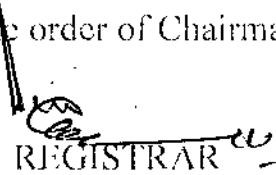


FORM OF ORDER SHEET

Court of _____

Case No. - _____ 2009 / 2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/12/2022	<p>The appeal of Mr. Muhammad Waqar presented today by Mr. Hamayun Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 2009 /2022

Muhammad Waqar son of Muhammad Bashir (Ex. JCT Surgical, BPS-12),
resident of Tamai, Tehsil & District Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Health Peshawar & others.

...RESPONDENT

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Memo of Appeal	1 to 8	
2.	Copy of advertisement	9	"A"
3.	Copy of documents	10 — 20	"B"
4.	Copy of appointment order of appellant	21 — 23	"C"
5.	Copy of arrival report	24 — 27	"D"
6.	Copy of impugned letter dated 23.08.2021	28	"E"
7.	Copy of impugned letter dated 27.08.2021	29	"F"
8.	Copy of Writ Petition No. 955/2021 (Departmental Appeal)	30 — 35	"G"
9.	Copy of comments and order	36 — 40	"H" & "I"
10.	Wakalatnama	41	

...APPELLANT

Dated: 21/12/2022

Through


(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 2009 /2022

Muhammad Waqar son of Muhammad Bashir (Ex. JCT Surgical, BPS-12),
resident of Tamai, Tehsil & District Battagram.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Health Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. District Health officer Battagram.

...RESPONDENTS

APPEAL UNDER ARTICLE 212 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973 READ WITH SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974, AGAINST THE IMPUGNED ORDER
DATED 23.08.2021 PASSED BY THE RESPONDENT
NO. 2 AND ORDER DATED 27.08.2021 PASSED BY
RESPONDENT NO. 3, WHEREBY, RESPONDENTS
NO. 2 AND 3 CANCELLED APPOINTMENT ORDER
OF THE APPELLANT, WHICH IS ILLEGAL,
UNLAWFUL, AGAINST THE LAW, FACTS AND

NATURAL JUSTICE, AND LIABLE TO BE SET ASIDE.

PRAYER: ON ACCEPTANCE OF INSTANT APPEAL IMPUGNED ORDER DATED 23.08.2021 PASSED BY RESPONDENT NO. 2 AND SIMILARLY ORDER DATED 27.08.2021 PASSED BY RESPONDENT NO. 3 MAY KINDLY BE DECLARED AS NULL AND VOID, ILLEGAL, UNLAWFUL, AGAINST THE LAW, VOID, ABI-INITIO, HENCE LIABLE TO BE SET-ASIDE AND APPELLANT BE REINSTATED IN SERVICE ALONGWITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth;-

Appellant beg to solicit through instant appeal on the following legal and factual back grounds:-

1. That on 01.06.2021, respondent No. 3 advertised different posts including JCTC (Surgical BPS-12). Copy of advertisement is annexed as Annexure "A".

2. That consequent upon the advertisement, appellant submitted documents for the post of Surgical Technician BPS-12. Copy of documents is annexed as Annexure "B".
3. That thereafter, respondents conducted test/ interview and after completion of process on the recommendation of Departmental Selection Committee on 30.07.2021, respondent No. 3 issued appointment order of the appellant. Copy of appointment order of appellant is annexed as Annexure "C".
4. That on 31.07.2021, appellant submitted arrival report at Type-D THQ Hospital Banna Allai and joined duty. Copy of arrival report is annexed as Annexure "D".
5. That on 23.08.2021, respondent No. 2 issued letter to the respondent No. 3, whereby, respondent No. 2 cancelled appointment order of the appellant. Copy of impugned letter dated 23.08.2021 is annexed as Annexure "E".

6. That similarly on 27.08.2021, respondent No. 3 cancelled appointment order of the appellant in the light of letter dated 23.08.2021 issued by respondent No. 2. Copy of impugned letter dated 27.08.2021 is annexed as Annexure "F".
7. That thereafter, appellant alongwith others filed Constitutional Petition before the Honourable Peshawar High Court, Abbottabad Bench due to ambiguity about the term and condition of the appellant. Copy of Writ Petition No. 955/2021 (Departmental Appeal) is annexed as Annexure "G".
8. That thereafter, respondent submitted comments before the Honourable Peshawar High Court, Abbottabad Bench and on 15.09.2022, after hearing of arguments, Honourable Peshawar High Court converted writ petition to departmental appeal and sent to the respondent No. 2 for disposal within 90 days. Copy of comments and order is annexed as Annexure "H" & "I".
9. That after completion of stipulated period (90 days), respondent No. 2 did not give any response

and similarly not passed any order on the departmental appeal, which was sent by the Honourable Peshawar High Court, Abbottabad Bench.

10. That, being aggrieved from the order dated 23.08.2021 and 27.08.2021 passed by respondents No. 2 and 3, the appellant is before this Honourable Tribunal with the appeal in hand inter alia on the following amongst other grounds;-

GROUND:-

- a. That the impugned order/ act of respondents is illegal, unlawful, without lawful authority, arbitrary, perverse, against the principle of natural justice, hence ineffective upon the rights of the appellant and thus liable to be set-aside.
- b. That all proceedings were conducted against a well known principle of natural justice and guaranteed fundamental rights of appellant and therefore as the appellant has been condemned unheard, therefore, the

impugned order/ act is liable to be set-aside and appellant be reinstated with all back benefits.

- c. That the impugned orders of respondents are sheer example of highhandedness and political motivation. Hence, liable to be set-aside.
- d. That the impugned act of respondents is a worst example of discrimination and misuse of power/ authority.
- e. That the act of department against the Article- 4 & 25 of the Constitution of Islamic Republic of Pakistan as well as natural justice and intentionally till date not released back benefits.
- f. That, impugned letter/ order are based on personal grudges and interests which is not sustainable.
- g. That, impugned letter/ order are against the rules, no regular inquiry was conducted nor

the opportunity of defence and hearing was given to the appellant.

- h. That, all the proceeding conducted by respondents No. 2 and 3 are clear violation of E&D Rules and issued impugned orders without any lawful justification, hence ineffective upon the rights of appellant and are liable to be set-aside.
- i. That, the act of respondent is against guaranteed constitutional rights of the appellant, which are also against the norms and dictates of Justice.
- j. That, impugned orders are issued in a hasty manner, which did not fulfill the codal requirement, hence having no legal value, is liable to be struck down.
- k. That the valuable rights of the applicant are involved and all act of the finance department against the law, rules, policy and natural justice.

1. That the other grounds shall be argued at the time of arguments with the kind permission of this Honourable Tribunal.

It is, therefore humbly prayed that on acceptance of instant appeal impugned order dated 23.08.2021 passed by respondent No. 2 and similarly order dated 27.08.2021 passed by respondent No. 3 may kindly be declared as null and void, illegal, unlawful, against the law, void, abi-initio, hence liable to be set-aside and appellant be reinstated in service alongwith all back benefits. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.


