Tribunal was pleased to accept the same and reinstated the appellant with all back benefits vide Judgment dated 08-11-2016. Copy of the Judgment is enclosed as Annexure "A".
- iv. That now after the lapse of more than 2 months the respondents are not reinstating the petitioner without any reasons whatsoever and thus are not implementing the judgment of this Honourable Tribunal.
- v. That the petitioner has already suffered a lot and is now again made to run from pillar to post despite the judgment of this Honourable Tribunal.

It is, therefore, very respectfully prayed that on acceptance of this petition the judgment of this Honourable Tribunal may very kindly be implemented in letter and spirit by way of directing the respondents to reinstate the petitioner back into service and also to release all the back benefits due to them.

Petitioner

Rehman Ullah
Through Counsels,

Aziz-ur-Rahman

Imdad Ullah
Advocates Swat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. _____ of 2017

Rehman Ullah Ex-Chowkidar RHC Patrak, District Dir
Upper.

...Petitioner

VERSUS

The Government of Khyber Pakhtunkhwa through
Secretary Health Services, Peshawar and Others.

...Respondents

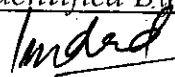
AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this petition are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
Tribunal.

Deponent


Rehman Ullah

Identified By:


Imdad Ullah
Advocate Swat

ATTESTED


ZIA-UD-DIN KHAN ADVOCATE
OATH COMMISSIONER
District Court Swat
No. 48 Date 21/11/17

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. _____ of 2017

Rehman Ullah Ex-Chowkidar RHC Patrak, District Dir
Upper.

...Petitioner

VERSUS

The Government of Khyber Pakhtunkhwa through
Secretary Health Services, Peshawar and Others.

...Respondents


ADDRESSES OF THE PARTIES

Petitioner:

Rehman Ullah Ex-Chowkidar RHC Patrak, District Dir
Upper:

Respondents:

1. The Government of Khyber Pakhtunkhwa through
Secretary Health Services, Peshawar.
2. The Director General Health Services Government
of Khyber Pakhtunkhwa, Peshawar.
3. The Executive District Officer / District Health
Officer, District Dir Upper.

Petitioner
Through Counsel,

Imdad Ullah
Advocate Swat

Annexure

"A"

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR



Service Appeal No. 899 / of 2015

A.W.P. Province
Service Tribunal
Diary No. 949
Dated 10-8-2015

Rehman Ullah son of Ajdar Khan,
Ex. Chowkidar RHC, Patrak
District Upper Dir...

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer Health District Upper Dir... Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 17.6.2011 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM HIS SERVICE.

Prayer:

On acceptance of this Service Appeal the impugned Dated 17.6.2011 of the Executive District Officer Health District Upper Dir may please be set aside and the appellant be reinstated into his service with all his back benefits.

Filed in-229
Registrar
10/8/15

Respectfully Sheweth:

That the appellant was appointed at the post of Chowkidar in BHU Patrak District Upper Dir on 21.04.1999. (Copy of the appointment order dated 21.4.1999 is attached herewith as annexure 'A').

ATTESTED
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Attested
Advocate

No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.11.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Appeal No. 899/2015</p> <p style="text-align: center;">Rehman Ullah Versus Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar and 2 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellant with counsel and Mr. Muhammad Zubair, Senior Government Pleader alongwith Khawas Khan, S.I for respondents present.</p> <p>2. Mr. Rehman Ullah son of Ajdar Khan hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 17.06.2011 vide which he was removed from service and where-against his departmental appeal dated 16.4.2015 was not responded constraining the appellant to prefer the instant service appeal on 10.08.2015.</p> <p>3. Brief facts of the case of the appellant are that he was serving as Chowkidar in Basic Health Unit (BHU) Patrak District Upper Dir when subjected to enquiry on the allegations of involvement in misappropriation of medical instruments/equipments and as a consequence thereof removed from service vide original order dated 17.6.2011 where-against his departmental appeal was not responded and hence the instant service appeal.</p> <p>4. Learned counsel for the appellant has argued that the appellant was innocent and was made scapegoat for the missing equipments from the main</p>

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Attested
Tudal
Advocate

store of the hospital. That apart from the departmental enquiry appellant was also prosecuted in a criminal case registered vide FIR No. 1 dated 23.04.2011 under Sections 409 PPC read with 5(2) P.C Act Police Station, A.C.E Dir and was acquitted of the charges by the learned Special Judge, Anti-Corruption, Khyber Pakhtunkhwa Camp Court, Swat vide judgment dated 02.04.2015. That the said learned court had observed that the missing equipments and instruments were not kept in store No. 3, keys whereof were handed over to the appellant. That the impugned order was therefore liable to be set aside.

5. In support of his stance learned counsel for the appellant placed reliance on case-laws reported as PLD 2010-Supreme Court-695 and 1998-SCMR-1993 (Supreme Court of Pakistan).

6. Learned Senior Government Pleader has argued that mere acquittal of the appellant would not justify reinstatement of the appellant in service as his guilt was established during the departmental enquiry. He further argued that the appeal of the appellant was liable to dismissal.

7. We have heard arguments of learned counsel for the parties and perused the record.

8. According to material placed on record appellant was serving as Chowkidar. The keys of store No. 3 were handed over to him by Dr. Daud. There is no evidence to observe that the appellant had misappropriated medical equipments as according to observations of the learned Special Judge, Anti-Corruption, Khyber Pakhtunkhwa recorded in his judgment dated 02.4.2015 the said missing equipments were not stolen from store No. 3 keys whereof were handed over to the appellant. The said learned Judge has further observed that record in respect of the said equipments was not properly maintained and that the keys should have not been handed over to the

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Attested
[Signature]
Advocates

appellant. As a consequence of the said observations and findings of the learned Special Judge appellant was acquitted of the charges vide judgment dated 02.04.2015.

9. We have given due consideration to the stance of the appellant and have come to the conclusion that the observations of the learned trial Court in its judgment of acquittal dated 02.04.2015 cannot be overlooked more particularly when there was no other independent evidence produced during enquiry establishing the guilt of the appellant beyond doubt. Mere retaining the keys by the appellant under the directions of officers would not justify to punish the appellant for the missing equipments more particularly when there is no solid reason regarding missing of the said equipments from store No. 3 during period when the keys were in the possession of the appellant.

10. Keeping in view the afore-stated circumstances; we are constrained to accept the present appeal, set aside the impugned order of removal of the appellant from service dated 17.6.2011 and reinstate the appellant in service. Since the appellant was prima-facie made a scapegoat for the missing equipments as such we reinstate him in service with all back benefits and place the respondents at liberty to conduct departmental enquiry regarding the incident for digging out the real culprits. Parties are left to bear their own costs. File be consigned to the record room.

Announced
08.11.2016 *Self M. Azim Khan Afridi,*
Chairman
Conc Court Swat

Self Abdul Latif,
Member

Certified to be true copy

[Signature]
MAGISTRATE
SWAT

Date of Presentation of Application 14-11-2016
Number of Words 1600
Copying Fee 10
2
Urgent _____
Total 12
Name of Copyholder [Signature]
Date of Completion 14-11-2016
Date of Delivery 14-11-2016

Attested
[Signature]
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

9

In the matter of:-

Rehman Ullah

Appellant

VERSUS

The Govt K.P. through
Secretary Health Services & Others

Respondents

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Petitioner in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 21 day of 01 2017.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 3671

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746



Health Department

Dir Upper.

