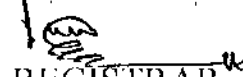


FORM OF ORDER SHEET

Court of _____

Case No. - 266/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/2/2023	<p>The appeal of Dr. Bakhtiar Ahmad resubmitted today by Mian Hamayun Ahmad Kakakhel Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR.</p>

The appeal of Dr. Bakhtiar Ahmad son of Shahzmir DHQ Hospital Colony Landikotal received today i.e. on 30.01.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of salary slip mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of leave application and sanctioned order of leave mentioned in para-6 of the memo of appeal are not attached with the appeal which may be placed on it.
- ③ Copy of impugned order is not attached with the appeal which may be placed on it.
- ④ Copy of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.

No. 419 /S.T,

Dt. 31-01 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mian Hmayun Ahmad Kakakhel Adv.
High Court Peshawar.


Respected Sir,

Re-submitted after doing the needful.


01/02/2023

Respected Sir,

Impugned order is available in groups of salary slip which is duly annexed as annexure "C" page no. 9 and also highlighted for kind observation of this worthy office.


01-02-23-

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

PESHAWAR

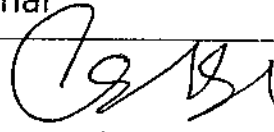
Dr. Bakhtiar

Versus


Appeal no. 266/2023

Secretary Health Govt of Khyber Pakhtunkhwa & others

INDEX		
S. No.	Description	Pages
1.	Appeal	1-5
2	Addresses of Parties	6
3	<u>Annexes:</u>	
A.	Copy of CNIC of petitioner	7
B.	Copy of Degree of Petitioner	8-
C.	Copy of Salary Slip	9-15
D.	Copy of application to the Respondent No. 03	16
E	Copy of application dated 20/10/2022	17-18
	Wakalatnama in Original	19


Petitioner

Through


Mian Humayun Ahmad Kakakhel
AHC

LAW OFFICE
Liberty Mall, Main University Road, Peshawar
Mobile: 0300 5884959
Email: kakakhelhumayun4@gmail.com

①

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 266 /2023

Dr. Bakhtiar Alam S/O Shahzamir R/O House No. 03 DHQ
Hospital Colony Landikotal

.....Petitioner

VERSUS

1. Secretary Health Government of Khyber Pakhtunkhwa
2. Director General Health Services Khyber Pakhtunkhwa
Warsak Road Near Kababyan Peshawar
3. Dr. Jamshed Ahmad SheraniMS District Headquarter Hospital
Landikotal

..... Respondents

APPEAL UNDER SECTION 04 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,
WHEREBY DEPARTMENTAL APPEAL /APPLICATION
OF THE APPELLANT FOR REFUND OF DEDUCTED
AMOUNT FROM THE SALARY OF APPELLANT WAS NOT
REPLIED/ DECIDED

Respectfully Showeth,

2

1. That petitioner is law abiding citizen of Pakistan having all the rights enshrined in the Constitution of Islamic Republic of Pakistan, 1973.
2. That petitioner got his degree of FCPS General Surgery from college of Physician and Surgeon Pakistan (CPSP) and is working as Surgical Specialist at District Headquarter Hospital Landikotal. (Coy of CNIC of petitioner and degree are attached as Annex 'A & B').
3. That respondent No. 03 is Medical Superintendent (MS) in DHQ Hospital Landikotal.
4. That petitioner is performing his duty with full zeal and zest and no complaint whatsoever has been filed against the petitioner.
5. That on 01/10/2022 respondent No. 03 deducted salary from the petitioner without any show cause notice. (Copy of Salary Slip is attached as Annex 'C').
6. That it is pertinent to mention here that applicant has filed application for two days leave which was duly accepted by the Respondent No. 03. (Copy of application is attached as Annex 'D').
7. That appellant feeling aggrieved from the act of respondent No. 03 filed departmental appeal/ application dated 20/10/2022 bearing diary No. 77 before respondent No. 03 but same has not yet been

decided. (Copy of application dated 20/10/2022 is attached as Annex 'E').

3

8. That appellant time and again requested the respondent No. 03 not to deduct salary from the appellant but in vain.
9. That despite of several requests, Respondents have turned deaf years, hence appellant having no other efficacious remedy to avail except to approach this Honourable Court inter alia on the following grounds:

Grounds:

- A. That the appellant had an unblemished career whereby he served the department with utmost honesty to the satisfaction of his superiors.
- B. That the appellant was neither served with any complaint nor was he communicated with any adverse remarks during the entire period of his continuous service.
- C. That authority is to be exercised according to rational reasons which means that there be finding of primary facts based on good evidence, decisions about facts be made for reasons which serve the purpose of statute in an intelligent and reasonable manner. Actions which do not meet these threshold requirements are considered arbitrary and mis-use of power.
- D. That the Respondents have not treated the Appellant in accordance with Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan
- E. That the That act of Respondent No. 03 by deducted salary of the respondent is gross violation of the fundamental rights of the Appellant duly protected by the constitution of Islamic Republic of Pakistan.

F. That further assistance shall be made at the time of arguments after due permission of the court.

(4)

Prayer: It is therefore, respectfully prayed that, on acceptance of this appeal the Honourable Tribunal may kindly direct the followings;

- i. Act of respondent No.03 may kindly be declared illegal, unlawful and without lawful authority.
- ii. Deducted amount from the salary of the appellant may kindly be refunded to the appellant.
- iii. Respondent may kindly be directed not to deduct/ stop salary of the appellant in future.
- iv. Furthermore, necessary action may kindly be taken against the respondent No. 03 for his illegal acts.

2. Any other relief deemed appropriate in the peculiar circumstances of the case may also be very kindly afforded to the Appellant.


Petitioner

Through



Mian Humayun Ahmad Kakakhel
AHC

LAW OFFICE
Liberty Mall, Main University Road, Peshawar
Mobile: 0300 5884959
Email: kakakhelhumayun4@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

5

Dr. Bakhtiar

Versus

Secretary Health Govt of Khyber Pakhtunkhwa & others

Affidavit

I, Dr. Bakhtiar Alam S/O Shah Zameer R/O R/O House No. 03
DHQ Hospital Colony Landikotal, do hereby solemnly affirm &
declare on oath that the contents of the instant writ petition are
true & correct to the best of my knowledge, belief and
information and that nothing has been concealed from this
Honourable court in this respect.

[Handwritten Signature]

Deponent

CNIC No. 21203-3813060-5

Cell No. 0333-9103072



27/23

⑥

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

Dr. Bakhtiar

Versus

Secretary Health Govt of Khyber Pakhtunkhwa & others

Memo of Addresses

Appellant

Dr. Bakhtiar S/O Shah Zameer R/O

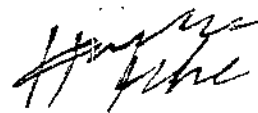
RESPONDENT

1. Secretary Health Government of Khyber Pakhtunkhwa
2. Director General Health Services Khyber Pakhtunkhwa
3. MS District Headquarter Hospital Landikotal



Petitioner

Through



**Mian Humayun Ahmad Kakakhel
AHC**

LAW OFFICE

Liberty Mall, Main University Road, Peshawar


Mobile: 0300 5884959

Email: kakakhelhumayun4@gmail.com

7

PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN


Name
 Bakhtiar Alam



Father Name
 Haji Shah Zameer Afridi
حاجی شاہ زہیر آفریدی

Gender	Country of Stay
M	Pakistan

Identity Number	Date of Birth
21203-3813060-5	01.08.1977
Date of Issuance	Date of Expiry
03.03.2022	03.03.2032


[Signature]
 Holder's Signature

21203-3813060-5

پاکستان کی نیشنل ایڈیٹیو کارڈ

جنرل روولڈیٹور

پتلا: ذہیر شاہ زہیر آفریدی، تحصیل لاری، کوئٹہ، خیبر پختونخواہ

جنرل، ضلع خیبر

510251016282
140-77-192350

Inspector General of Pakistan

گمشدہ کارڈ ملنے پر قریبی ایئر بکس میں ڈال دیں

PAKISTAN MEDICAL COMMISSION

(SUCCESSOR OF PAKISTAN MEDICAL & DENTAL COUNCIL)

G-10/4, Mauve Area, Islamabad

Website : www.pmc.gov.pk



FULL LICENSE MEDICAL

Registration Number : 10135-N
CNIC/Passport : 2120338130605
Name : BAKHTIAR ALAM
Father Name : SHAH ZAMIR
Present Address : KHYBER POLYCLINIC, STREET NO.1, CANAL TOWN,
NASIR BAGH ROAD, PESHAWAR, PAKISTAN
Contact Number : 03339103072
Permanent Address : LANDIKOTAL KHYBER AGENCY



Registration Date : 20/06/2002

Valid Upto

16/03/2024

Qualification

Institu./University

Year

1 MBBS

UNIVERSITY OF PESHAWAR

2002

2 FCPS General Surgery

CPSP

2012

Remarks

THE ABOVE QUALIFICATION(S) ARE SUBJECT TO THE CLASSIFICATION OF POST GRADUATE, ALTERNATIVE, ADDITIONAL, QUALIFICATIONS AS NOTIFIED BY THE COMMISSION.

It is hereby certified that the Full License has been duly issued by the National Medical Authority of the Pakistan Medical Commission. The Full License holder is authorized to treat all ordinarily recognized common medical ailments and as permissible under Section 29(2) of the Pakistan Medical Commission Act, 2020. The License Holder shall not represent himself as a specialist / consultant or practice as a specialist in the absence of the name of the License Holder having been entered in the Higher Medical Specialist Register.

IMPORTANT NOTICE

- The Licensed Medical Practitioner shall apply for the revalidation of this License three months prior to the date stipulated for revalidation by the Medical & Dental Council.
- The Licensed Medical Practitioner shall apply for renewal of this License at least one month prior to its expiry.
- The issuing Authority reserve the right to recall, correct or cancel this License.



