



DISTRICT HEALTH OFFICER
MARDAN (Khyber Pakhtunkhwa)

Ph: # (0937) 9230030 Fax: # (0937) 9230283

Email: mardandho@gmail.com

SCANNED
KPST
Peshawar

All communications should be
addressed to the District Health
Officer Mardan and not to any
official by name

No. /DHO

Dated: 13/09/2022

OFFICE ORDER

On the direction of Honourable Service Tribunal Peshawar Khyber Pakhtunkhwa, Service Appeal number 3781/2020, decision date 1.06.2022, LHW Robina Bibi w/o Mustaq Ali is here by reinstated for the purpose of De-novo inquiry only.

District Health Officer
Mardan

No. 15916-20/DHO

Copy forwarded to the:

1. Register Services Tribunal Khyber Pakhtunkhwa Peshawar.
2. Chairman Services Tribunal Khyber Pakhtunkhwa Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
4. Official concerned.
5. Office copy

for information & necessary action.

District Health Officer
Mardan

(6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 3781 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3114

Dated 28-4-2020

Robina Bibi W/o Mushtaq Ali
R/o Faqir Kallay Khanjar,
Tehsil & District Mardan.....



Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. District Health Officer, Mardan.


.....Respondents

**SERVICE APPEAL U/S 4 OF SERVICE
TRIBUNAL ACT, 1974 AGAINST
TERMINATION ORDER DATED 28.11.2019
PASSED BY RESPONDENT NO.3, AND
DEPARTMENTAL APPEAL DATED
11.12.2019, REMAINED UNRESPONDED,
EVEN AFTER LAPSE OF 90 DAYS, WHICH IS
ILLEGAL, AGAINST LAW AND FACTS.**

PRAYER

On acceptance of this appeal, the termination order dated 28.11.2019 may please be set-aside and appellant may please be reinstated in service with all back benefits.

Filed to-day
Registrar
28/4/2020

ATTESTED

Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3781/2020

Date of Institution 28.04.2020
Date of Decision 01.06.2022



Robina Bibi W/O Mushtaq Ali R/O Faqir Kalay Khanjar, Tehsil &
District Mardan.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health, Civil
Secretariat, Peshawar and two others.

(Respondents)

Amjad Ali,
Advocate

For appellant.

Kabir Ullah Khattak,
Additional Advocate General

For respondents.

Rozina Rehman
Fareeha Paul

Member (J)
Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer
as copied below:

"On acceptance of this appeal, the termination
order dated 28.11.2019 may please be set aside
and appellant may please be reinstated in service
with all back benefits."

ATTESTED

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

2. Brief facts of the case are that appellant was appointed as
LHW vide appointment order dated 01.07.2004. Her services were
regularized on 01.07.2012. During service, her explanation was

called upon and her salary was stopped, therefore, she filed writ petition for release of her salary and in the meanwhile, her termination order was passed without complying with the relevant disciplinary rules. She filed departmental appeal but fiasco, hence, the present service appeal.

3. We have heard Amjad Ali Advocate learned counsel for appellant and Kabir Ullah Khattak, learned Additional Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Amjad Ali Advocate learned counsel appearing on behalf of appellant, inter-alia, submitted that the appellant was not treated in accordance with law and her rights secured and guaranteed under the Constitution of Islamic Republic of Pakistan, 1973 were badly violated. Learned counsel further argued that neither charge sheet with statement of allegations nor show cause notice was issued to the appellant and no proper inquiry was conducted in the matter. He, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned AAG submitted that appellant was not performing her duty as per her service rules and she absented from official duty without permission of the competent authority, failed to maintain record and was not performing her duty properly, therefore, proper disciplinary proceedings were conducted against appellant and after compliance of all codal formalities, she was awarded major punishment according to law.

6. From perusal of the entire record, we have come to the conclusion that the service of the appellant was terminated by District

ATTESTED

EXAMINER
Kashmir Pak. Intch. S.
Service Tribunal
Srinagar

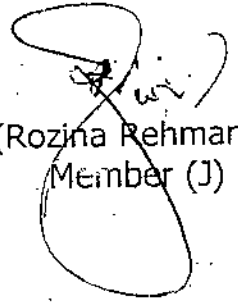
6

DCANNIES
Kochwar

Health Officer, Mardan vide order dated 28.11.2019. The disciplinary proceedings initiated against the appellant suggest that she was not afforded proper opportunity of defense. Neither charge sheet alongwith statement of allegations nor any show cause notice was ever served upon appellant. No inquiry was conducted as nothing was produced in this regard. Proceedings so conducted are also in a hotchpotch manner, therefore, the impugned order is set aside. Appellant is reinstated in service for the purpose of de-novo inquiry to be conducted within 60 days of the receipt of this judgment with direction to respondents to decide the case through a speaking order. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
01.06.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Kochwar

Date of Presentation of Application 22/6/2022
 Number of Words 1600
 Copying Fee 18/-
 Urgent 4/-
 Total 22/-
 Name of Applicant
 Date of Issuing of Copy 22/6/22
 Date of Delivery of Copy 22/6/22