**OFFICE OF THE DISTRICT HEALTH
OFFICER DISTRICT DIR UPPER**

No 144-49/Appoint:(F) the 5/1/2018.

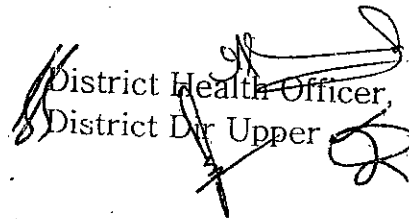
(Off: 0944-880516 & 0944-881075) Email: edohdiru@yahoo.com

OFFICE ORDER

In continuation of this office order No.5126-32/K03 dated, 02-10-2017.

Consequent upon the decision of Service tribunal Peshawar in Service appeal No. 899 of 2015 and Law Department Scrutiny Committee decision duly endorsed by Health Department letter No. SOH (Iit-II) 13-3027/2015 dated 29-12-2016 subsequent letter of Director General Health Services Khyber Pakhtunkhwa Peshawar No. 14542-43/Personnel dated, 02-10-2017.

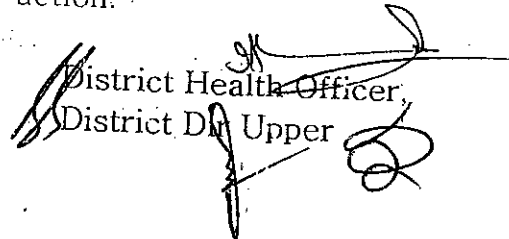
The service of Mr, Rahmanullah S/O Ajar Khan is hereby reinstated as Chowkidar at Category "D" hospital Parak District Dir Upper. At present no post of Chowkidar is available on the strength of this office hence his pay will be drawn against the vacant post of Dai vide approval issued by DGHS KPK order mentioned above. As and when the post of Chowkidar created or available, he will be adjusted on his regular post of Chowkidar, the decision of service tribunal in service appeal No. 899/205 is hereby implemented.


District Health Officer,
District Dir Upper

No. & date even above:-

Copy forwarded to:-

1. The Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. The Section Office Litigation Health Department KPK Peshawar.
3. The Zilla Nazim District Dir Upper.
4. The District Account Officer District Dir Upper.
5. The Accounts Section of DHO office for information and further necessary action.
6. Mr, Rahman Ullah S/O Ajar Khan Chowkidar r/o Patrak District Dir Upper for information and necessary action.


District Health Officer,
District Dir Upper

To,

The District Health Officer
District Dir Upper

Subject: - ARRIVAL/CHARGE REPORT.

Sir,

With reference to the District Health Officer District Dir Upper office order No144-49/Appoint(F)05/1/2018:

I have the honour to submit herewith my arrival/charge report for duty at Category "D" Hospital Patrak Dir Upper today on dated, 06/01/2018 (BN). Submitted for your information and further necessary action please.



Your Obedient,

Mr:Rahman ullah Chowkidar

Category "D" Hospital Patrak Dir Upper

Arrival accepted

Handed
05/01/2018

RECEIVED
District Dir Upper
Patrak
Handed
05/01/2018

PAYROLL SYSTEM OF DAO DIR UPPER
ADVERTISEMENT FORM 2
SMILE EMPLOYEE ENTRY

OFFICE OF THE DISTRICT HEALTH OFFICER UPPER DIR

FOR THE MONTH OF

03 / 2018

DDD Code

D P 6117

DDD Description

CAT: D. HOSPITAL PATNAK

Personnel

00278928

Name

REHMANULLAH

Number

04

Designation

C. HOWLIDAR

Grade (Pay
Scale Group)

04

OFFICE OF
190
7878 PERIODS -
D.O.B. 01/12/2011 to 28/2/2018 =
86 years - 08 months

Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Rate
Wage Type	Wage Type Des	Amount	Effective Date	Adj Wage Type	Adj Wage Type Des	Amount	Effective Date	Adj Wage Type	Adj Wage Type Des	Amount
0 0 0 1	Basic Pay	16500	3/2018	5 8 0 1	Arrear of Basic Pay	70818				
1 0 0 0	HRA	972	1/2018	5 0 0 2	Arrear of HRA	7346				
1 3 0 0	Medical Ailb	1500		5 0 1 2	Arrear of Medical Ail	95400				
1 3 2 3	DA	1000		5 8 2 7	Arrear of DA	70872				
1 2 1 0	CA	1785		5 0 1 1	Arrear of CA	12246				
1 9 4 5	AR-2010	-		5 8 9 8	Arrear of AR-2010	155925				
2 1 4 5	AR-2013	-		5 3 0 9	Arrear of AR-2013	44632				
2 1 9 9	AR-2015	-		5 9 6 4	Arrear of AR-2015	1674				
2 2 1 1	AR-2016	1346		5 9 7 5	Arrear of AR-2016	10768				
	AR-17	1650			AR-2011	32171				
	WA	150			AR-2012	41462				
	DA	150			AR-2014	12495				
					AR-2015	13200				
	Gross Pay & Allow	25053			Gross Arrear	1146128				
3 0 1 2	GPF	692			Ded: of GPF	185424				
3 5 0 1	BF	300			Ded: of BF	18240				
3 5 1 1	ARDDC	451			Ded: of AGI	456				
3 6 0 4	GI				Ded: of GI	57				
3 9 9 0	LEWF	1443			Ded: of LEWF	8846				
	Net Monthly Pay & All	23610			Net Arrear	112536				

66 years - 08 months
Certified for the official concerning the allowance for the probation period from 1-03-2011 to 20-03-2016, 10 years and due to the official concerned of probation period of 10 years.

1. Certificate of Probation
2. Certificate of Probation
3. Certificate of Probation

Date of issues on back side

Signature of DDO

Signature of DDO

Signature of Accounts Officer

Signature of Accounts Officer

38/11
2018
CA 448/11
1st issue 4/11/2018

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR, CAMP COURT AT SWAT**

Execution Petition No. 10/2017

Rahman Ullah Petitioner

VERSUS

Government of KPK and others Respondents

**APPLICATION FOR PAYMENT OF THE ARREARS TO THE
TUNE OF RS.1,81,663/-, THE REMAINING AMOUNT OF
THE BACK BENEFITS.**

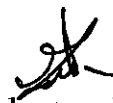
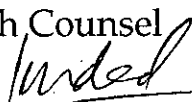
Respectfully Sheweth;

- 1) That the above titled is execution petition is pending adjudication before this Honorable Tribunal, and is fixed for today.
- 2) That the Petitioner was allowed back benefits by this Honorable Court tribunal vide order and judgment Dated: 08/11/2016, annexed with the execution petition.
- 3) That the period for the back benefits was from 01/07/2011 to 28/02/2018 (6 years and eight months), which amounts to 14,18,842/- out of which deduction made an account of GP Fund, Income Tax, Benevolent Fund and Insurance etc, is Rs. 1,37,179/-, thus the net amount payable to the Petitioner was 12,81,663/-, but the Petitioner was paid only Rs. 11,00,000/-. And the remaining balance Rs.1,81,663/- is still unpaid to the Petitioner for no valid reasons. (Copies of the service book with correction in the

monthly salary along with the break-up of the salaries from the July, 2011 till February, 2018, duly prepared by the District Accounts Office are attached herewith).