APPELLANT

Through

Dated: 21/12 /2022


(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

VERIFICATION/ AFFIDAVIT:-

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


DEPONENT

ANNEXURE "A"

قراچی کے علاقے میں مندرجہ ذیل اسپتالوں کی آسامیاں خالی ہیں جن پر تقرری کیلئے طلبہ گرام سے تعلق رکھنے والے اہل امیدواروں سے درخواستیں مطلوب ہیں۔ طلبہ گرام میں اہل امیدوار دستیاب نہ ہونے کی صورت میں ملحقہ اضلاع سے بھی اہل امیدوار کی تقرری ہو سکتی ہے۔

Sl. No.	Post	Age	Qualification	Number
1	ایس پی ہسپتال، RHC	12	JCT (Radiology)	1
2	ایس پی ہسپتال	12	JCTC (Surgical)	2
3	ڈی ایچ کیو گورنمنٹ ہسپتال، پشاور	12	JCT (Pulmonology)	3
4	پشاور، کتھڈرائٹ اور RHC سٹاکسٹ	12	PHCT (EPI)	4
5		06	ISP, Vaccinator	5

- (1) سبکدوش (کم از کم بیچلر ڈی گری) بعد دو سالہ متعلقہ شعبہ کا ایچ ایم بی ڈی کی عمر صوبے کی سرکاری چیک لیٹ یا متعلقہ چیک لیٹوں کی عمر کی شہور شدہ پندرہ سے ایب ایس سی۔ (2) عمر کی حد 30 تا 18 سال۔ (3) جس امیدوار کی عمر صوبہ عمر سے زیادہ ہو، وہ Ago Relaxation سرٹیفکیٹ پیش کرنے کا پابند ہوگا۔ (4) تجربہ کامرٹیکٹ مطلوب ہے اس بات کے اندر تصور کیا جائے گا نیز تجربہ کا Certificate مسترد اس سے حاصل کرنا ضروری ہے غیر مستخدم اس کا Certificate قابل قبول نہیں ہوگا۔ (5) مطلوب افراد کیلئے 2% کوٹیشن کیا جائے گا نیز متعلقہ Certificate مسترد ہونا ضروری ہے شہور شدہ ہو کر اس کا۔ (6) امیدوارانہ طور پر کے موقع پر اپنی اصلی اسناد لے کر آئے ہونے چاہئیں۔ (7) ناکمل اور شہور نہ ہونے والے دانی درخاستوں پر غور نہیں کیا جائے گا۔ (8) انٹرویو کیلئے آئے جانے والے کو کوئی TA/DA نہیں دیا جائے گا۔ (9) تقرری صورتی حکمت کے طور پر اور ضوابط کے تحت عمل میں لائی جائیگی۔ (10) آسامیوں کی تعداد کی پیشی ہو سکتی ہے۔ (11) تمام امیدواروں کو شہور شدہ ہونے کے بعد 15 دن کے اندر سرکار کے ایجنٹ آفیسر گرام کے پاس اپنی درخواستیں ساتھ ساتھ CV کیپڑا کر تقرری کے لئے پیش کرنا ہونے چاہئے۔ (12) جلی اسناد لے کر آئے ہونے چاہئے۔ (13) اپنا آفیسر کوئی چھٹا لے لینے کی صورت میں اس پر عمل کر سکتا ہے۔

(Signature Line)

(Handwritten Signature)

S.NO. 1793



DOMICILE CERTIFICATE

The Pakistan Citizenship Act, 1951 (Act, II of 1951)
Rules made thereunder (vide Rule No: 23)

MUHAMMAD WAQAR Son/Daughter/Wife of MUHAMMAD BASHIR

Declare that I was born of parents who are permanently domiciled in Khyber Pakhtunkhwa, Province having belonged to it by birth/settled in it.

I belong to Village / Mohallah AMAD ABAD TAMAI

Tehsil BATTAGRAM District BATTAGRAM

Signature/Thumb Impression of Applicant [Signature]

Name MUHAMMAD WAQAR

Signature of the applicant [Signature]

Pursuance to the declaration date _____ Filled

Mr./Miss/Mrs. MUHAMMAD WAQAR So, Do, W/o MUHAMMAD BASHIR

CNIC No NIC Domiciled in the Khyber Pakhtunkhwa Province

It is hereby Certified that the said MUHAMMAD WAQAR is born of parents who are permanent residents of Khyber Pakhtunkhwa Province having belonged to it by birth/settled in it, I have satisfied myself personally through my relevant sources that the above declaration is true and duly certified overleaf.

This 5th Day of August 2016

No 1587 Date 8/8/2016

COUNTER SIGNED BY

[Signature]
Deputy Commissioner
Battagram

[Signature]
Assistant Commissioner
Battagram
Asst. Assistant Commissioner (Revenue)
Battagram

میں اس بات کی تصدیق کرتا ہوں کہ اس سے پہلے میں نے کسی بھی ڈسٹرکٹ ایف آرا قبائلی ایجنسی کا ڈومیسائل سرٹیفکیٹ حاصل نہیں کیا

دستخط انشان انگوٹھا

تصدیق کی جاتی ہے کہ کسی اسمت ٹکڑے کا ولد اکوڑ محمد بشیر کا کی رہائشی و پیداگشی ہے اور اس کے والدین اشوہر بھی طلاق ہو کر وکے رہائشی و پیداگشی باشندگان ہیں۔ میں ان کو ذاتی طور پر جانتا جاتی ہوں۔

دستخط

MULLAH KHAN
Tahsildar Tarnak
Distt. BATAGRAM

تاریخ 5-8-2016

صاحب علی - حسب تصدیق امان اللہ صاحب فرزند زید علی صاحب محمد وقار صاحب شیر محمد صاحب سواتی ساکن قباہ قصبہ ضلع ٹوبہ ٹیک سنگھ لاہور اور ان سے رہائشی و پیداگشی سند کوئی بائندہ منع نیز مسائل مذکورہ کا حل و دفع قباہی میں اراضی تمامہ فرنگ 13/14 سے جا رہے ہیں۔

تاریخ 5/08/2016
حلقہ - پتھر کرام

تصدیق شد
Bald Muhammad Khan
F.N. 905-8-016
Gardener Circle
Batagram

The report Patwari Halqa
Verified by Krunqo In Connection
with Domestic Certificate in respect
of above mentioned individual is
being attested by me.

5-8-16
Nasib Tahsildar
Batagram

S. No. 0601529

Roll No. 120263



Board of Intermediate and Secondary Education Abbottabad

Khyber Pakhtunkhwa - Pakistan

SECONDARY SCHOOL CERTIFICATE EXAMINATION
SSC (ANNUAL) 2014

This is to certify that MUHAMMAD WAQAR
Son/Daughter of MUHAMMAD BASHIR
A candidate from AL-HUDA PUBLIC HIGH SCHOOL BATTAGRAM
has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad
held in March/April, 2014 as a Regular candidate. He/She has obtained 873 marks out of 1100 and has been placed in
Grade A Representing EXCELLENT. Date of Birth according to admission form is 15 MARCH, 1998.