MEMBER LICENSING

50296004 - BAKHTIAR AL

Inbox

9



Employee Servi... Yesterday



to me

50296004

BAKHTIAR ALAM

KH4031

Adjustment
Details

5801 (Adj Basic Pay) One time
regular deduction started PKR
17481.00- Date 01.10.2022

یہ ای میل خودکار نظام کے تحت بھیجی جا رہی ہے جس کا مقصد
ٹی ڈی او کو ملازمین کی چینجز سے متعلق ہر وقت مطلع کرنا ہے۔
اگر اس ای-میل میں شامل ملازمین کی چینجز میں کوئی غلطی
پائی جا رہی ہو، تو جلد از جلد اپنے متعلقہ اکاؤنٹ آفس سے رابطہ
کر کے درستگی کروا لیں

15-10-2022

Dr. [Name] (MD)

[Address]

Subject: 02 days Medical Leave

Dear Sir, The medical procedure has been

prescribed on [Date]

Monday and on [Date]

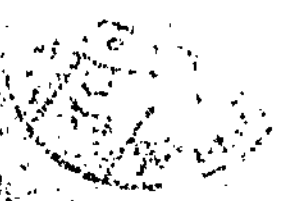
My team will [Action]

Yours

[Signature]

Dr. [Name]

[Address]



Medical Superintendent (M.S.)

District Head Quarter Hospital (D.H.Q.)

Landiotal.

(11)

Subject: Salary Deduction on Days Off

Respected Sir, for unknown reason

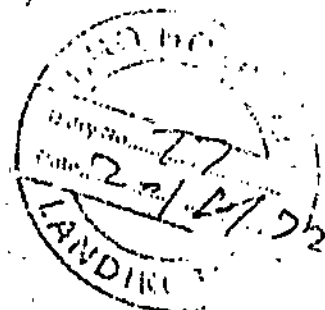
three days salary has been deducted

from office for the month of October

I was on 02 days leave on 08 Oct, due

to my illness. Copy may be provided

to you for your involvement.



Dear D
shipme
476505
deliven
query p
wa.me

for delivery today. In
case of a query please
contact, <https://wa.me/922111123456>

1:08 pm

Shipment booked by
DOCTOR OF LANDI KOTAL
under CN 4765059658
has been delivered to

To

The Medical Superintendent
DHQ hospital Landikotal

14

Subject: Notifications regarding pay deduction and explanations

Respected MS,

As discussed during meeting (Dated 04-01-2023) in your office regarding procedure and codal formalities of explanation and pay deduction it was agreed that the notification regarding duty rules, explanation and pay deduction will be given. Therefore, it is stated to provide us a copy of those notifications.

Regards

YOUNG DOCTORS ASSOCIATION

Landikotal

Date:07/01/2023



A handwritten signature in black ink, appearing to be 'M. B. B. B.' or similar, written below the stamp.

Dear Customer, your shipment
CN:4765059657 has been
delivered on 11-Jan-23
received by OSAMA. Pay your
SNGPL bill at nearest TCS
center

6:01 pm

Shipment booked by
DOCTOR OF LANDI KOTAL
under CN 4765059657 has
been delivered to OSAMA ,
Thank you for choosing
TCS. Share your valuable
feedback at, [https://wa.me
/922111123456](https://wa.me/922111123456)

5:47 pm

Dear Customer,your
shipment CN:4765059658
has been delivered on
11-Jan-23 received by
NOUSHAD .Pay your
SNGPL bill at nearest TCS
center

5:53 pm

< 8225 ▢ v

(17)

DOCTOR OF LANDI KOTAL
under CN 4765059658
has been delivered to
NOUSHAD , Thank you for
choosing TCS. Share your
valuable feedback at, <https://wa.me/9221111123456>

Shipment booked by
DOCTOR OF LANDI KOTAL
under CN 4765059657 has
been delivered to OSAMA ,
Thank you for choosing
TCS. Share your valuable
feedback at, <https://wa.me/9221111123456>




5:47 pm

Dear Customer, your
shipment CN: 4765059658
has been delivered on
11-Jan-23 received by
NOUSHAD . Pay your
SNGPL bill at nearest TCS
center

5:53 pm

Dear Customer, your
shipment CN: 4765059657
has been delivered on
11-Jan-23 received by
OSAMA . Pay your SNGPL
bill at nearest TCS center

6:01 pm

قیمت 50 روپے	33745	  
ایڈویکیٹ:		
بار کونسل ایسوسی ایشن نمبر: 1569-9-9-9		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
رابطہ نمبر: 5884959		

بعدالت جناب: جسٹس سید سعید احمد کاکا کھل

منجانب: ایسڈسٹنٹ	دعوی:
	علت نمبر:
	موردہ:
	جرم:
	تھانہ:

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی کارروائی متعلقہ

آن مقام کیلئے مسائل سے لڑنے والے کا کاکا کھل کو وکیل مقرر کر کے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی گل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق و جرم پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور سزا کی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے عمل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا پختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو فریڈ ہر جہانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا نکات نامہ لکھ دیا تاکہ سند رہے

المقام: 27/02/2023
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

المقام: پشاور کے لیے منظور ہے

نوٹ: اس نکات نامہ کارروائی کا عمل قبول ہوگی
Email:- Kaka Khel Humayun
@.gmail.com