- 4) That the salaries from the months of April – June of the year 2011 have also not been paid to the Petitioner, though by then, the Petitioner was still in service.

It is therefore very respectfully prayed that on acceptance of this application, the remaining amount Rs. 1,81,663/- along with the salaries for the months of April – June of the year 2011, may very kindly be order to be paid to the Petitioner.


Petitioner Rahman Ullah
Through Counsel

Imdad Ullah
Advocate High Court

Affidavit:

It is hereby stated on that the contents of this application are true and correct to the best of my knowledge and belief, and nothing has been kept concealed therein.


Deponent



6/11/18
Name of official Mr. Rahman-Ullah Chawkidar Category "D" Hospital Patrak Dir
Upper.

Period:-

4

01-07-2011 to 28-02-2018 (Six Years and 08 Months)

Total Pay:- Rs. 1418842/=

Total Deduction:-1. GP Fund, 2. Incom tax, 3. Benevolent Fund 4. Group
Insurance etc:- Rs. 137179/=

Net Pay:- 1281663/=

Total Pay:- 1418842/=

Total Deduction:- 137179/=

Net Pay paid to Mr Rahman Ullah Chawkidar:- **1281663/=**

ATTESTED

Inded
ADVOCATE

Amount
10818
7346
85900
7087
12246
1559
446
167
1070
321
414
120
132
1606
85
18
4
88
1179
120

Note: The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: MR: REHMANULLAH

Race: KUHISTANI MUSLIM PAKISTANI

Residence: Village and P.O. Patrak
Tehsil Kalkot Distt Lipper Dir

Father's name and residence: MR: AJDAR KHAN

Date of birth by Christian era as nearly as can be ascertained: 1981 سید

Exact height by measurement: 5 - 6

Personal marks for identification: NIL

Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger: Ring Finger:

Middle Finger: Fore Finger:

Thumb:

Signature of Government Servant: [Signature]

Signature and designation of the Head of the Office, or other Attesting Officer.

[Signature]
District Officer
Upper Dir

ATTESTED
[Signature]
ADVOCATE

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
CHOWKIDAR	Temporary			1500/PN		22-04-1998	
do	DO			1500/PN		01-12-98	
do	DO			1800/PN		01-12-2000	
do	DO			2000/PN		01-12-2001	

Signature of
of the head
or other a
in an
col

Name of the officer or other appointing officer in attestation of columns 1 to 8	Date of termination or appointment	(such as promotion, transfer, dismissal, etc.)	Particulars of the order or other official order	Date of leave taken	Up to four months for which leave salary is admissible to member Government		Particulars of the order or other appointing officer	Particulars of the order or other appointing officer
					Period	Government to which debitible		
			Appointed as a Chowkidar in BPS-7 on 15/05/99 on Princi Pay. Against the vacant post of Chowkidar Basic Health Unit, Pothohar vide DHO Upper Div office order No-12881- dt 21/04/99					
	30/11/1999 AN		District Health Officer Upper Div Class.				Service Verified from 22/04/99 to 30/11/99.	
	30/11/2000		District Health Officer Upper Div Class.				Service Verified from 01/12/99 to 30/11/2000.	
	30/11/2001 AN		District Health Officer Upper Div Class.				Service Verified from 01/12/2000 to 30/11/2001.	
			ADVOCATE					

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other allowment falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
CHANDLER BPS-2				Rs 2500/pm		1/12/2007 FN	
				Rs 2800/pm		1/12/2003 (FN)	
				Rs 3100/pm		1/12/2004 (FN)	
				Rs 3500/pm		1/7/2005 FN	

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government.		
					Period		
<i>Executive Medical Officer Health Div. Ujjain</i>	30-11-2005 (AN)					Service Verified up to 11/11/05 to 30/11/2005 <i>Executive Medical Officer Health Div. Ujjain</i>	
			By Fixed Ed. 4000/21 v.e. from 1-11-2006 - vide Finance Department Notification no-301/1-1-92/2006-2007 dt 18/11/2006.			<i>Executive Medical Officer Health Div. Ujjain</i>	
<i>Executive Medical Officer Health Div. Ujjain</i>	30-11-2006 (AN)					Service Verified up to 11/11/06 to 30/11/2006 <i>Executive Medical Officer Health Div. Ujjain</i>	

ATTESTED
[Signature]
 ADVOCATE

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay".	Date of Appointment	Signature of Government Servant
BPS-E CA 1245-35-1770/ Chaukidar RMC Paltorle			Pay Revised	1245/PM	Embry	22-04/99	
				1280/PM 1245/PM		1-12/99	
	de			1315/PM		1-12/2000	
BPS-E CA 1870-55-3520/ Chaukidar		Revised		1980/PM		7/2001	
				2035/PM		1-12/2001	
				2090/PM		1-12/2002	
				2145/PM		1-12/2003	
				2200/PM		1-12/2004	

EXECUTIVE DISTT. OFFICER
HEALTH DISTT. DIR UPPER

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
BPS-I CL 2150-65-4100/ Chowkider RMC PATTARK		Pay Revised	2540/PM			7 2005	
			2605/PM			12 2005	
BPS-I R 2475-75-4725/ Chowkider		Pay Revised	2670/PM			12 2006	
BPS-I R 2970-90-5670/ CHOWKIDER RMC PATTARK		Pay Revised	3075/PM			7 2007	
			3150/PM			12 2007	
						7 2008	
1-7-08 3700/		- Do	3870/PM			12 2008 (for)	

EXECUTIVE DIST. OFFICER
HEALTH DIST. DIR UPPER

9	10	11	12	13		14	15
				Leave			
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or reward or praise of the Government Servant
					Period		
			<i>2008</i>				
			OFFICE OF THE ACCOUNTANT GENERAL N.W.F. PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES I				
			OF RS <i>2770-90-5670-B-I</i> AT RS <i>3780/-</i> P.M.W.E.F. 1-07-2008 With Next Increment on 1-12-2008				
			<i>M. J. 8138</i> Accounts Officer Peshawar Party N.W.F.P. Peshawar				
			PAY REVISED IN B/PAY SCALE 2008 AND PAY FIXED RS: <i>3780/-</i> FORM 1-707 - VIDE GOVT. OF N.W.F.P. FINANCE DEPT. NO. 107 (PRC) -1/08 PESHAWAR THE 10-07-2008				
			<i>Abul</i> EXECUTIVE DISTT. OFFICER HEALTH DISTT. DIR UPPER				
			<i>30-11-2008</i> (Pm)				
			ANNUAL INCREMENT ALLOWED RS: <i>90/-</i> PM				
			<i>Abul</i> EXECUTIVE DISTT. OFFICER HEALTH DISTT. DIR UPPER				
			<i>Abul</i> EXECUTIVE DISTT. OFFICER HEALTH DISTT. DIR UPPER				
			Service Verified up to 112 <i>07-11-2008</i>				
			<i>Abul</i> EXECUTIVE DISTT. OFFICER HEALTH DISTT. DIR UPPER				
			ATTESTED <i>Abul</i>				

The Service Regularized in BPS-I and pay fixed Rs 3780/- P.M.W.E.F. from 1-7/2008 - vide Govt of NWFP Finance, Dept No - B01/PD/1-12/2008-2009 - dated Peshawar the 30-7/2008.