The candidate passed in the following subjects:

- | | | | | |
|------------|---------|-------------------|----------------|------------|
| 1. ENGLISH | 2. URDU | 3. ISL. EDUCATION | 4. PAK STUDIES | 5. MATHS |
| 6. PHYSICS | | 7. CHEMISTRY | | 8. BIOLOGY |


Asst. Secretary

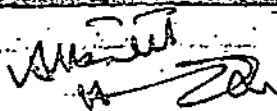
This certificate is issued without alteration or erasure.


Secretary

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BOARD OF INTERMEDIATE AND SECONDARY EDUCATION ABBOTTABAD

Khyber Pakhtunkhwa (Pakistan)

Secondary School Certificate Examination

Roll No: 120263
Group: SCIENCE

(CLASS X)

Session: 2014 (Annual)

Name: MUHAMMAD WAQAR
Father's Name: MUHAMMAD BASHIR
Date of Birth: 15-MAR-98
Reg. No: 1221401001
Institution / District: AL-HUDA PUBLIC HIGH SCHOOL BATTAGRAM



has secured the marks shown against each subject in the Secondary School Certificate Examination (Class 10th) held in the month of March/April as a Regular Candidate.

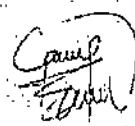
Subjects	Total	Part-I		Part-II		Total	Marks in Words
		Marks Obtained		Marks Obtained			
		Th	Pract	Th	Pract		
English	150	60	--	61	--	121	One Hundred Twenty-One
Urdu	150	58	--	65	--	123	One Hundred Twenty-Three
Mathematics	150	57	--	63	--	120	One Hundred Twenty Only
Physics	150	44	9	52	10	115	One Hundred Fifteen
Chemistry	150	47	8	62	10	127	One Hundred Twenty-Seven
Biology	150	55	9	46	10	120	One Hundred Twenty Only
Islamiat Comp	100	40	--	27	--	67	Sixty-Seven
Pakistan Studies	100	42	--	38	--	80	Eighty Only


Total 1100

873-A Eight Hundred Seventy-Three Only

Remarks :

Dated: 17-JUN-14

Checked by: 


Controller of Examinations

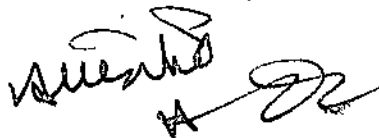
Note: Errors/Omissions excepted. Any mistake in the Name, Father's Name & DOB etc must be intimated within 30 days of the issuance date of this certificate. Visit us: www.biseatd.edu.pk

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BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

ABBOTTABAD

Khyber Pakhtunkhwa (Pakistan)

Higher Secondary School Certificate Examination

Part - II

Session: 2016 (Annual)

PROVISIONAL & DETAILED MARKS CERTIFICATE

Roll No: 98515

Group: PRE-MEDICAL

Name: MUHAMMAD WAQAR

Father Name: MUHAMMAD BASHIR

Reg.No: 0142248013

Institution/
District: AL-SYED GARDEN PUBLIC SCHOOL & COLLEGE BATTAGRAM



has secured the marks shown against each subject in the Higher Secondary School Certificate Examination-Part-II held in the month of April/May as a Regular Candidate.

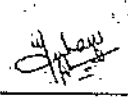
Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	63	--	78	--	141	One Hundred Forty-One
Urdu (Comp)	200	67	--	86	--	153	One Hundred Fifty-Three
Islamic Compulsory	50	32	--	--	--	32	Thirty-Two
Pakistan Studies	50	--	--	43	--	43	Forty-Three
Physics	200	44	14	64	13	135	One Hundred Thirty-Five
Chemistry	200	75	12	77	15	179	One Hundred Seventy-Nine
Biology	200	51	15	62	15	143	One Hundred Forty-Three

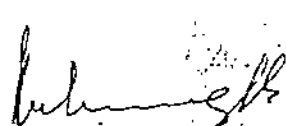
Total: 1100

826-A Eight Hundred Twenty-Six Only

Date: 31 July 2016

Remarks:

Checked By: 

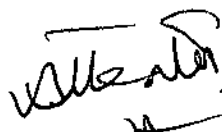


Controller of Examinations

Note: Errors / Omissions excepted. Any error in Name, Father Name etc must be intimated within 30 days after declaration of result (31-07-2016). Visit us www.biseatd.edu.pk
197 AL-SYED GARDEN P/S & COLLEGE BATTAGRAM

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Serial No. 048316



HAZARA UNIVERSITY

MANSEHRA, PAKISTAN

DETAILED MARKS CERTIFICATE

BA COMPOSITE ANNUAL EXAMINATION 2019

Roll No: 222
Registration No: 19-PR-3144
Name: MUHAMMAD WAQAR
Father Name: MUHAMMADBASHIR
District: BATTAGRAM

COURSE TITLE:	Total Marks	Obtained Marks	Marks in Words	Remarks
PART-I				
ENGLISH	75	37	Thirty-Seven	Pass
ISLAMIYAT	60	44	Forty-Four	Pass
ISLAMIC STUDIES	75	42	Forty-Two	Pass
POLITICAL SCIENCE	75	45	Forty-Five	Pass
PART-II				
ENGLISH	75	25 [#]	Twenty-Five	Pass
PAKISTAN STUDIES	40	22	Twenty-Two	Pass
ISLAMIC STUDIES	75	44	Forty-Four	Pass
POLITICAL SCIENCE	75	38	Thirty-Eight	Pass
Total:		550	297	Two Hundred Ninety-Seven

*:Change
Print Date: 19/09/2019
Checked by: [Signature]
Errors and omissions are subject to subsequent rectification.
Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Percentage: 54.00
Division: SECOND

REVISIED

[Signature]
Controller Examination
Hazara University, Mansehra
September 03, 2019

[Signature]

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S.No. 009555

Roll No. 82194

Session 2017-2018

Faculty of Paramedical and Allied Health Sciences

Khyber Pakhtunkhwa-Pakistan


This is to certify that MUHAMMAD WAQAR Son/ Daughter of MUHAMMAD BASHIR
and a student of FRONTIER INSTITUTE OF MEDICAL SCIENCES ABOTTABAD bearing Registered. No. 2017/MF/FIMS/ATD/ST/FS/1
having passed the prescribed examination held in FEBRUARY 2020 is this day admitted by the Faculty
of Paramedical and Allied Health Sciences Khyber Pakhtunkhwa to the Diploma SURGICAL

Technology in B Grade.

Checked By IO/ud

Verified By Muhammad

Result Declaration Date 03-Jul-2019 Print Date and Time 21-Sep-2016 02:38:21 PM


Chief Executive Officer

Note: Error(s) & omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this Diploma

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S. No. 010477

17

Session FEBRUARY, 2023

Faculty of Paramedical and Allied Health Sciences



Khyber Pakhtunkhwa, Pakistan
CERTIFICATE OF REGISTRATION

Registration No. 2017/MF/FIMS/ATD/ST/FS/4

Name MUHAMMAD WAQAR

Father's Name MUHAMMAD BASHIR

Roll Number 33194

Diploma Serial No. 9535

Name of Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Technology SURGICAL

Date 21-Sep-2020 Retained upto 20-Sep-2025

Prepared by: [Signature]

Checked by: [Signature]

Verified by: [Signature]

Chief Executive Officer

Note: Error(s) & omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate

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Faculty of Paramedical and Allied Health Sciences (FPMA)

Khyber Pakhtunkhwa

DETAILED MARKS CERTIFICATE

18

10171429

Registration No. 2017/MF/FIMS/ATD/ST/FS/4

Student Name MUHAMMAD WAQAR

Son/Daughter of MUHAMMAD BASHIR

Institute FRONTIER INSTITUTE OF MEDICAL SCIENCES ABBOTTABAD

Course DIPLOMA NEW COURSE Technology SURGICAL



Subject Name	Total Marks	Passing Marks	Theory	Viva	Total Obtained	Result
Semester: 1 Session: JULY 2018 Roll No: 55275						
Anatomy	100	50	55	8	63	Pass
Physiology	100	50	56	8	64	Pass
BioChemistry	100	50	62	10	72	Pass
Computer Skill	50	25	39	--	39	Pass
Sub-Total	350				238	
Semester: 2 Session: MARCH 2019 Roll No: 70604						
Pathology	100	50	58	10	68	Pass
Pharmacology	100	50	53	12	65	Pass
English	100	50	77	--	77	Pass
Islamicat	50	25	38	--	38	Pass
Public Health	100	50	56	14	70	Pass
First Aid & Patient Safety	50	25	23	5	28	Pass
Sub-Total	500				346	
Semester: 3 Session: MARCH 2019 Roll No: 60401						
I-Applied Anatomy, Physiology & CP	100	50	49	8	57	Pass
II-Surgical Procedure-I & CP	100	50	45	10	55	Pass
Medical Ethics	50	25	30	--	30	Pass
Sub-Total	250				142	
Semester: 4 Session: FEBRUARY 2020 Roll No: 83194						
English	100	50	71	--	71	Pass
Pak-Study	50	25	36	--	36	Pass
I-MICROBIOLOGY & CP	100	50	60	15	75	Pass
II-STERILIZATION, SUPPLIES & EQUIPMENT & CP	100	50	50	13	63	Pass
Sub-Total	350				245	
Grand Total	1450		858	113	971	66.97%

Checked By:

Verified By:

Chief Executive Officer

Faculty of Paramedical & Allied Health Sciences
Khyber Pakhtunkhwa

Result Declaration Date/Time: Friday, July 03, 2020 Printed by: Shafiq Daraz

Issue Date/Time: Monday, September 21, 2020 03:04:40 PM

Note: Error/Omission excepted Any mistake in above particulars must be intimated within 15 days of the receiving of the certificate

CP Means Clinical Practice

Scanned with CamScanner

Scanned with CamScanner



FRONTIER INSTITUTE OF MEDICAL SCIENCES

ABBOTTABAD

Affiliated with Govt. Of K.P.K Medical Faculty, Peshawar. (Pakistan)

Course Completion Certificate

Session 2017-2019

Batch 000021

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Certified that Mr./Miss./Mrs. Muhammad Waqar

Son/Daughter of Muhammad Bashir

has Completed a Two years(4 Semesters) Course of Surgical Technology

Technology at the **FRONTIER INSTITUTE OF MEDICAL SCIENCES, ABBOTTABAD.**

1 Theoretical Training: From August 2017 To August 2019

2 Practical Training: at DHQ HOSPITAL BATTAGRAM
(Complex Hospital)

1 ***** 2 *****
3 *****

His/her performance was satisfactory. We recommend him/her for a suitable job.

Issue Date ; 03-03-2020

Managing Director
Abbottabad
Managing Director

Attested
[Signature]

Principal
FIMS
Abbottabad
Principal

DISTRICT HEAD QUARTER HOSPITAL



EXPERIENCE CERTIFICATE

It is to certify that Mr. Muhammad Waqar S/O Muhamamad Bashir, resident of Village Tamai Tehsil & District Battagram attended the OT unit of this hospital on voluntarily basis since March 2020 to till date. He was well oriented, regular and energetic Technician. His behavior with his senior & other staff members remained good.

I wish him successful in future.

Dated 12.06.2021

Medical Superintendent
DHQ Hospital, Battagram

Medical Superintendent
D.H.Q Hospital,
Battagram

Attended
H. Waqar



ANNEXURE "C" 21

OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

No 1537-43 / date 30/07/2021

OFFICE ORDER

Consequent upon the recommendation of the Departmental Selection committee, Mr. Muhammad Waqar S/O Muhammad Bashir is hereby appointed as JCT (Surgical) BPS-12 against the vacant post plus usual allowances as admissible under the rules and subject to revision from time to time on the following terms and conditions according to the Government policies.

1. This order is subject to the verification of the original documents from the issuing authority/ production Two years Diploma either from Khyber Pakhtunkhwa or any other illegible/ Register able Institute/ College or University, if the Diploma is from outside KPK it must be registered with Medical Faculty of Khyber Pakhtunkhwa Peshawar
2. If the academic/ Technician/ experience certificates is not from the government institutions or International organization that will be not consider as experience
3. If the academic/ technician/ experience certificates of any candidate found fake/ bogus of any stage his/ her services will be considered terminated automatically.
4. He/ She shall initially be on probation for a period of Two years under the rules extendable further for a period of one year.
5. He/ She can be terminated without any notice during the probation of his/her work if his/her conduct found unsatisfactory.
6. He/ She shall be governed by the Government of Khyber Pakhtunkhwa civil servants act 1973 and the laws applicable to the civil servants under the rule made there under E&S rules 2011
7. He/ She shall be entitled to annual increments as per existing policy.
8. He/ She join his duties at his own expenses.
9. In case you wish to resign at any time, one month notice will be essential or in lieu shall be forfeited.
10. You will be awarded by such rules/ entitlement and orders related to TA, leave and MRC etc as may be issued by the Govt, from time to time for the category of Government servant to which you belong.
11. Your appointment will be subject to provision of Medical Fitness certificate.
12. The appointee shall be bound to perform any duty assigned by the undersigned as per Govt. rules.
13. Your duty in National obligation and international commitment may be required time to time.

If He/ She accept the above mentioned Terms & Conditions he/she should report to the undersigned within 14 Days of receipt of this offer and submit original documents along with one set of the photocopier for verification from concerned Boards/ University/Medical Faculty KPK/ Nursing Council, if applicable in case he/ she fails to report for duty within stipulated period of time this appointment order will automatically stand cancelled and the next candidate in merit list (waiting) will be considered for appointment.