Abul
EXECUTIVE DISTT. OFFICER
HEALTH DISTT. DIR UPPER

30-11-2008
(Pm)

ANNUAL INCREMENT
ALLOWED RS: *90/-* PM


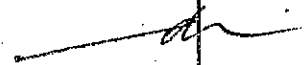
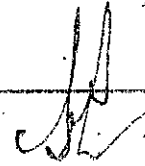
Service Verified up to
112 *07-11-2008*

Abul
EXECUTIVE DISTT. OFFICER
HEALTH DISTT. DIR UPPER

Abul

Abul

ATTESTED
Abul

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
BPS-I Q 2970-90-5670/ CHOWKIDER RHC Patkole			A 3960/pm			1/12/2009 (PM)	
<u>with Prov.</u> <u>DIR</u>							
	DO		A 4050/pm			1/12/2010 (PM)	

9

10

11

12

13

14

15

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8

Date of termination or appointment

Reason of termination (such as promotion, transfer, dismissal, etc.)

Signature of the head of the office or other attesting officer.

Nature and duration of leave taken

Leave: Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government

Signature of the head of the office or other attesting officer

Reference to any recorded punishment or censure, or reward or praise of the Government Servant

30-11-2010
(AN)

Annual Increment Allowed
CR 90/00

Service Verified from
1-12-2008
30-11-2009

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT DIR UPPER

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT DIR UPPER

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT DIR UPPER

30-11-2010
(AN)

ANNUAL INCREMENT
ALLOWED RS. 90/00

Service Verified up to
11/2/09 to 30/11/2010

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT DIR UPPER

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT DIR UPPER

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT DIR UPPER

Removed from service on 17/6/2011 according to the orders of EDHO vide No 2452-56/AF dt. 17/6/2011 in a result of levies of misconduct and charge sheets in charge of theft of necessary articles mentioned in the removal order. The major penalty to be imposed on him is removal from service vide order No. noted above.

Executive District Officer
Health Dist. Dir Upper

[Handwritten signature]

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
B/S-I CA 4800-150-9300 / C HOWICIDAR.			A 6600 / PM			1 ² / ₂₀₁₁ (FN) [Signature]	
[Signature]			A 6750 / PM			1 ¹² / ₂₀₁₁ (FN) [Signature]	
[Signature]			A 6900 / PM			1-12/2012 (FN) [Signature]	
[Signature]			A 7050 / PM			1-12/2013 (FN) [Signature]	
			7110			01/07/14	

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government			
					Period			Government to which debit to
<i>[Signature]</i> DISTRICT HEADQUARTERS DIR SHERKOT	30/11/2011		<i>[Signature]</i> Annual Increment Allowed Rs 150/-	Annual Increment Allowed Rs 150/-	Pay Revision Basic Pay Scales 2011 Vide Govt. Order No. 127/2010 (Peshawar) the 14/07/2011.	<i>[Signature]</i> Service verified from 1-12-2010 to 30/11/2011.		
<i>[Signature]</i> DISTRICT HEADQUARTERS DIR SHERKOT	30/11/2011		<i>[Signature]</i> Annual Increment Allowed Rs 150/-	Annual Increment Allowed Rs 150/-		<i>[Signature]</i> Service verified from 1-12-2010 to 30/11/2011.		
<i>[Signature]</i> DISTRICT HEADQUARTERS DIR SHERKOT	30/11/2012		<i>[Signature]</i> Annual Increment Allowed Rs 150/-	Annual Increment Allowed Rs 150/-		<i>[Signature]</i> Service verified from 1-12-2011 to 30/11/2012.		
<i>[Signature]</i> DISTRICT HEADQUARTERS DIR SHERKOT	30/11/2013		<i>[Signature]</i> Annual Increment Allowed Rs 150/-	Annual Increment Allowed Rs 150/-		<i>[Signature]</i> Service verified from 1-12-2012 to 30/11/2013.		

ATTESTED

[Signature]
ADVOCATE

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 - C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
BFS-2 CA 9900-170-100007 Chowkudra Cat-D-Hospital Petrore.			7110	2000		1/12/2014 (FN)	[Signature]
BFS-2 CA 6335-220-12935 Chowkudra			9195	9145		7/1/2015 (FN)	[Signature]
[Signature]		1	9415	9635		1/12/2015 (FN)	[Signature]
BFS-04			9730	10030		2/12/15 option	[Signature]

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabte to another Government		
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Period	Government to which debitabte	Signature of the head of the office or other attesting officer	Reference to any punishment or censure, or reward or praise of the Government Servant
	30/11/2014 AN		Maximum amount Allowed GR 175/100 St. →				Service Verification from 1-12/2011 to 30/11/2014 St. →

Pay Revision of Basic Pay Scale & Allowances

1-11/2015 date: 21-07/2015

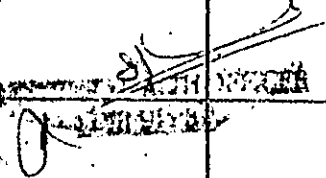
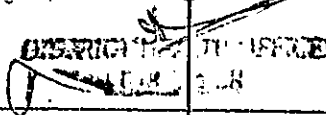
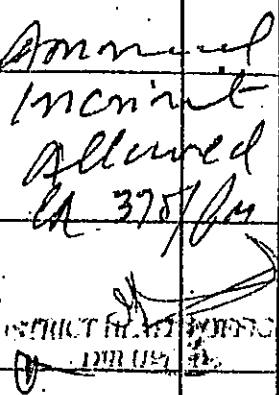
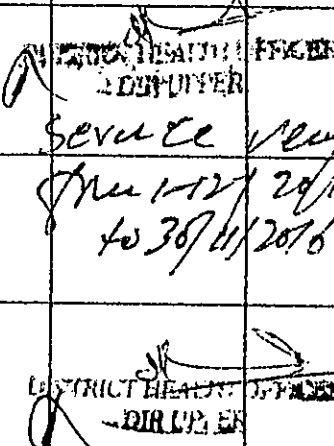
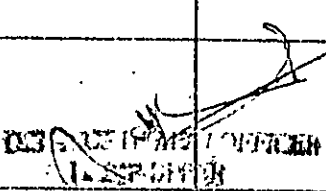
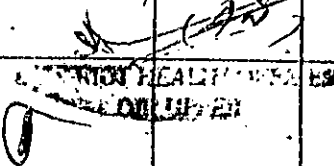
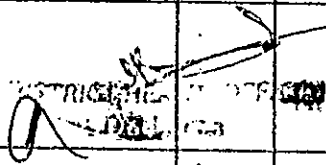
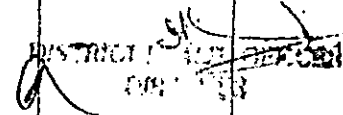
Service Verification from 1-12/2014 to 30/11/2015

Post up Grade BPS

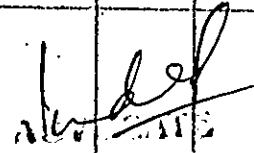
STED

ME

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
B/S-04 2A 8280-370-19380			11980	12350		1-7/16 (Fm)	[Signature]
[Signature]			12350	12100		1-12/2016	[Signature]
B/S-04 2A 9900-440-23100 CHOWRIDAR			14740	15150	15150	1-7/17	[Signature]
[Signature]			15180	15600		1-12/2017 (Fm)	[Signature]