District Health Officer
Battagram

Copy forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa for information
2. District Accounts officer Battagram for information
3. Incharge Type-D Banna Allai for information
4. Account Section office of the undersigned for information
5. Official for information and compliance
6. Incharge Establishment section office of the undersigned for information and compliance
7. Office copy

District Health Officer
Battagram



OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

MINUTES OF THE PROCESS OF DEPARTMENTAL SELECTION COMMITTEE

A meeting was held in the office of District Health Officer Battagram on 14.07.2021 for appointment of various Paramedical Posts, vacant in DHO office Battagram. The following members attended the meeting-

- Dr. Waseem Ahmed DHO
- Dr. Ahmed Faisal Representative DGHS
- Mr. Muzafar Khan Representative DC Battagram

Chairman
Member
Member

[Handwritten signatures]

The post of CT Radiology, CT Surgical, CT Pulmonology and PHCT MP (EPI/ Vaccinator) were advertised by District Health Officer in the Daily News Paper Aaj Peshawar (Advertisement attached), for the District Battagram. The applicants were directed to submit their documents to DHO office District Battagram. It was mentioned in the advertisement that the applicant applying for the post must have Diploma in the relevant field from the Medical Faculty or FSC Medical Technology from recognize board. Furthermore, the candidates having domicile of the concerned District will be given preference in case of non availability of suitable competent candidates in the District, the candidates could be selected from other District. As per following detail this office received applications of the following applicants.

A departmental Selection committee was constituted on, vide this office order No.1305-07 dated 08.07.2021 and interview was scheduled on 12.07.2021. Various candidates attended the interview on mentioned date attendance list attached.

CT Surgical	CT Radiology	CT Pulmonology	PHCT (EPI)	EPI Vaccinator
22	09 District Battagram 37 Out District	09	128	49

And after checking the original documents of the candidates a final merit list was prepared and signed by all the committee member. The following candidates as per final merit list are selected.

CT Radiology

S. No	Name candidate	Father Name	Technology	Domicile
01	Amir Majid	Minhal	CT Radiology	Battagram
02	Sajid Ahmed	Shamshad Khan	CT Radiology	Battagram
03	Atiq ur-Rehman	Abdur Rehman	CT Radiology	Battagram
04	Noor Islam	Abdur Rahim	CT Radiology	Battagram
05	Abid ulah	Bashir Ahmed	CT Radiology	Battagram

CT Surgical

S. No	Name candidate	Father Name	Technology	Domicile
01	Mohammad Waqar	Mohammad Bashir	CT Surgical	Battagram
02	Javed Khan	Mohammad Imran	CT Surgical	Battagram

CT Pulmonology

S. No	Name candidate	Father Name	Technology	Domicile	Remarks
01	Waseem Akram	Mohammad Nazir	CT Pulmonology	Battagram	Appointment subject to verification of Diploma
02	Maveedullah	Said Mohd Khan	CT Pulmonology	Battagram	
03	Mohd Zubair	Gul Rehman	CT Pulmonology	Battagram	

[Handwritten signature]
[Handwritten signature]

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23

AMBERG 12

PHCT EPI

S. No	Name candidate	Father Name	Technology	Domicile
01	Mohammad Islam	Faqir Khan	Health (EPI)	Battagram
02	Ubaiddullah	Muslim Khan	Health (EPI)	Battagram
03	Mohammad Usman	Mohammad Iqbal	Health (EPI)	Battagram
04	Inamullah	Siraj Khan	Health (EPI)	Battagram
05	Mohammad Amir Khan	Fazal Rahim	Health (EPI)	Battagram
06	Saeed Khan	Mohammad Nigah	Health (EPI)	Battagram
07	Fidaullah	Umar Dax Khan	Health (EPI)	Battagram
08	Mohammad Ibrar	Mabur Khan	Health (EPI)	Battagram
09	Mohammad Fawad Khan	Hozrat Rehman	Health (EPI)	Battagram
10	Syed Moeen Shah	Gul Wahid Shah	Health (EPI)	Battagram

EPI Vaccinator

S. No	Name candidate	Father Name	Technology	Domicile
01	Arshid Aziz	Aziz ur Rehman	EPI Vaccinator	Battagram
02	Syed Ijaz Ali Shah	Wahid Said	EPI Vaccinator	Battagram

The meeting ended with a vote of thanks from the chair.

District Health Officer
Battagram

No 1323-25 / Dated 18 / 07/2021

Copy forwarded to:-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar for Information
2. All concerned for information
3. Office copy

District Health Officer
Battagram

Sc:

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Handwritten signature

Scanned with CamScanner

ANNEXURE 'D'

24

The District Health Officer
Battagram.

Subject: ARRIVAL REPORT.

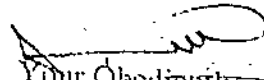
Sir,

Reference your office letter No. 1537-43 dated 30.07.2021.

With due respect it is submitted that I am selected as CT Surgical BS-12 in Type-D Banna Allai vide your letter No. 1537-43 dated 30.07.2021. I am submitting my arrival report against the vacant post of CT Surgical BS-12 in the Type-D Banna Allai today on 31.07.2021 (FN). Kindly accept my arrival and oblige please.

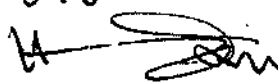
Dated 31.07.2021.

AR of Muhammad Waqar
CT Surgical Submitted
his a/v today
on 31/7/2021 at
Type D Banna
before noon
Subin
MS


Yours Obediently

Muhammad Waqar S/O
Muhammad Bashir
CT Surgical BS-12
Type-D Hospital Banna Allai


District Health Officer
BATTAGRAM

Attested




District Health Officer
BATAGRAM

MEDICAL CERTIFICATE

Name of Official: Muhammad Waqar
 Caste of Race: Swati
 Father Name: Muhammad Bashir
 Resident of Village: Village, Ahmad Abad Tamai Tehsil & District Battagram.
 Exact Height by Measurement: 05 ft 08" inch
 Date of Birth: 15.03.1998
 Personal Mark of Identification: NIL
 Signature of Official: *[Handwritten Signature]*

[Handwritten Signature]
Signature of District Health Officer
BATAGRAM

I do hereby certify that I have Mr. Muhammad Waqar Candidate for employment in the office of District health Officer Battagram not discovers that he had any disease communicable or other constitutional affection or bodily infirmity except "Nil"

I do not consider this as disqualification for employment in the office of as above. His age according to his own statement 23 appearance about 23 (twenty three years).

NIC 13202-3488774-9

Blood Group A-Ive

Eye Vision 6/6 both without glasses.

LEFT HAND THUMB AND FINGER IMPRESSION.....

[Handwritten signatures and marks]

21/6/2021
Medical Superintendent
DHQ Hospital Battagram
21/7/2021



Note: The entries on this register shall be reviewed and re-affirmed every two years in the signature to lines 11 and 12 above by the officer.

1. Name Shamir Singh

2. Age 23

3. Race Indian 4. District of domicile Bhadrachalam

5. Residence ...

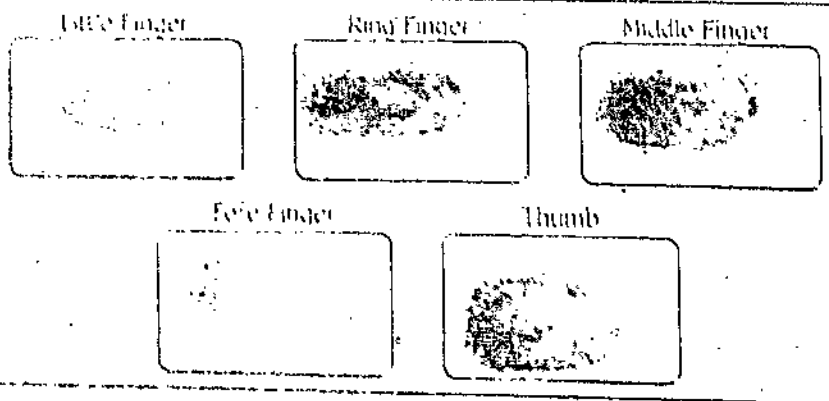
6. Father name and residence ...

7. Date of Birth by Christian era as nearly as can be ascertained: 15.05.1998

8. Exact height by measurement: ...

9. Peculiar Marks for Identification: Nil

10. Left Hand Thumb and Finger Impression of (Non Gazetted Officer)



11. Signature of Government Servant: [Signature]

12. Signature & Designation of the Head of the office or other attesting officer: District Health Officer

[Signature]

ANNEXURE ANNEXURE



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to the Director General Health Services at the address mentioned below and they should be sent to the Director General Health Services, Khyber Pakhtunkhwa Peshawar.

No. 602-8 / DGHS


Dated 27/08/2021

OFFICE ORDER

Reportedly there are irregularities in the recruitment process of various cadre of Para Medical by District Health Officer Baitagram, therefore all recent recruitment done by District Health Officer Baitagram of various cadre of Medical Technician are hereby stand cancelled with immediate effect and an inquiry committee consisting of following officers is hereby constituted to conduct the inquiry and submit report within 07 days.

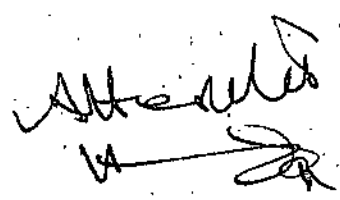
1. Dr. Faisal Khanzada (ADG Hazara Division) DGHS Office.
2. Mr. Hidayat (Deputy Director Coordination) DGHS Office.

The recruitment process will be reinitiated after proper inquiry as per governmental rules & policy.


 DIRECTOR GENERAL HEALTH SERVICES
 KHYBER PAKHTUNKHWA PESHAWAR

Cc

1. Dr. Faisal Khanzada (ADG Hazara Division) DGHS Office (Inquiry Officer).
2. Mr. Hidayat (Deputy Director Coordination) DGHS Office (Inquiry Officer).
3. District Health Officer Baitagram for immediate compliance.
4. PS to Minister Health Khyber Pakhtunkhwa.
5. PS to Secretary Health Khyber Pakhtunkhwa.
6. District Account Officer Baitagram.





OFFICE OF THE DISTRICT HEALTH OFFICER,
Baltagram (Khyber Pakhtunkhwa)
Phone & Fax: # (0997) 310507

No. 1803-DB/DHOM/DM

Dated: 27/8/2021

OFFICE ORDER

In compliance with the DOHS Peshawar Letter No. 6028/DOHS dated 23/8/2021; all appointment letters issued from the office of the undersigned are hereby stand cancelled. Moreover, all faculty in-charges are directed not to accept the arrival of any candidate in this regard.

District Health Officer
Baltagram

Copy forwarded to

1. Director General Health Services (DGHS) Peshawar.
2. Dr Faisal Khanzada (ADG) Hazara Division.
3. Deputy Commissioner Baltagram.
4. District Account Officer Baltagram.
5. All faculties in-charges Baltagram for information and compliance
6. Office copy

District Health Officer
Baltagram

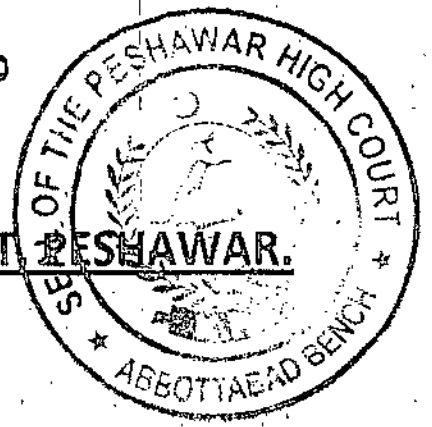
ATTESTED

Attested
H. Khan

ANNEXURE 'G'

30

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.



In.ref to W.P.NO: 955 /2021

1. Muhammad Waqar S/O Muhammad Bashir R/O PO Tamaee, Tehsil & District Batagram.
2. Amir Majid S/O Minhaj R/O kas pul, kajbori Tehsil & district Battagram.
3. Ateeq ur Rehman S/O Abdur Rehman R/O Shams Abad, khas, District Battagram.
4. Abidullah S/o Bashir Ahmed R/O Tamaee, Tehsil & District Battagram.
5. Noor Ul Islam S/O Abdur Rahim R/O Kharari, Sardar Abad colony, District Battagram.
6. Sajjad Ahmed S/O Shamshad Khan R/O Chapper Gram, Tehsil and District Battagram.
7. Naveedullah S/O Sayed Muhmmad Khan R/O Chapper Gram, Tehsil and District Battagram.
8. Muhammad Zubair S/O Gul Rehman R/O khas, District Battagram.
9. Javed Khan S/O Muhammad Imran R/O Ahmad Abad, Tamae, Tehsil & District Batagram.
10. Muhammad Ibrar S/O Mabar Khan R/O Ajmeera, District Battagram.

Certified to be True Copy
EXAMINER
27 DEC 2022
Peshawar High Court Atd Bench
Authorized Under Se 75 Evid Ordns

No 4908
3.9.21

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

VERSUS

- 1) Government of Khyber Pukhtunkhwa Through Chief secretary civil secretariat Peshawar
- 2) Director General Health Services, government of Khyber Pukhtunkhwa Peshawar

PETITIONERS
FILED TODAY
Deputy Registrar
3.1 AUG 2021

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

- 3) Secretary Health, Govt Khyber Pukhtunkhwa, Cvili Secretariat , Peshawar.
- 4) District Health Officer Batagram.

.....RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Prayer:

On acceptance of instant writ petition:

A. writ of certiorari may please be issued to declare Order dated 23/8/2021 passed by the respondent No: 2 followed by order dated 28/8/2021 by respondent NO: 4 as illegal, unlawful, against the factual position , contra legume against the *recognized fundamental rights of the petitioners, passed under political influence of the ruling party and their representatives, based on motives other than legal.*

B. The respondents may please be directed to withdraw the impugned notifications/orders and allow the petitioners to perform their duties as per their initial appointment orders.