9	10	11	12	13		14	15	
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any records, punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitible		
					Revision of Basic Pay Scale from 01-07-2016 Vide Govt of Punjab Finance Department (Regulation No-FD(PRC) 01-01-2016 dt: 9-07-2016			
	11/30/2016 (AW)		 Annual Increment Allowed LA 378/16			 Service verified from 1-12/2015 to 30/11/2016		
					Pay Revised B/Pay Scale & Allowances vide Govt. Pakistan F.D Regulation wing F No 1 (3) IMF 2017-500 Dated 3-7-2017			
	30/11/2017 (AW)		 Annual Increment Allowed LA 440/16			 Service verified from 1-12/2016 to 30/11/2017		

ATTESTED



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
B/S-04 CA 9900-490-23100			A15780	/601			
CHOWKHAR CARD-Hospital							
Pattore effw DIA							

Signature of the or other in c

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government			
					Period			Government to which debitabale

DISTRICT HEAD OFFICE
D.A. 11/3

The official concerned is re-instated, as per decision of Honorable Service Tribunal. In Service Appeal No. 879/2015.

vide DHO upper division order No. 5196-39/K-03 dated, 02/10/2017 and order No. 144-49/K-03 dated, 05/01/2018. The decision had been sent by Head Department or Law Department for appeal, but Law Department decided in the meeting, the case is not fit for appeal in Supreme Court of Pakistan. Minutes of the meeting issued vide Lt. Col. Department letter No. SOH (Lit-11) 13-3027/2015 dated, 29/12/2016.

DISTRICT HEAD OFFICE
D.A. 11/3

Imd. 196 dt 7/3/18 drawn Rs-1406284/-
on sic of reinstatement - High Court - vide 17 to 18 2/2011 18-
D.A. 11/3

ATTESTED
Judeel
ADVOCATE

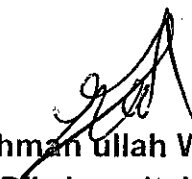
To,

The District Health Officer,
District Dir Upper

Subject: - **CHARGE REPORT.**

R/Sir,

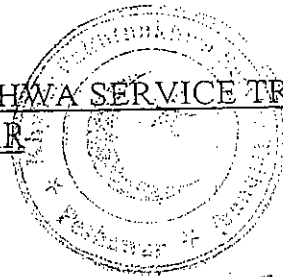
In pursuance of the order dated, 8-11-2016 of the Khyber Pakhtunkhwa Service Tribunal Peshawar, service appeal No. 899 of 2015, I Mr, Rehman Ullah hereby assumed the charge of the post of watchman in Category "D" hospital Patrak today on dated, 09-11-2017 forenoon. (Copy of the order is annexed).


Mr, Rehman ullah Watchman,
Cat: "D" hospital Patrak Dir
Upper

Copy forwarded to:-

1. The Director General Health Services Khyber Pakhtunkhwa.
2. The PS to Secretary Health Government of Khyber Pakhtunkhwa Peshawar.
3. The Senior Medical Officer Incharge Cat: "D" Hospital Patrak District Dir Upper.
- ✓ 4. The Khyber Pakhtunkhwa Service Tribunal Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR



Service Appeal No.

899 / of 2015

A.W.F. Province
Service Tribunal

Diary No. 949

Dated 10-8-2015

Rehman Ullah son of Ajar Khan,
Ex. Chowkidar RHC, Patrak
District Upper Dir...

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa
through Secretary Health Department,
Peshawar.
2. Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer Health
District Upper Dir...

Respondents

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER
DATED 17.6.2011 WHEREBY THE
APPELLANT HAS BEEN REMOVED FROM
HIS SERVICE.

Prayer:

On acceptance of this Service Appeal the impugned
Dated 17.6.2011 of the Executive District Officer
Health District Upper Dir may please be set aside and
the appellant be reinstated into his service with all
his back benefits.

~~Filed to file~~
~~Registered~~
10/8/15

Respectfully Sheweth:

ATTESTED

That the appellant was appointed at the post of Chowkidar in BHU
Patrik District Upper Dir on 21.04.1999. (Copy of the appointment
order dated 21.4.1999 is attached herewith as annexure 'A').

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Service Appeal No. 899 / of 2015

S.W.F. Province
Service Tribunal
Diary No. 949
Dated 10-8-2015

Rehman Ullah son of Ajdar Khan,
Ex. Chowkidar RHC, Patrak
District Upper Dir...

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Executive District Officer Health District Upper Dir...

Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 17.6.2011 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM HIS SERVICE.

Prayer:

On acceptance of this Service Appeal the impugned Dated 17.6.2011 of the Executive District Officer Health District Upper Dir may please be set aside and the appellant be reinstated into his service with all his back benefits.

File copy
10/8/15

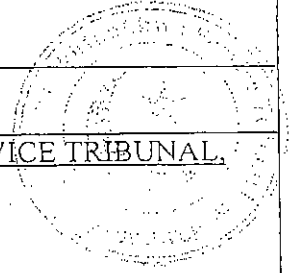
Respectfully Sheweth:

WITNESSED

10/8/15

That the appellant was appointed at the post of Chowkidar in BHU Patrak District Upper Dir on 21.04.1999. (Copy of the appointment order dated 21.4.1999 is attached herewith as annexure 'A').

No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.11.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Appeal No. 899/2015</p> <p style="text-align: center;">Rehman Ullah Versus Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar and 2 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellant with counsel and Mr. Muhammad Zubair, Senior Government Pleader alongwith Khawas Khan, S.I for respondents present.</p> <p>2. Mr. Rehman Ullah son of Ajdar Khan hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 17.06.2011 vide which he was removed from service and where-against his departmental appeal dated 16.4.2015 was not responded constraining the appellant to prefer the instant service appeal on 10.08.2015.</p> <p>3. Brief facts of the case of the appellant are that he was serving as Chowkidar in Basic Health Unit (BHU) Patrak District Upper Dir when subjected to enquiry on the allegations of involvement in misappropriation of medical instruments/equipments and as a consequence thereof removed from service vide original order dated 17.6.2011 where-against his departmental appeal was not responded and hence the instant service appeal.</p> <p>4. Learned counsel for the appellant has argued that the appellant was innocent and was made scapegoat for the missing equipments from the main</p>



ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

store of the hospital. That apart from the departmental enquiry appellant was also prosecuted in a criminal case registered vide FIR No. 1 dated 23.04.2011 under Sections 409 PPC read with 5(2) P.C Act Police Station, A.C.E Dir and was acquitted of the charges by the learned Special Judge, Anti-Corruption, Khyber Pakhtunkhwa Camp Court, Swat vide judgment dated 02.04.2015. That the said learned court had observed that the missing equipments and instruments were not kept in store No. 3, keys whereof were handed over to the appellant. That the impugned order was therefore liable to be set aside.

5. In support of his stance learned counsel for the appellant placed reliance on case-laws reported as PLD 2010-Supreme Court-695 and 1998-SCMR-1993 (Supreme Court of Pakistan).

6. Learned Senior Government Pleader has argued that mere acquittal of the appellant would not justify reinstatement of the appellant in service as his guilt was established during the departmental enquiry. He further argued that the appeal of the appellant was liable to dismissal.

7. We have heard arguments of learned counsel for the parties and perused the record.

8. According to material placed on record appellant was serving as Chowkidar. The keys of store No. 3 were handed over to him by Dr. Daud. There is no evidence to observe that the appellant had misappropriated medical equipments as according to observations of the learned Special Judge, Anti-Corruption, Khyber Pakhtunkhwa recorded in his judgment dated 02.4.2015 the said missing equipments were not stolen from store No. 3 keys whereof were handed over to the appellant. The said learned Judge has further observed that record in respect of the said equipments was not properly maintained and that the keys should have not been handed over to the

ATTESTED

ATTESTED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

appellant. As a consequence of the said observations and findings of the learned Special Judge appellant was acquitted of the charges vide judgment dated 02.04.2015.

9. We have given due consideration to the stance of the appellant and have come to the conclusion that the observations of the learned trial Court in its judgment of acquittal dated 02.04.2015 cannot be overlooked more particularly when there was no other independent evidence produced during enquiry establishing the guilt of the appellant beyond doubt. Mere retaining the keys by the appellant under the directions of officers would not justify to punish the appellant for the missing equipments more particularly when there is no solid reason regarding missing of the said equipments from store No. 3 during period when the keys were in the possession of the appellant.

10. Keeping in view the afore-stated circumstances, we are constrained to accept the present appeal, set aside the impugned order of removal of the appellant from service dated 17.6.2011 and reinstate the appellant in service. Since the appellant was prima-facie made a scapegoat for the missing equipments as such we reinstate him in service with all back benefits and place the respondents at liberty to conduct departmental enquiry regarding the incident for digging out the real culprits. Parties are left to bear their own costs. File be consigned to the record room.

Announced
08-11-2016 *Sd/- M. Azim Khan Afridi,*
Chairman
Camp Court Swat

Sd/- Abdul Latif,
Member

Consigned to the record room
0
Number of copies
Date of presentation
Urgent
Total
Name of Copy
Date of Copy

Date of Presentation be of copy 14-11-2016
Number of Words 1600
Copying Fee 10
Urgent 2
Total 12
Name of Copy
Date of Copy 14-11-2016

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 2753 /ST

Dated 26 /12/2017


To

The District Health Officer,
Government of Khyber Pakhtunkhwa,
Dir Upper.

Subject: ORDER IN Execution Petition NO. 10/2017, MR.REHMAN ULLAH.

I am directed to forward herewith a certified copy of order dated 07/11/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Alu



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 975 /ST

Dated 20 / 5 / 2019

To:

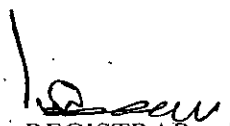
Mr. Hayat Ullah Clerk, Office of the District Health Officer,
Government of Khyber Pakhtunkhwa,
Dir Upper.

SUBJECT: -

ORDER IN EXECUTION PETITION NO. 10/2017, MR. REHMAN ULLAH.

I am directed to forward herewith a certified copy of order dated 08.05.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 88 /ST

Dated 14 /01 / 2020

To


The District Accounts Officer,
Government of Khyber Pakhtunkhwa,
Dir Upper.

SUBJECT: -

ORDER IN EXECUTION PETITION NO. 10/2017, MR. RAHMAN ULLAH.

I am directed to forward herewith a certified copy of order dated 06.01.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2964 /ST

Dated 15/10/2020


To

The District Health Officer,
Government of Khyber Pakhtunkhwa,
Dir Upper.

SUBJECT: - ORDER IN EXECUTION PETITION NO. 10/2017, MR. RAHMAN ULLAH.

I am directed to forward herewith a certified copy of order dated 05.10.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**



Office Ph# 091 - 9210269 Exchange# 091 - 9210187, 091 - 9210196, Fax #091 - 9210230
All communications should be addressed to the Director General Health Services Peshawar and not to any official
by name.

No. 945 /Budget/SNE

Dated 28/02/2020.

To

The District Health Officer
Dir Upper.

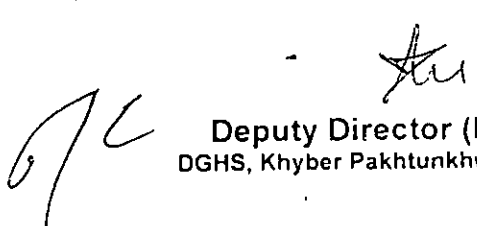
Subject: - ADDITIONAL SNE FOR CHOWKIDAR POST AT CATEGORY "D"
HOSPITAL PATRAK DIR UPPER

Memo:-

Reference you letter No. 270-72, dated 13-01-2020 on the subject noted above.

I am directed to returned herewith SNE with the remarks that same may be submitted on the following format of Finance Department moreover you are requested to clarify that if chowkidar has been terminated than where is the post of chowkidar who terminated. The same may be resubmit after rectification for onward submission to quarter concerned.

S.#	DDO Code/Name Of Institute	Correct nomenclature Of post	BPS	Demand	Existing Position According Budget book	Approved/ Notified Criteria	DDO-wise Financial Implication	Detail Justification
-----	----------------------------------	------------------------------------	-----	--------	---	-----------------------------------	--------------------------------------	-------------------------


Deputy Director (Finance),
DGHS, Khyber Pakhtunkhwa, Peshawar.

OFFICE OF THE DISTRICT
OFFICER DISTRICT DIR U

No 270-72/K-30, the 13
(Off: 0944-880516 & 0944-881075) Email: edoh

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject:- ADDITIONAL SNE FOR CHAWKIDAR POST AT CATEGORY "D"
PATRAK DIR UPPER.

Sir,

It is submitted that the Service Tribunal issued direction to the under-
re-instead the Ex- Chawkidar of Category "D" Hospital Patrak Dir Upper but the p
filled for the proper care of the hospital. At present stage there is no vacant
Chawkidar available in the strength of this office to implement the said order well in time

In this connection the attached SNE for newly creation of post of Chawkid
Category "D" Hospital Patrak is sent herewith for onward submission to the qua
concerned in the best interest of public please.

Enclosed 05 Copies of SNE is attached.

District Health Officer
District Dir Upper

No. & date even:-

Copy forwarded to:-

1. The Deputy Commissioner Dir Upper.
2. The District Officer Finance & Planning District Dir Upper.
3. The Registrar Service Tribunal w/r to his order Sheet issued on
dated 02-12-2019.

District Health Officer
District Dir Upper

Health Department
Dir Upper.

OFFICE OF THE DISTRICT HEALTH
OFFICER DISTRICT DIR UPPER

No 270-72/K-30, the 13/01/2020
(Off: 0944-880516 & 0944-881075) Email: edohdiru@yahoo.com

To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject:-

ADDITIONAL SNE FOR CHAWKIDAR POST AT CATEGORY "D" HOSPITAL
PATRAK DIR UPPER.

Sir,

It is submitted that the Service Tribunal issued direction to the undersigned to re-appoint the Ex- Chawkidar of Category "D" Hospital Patrak Dir Upper but the post were filled for the proper care of the hospital. At present stage there is no vacant post of Chawkidar available in the strength of this office to implement the said order well in time.

In this connection the attached SNE for newly creation of post of Chawkidar at Category "D" Hospital Patrak is sent herewith for onward submission to the quarter concerned in the best interest of public please.

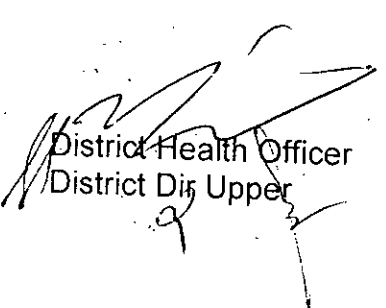
Enclosed 05 Copies of SNE is attached.


District Health Officer
District Dir Upper

No. & date even:-

Copy forwarded to:-

1. The Deputy Commissioner Dir Upper.
2. The District Officer Finance & Planning District Dir Upper.
3. The Registrar Service Tribunal w/r to his order Sheet issued on dated 02-12-2019.


District Health Officer
District Dir Upper



Health Department
Dir Upper.

OFFICE OF THE DISTRICT HEALTH

OFFICER DISTRICT DIR UPPER

No 8352-55/K-30, the 11/109/2020.

(Off: 0944-880808 & 0944-881075) Email: admn6066@gmail.com

To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject:- ADDITIONAL SNE FOR CHAWKIDAR POST AT CATEGORY "D" HOSPITAL PATRAK DIR UPPER.

Sir,

Reference your kind office letter No. 945/Budget/SNE, dated 28-02-2020 on the subject noted above.

It is once again submitted that the Service Tribunal issued direction to the undersigned to re-instate the Ex- Chawkidar of Category "D" Hospital Patrak Dir Upper but the post was filled for the proper care of the hospital. At present stage there is no vacant post of Chawkidar available in the strength of this office to implement the said order well in time.

In this connection the revised attached SNE for newly creation of post of Chawkidar at Category "D" Hospital Patrak is once again sent herewith for onward submission to the quarter concerned in the best interest of public please.

Enclosed 05 Copies of SNE is attached.


District Health Officer
District Dir Upper

No. & date even:-

Copy forwarded to:-

1. The Deputy Commissioner Dir Upper.
2. The District Officer Finance & Planning District Dir Upper.
3. The Registrar Service Tribunal w/r to his order Sheet issued on dated 02-12-2019.


District Health Officer
District Dir Upper

OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT DIR UPPER PROPOSED FRESH SNE FOR ADDITIONAL POST OF CHAWKIDAR IN CATEGORY "D" HOSPITAL PATRAK DISTRICT DIR UPPER FOR THE FINANCIAL YEAR 2021-22 (09) MONTHS.

S.No	DDO Code/Name of Institutions	Current Nomenclature of Post	BPS	As per Yardstick of Category "D" Hospital	Existing post available	Demand	Addational Demand	Position budget	Approved/ Notified Cretaria	DD-Wise Financial Implecation	Detail Justification
1	Category "D" Hospital Patrak	Chawkidar	3	3	3	1	1	SNE Attached	03 Post in each Category "D" Level Hospital	SNE Attached	<p>It is submitted that as the undersigned had terminated the Ex-Chawkidar of Category "D" Hospital Patrak in the reason of some irregularities, being a sensitive job of Chawkidar the undersigned do not kept the hospital costly equipment's without proper care of Chawkidar. as per several request of the Incharge Category "D" Hospital Patrak, the undersigned appointed another Chawkidar for proper care of the hospital, the terminated Chawkidar filed writ petition in Service Tribunal against the Department and the petition were decided in favor of Ex- Chawkidar vide Khyber Pakhtunkhwa Service Tribunal order Sheet issued on dated 02-12-2019. At present stage there is no vacant post of Chawkidar available in the strength of this office to implement the orders of Service Tribunal, the petitioner was adjusted against the post of Dai for the purpose of pay.</p> <p>In view of the above explanation another post of Chawkidar is required for the smooth running of the hospital. therefor the competent authority is requested to sanctioned the said post of Chawkidar please.</p>
Total Posts:-			3	3	1	4					


District Health Officer
District Dir Upper

OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT DIR UPPER.			
PROPOSED FRESH ADDITIONAL SNE OF CHAWKIDAR REQUIRED IN CATEGORY "D" HOSPITAL PATRAK DISTRICT DIR UPPE.			
DISTRICT HEALTH OFFICER DISTRICT DIR UPPER FOR THE FINANCIAL YEAR 2020-21 (09) MONTHS.			
Head of Accounts	BPS	Recurring	Non Curring
A01- Total Employees Related Expences			680,505
A011- Total Pay			86490
A011-1 Total Pay of Officers			Nil
A01202-1 Pay of Other Staff			86490
1	03-Chawkidar (9610x1x9)	3	86490
A012-1- Total Regular Allowances			89,865
A01202-House Rent Allowance			12,717
A01205 Convence Allowance			16,085
A01217-Medical Allowance			13,500
A01233-UAA			9,000
A0121-B HPA			0
A0120-Adhoc Relief 2016			7,236
A0120-Adhoc Relief 2017			8,649
A0120-Adhoc Relief 2018			8,649
A0120-Adhoc Relief 2019			8,649
A01207-Washing Allowance			1,350
A01208- Dress Allowance			1,350
A01257-RCA Allowance			0
A01251-Mess Allowance			0
A01226- Computer Allowance			0
A0120D-Integrated Allowance			2,700
A00009-Uniform Allowance			0
A012-2 Total Other Allowances			504,150
A01274-Medical Charges.			500,000
A01284-Fire Wood Allowance.			4,150
Total Establishment Charges.			680,505


District Health Officer
District Dir Upper



Health Department
Dir Upper

OFFICE OF THE DISTRICT HEALTH

OFFICER DISTRICT DIR UPPER

No 8352-55/K-30, the 11/09/2020.

(Off: 0944-880808 & 0944-881075) Email: admn6066@gmail.com

To,

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject:- ADDITIONAL SNE FOR CHAWKIDAR POST AT CATEGORY "D" HOSPITAL PATRAK DIR UPPER.

Sir,

Reference your kind office letter No. 945/Budget/SNE, dated 28-02-2020 on the subject noted above.

It is once again submitted that the Service Tribunal issued direction to the undersigned to re-instead the Ex- Chawkidar of Category "D" Hospital Patrak Dir Upper but the post were filled for the proper care of the hospital. At present stage there is no vacant post of Chawkidar available in the strength of this office to implement the said order well in time.

In this connection the revised attached SNE for newly creation of post of Chawkidar at Category "D" Hospital Patrak is once again sent herewith for onward submission to the quarter concerned in the best interest of public please.

Enclosed 05 Copies of SNE is attached.


District Health Officer
District Dir Upper

No. & date even:-

Copy forwarded to:-

1. The Deputy Commissioner Dir Upper.
2. The District Officer Finance & Planning District Dir Upper.
3. The Registrar Service Tribunal w/r to his order Sheet issued on dated 02-12-2019.


District Health Officer
District Dir Upper

OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT DIR UPPER PROPOSED FRESH SNE FOR ADDITIONAL POST OF CHAWKIDAR IN CATEGORY "D" HOSPITAL PATRAK DISTRICT DIR UPPER FOR THE FINANCIAL YEAR 2021-22 (09) MONTHS.

S.No	DDO Code/Name of Institutions	Current Nomenclature of Post	BPS	As per Yardstick of Category "D" Hospital	Existing post available	Demand	Addational Demand	Position budget	Approved/ Notified Cretaria	DD-Wise Financial Implementation	Detail Justification
1	Category "D" Hospital Patrak	Chawkidar	3	3	3	1	1	SNE Attached	03 Post in each Category "D" Level Hospital	SNE Attached	It is submitted that as the undersigned had terminated the Ex-Chawkidar of Category "D" Hospital Patrak in the reason of some irregularities, being a sensitive job of Chawkidar the undersigned do not kept the hospital costly equipment's without proper care of Chawkidar, as per several request of the Incharge Category "D" Hospital Patrak, the undersigned appointed another Chawkidar for proper care of the hospital, the terminated Chawkidar filed writ petition in Service Tribunal against the Department and the petition were decided in favor of Ex-Chawkidar vide Khyber Pakhtunkhwa Service Tribunal order Sheet issued on dated 02-12-2019. At present stage there is no vacant post of Chawkidar available in the strength of this office to implement the orders of Service Tribunal, the petitioner was adjusted against the post of Dar for the purpose of pay. In view of the above explanation another post of Chawkidar is required for the smooth running of the hospital, therefore the competent authority is requested to sanctioned the said post of Chawkidar please.
		Total Posts:-	3	3	3	1	4				


District Health Officer
District Dir Upper

OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT DIR UPPER.

PROPOSED FRESH ADDITIONAL SNE OF CHAWKIDAR REQUIRED IN CATEGORY "D" HOSPITAL PATRAK
DISTRICT DIR UPPE.

DISTRICT HEALTH OFFICER DISTRICT DIR UPPER FOR THE FINANCIAL YEAR 2020-21 (09) MONTHS.

Head of Accounts		BPS	Recurring	Non Curring
A01- Total Employees Related Expences				680,505
A011- Total Pay				86490
A011-1 Total Pay of Officers				Nil
A01202-1 Pay of Other Staff				86490
1	03-Chawkidar (9610x1x9)	3		86490
A012-1- Total Regular Allowances				89,865
A01202-House Rent Allowance				12,717
A01205 Convence Allowance				16,065
A01217-Medical Allowance				13,500
A01233-UAA				9,000
A0121-B HPA				0
A0120-Adhoc Relief 2016				7,236
A0120-Adhoc Relief 2017				8,649
A0120-Adhoc Relief 2018				8,649
A0120-Adhoc Relief 2019				8,649
A01207-Washing Allowance				1,350
A01208- Dress Allowance				1,350
A01257-RCA Allowance				0
A01251-Mess Allowance				0
A01226- Computer Allowance				0
A0120D-Integrated Allowance				2,700
A00009-Uniform Allowance				0
A012-2 Total Other Allowances				504,150
A01274-Medical Charges.				500,000
A01284-Fire Wood Allowance.				4,150
Total Establishment Charges.				680,505


District Health Officer
District Dir Upper



Health Department

Dir Upper.

OFFICE OF THE DISTRICT HEALTH
OFFICER DISTRICT DIR UPPER

No 144-49 /Appoint:(F) the 5/1/2018.

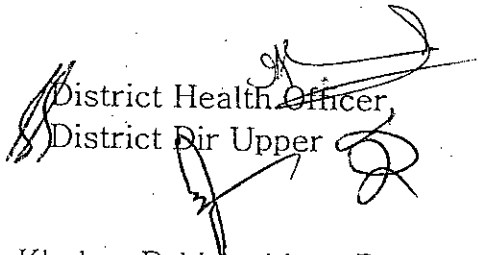
(Off: 0944-880516 & 0944-881075) Email: edohdiru@yahoo.com

OFFICE ORDER

In continuation of this office order No.5126-32/K03 dated, 02-10-2017.

Consequent upon the decision of Service tribunal Peshawar in Service appeal No. 899 of 2015 and Law Department Scrutiny Committee decision duly endorsed by Health Department letter No. SOH (Lit-II) 13-3027/2015 dated 29-12-2016 subsequent letter of Director General Health Services Khyber Pakhtunkhwa Peshawar No. 14542-43/Personnel dated, 02-10-2017.

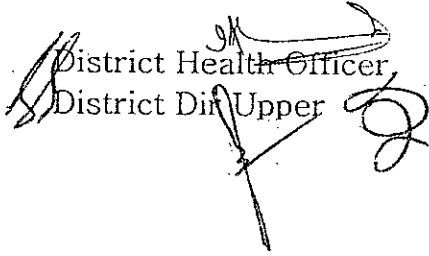
The service of Mr, Rahmanullah S/O Ajar Khan is hereby reinstated as Chowkidar at Category "D" hospital Parak District Dir Upper. At present no post of Chowkidar is available on the strength of this office hence his pay will be drawn against the vacant post of Dai vide approval issued by DGHS KPK order mentioned above. As and when the post of Chowkidar created or available, he will be adjusted on his regular post of Chowkidar, the decision of service tribunal in service appeal No. 899/205 is hereby implemented.



District Health Officer,
District Dir Upper

No. & date even above:-

Copy forwarded to:-

1. The Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. The Section Office Litigation Health Department KPK Peshawar.
3. The Zilla Nazim District Dir Upper.
4. The District Account Officer District Dir Upper.
5. The Accounts Section of DHO office for information and further necessary action.
6. Mr, Rahman Ullah S/O Ajar Khan Chowkidar r/o Patrak District Dir Upper for information and necessary action.


District Health Officer,
District Dir Upper


7-3-2018



Health Department
Dir Upper.

Handwritten signature and date: 7-12-18

**OFFICE OF THE DISTRICT HEALTH
OFFICER DISTRICT DIR UPPER**

No. 5126-32/K-03 the 2/10/2017.
(Off: 0944-880516 & 0944-881075) Email: edohdiru@yahoo.com

OFFICE ORDER.

Consequent upon the decision of Service Tribunal Peshawar in service appeal No. 899/2015 and Law Department Scrutiny Committee decision duly endorsed by Health Department letter No. SOH (Lit-II) 13-3027/2015, dated 29/12/2016 subsequent letter of Director General Health Services Khyber Pakhtunkhwa Peshawar No. 14542-43/Personal, dated 02-10-2017.

The Service of Mr. Rahman Ullah S/O Ajdar Khan (Chawkidar) r/o Patrak s hereby re-instated against the vacant post of Dai for pay purposes approval granted by Director General Health Services Khyber Pakhtunkhwa vide letter No. refer above to the availability of vacant post of Chawkidar in the best interest of public and to implement the decision of Service Tribunal in the instant Service Appeal No. 899/2015.

Handwritten signature and text: District Health Officer, District Dir Upper, For

cc. & date even:-

Copy forwarded to:-

1. The Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. The S.O Litigation Govt: of Health Department Khyber Pakhtunkhwa Peshawar.
3. The Zilla Nazim District Dir Upper.
4. The Deputy Commissioner District Dir Upper.
5. The District Account Officer District Dir Upper.
6. The Account Section of this office for information and further necessary action.
7. Mr. Rahman Ullah S/O Ajdar Khan Chawkidar r/o Patrak District Dir Upper.

Handwritten signature and text: District Health Officer, District Dir Upper, For