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EXAMINER
21 DEC 2022
Peshawar High Court Atd Bench
Authorized Under Sec 10 Ordns

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

FILED TODAY
Deputy Registrar
31 AUG 2021

Handwritten signature

Respectfully sheweth,

1. That the petitioners are law abiding and peaceful citizen of Pakistan and permanent/bona fide residents of *different villages of* District Batagram.
2. That respondent No: 4 advertised different posts of para medical staff including JCT (RADIOLOGY), JCTC(SURGICAL), JCT(PULMONOLOGY) PHCT(EPI) AND EPI VACCINATOR in Daily News Paper by inviting applications from eligible candidates having domicile of District Batagram, Khyber Pukhtunkhwa, having specified age limit and qualification. (copy of Advertisement is attached as annexure "A")
3. That in sequel to above all, the petitioner being eligible, suitable and qualified candidates applied for the posts along with so many other candidates, after short listing the petitioners were called for interview by respondent No:4 to appear before the selection committee and after fulfilling all the legal and code formalities, appointment orders of the petitioners were issued. (copies attached as annexure "B").
4. That consequently, petitioners submitted their arrival, they were posted to their respective places of duties as per advertisement and requirements, the petitioners assumed their respective charges of post, served their for about 20/21 days. But all of sudden respondent No: 2 issued impugned notification dated 23/8/2021 regarding cancellation of appointment of the petitioners under political pressure of ruling party and their local representative for accommodating their blue eyed people. (impugned notifications ANNEXURE "C")

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 EXAMINER
 27 DEC 2022
 Peshawar High Court Atd Bench
 Authorized Under Sec 75 Evid Ordns.

FILED TODAY
 Deputy Registrar
 31 AUG 2021

FILED TODAY
 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH

Handwritten signature/initials

5. That the petitioner being aggrieved from dated 23/08/2021 by respondent No:2, followed by order dated 28/08/2021 by respondent No:4, has got no other appropriate/adequate remedy except to file the instant writ petition on the following grounds among the others.

GROUND

A. That the rights of the petitioners have been flagrantly violated by the respondents by issuing impugned orders absolutely against the law governing the matter.

B. That the petitioners have not been treated in accordance with law, rather the act of respondents is in conflict with the law governing the subject specifically with regard to rights guaranteed by the constitution of Islamic Republic of Pakistan 1973.

C. That rights of the petitioners have been flagrantly violated by the respondents, being public functionaries exercising statutory powers, have not discharged their duties in accordance with and acted in a manner absolutely contrary to law.

D. That due to the illegal and unwarranted act of respondent No: 2 & 4 rights of the Petitioners have been glaringly violated, appointments of the petitioners have been cancelled in complete negation of rules and law, which is manifestly not only an illegality or irregularity but discriminatory and glaring disobedience of law and constitution..

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Deputy Registrar
31 AUG 2021

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
23/9/21

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EXAMINER
21 DEC 2022
Peshawar High Court Atd Bench
Authorized Under Sec 75 Evid Ordns.

E. That the doctrine of **locus Poenitentiae** is fully applicable to the case of petitioners in the light of principles laid down by august Supreme court of Pakistan.

F. That the act of respondents is the **most blatant affront to the concept of rule of law, equal protection of law and protection from discrimination** as provided under the article 25 of the constitution, as it is has not been neither mandated such **omnibus and omnipotent powers** to the respondent No:2 & 4, Nor ever bestowed with absolute discretion at the cost of rights of individuals/petitioners.

G. That the act of respondents is **classical example bending for accomplishment of desires and whims of political allied**, which in toto against the law on the subject and the rights guaranteed by the constitution.

H. That the appointments of the petitioners were cancelled **without any notice or opportunity of personal hearing** by keeping the aside the rules and the law. The illegal and unwarranted impugned orders of the respondent NO:2 and 4 have taken away the rights of the petitioners without complying with law governing the subject.

I. That the impugned orders are in glaring violation of judgment of Hon'le Supreme Court in case titled "**Chiefe Secretary Govt of Punjab vs Malik Asif Hayat**" reported as "2011 SCMR-1220".

It is therefore, humbly prayed that on acceptance of instant writ petition:

FILED TODAY
Deputy Registrar
31 AUG 2021

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

23/9/21

Certified to be True Copy
EXAMINER
21 DEC 2022
Peshawar High Court Atd Bench
Authorized Under S...

35

A. writ of certiorari may please be issued to declare Order dated 23/8/2021 passed by the respondent No: 2 followed by order dated 28/8/2021 by respondent NO: 4 as illegal, unlawful, against the factual position, contra legume against the recognized fundamental rights of the petitioners, passed under political influence of the ruling party and their representatives, based on motives other than legal.

B. The respondents may please be directed to withdraw the impugned notifications/orders and allow the petitioners to perform their duties as per their initial appointment orders.

Any other /further, better relief which has not been specifically prayed for but this Honourable Court deems just and equitable in the circumstances of the case may also be granted to petitioner.

Interim Relief:

It is further prayed that by way of seeking interim relief, Impugned order dated 23/8/2021 and 28/8/2021 passed by Respondents may very kindly be suspended and the respondents may please be restrained from proceeding further with the matter pertaining to the subject appointments till decision of instant writ petition

FILED TODAY
 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH

23/9/21

FILED TODAY
 Deputy Registrar

31 AUG 2021

Certified to be True Copy
 EXAMINER

21 DEC 2022

Peshawar High Court Atd Bench
 Under Se. 75 Evid Ordns

Petitioner

Through

[Signature]

Amjad Hassan Tanoli

ADVOCATE HIGH COURT

ANNEXURE 'H'

36

BEFORE THE PESHAWAR HIGH COURT ABBOTTBAD BENCH

WP No 955/2021



Muhammad Waqar & others

Petitioners

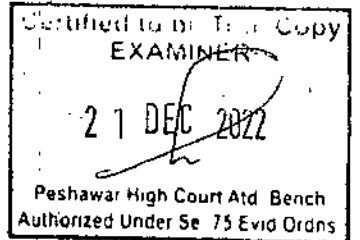
Versus

Govt of KPK & others

Respondents

PARAWISE REPLIES ON BEHALF OF RESPONDENT DHO BATTAGRAM

Respectfully Sheweth,



Preliminary Objection:

1. That the petitioner has neither cause of action nor locus standi to file the instant petition.
2. That the petitioner has not come to the Honourable court with clean hands.
3. That the instant petition is not maintainable due to non-joinder and mis joinder of necessary parties.

FACTS:

1. Para No 1 is correct to the extent that the petitioners are residents of District Battagram. The remaining portion is subject to proof.
2. Para No 2 is correct.
3. Regarding Para No 3 it is submitted that besides selected candidates several other candidate had applied for the post advertised. The recruitment committee selected only the candidates who were qualifying on merit. The rest of candidates were left. All codal formalities were observed, (check list of all codal formalities attached as annexure A to L).
4. Para No 4 is correct to the extent of arrival report. However no further progress in all the cases was done as the High Ups intervened and the candidate's appointment were cancelled by Respondent No 2.
5. Para No 5 is incorrect, the Petitioners have got no cause of action, as the High Ups have immediately intervened in the matter, (copy attached as annexure L) and respondent No 4 has merely followed orders of High Ups (copy attached annexure M).

ON GROUNDS:

- A. Para A of the ground is Incorrect, the Respondent No 4 completed the recruitment proceedings and Not independently issued any order against the Petitioners. The order of Respondent No 2 was complied for which the Respondent No 4 was legally bound being his subordinate, (copy attached annexure M).

No. 5556
29-09-21
ALEX TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
29/9/21

- B. Para B of the ground is Incorrect no right accrued to the Petitioner as the selection was set aside immediately without further proceeding in the matter except arrival report.
- C. Para C of the ground is Incorrect, the Respondent No 2 exercised his power under the law and Respondent No 4 complied his order.
- D. Para D of the ground is Incorrect. Detailed reply is given in the above paras.
- E. Para E of the ground is absolutely incorrect no right accrued to the petitioner as the selection was set aside immediately after selection, hence application of locus ponentiae is not applicable in the present case.
- F. Para F of the ground is Incorrect, detailed reply is given in the above paras. The selection order was set aside before completion of necessary proceedings required for recruitment of petitioners, which are essential.
- G. Para G of the ground is Incorrect.
- H. Para H of the ground is Incorrect and relate to Respondent No 2 who set aside the selection. The Respondent No 4 only complied to the orders of High Ups.
- I. Para I of the ground is legal.

PARYER:

In view of the above discussion it is humbly prayed that the petition be dismissed being devoid of merit.

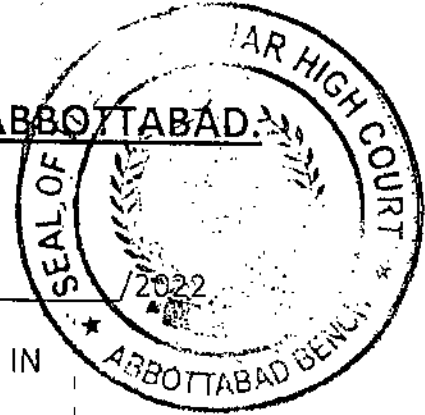
Respondent No. 2
 DHO Battagram
 District Health Officer
 Battagram

Handwritten signature
 27/12/2021

FILED TODAY
 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH
 29/12/21

Certified to be True Copy
 EXAMINER
 21 DEC 2022
 Peshawar High Court and Bench
 Abbottabad
 Authorizati

IN THE PESHASWAR HIGH COURT BENCH, ABBOTTABAD.



CM

IN

W.P No. 955-A/2021.

Muhammad Waqar & others

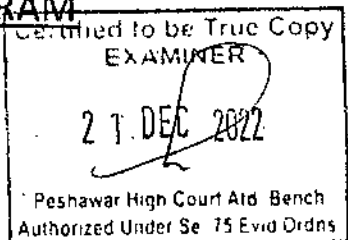
Petitioner.

Versus

Government of Khyber Pakhtunkhwa etc

Respondents.

APPLICATION FOR FILING BETTER COMMENTS ON BEHALF OF
RESPONDENT NO. 04 DISTRICT HEALTH OFFICER BATTAGRAM



Respectfully sheweth;-

1. That the above titled writ Petition is pending for adjudication before the Hon'ble Court.
2. That the comments previously submitted by Respondent No.4 before the Hon'ble Court were prepared prior to receiving the results of inquiry ordered by Director General Health Services.
3. That the contradiction in the comments of Respondent No. 04 and Respondent No.02 is because comments of Respondent No.02 DG Health services are based on findings of the inquiry report.
4. That the Applicants/Respondents intend to file better comments in the instant case.
5. That if this Hon'ble Court allow this application, it would be helpful for disposing off the instant Writ Petition on merit.

*vetter
Mr. A. C.*

*No. 2218
20-05-22*

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

6. That there is no legal bar to allow this application and this Hon'ble Court has got ample powers to accept the instant Application.

It is therefore most humble prayed that the better comments may be allowed to be submitted in the above titled case.

Vetha
Yi-R
Assistant Advocate General
Khyber Pakhtunkhwa Abbottabad

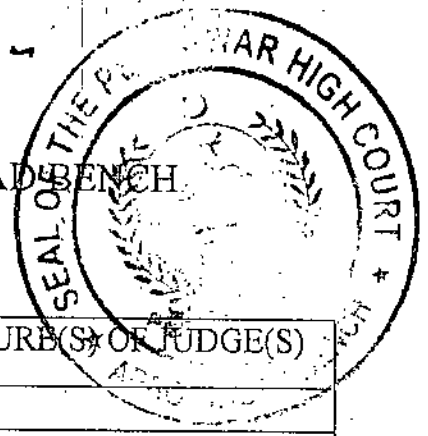
[Signature]
District Health officer
Battagram
Respondent No. 04

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EXAMINER
21 DEC 2022
Peshawar High Court Ahd Bench
Authorized Under Sec 75 Evd Ord 1974

~~RECEIVED TODAY~~
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PESHAWAR HIGH COURT
ABBOTTABAD BENCH
[Signature]

40
ANNEXURE 'A'

PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE(S) OF JUDGE(S)
1	2
15.09.2022	<p><u>WP No.955-A/2021.</u></p> <p>Present:- Mr.Amjad Hussain Tanoli, Advocate for petitioner Sardar Ali Raza, AAG for respondents with Javaid Salim Focal Person DGHS Khyber Pakhtunkhwa and Yasir Pasha Lit Officer DHO Office Battagram.</p> <p>***</p> <p><u>IJAZ ANWAR, J.</u> Since the matter squarely falls within the jurisdiction of service tribunal, as such, jurisdiction of this court is bar under Article 212 of The Constitution of Islamic Republic of Pakistan.</p> <p>2. In view thereof copy of the memorandum of this writ petition be transmitted to the respondents/department and be treated as department appeal for decision in accordance with law. On the completion of 90 days the petitioner would be at liberty to approach service tribunal subject to all just and legal exceptions.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p>

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EXAMINER
21 DEC 2022
Peshawar High Court Atd Bench
Authorized under Sec 24 F of Ord.

(Muhammad Jamil)

(DB)

Hon'ble Justice Ijaz Anwar,
Hon'ble Justice Wiqar Ahmad.

Office
16/9/22

کورٹ فیس

وکالت نامہ

BEFORE THE K.P.K. Service Tribunal بعدالت

Muhammed Waqar نام Court of K.P.K. عنوان:

Appellant منجانب:

Service Appalad نوعیت مقدمہ:

باعت تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

Hamayun Khan & Fazdullah Khan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا و صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: 21/12/22

بمقام:

