

Service Appeal No. 94/2022

06.02.2023


Bashir Khan Wazir, Advocate for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

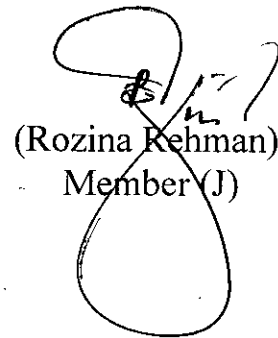
Learned counsel for the appellant requested for withdrawal of the instant service appeal on the ground that the salaries of the appellant have been released and his grievances have been redressed. In this regard, his signature was obtained on the margin of the order sheet.

In view of the above, instant service appeal is dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

06.02.2023


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

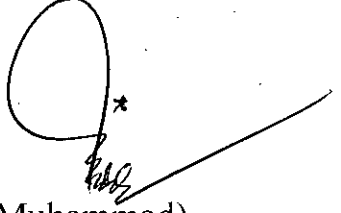
I want to withdraw my case as the salaries of the appellant has been released.

18.11.2022

Clerk of learned counsel for the appellant present. Mr. Kabriullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 20.12.2022 before S.B.

SCANNED
KPST
Peshawar

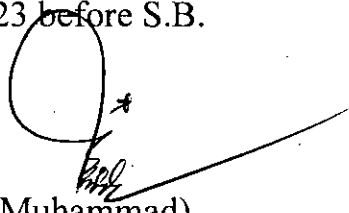

(Mian Muhammad)
Member (E)

20.12.2022

Junior of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Last opportunity is granted. To come up for reply/comments on 06.02.2023 before S.B.

SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)


28.07.2022

Appellant present through counsel.

Appellant present
Submitting a Process Fee

4/16

File to come up alongwith connected Service Appeal No.83/2022 titled "Saddam Hussain Vs. Government of Khyber Pakhtunkhwa" on 17.10.2022 before S.B.



(Rozina Rehman)
Member (J)

17.10.2022

Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.83/2022 titled "Saddam Hussain Vs. Government of Khyber Pakhtunkhwa" on 18.11.2022 before S.B.



SCANNED
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Peshawar

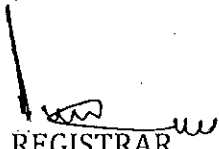


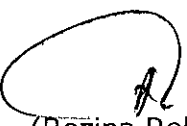


(Rozina Rehman)
Member (J)

FORM OF ORDER SHEET

Court of _____

Case No. - 89/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/01/2022	<p>The appeal of Mr. Waqar Ahmad resubmitted today by Mr. Bashir Khan Wazir Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-	07.03.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>07/03/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Hon'able Chairman, the case is adjourned to 07.06.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>
p	07.06.2022	<p>Junior to counsel for the appellant present.</p> <p>Lawyers are on general strike, therefore, case is adjourned to 28.07.2022 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member(J)</p>

The appeal of Mr. Hafiz Ullah, Sterilization Technician, DHO North Waziristan received today i.e. on 07.12.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Memo of the appeal contains cutting/erasing which is not accepted.
2. Annexures of the appeal may be attested.
3. Annexures of the appeal is not in sequence which may be placed in order.
4. Copy of call letter mentioned in para-3 annexed as annexure B is not attached with the appeal which may be placed on it.
5. Copy of impugned order mentioned in para-6 annexed as annexure B is not attached with the appeal which may be placed on it.
6. Copy of departmental appeal which was forwarded through letter dated 05-07-2021 mentioned in para-13 is not attached with the appeal which may be placed on it.
7. Annexures L and M is missing.
8. Pages 17, 18, 20, 25, 26 and 27 attached with the appeal are illegible which may be replaced by legible/better one.

No. 2412 /S.T,

Dt. 07/12 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bashir Khan Wazir Adv. Pesh.

Six,
objection removed and re-submitted again.
Please fixed before the bench.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____

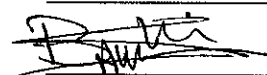
S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: _____

Dated: _____

Bashir Khan Wazir

 3/12/21

SCANNED
Peshawar
Peshawar

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No 94 /2021

Hafiz Ullah.....Appellant

VERSUS

Director General Health Services & others ...Respondents

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal	-	1-5
2.	Affidavit	-	6
3.	Application for Suspension	-	7
4.	Affidavit	-	8
5.	Copy of the Advertisement	A	9-13
6.	Copies of the letters dated 23.12.2019	B	14
7.	Copy of the Appointment Order	"C"	15
8.	Copies of the Order and Complaint	"D"	16-17
9.	Copy of the Writ Petition along with decision dated 08.01.2021	"E"	18-24
10.	Copy of letter dated 26.08.2020	"F"	25-26
11.	Copy of the letter dated 23.04.2021	G	26-27
12.	Copy of the order dated 05.08.2021	H	28
13.	Copy of the Impugned Order dated 06.08.2021 and service Appeal and suspension order	I	29-34
14.	Copies of the illegal and unlawful orders	J	32-34
15.	Copy of Departmental Appeal along with receipts	K	35
16.	Wakalat Nama		36

Through:


Appellant

(BASHIR KHAN WAZIR)

Advocate,
High Court, Peshawar

Dated:- 30.12.2021

①

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No 94 /2022

Service
Diary No. 7976
Dated 07/12/2021

Hafiz Ullah, Sterilization Technician (BPS-12), DHO Office North Waziristan.

.....Appellant

VERSUS

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
2. District Health Officer, District North Waziristan.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE
IMPUGNED ORDER DATED 06.08.2021, VIDE OFFICE ORDER NO
13024/DHO NWTD WHEREBY THE APPOINTMENT OF THE
APPELLANT HAS BEEN CONSIDERED CANCEL / WITHDRAWN
AND CONSEQUENTLY TE SALARIES OF THE APPELLANT HAS
BEEN STOPPED / WITHHOLD AGAINST WHICH THE
DEPARTMENTAL APPEAL VIDE DATED 10.08.2021 FILED, BUT
INSPIE OF TE COMPLETION OF MANDATORY PERIOD OF THE
DEPARTMENTAL APPEAL, NO ORDER HAS BEEN PASSED.**

Prayer in Appeal:

On acceptance of the instant Appeal, the Impugned Orders when initially the salaries of the Appellant was stopped/withheld since 1st June 2021 verbally and later on a written impugned Order No. 13024/DHO NWTd dated 06.08.2021 was issued by the Respondent No 2 on the basis of which the Appointment of the Appellant being considered cancelled / withdrawn, the impugned order dated 06.08.2021 and withholding of salaries of the Appellant may kindly be set aside and consequently the Appellant may kindly be reinstated / restored into his service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973..
2. That briefly stated the fact relevant for the purpose of this Appeal are that, the Respondents had advertised number of posts, which were laying vacant in District Health Office, North Waziristan, the Appellant was being qualified and eligible candidate applied for the post as per his qualifications. **(Copy of the Advertisement is attached as annexure A)**
3. That thereafter the Respondent No 2 issued a letter to the Respondent No 1 on the subject that as the Respondent No 2 had already been advertised the vacant posts of the different Paramedics, in response of advertisement, the number of candidates had been applied for that purpose, the Respondent No 1 has been informed that the interviews of the said posts are

Filed to-day

Registrar

07/12/2021

Re-submitted to-day
and filed.

Registrar

07/11/22

held on 27th and 28th December, 2019, where after the Respondent No 2 has constituted a committee for Selection / Interview of the Paramedics Staff which was mentioned in the said office letter, while issued on 23.12.2019. **(Copies of the letters dated 23.12.2019 are attached as annexure B)**

4. That after fulfillment of all codal formalities, as the vacant posts were advertised and invited applications from the eligible and suitable Applicants, the Appellant accordingly submitted his Application as well as his academic qualifications and as per the prevailing SOPs of the provincial Government for making inductions in respect of the subject posts, the process for selection was initiated by verification of the degrees of the candidates who applied for these posts. In this respect a property selection Committee was constituted vide order dated 23.12.2019. The Committee so constituted duly interviewed the candidates and after following the process of law/ rules, the successful candidates were issued the Appointment letters. **(Copy of the Appointment Order is attached as annexure C)**

5. That whenever the competent authority as well as the Selection Committee have been appointed the Appellant on his respective posts, after adopting all the codal formalities, meanwhile the political figure as Minister for Relief and Rehabilitation MR. Iqbal Khan Wazir while using his good office forwarded a letter with the subject **“Complaint against illegal appointments made by DHO North Waziristan without fulfilling of codal formalities / bogus diploma holders”**, and directed the District Account Officer District North Waziristan to stop the salaries of 71. Appointees in the DHO North Waziristan Office and it was alleged that their appointments have been made without compliance of codal formalities and the appointees are holding bogus degrees vide letter dated 20.02.2020, the District Account Officer has been requested for the investigation of the matter in question and further the pay and allowances of the Appellant has been requested to be stopped till the finalization of the complaint filed by the Minister Concerned. **(Copies of the Order and Complaint are attached as annexure D)**

6. That inspite of the fact that after issuance of appointment orders, the salaries of the Appellant was started by the Respondent No 2 and on the basis of political interference by the worthy Minister the salaries of the Appellant has been stopped. The Appellant was being aggrieved from the illegal acts of the worthy minister approach to the Hon’ble Peshawar High Court Bannu Bench, while filed a Writ Petition No. 270-B/2020, titled Yasir Iqbal & others VS Govt of KPK & others, the Hon’ble Peshawar High Court Bannu Bench on the first hearing suspended the illegal order of the worthy minister and the District Account officer was directed to continue the salaries of the Appellants till the final disposal of the Writ Petition. **(Copy of the Writ Petition along with decision dated 08.01.2021 is attached as annexure E)**

7. That after the decision of the Hon’ble Peshawar High Court Bannu Bench, the political person as mentioned above Minister for Relief and Rehabilitation again interfered in the same matter, while issued another letter from his letter head to the Minister of Health, whereby he has requested for interference in the official

work and the Minister of Health has been compelled to constitute another inquiry on the subject matter vide letter dated 26.08.2020. **(Copy of letter dated 26.08.2020 is attached as annexure F)**

8. That the concerned Minister belongs to the said areas was wanted illegally interference in the subject recruitment and the then DHO was pressurized for making illegal appointments on his wish and whims, which was straightaway refused by the Ex-DHO, thereafter the concerned Minister threatened the office bearer of Respondent No 2 for being forwarded complaints, therefore the Minister forwarded another complaint when he realize that the initial complaint have served its purpose and nothing was discovered as illegal of the recruitment process. On the basis of second complaint, the office of Respondent No 1 vide letter No 7047-50/E-I dated 06.05.2021 forwarded to the Respondent No 2 with certain recommendations. **(Copy of the letter dated 23.04.2021 is attached as annexure G)**
9. That the Respondent No 2 without keeping in view the above mentioned record once again stopped the salaries of the Appellant on the personal grudges with the collusion of Minister concerned, thereafter the Appellant preferred an Appeal to the Respondent No 2 which was forwarded through his endorsement letter dated 05.07.2021 to the Respondent No 1, accordingly the Respondent No 1 accepted the Appeal of the Appellant vide letter dated 05.08.2021 and realized that the case of the Appellant does not fall in the capacity of the letter mentioned above and the Respondent No 2 was directed to implement the judgment of the Hon'ble Peshawar high Court Bannu Bench, vide which the salaries of the Appellant was ordered to be release. **(Copy of the order dated 05.08.2021 is attached as annexure H)**
10. That it is pertinent to mention here that as per the above mentioned direction issued by the Respondent No 1, the Respondent No 2 is bound to act accordance with the directions issued by Respondent No 1, however he being annoyed and aggressive on the reason that the then DHO namely Dr. Muhammad Israr approached to the Service Tribunal while filed Service Appeal which was fixed for 05.08.2021 and the Hon'ble Service Tribunal suspended the posting order of the DHO North Waziristan namely Dr Hafeez Ullah, who were even not remained as DHO, but he had been issued the impugned order dated 06.08.2021, inspite of the fact that he was having knowledge about his suspension and he had issued the impugned order which is corum non iudice. **(Copy of the Impugned Order dated 06.08.2021 and service Appeal and suspension order are attached as annexure I)**
11. That as per the above mentioned record and circumstances the ex-DHO namely Dr Hafeez Ullah was having no authority to issue the impugned Order as he has seized to exists his posting as DHO, but he had issued the impugned order and even then he had illegally, unlawfully and without lawful authority occupied the Chair of DHO and he himself was posing as current DHO North Waziristan and even then he had issued a number of illegal orders and in the light of the impugned Order the salaries of the number of employees have been stopped and they have

been considered being removed from service and to some of them issued a show cause notices as well as they have been warned to attend their duties. **(Copies of the illegal and unlawful orders are attached as annexure J)**

12. That thereafter the Appellant filed Departmental Appeal, wherein statutory period had been elapsed and no order whatsoever has been issued. **(Copy of Departmental Appeal along with receipts are attached as annexure K)**
13. That inspite of the clear cut direction of the competent authority as Respondent No 1, the Respondent No 2 having personal grudges and for ulterior motives not following the order of the Respondent No 1 and due to which the salaries of the Appellant is being stopped without any lawful authority.
14. That feeling aggrieved from the act of Respondents, having no other adequate and efficacious remedy, approaches this Honourable Tribunal on the following grounds inter-alia:-

GROUND:-

- A) That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B) That the acts of the Respondents of not following the same criteria which has been safeguarded by the law and rules and guidelines provided by the apex courts that when the employee serving on respective posts the competent authority should have in retaliation to delivered remuneration to the employee as accordance his service, while in the instant case the respondents have not yet been considered the case of the Appellantss, is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.
- C) That the fundamental rights of the Appellants has blatantly violated by the Respondents and the Appellants has been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- D) That the Appellants is appointed according to rules and on adopted procedure but the respondents and after his appointments he has never ever given an opportunity of any complaint to the respondents and performed his duties with full devotions, the Appellants being eligible for releasing of outstanding salaries which was illegally been retained by the respondents is illegal and violation of natural justice, because of the fundamental rights/entitlement of the Appellants has been denied to them by the Respondents.
- E) That according to the articles 23 & 24 (1) of the constitution of Pakistan the property of every citizens of the Pakistan have been protected and no one could be deprived from their due rights and property, hence the entire due salaries being the fundamental right of the Appellants and the respondents is liable to be directed for releasing of the entire due salaries of the Appellants.
- F) That once the Appellants was duly appointed/posted and was allowed to join the service, after thorough verifications entries was also made in his service books, since then he is performing his duties, and after having performed his duties, he is certainly

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entitled to be paid his salaries, but all of sudden the respondents have been stopped the salaries of the Appellants, these acts of the respondents are illegal unlawful and liable to be declared so.


- G) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

PRAYER:-

It is, therefore, most humbly prayed that, On acceptance of the instant Appeal, the Impugned Orders when initially the salaries of the Appellant was stopped/withheld since 1st June 2021 verbally and later on a written impugned Order No. 13024/DHO NWTD dated 06.08.2021 was issued by the Respondent No 2 on the basis of which the Appointment of the Appellant being considered cancelled / withdrawn, the impugned order dated 06.08.2021 and withholding of salaries of the Appellant may kindly be set aside and consequently the Appellant may kindly be reinstated / restored into his service with all back benefits.

Any other relief, not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Through:


Appellant.


(BASHIR KHAN WAZIR)

Advocate,
High Court, Peshawar

Dated:- 30.10.2021

CERTIFICATE:

It is certified that no such like Appeal has earlier been filed before this Hon'ble Tribunal.


DEPONENT

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No _____/2021

Hafiz Ullah.....Appellant

VERSUS

Director General Health Services & others ...Respondents

AFFIDAVIT

I, Hafiz Ullah, Sterilization Technician (BPS-12), North Waziristan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

H
Sumaira Kenmar Advocate
Oath Commissioner
Enrol. No. 3370-75

2021 H/U
DEPONENT

certificates

It is certified that the Appellant has never been filed such like suit before this Hon'able Tribunal.

~~Sumaira Kenmar~~
Deponent

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No _____/2021

**Hafiz Ullah.....Appellant
VERSUS**

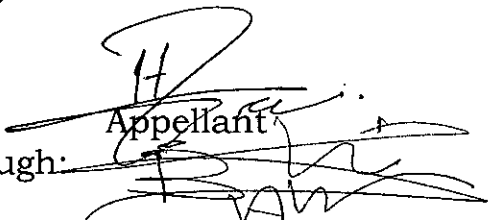
Director General Health Services & others ...Respondents

**APPLICATION FOR SUSPENSION OF THE
IMPUGNED ORDER DATED 06.08.2021, ON THE
BASIS OF WHICH THE SALARIES OF THE
APPELLANT WAS STOPPED AND
CONSEQUENTLY THE CURRENT SALARY OF
THE APPELLANT MAY KINDLY BE ORDERED TO
RELEASED, TILL THE FINAL DECISION OF THE
SERVICE APPEAL.**

Respectfully Sheweth:

1. That the above noted Service Appeal is being filed before this hon'ble court, in which no date of hearing has yet been fixed.
2. That the Appellant has got a good prima facie case in their favour, and is sanguine about its success.
3. That the balance of convenience also lies in favour of the Appellant.
4. That if the Impugned Order dated 06.08.2021 is not suspended, the Appellant would suffer extreme irreparable loss.
5. That the facts and grounds of the Appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the relief as prayed for in the heading of the Application may kindly be allowed in favour of the Appellant, till the final decision of the case.

Through: 
(BASHIR KHAN WAZIR)
 Advocate,
 High Court, Peshawar

.Dated:- 10.11.2021

**BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**


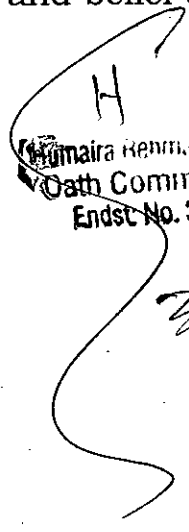
Service Appeal No _____/2021

**Hafiz Ullah.....Appellant
VERSUS**

Director General Health Services & others ...Respondents

AFFIDAVIT

I, Hafiz Ullah, Sterilization Technician (BPS-12), North Waziristan., do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT
 20/11/2021


H
Mumaira Rehman Advocate
Oath Commissioner
Endst. No. 3370-75

پندرہ سو ارب روپے کی سہولتوں کا آغاز

خلاف ورزی اور لاپرواہی کو نقصان پہنچانے کے لیے سہولتوں کا آغاز

پندرہ سو ارب روپے کی سہولتوں کا آغاز، جس میں سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

رہنما جنیڈرا ابوبکر 35 ملین پیونڈ پیمپا

رہنما جنیڈرا ابوبکر نے 3 کروڑ پاؤنڈ رقم پیونڈ پیمپا کے ذریعے

سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

ج

پشاور
پاکستان

جلد 30 جیز 3 اکتوبر 2019ء - 3 ستمبر 1441ھ - نمبر 264

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A

درخواستیں مطلوب ہیں

نمبر	آپریٹنگ ایجنسی	فیکٹوری کا نام	تاریخ
1	پولیسٹریک	پولیسٹریک فیکٹری (گجر پور)	17-10-19
2	ایس آر ایف	ایس آر ایف فیکٹری (گجر پور)	17-10-19
3	سٹیل ملز	سٹیل ملز فیکٹری (گجر پور)	17-10-19
4	ایس آر ایف	ایس آر ایف فیکٹری (گجر پور)	17-10-19
5	سٹیل ملز	سٹیل ملز فیکٹری (گجر پور)	17-10-19
6	ایس آر ایف	ایس آر ایف فیکٹری (گجر پور)	18-10-19
7	ایس آر ایف	ایس آر ایف فیکٹری (گجر پور)	18-10-19
8	ایس آر ایف	ایس آر ایف فیکٹری (گجر پور)	18-10-19
9	ایس آر ایف	ایس آر ایف فیکٹری (گجر پور)	18-10-19
10	ایس آر ایف	ایس آر ایف فیکٹری (گجر پور)	18-10-19

درخواستیں مطلوب ہیں۔

1. آپریٹنگ ایجنسیوں کے ذریعے سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

2. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

3. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

4. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

5. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

6. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

7. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

8. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

9. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

10. سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

درخواستیں مطلوب ہیں۔

1. آپریٹنگ ایجنسیوں کے ذریعے سہولتوں کی شرحیں کم کر دی گئی ہیں اور سہولتوں کی مدتیں بھی زیادہ کر دی گئی ہیں۔

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INF(P)4138/19

وزیرستان ٹریڈنگ ڈسٹری بیوٹرز ایسوسی ایشن

ڈاکٹر محمد علی

اسٹیمپ سہولت

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مرتب
 051-4940311, 0300-0665685, 0301-6084974
 Email: info@publi.com.pk

پبلک سروسز کے لیے...
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درخواستیں مطلوب ہیں

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1600 SR	1600 SR

www.bece.gov.pk/foreign-jo

شرکت

INF(P)4139/19

"Say no to Corruption"

تبدیلی

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PTN NO: 363012

DI: 302319

SHALAN & GROUP

0333-455334

X-press newspaper
 Dt: 21/10/2018

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OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DIVISION SWAT
PHONE/FAX/DIRTY DIALS

ADDENDUM/CORRIGENDUM
In advertisement published in various
dailies bearing No (NF/P)4014/19 the
opening date of works at S.No D (1 to 4)
may be read as 21-10-2019. Other terms
and conditions will be intact.

EXECUTIVE ENGINEER
SAY NO TO CORRUPTION/DRUGS

CORRIGENDUM

Refer to this office advertisement
published in various newspapers vide
(NF/P)4139/19 dated 02-10-2019. The
date of interview is published is 17-10-
2018 and 18-10-2018 instead of 17-10-
2019 and 18-10-2019. All the concerned
are requested to note the above
corrected date please.

DR. SHARIFULLAH

Public Health Officer
Swat District Tribal District
Muzaffargarh

SAY NO
CORRUPT
& DRUGS

INF/P

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App X- B

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OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH
 Tel: (0928) 300788 FAX: (0928) 311662
 Email:agency surgeonnwa2018@gmail.com

OFFICE ORDER:

The following committee is hereby constituted for selection/interview of the following mentioned paramedic's i.e (LHV BPS-12, X-Ray Technician BPS-12, Sterilization Technician BPS-12, ECG Technicians BPS-12, OT Technicians BPS-12, EPI Technician BPS-12, Drivers BPS-7, JCT (Pharmacy) BPS-12, Storekeeper BPS-12 and Aesthesia Technicians BPS-12) in the best interest of public.

- 01. District Health Officer (Chairman)
- 02. DTO NWTD (Member)
- 03. Representative of Deputy Commissioner NWTD. (Member)
- 04. Representative of Director Health Services Merged Area Peshawar. (Member)

Sdxxxxxxxxxxxx

District Health Officer
 North Waziristan Tribal District

NO. 4678 Interviews dated: the 23 / 12 2019.

Copy forwarded to all of the above mentioned members for information and necessary action please.

AA

District Health Officer
 North Waziristan Tribal District

District Health Officer
 NWTD Miranshah

ANK-C

(15)

**OFFICE OF THE DISTRICT HEALTH OFFICER,
NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH**

Tel: (0928) 300788 FAX: (0928) 311662

Email: agency surgeon nwa2018@gmail.com

OFFICE ORDER:

On the recommendation of Departmental Selection committee, Mr. Hafizullah S/O Noor Nawaz Khan resident of village Khaddi Tehsil and P/O Mirali is hereby appointed as a CT (Sterilization) in BPS-12 (13320-960-42120) plus usual allowances as admissible under the rules against the existing vacant post at Type C Hospital Mirali in the best interest of public services with immediate effect.

His appointment shall be on the following terms and conditions:

- 1- He is declared medically fit for this job.
- 2- His appointment shall be for a permanent basis from the date of his joining in service.
- 3- He shall be bound to serve for at least 3 years in North Waziristan.
- 4- He shall not indulge in any trade, business and any other activity what so ever which has been declared prohibited for the Government Servants in Civil Servant Act: 1973.
- 5- If he wishes to resign the services a prior notice of 30 days will be submitted; otherwise one month pay should be deposited in Government treasury through challan.
- 6- He will have to serve anywhere in North Waziristan Tribal District.
- 7- His Salaries should be released after the verification of all the documents by the concerned Board/Faculty etc.
- 8- He will not be entitled for any TA/DA for joining the service.
- 9- If he accepts the above terms and condition, he have to report for duty to the SMO Incharge Type C Hospital Mirali within 15 days of the receipt of this offer, otherwise the order will be considered as cancelled.

Sd xxxxxxxxxxxxxxx

(Dr. Hameedullah)

District Health Officer

North Waziristan Tribal District

No. 4976-78 /Apptt: dated @ 31 / 12 / 2019.

Copy forwarded to the:

1. Director Health Services Merged Areas Peshawar for information please.
2. Deputy Commissioner North Waziristan Tribal District North Waziristan.
3. District Account officer Tribal District North Waziristan Miranshah.
4. Accounts/Pay Bill Clerk of this office.
5. SMO Incharge Type C Hospital Mirali.
6. Official concerned.

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District Health Officer,
North Waziristan Tribal District

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**MUHAMMAD IQBAL KHAN WAZIR
(DDAC) CHAIRMAN/MEMBER
PROVINCIAL ASSEMBLY PK-111**

No. DDAC/MPA-PK-111/2020/Health
Dated: The Peshawar February 17, 2020

Subject:

**COMPLAINT AGAINST ILLEGAL APPOINTMENTS MADE
BY DHO NORTH WAZIRISTAN WITHOUT FULFILLING
FORMALITIES/BOGUS DIPLOMA HOLDER.**

My Dear,

Hope this letter of mind find you in the best if your health.

I would like to say that District Health Officer North Waziristan recently made almost 71 appointments of bogus degree holders on taking bribe and without fulfilling of codal formalities.

In view of the above the salaries of 71 appointees (list attached) may be stopped till the inquiry report is not furnished.

Muhammad Iqbal Wazir

District Accounts Officer,
District North Waziristan
NWTD Miranshah

CC:-

1. Deputy Commissioner, North Waziristan with the request to look into the matter personally.
2. DHO North Waziristan.

S
AAK
District Health Officer
Miranshah Tribal Distt.



**OFFICE OF THE DISTRICT ACCOUNTS OFFICER
NORTH WAZIRISTAN (TRIBAL DISTRICT) MIRAN SHAH.**
No. DDO-MIRAN-NORTH-2020/111

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To: The District Health Officer
NWTD Miran Shah

**SUBJECT:- COMPLAINT AGAINST ILLEGAL APPOINTMENT MADE BY
DHO NORTH WAZIRISTAN WITHOUT FULFILLING CODAL
FORMALITIES/BOGUS DIPLOMA HOLDER.**

Memo. Please refer to the letter issued by Mr. Muhammad Iqbal Khan
Wazir, Minister for Relief (DDAC) chairman/Member Provincial Assembly PK-111
vide No. DDAC /MPA-PK-111/2020/Health/dated 17/02/2020 on the subject cited
above.

In this connection it is requested that the matter may be
investigated at your end and computer change profarma may send to this office for
stoppage of pay & Allowance of the employees as per list attached till the complaint
to be set a side.

2. It is also pertinent to mention that as per the verbal directions of
the worthy Minister that before processing fresh appointment/recruitment of any
kind and of any department prior permission may be obtained from the Minister
concerned.

[Signature]
District Accounts Officer
NW (Tribal District) Miran Shah

Copy forwarded to:

1. The Accounts officer (C&M) O/O the Accountant General Khyber
Pakhtunkhwa Peshawar with the request to guide this office for
appropriate action in the subject case please.
2. The Deputy Commissioner NWTD Miran Shah for information and
necessary action please.

[Signature]

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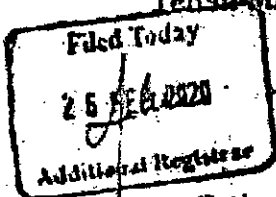
[Signature]
District Accounts Officer

1
BEFORE THE PESHAWAR HIGH COURT,
BANNU



Writ Petition No. 270-B of 2020

1. Yasir Iqbal S/o Habib Nawaz R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.
2. Ali Johar Iqbal S/o Muhammad Iqbal R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.
3. Zubair Ali S/o Hazrat Ali R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.
4. Miss. Sania Bibi D/o Arsala Jan R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.
5. Nasir Ahmad Khan S/o Zafar Ali R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
6. Asif Ali S/o Noor Ali Jan R/o Village Karamkot, Tehsil Miran Shah, District North Waziristan.
7. Miss. Nothia Bibi D/o Ameer Ullah R/o Village Ghazlamai, Tehsil Datta Khel, P.O. Boya, District North Waziristan.
8. Fida Hussain S/o Mir Ghulam R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
9. Muhammad Imran S/o Atta Ullah Jan R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
10. Wasiq Ullah S/o Muhammad Abdul Har R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
11. Miss. Bas Niza D/o Muhammad Noshar Khan R/o Village Mussaki, Tehsil Mir Ali, District North Waziristan.
12. Hussain Ahmad S/o Haider Ali R/o Village Hurmaz, Tehsil Mir Ali, District North Waziristan.



ATTESTED

EX. JUDGE
Peshawar High Court
Bannu Bench

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- 13. Muhammad Israr S/o Saadullah Jan R/o Village Hamzoni, Patti Khel, Tehsil Miran Shah, District North Waziristan.
- 14. Niamat Ullah S/o Syed Khan Majan R/o Village Danday, Saigai, Zakir Khel, Tehsil Ghulam Khan, District North Waziristan.
- 15. Tahir Iqbal S/o Malik Zaman R/o Village Musnaki, Tehsil Mir Ali, District North Waziristan.
- 16. Asad Aziz S/o Muhammad Furooq R/o Village Tappi, Tehsil Miran Shah, District North Waziristan.
- 17. Muhammad Abdullah S/o Muhammad Shahid R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
- 18. Muhammad Zamin S/o Abdul Sattar R/o Village Issori, Tehsil Mir Ali, District North Waziristan.
- 19. Miss. Hajra Naz D/o Latif Ullah R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
- 20. Akmal Khan S/o Abdullah Qayyum R/o Village Darpa Khel, Tehsil Miran Shah, District North Waziristan.
- 21. Shoukat Ullah S/o Yaqoob Khan R/o Village Zirraki, Tehsil Mir Ali, District North Waziristan.
- 22. Wali Rehman S/o Pir Rehman R/o Village Khushafi, Tehsil Mir Ali, District North Waziristan.
- 23. Azmat Ullah S/o Raza Khan R/o Village Khushafi Malik Khel, Tehsil Mir Ali, District North Waziristan.
- 24. Muneeb Rehman S/o Zari Jan R/o Village Hassu Khel, Tehsil Mir Ali, District North Waziristan.
- 25. Wali Ullah S/o Muhammad Rafiq R/o Village Hamzoni Ali Khel, Tehsil Miran Shah, District North Waziristan.
- 26. Nasir Azam S/o Noor Azam Jan R/o Village Danday Bora Khel, Tehsil Miran Shah, District North Waziristan.

Filed Today
26 FEB 2020
[Signature]

ATTY-TEDE
T.K.
Prison High Court
Dera Ismail Khan

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[Signature]*

- 27. Miss. Rizwana Sadiq D/o Muhammad Sadiq R/o Village Dawar Tappi, Tehsil Miran Shah, District North Waziristan.
- 28. Muhammad Alim Shah S/o Muhammad Karim Shah R/o Village Edak Khadi, Tehsil Mir Ali, District North Waziristan.
- 29. Amcer Mehmood S/o Hayat Khan R/o Village Dawir Banda, Tehsil Miran Shah, District North Waziristan.

..... PETITIONERS

VERSUS

- Govt of Khyber Pakhtunkhwa through Director Health Services, Mardan Area, Peshawar.
- District Health Officer, District North Waziristan.
- District Assistant Officer, District North Waziristan.
- Muhammad Iqbal Khan Wazir, DDAC Chairman/Member Provincial Assembly PK-111.

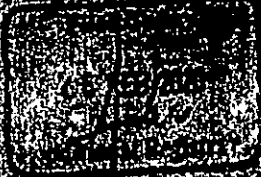
..... RESPONDENTS

WAIT UP! UNION UNDER ARTICLE 199

OF THE CONSTITUTION OF ISLAMIC

REPUBLIC OF PAKISTAN, 1973 AS

AMENDED BY ACT NO. 10 OF 1973



TESTED
[Signature]
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IN THE PESHAWAR HIGH COURT,
BANNU BENCH.
(Judicial Department)

Writ Petition No.270-B of 2020
Yasir Iqbal etc Vs. Govt. of Khyber Pakhtunkhwa etc

Date of hearing 18.01.2021

**Petitioners by: M/S Jehanzeb Mehsud and Bashir Khan
Wazir Advocates**

**Respondents by: Mr. Shahid Hameed Qureshi, AAG, with
Mr. Siddique Anjum, A.D. (Lega) Anti-
Corruption Establishment and Mr.
Fahim, Admin Officer Rescue 1122**

JUDGMENT

SAHIBZADA ASADULLAH, J.—Through the instant petitioner filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioners are seeking the following relief:

It is, therefore, humbly prayed that, on acceptance of this writ petition an appropriate writ may please be issued declaring that petitioners have been validly appointed on their respective vacant posts, after adopting all codal formalities and the petitioners are still working

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against the said posts with no complaint whatsoever, the impugned letter dated 20.02.2020 issued by the respondents No.3 & 4 may please be declared as illegal, unlawful, without lawful authority and of no effect, the same is liable to be struck down, the petitioners are also entitled to be continued their duties and accordingly respondents No.1 to 3 may be directed not to withhold/stop monthly pay and allowance of the petitioners and if they have been stopped/withhold the salary of the petitioners, the same may be ordered to be released with mutatis mutandi.

Any other relief, not specifically asked for may also graciously be extended in favour of the petitioner in the circumstances of the case.

2. Facts of the case, essential for the decision of this writ petition, are that the petitioners were appointed on various cadres of paramedics by the District Health Officer North Waziristan. However, respondent No.4 made a complaint wherein the appointment of petitioners was alleged to be illegal, without fulfilling codal formalities and based on bogus diplomas. On the basis of said complainant department started

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an inquiry and thereby, the salaries of petitioners were ordered to be stopped till the outcome of inquiry as to the legality of their appointments. Hence, petitioners approached this Court with the above-mentioned relief.

3. On 26.02.2020, this court directed respondents No.3 & 4 to file para-wise comments to the writ petition which have been so furnished by respondent No.3, wherein, issuance of the desired writ is opposed.

4. We have heard arguments of the learned counsel for the parties as well as learned AAG, and have gone through the record.

5. A threadbare perusal of the record reveals that the prayer of petitioners to declare that they have been validly appointed on their respective posts, after adopting all codal formalities directly relates to the provision of Rule 10 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. The jurisdiction of this Court, concerning all the matters which touch the terms & conditions of the service of a Civil Servant, is barred under Article 212 of the Constitution of Islamic Republic of Pakistan. Besides, as the inquiry as to the legality and otherwise of the appointment of petitioners is pending, therefore, any order passed in this behalf shall directly affect the merits of inquiry. Therefore, this Court

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while exercising its constitutional jurisdiction cannot indulge into the matter of inquiry and legality of the appointments of petitioners.

6. As far as the stoppage of salaries is concerned, Article 11 of the Constitution of Islamic Republic of Pakistan, 1973, in unequivocal words prohibits the forced labour. Moreover, no circumstance as envisaged in Article 11(4) of the Constitution is available in this case which may justify the stoppage of salaries of petitioners despite performance of their duties. Therefore, if petitioners are performing their duties and they are still in service, then respondents No.1 to 3 are bound to pay them for the labour and services which petitioners rendered in the department.

7. In view of the foregoing discussion, the writ petition is disposed-off in the above terms.

Announced.
18.01.2021

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18/1/2021
SCANNED
01 FEB 2021
Khalid Khan

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Musarrat
JUDGE
Sahibzada
JUDGE

(D. B) Ms. Justice Musarrat Hlali and Mr. Justice Sahibzada Asadullah
*M/Subhan

MINISTER FOR HEALTH
RELIEF, REHABILITATION AND SERVICES
DEPARTMENT MEMBER, PESHAWAR

48

Do No: M/MS/49/2520/25311
Dated: Peshawar, 21-08-2020

MUHAMMAD IQBAL WAZIR

Subject: **REQUEST FOR INQUIRY**

My Dear,

Hope this letter of mine will find you in the best of your health.

I would like to enclose herewith a letter addressed to your good self with regard to conduct inquiry against DHO North for 71 illegal appointments in Tribal District North Waziristan (appointees list attached). It is also mention here that Mr. Amjad Salim Junior Clerk is also involved in all these illegal activities and in taking bribe from these appointees.

It is also pointed out that the present DHO North Waziristan again made illegal appointments in Tribal District North Waziristan (copies attached).

In view of the above, it is requested to kindly direct the quarter concerned to conduct inquiry against DHO North Waziristan on top priority basis, please.

Yours Sincerely,

Muhammad Iqbal Wazir

SOV

AS (Both)

Mr. Taimoor Saleem Khan Jhagra,
Minister for Health, Khyber Pakhtunkhwa.

Copy forwarded for similar action to:-

1. The Secretary Health, Govt. of Khyber Pakhtunkhwa.
2. The Director General Health, Khyber Pakhtunkhwa.
3. The Director Merged Area Health, Khyber Pakhtunkhwa.
4. The Director Anti-corruption, Khyber Pakhtunkhwa.

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ADDRESS: 2ND FLOOR MINISTERS BLOCK CIVIL SECRETARIAT PESHAWAR
KHYBER PAKHTUNKHWA PHE-0192100

HEALTH DEPARTMENT

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)4-4/2021/Inquiry Report
Dated Peshawar the April 22nd, 2021

27

103

To: The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar

4136
277414

Subject: REQUEST FOR INQUIRY AGAINST DHO NORTH WAZIRISTAN

Dear Sir,

I am directed to refer to the subject noted above and state that the Establishment & Admin Department (Regulation Wing) has submitted Inquiry Report of Khyber Pakhtunkhwa Provincial Inspection Team regarding illegal appointment/regularization made by Dr. Hameedullah, Ex-DHO North Waziristan. The following recommendations may be implemented:-

1. Cancel/ withdraw all the irregular adjustments/ regularizations and appointment of the employees during the tenure of Dr. Hameedullah and Dr. Israr ul Haq, Ex-DHO, North Waziristan as indicated in the inquiry report.
2. The credentials/ antecedents of all the employees working under the administrative control of DHO, North Waziristan may be verified from the concerned Boards/ Universities/ Faculties under the prevailing rules.
3. The clerical staff working in the office of DHO, North Waziristan were found involved in concealment of the office record for their vested interest, therefore, they may be transferred out of District of North Waziristan and must never be posted in North Waziristan in future.

I am, further directed to state that the above mentioned recommendations may be implemented under intimation to this Department, please.

Yours faithfully,

E.I
[Signature]

[Signature] 22/4/21
(Latif Ur Rehman)
SECTION OFFICER (E-V)

IMPORTANT/URGENT

OFFICE OF THE DIRECTORATE GENERAL HEALTH KPK PESHAWAR

No. 7047-S2/E.I

Dated: 26/05/2021

Copy of the above is forwarded to the:-

1. Deputy Director Paramedics DGHS Office Khyber Pakhtunkhwa, Peshawar.
2. AD/In-charge (Personnel Section) DGHS KP, Office.
3. The District Health officer North Waziristan Merged District at Miranshah.

For information and immediate necessary action.

[Signature] 05/05/2021
ADDL. DIRECTOR GENERAL (HRM) HEALTH
KHYBER PAKHTUNKHWA PESHAWAR

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MAK
[Signature]



**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 11804 /EV

Dated 5/8/2021

To

District Health Officer
North Waziristan (Disst: Miranshah)

Subject:

REQUEST FOR IMPLEMENTATION OF THE HONORABLE PESHAWAR HIGH
COURT BANNU BENCH DECISION UNDER WP NO.270- OF 2020 DATED
18.01.2021 YASIR IQBAL ETC VS GOVT OF KHYBER PAKHTUNKHWA ETC.

Kindly reference to your letter No.11134-35 /Court Case dated 05.07.2021
on the subject noted above and to direct to implement the decision of the Honorable
Court, under intimation to this Directorate.

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

AGT
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**OFFICE OF THE DISTRICT HEALTH OFFICER
TRIBAL DISTRICT AT MIRANSHAH**

Tel: (0928) 300788 FAX: (0928) 311662
No. 13024 /DHO NWTD

Email: agency Surgeon nwa2018@gmail.com
Dated 06 / 08 / 2021

To

The Director General Health Services
KP, Peshawar

Subject:
R/Sir,

REQUEST FOR INQUIRY AGAINST DHO NORTH WAZIRISTAN.

In compliance to your office endorsement No.7047-50/E.I dated 06/05/2021 in response to Secretary Health Office Letter No. SOH (E-V) 4/20201/Inquiry Report dated Peshawar the April 22nd, 2021, the undersigned is pleased to cancel/withdraw all the irregular adjustment/regularization and appointment of the employees during the tenure of Dr.Hamid Ullah and Dr.Israr Ul Haq EX-DHO North Waziristan as indicated in the inquiry report with immediate effect.

[Signature]
District Health Officer
Tribal District Miranshah
Dated the: 08/2021

No. _____ /DHO NWTD

Copy forwarded to the:

1. Deputy Commissioner Tribal District Miranshah.
2. PA to Secretary Health KP, Peshawar.
3. HQ-7 Dive Camp Area Miranshah.
4. All Officials Concerned.

AK

District Health Officer
Tribal District Miranshah

The inquiry was conducted against 77 employees.

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 7/29 /2021

Khyber Pakhtunkhwa
Service Tribunal
Peshawar
Diary No. 02/8/2021

Dr. Muhammad Israr-Ul-Haq, Management Cadre (BPS-18)
Posted as District Health Officer, District North Waziristan.
..... APPELLANT

VERSUS

- 1- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 4- Dr. Hafizullah, General Cadre (BPS-17), under transfer/ posted as District Health Officer, North Waziristan (OPS), District North Waziristan.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 09-07-2021 WHEREBY THE PRIVATE RESPONDENT NO.4 HAS BEEN POSTED AGAINST THE POST OCCUPIED BY THE APPELLANT IN UTTER VIOLATION OF TRANSFER/POSTING POLICY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD.

PRAYER:

filed today
Registrar
02/08/2021

That on acceptance of this appeal the impugned Notification dated 09-07-2021 may very kindly be set aside to the extent of posting of the private respondent No.4 against the post occupied by the appellant and the respondents may kindly be directed not transfer the appellant from the post of District Health Officer, District North Waziristan. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Certified to be true copy
J. K. MINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as

under:-



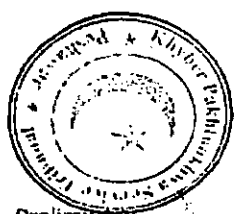
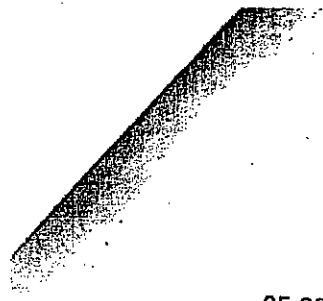
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05.08.2021 Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contends that the transfer of the appellant through impugned order is against the posting/transfer policy of the Provincial Government. Let the respondents be put on notice for regular hearing. The appeal is admitted for regular hearing subject to all legal objections to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.09.2021 before the D.B.

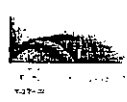
An application has been filed alongwith the appeal for interim relief. Notice of the application be also given to the respondents. The operation of the impugned order shall remain suspended to the extent of appellant and respondent No. 4 till next date.

[Signature]
Chairman

Certified to be true copy
[Signature]
KINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Registration of Application *05/08/21*
Number of Pages *16*
Copies *10*
Fees *10/-*
Name of Applicant *06/08/21*
Name of Respondent *06/08/21*
Date of Disposal of Case *06/08/21*

[Handwritten signature]





**OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN**

Tel: (0928) 300788 FAX: (0928) 311662 Email: agency surgeonwaz19@gmail.com

No. 13356 /DHO Office

Dated 25/8/2021

AMK
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To

1. Dr. Muhammad Adnan Khan MO Type-D Hospital Razmak
2. Dr. Jamshid Nuwaz MO -do--
3. Dr. Abid Ullah MO -do--
4. Mr. Wali Ullah OTA -do--
5. Mr. Mr. Habib Shah EPL Technician -do--
6. Mr. Atta Ur Rehman Dental Technician -do--
7. Mst. Sania Bibi LHV -do--
8. Mr. Zohaib Storekeeper -do--

Subject:

SHOW CAUSE NOTICE.

Memo:

Whereas you all have been reported as willfully absent from your duty station from unknown duration.

Whereas you all have been reported absent without any prior permission of the undersigned.

Whereas it shows that you are not performing duties regularly which is equivalent to negligence on your part.

In view of the above, you all are directed to report to your duty stations with immediate effect.

Consequent upon the above, you all are hereby directed to show cause of absenteeism in written and reach this office within 02 days positively. In case you failed to report to your duty station and failed to justify your position, strict disciplinary action will be initiated against you which may lead to removal/termination from service.


DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN AT MIRANSHAH

No. / Show Cause Notice

Copy forwarded to the:

08/2021

- 1- Director General Health Services KP Peshawar.
- 2- Deputy Commissioner Tribal District Miranshah.
- 3- Assistant Commissioner Sub Division Razmak.
- 4- PS to Secretary Health, KPK, Peshawar.
- 5- HRMS Focal Person of this office.
- 6- DMO, IMU Health Department.
- 7- Head Clerk of this office with direction to stop their salaries till further orders.
- 8- Official concerned

AMK
★

DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN AT MIRANSHAH

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(Signature)

**OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN AT MIRANSHAH**

/DHO/POLIO/MRN

Dated the: _____/10/2021

1. Mr. Nizam ud Din, EPI Technician
2. Mr. Nasir, EPI Technician
3. Mr. Mohsin Kamal, EPI Technician
4. Mr. Ashraf Ali, EPI Technician
5. Mr. Muhammad Hakim Shah, EPI Technician
6. Mr. Sher Alam Khan, EPI Technician
7. Mr. Shereen Gul, EPI Technician (OSS Centre)
8. Mr. Burhan Ullah, EPI Technician (OSS Centre)
9. Mr. Nasir Ud Din, EPI Technician
10. Mr. Ghafoor Hassan, EPI Technician
11. Mr. Adil Khan, EPI Technician
12. Mr. Abrar Ahmad, EPI Technician
13. Mr. Mehtab Qureshi, EPI Technician
14. Mr. Imran (PSDP), EPI Technician
15. Mr. Saleem ullah, EPI Technician
16. Mr. Abdur Rehman, EPI Technician
17. Mr. Muhammad Baseer, EPI Technician
18. Mr. Shaheen ullah, EPI Technician
19. Mr. Din Muhammad, EPI Technician

Subject: Long Absence From duty & Non-submission of Monthly Data

As reported categorically by FSMO/EPI Coordinator, North Waziristan that you are absent from your assigned duties since long and that you are not administering routine immunization Vaccines/Antigens in your assigned areas of responsibility which poses a threat to the Health status of the children of the whole community of this district.

In this connection, you all are hereby directed to report to your assigned duty stations/areas of responsibility with immediate effect, failing which strict disciplinary action will be initiated against you under E & D rules which may lead to removal/termination from service.

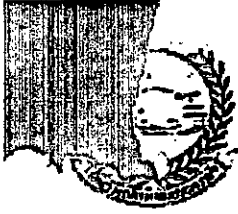
(Signature)

DISTRICT HEALTH OFFICER
North Waziristan at Miranshah

Dated the: 11/10/2021

No. 15451-56/DHO/POLIO/MRN/
Copy forwarded to the:

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
 2. Deputy Commissioner, North Waziristan, Miranshah.
 3. Additional deputy commissioner, North Waziristan, Miranshah.
 4. N-STOP Officer, DPCR, North Waziristan, Miranshah.
 5. Head Clerk with directions to deduct 20 days salary of the above mentioned officials with immediate effect.
 6. Officials Concerned.
- (Signature)



OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN

Tel: (0928) 300788 FAX: (0928) 311662

Email: agencyangcomnorthwaziristan@gmail.com

Dated: 9/10/2021

No. 14366

OFFICE ORDER:

The following EPI Technicians are hereby directed to cover the zero dose children as mentioned against their names on urgent footing in the best public interest.

SNO#	UC	Name	Recorded Zero Dose	Covered Zero Doses	Percentage%
1.	Mirali 3	(1)SheirAliBaz(2)Zain Ullah (3)Asad Ullah(4)M.Reza	25	8	32%
2.	Mirali 5	(1)Abid Iqbal (2)Fahad Ullah(3)Shams Ur Rehman	93	6	6.45%
3.	Shawa 1	(1)Nizam ud din(2)Nadir	46	0	0%
4.	Shawa 2	(1)Mohsin Kemal(2)Iman ulah wazir	43	0	0%
5.	Spinwar 1	(1)Ghufraan Ullah Humaz(2)Zahir Ayub Musakki(3)Ashraf Aji	59	37	62.71%
6.	Spinwar 2	(1)Qismat ulah(2)M.Hakeem Shah	116	15	12.9%
7.	Datta khel 1	(1)IbrarAhmad(2)Mehtab Qureshi(3)Ibrar Ahmad(4)Imran	58	15	25.86%
8.	Datta khel 2	(1)Saleem Ullah(2)Abdur Rehman(3)Anwar Khan(4)Arif Ullah(5)Muhammad Baseer	82	8	9.7%
9.	Datta khel 3	(1)Shams UR Rehman	2	0	0%
10.	Datta khel 6	(1)Arshad Ullah	3	0	0%
11.	Gisulam Khan	(1)Izai Ullah(2)Ahmad u din(3)Fahim ulah(4)Hasin Ullah(5)Irfan Ullah	20	9	45%
12.	Garyum	Jahangir Dispenser	16	0	0%

Coverage report by names to be submitted to FSMO/EPI Coordinator within three days positively.

District Health Officer
North Waziristan

Dated: 9/10/2021

No. 14365-49

Copy to: Copy forwarded to the:

1. Director EPI Khyber Pakhtun Khwa
2. Deputy Commissioner North Waziristan.
3. FSMO/EPI Coordinator North Waziristan.
4. DPCK North Waziristan.
3. OFFICIALS CONCERN

District Health Officer
North Waziristan

Forwarded with Certificates

Director General Health Services Khyber Pakhtunkhwa Peshawar

Subject: DEPARTMENTAL APPEAL UNDER SECTION 22 OF THE CIVIL SERVANT ACT AGAINST THE LETTER OF DISTRICT HEALTH OFFICER NORTH WAZIRISTAN TRIBAL DISTRICT TO DIRECTOR GENERAL HEALTH SERVICES DATED 06/08/2021 ON THE BASIS OF WHICH THE SALARIES OF THE APPELLANT HAS BEEN STOPPED/WITHHELD ILLEGALLY SINCE 1ST JUNE 2021.

RESPECTED SIR,

The Appellant submit as under:-

With due respect it is stated that, I am performing my duties as sterilization tech BPS-12 under the district health officer (DHO) District North Waziristan I was appointed after fulfillment of all coddle formalities, since my appointment performing my duties with full devotion and great zeal and zest.

That I and along with other employees have been appointed in the light of proper advertisement and after assumption of charge on the subject posts my along with other employees' salaries were stopped by the District Account Officer North Waziristan, due to the active involvement of Minister for relief Mr. Muhammad Iqbal Wazir, who belongs to the same area, thereafter, we approached to the Peshawar High Court Bannu Bench in writ Petition and challenged the illegal acts of the concerned, which was accepted and the concerned quarters have been directed to release salaries of the appellant along with other colleagues.

Now once again on the request and active connivance of the Minister Mr. Muhammad Iqbal Wazir constitute an enquiry without associated to the appellant the office order issued by the secretary Health mentioned in the heading of appeal has been endorsed by the DG health and on the basis of which the salaries of the appellant along with other more than 400 employees have been stopped since 1st June 2021 illegally without any justifications, just to cover up the request and illegal letter issued by the Minister concerned, therefore, the appellant aggrieved from the illegal stoppage of salaries and letter of the secretary and DG Health and the Same has been done on the directions of political figures, therefore, the impugned order dated 22/04/2021 endorsed by the DG health on the dated 06/05/2021 and the same order implemented by DHO North Waziristan dated 06/08/2021, on the basis of which the salary of the appellant has been stopped by the DHO North Waziristan since 1st June 2021 being illegal, unlawful, without lawful authority and liable to be set aside.

It is, therefore, most humbly prayed that on the acceptance of this appeal basic office order dated 22/04/2021 and consequently the order dated 06/05/2021 and letter to DG health by DHO North Waziristan dated 06/08/2021 and stoppage of salaries since 1st June 2021 may very kindly be cancelled and the current as well as outstanding salaries of the appellant may kindly be released.

I shall be very thankful to you.

Dated:- 9/8/2021

Appellant

Name: Hafizullah

Father Name: _____

Designation along with post: sterilization tech

Contact: 0320-9031005

AAH
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ANUK - (35)
K

بعدالت اسرومن سوانگول کراچی 19

BC # 0920-53
0333-9732415

حفلہ طالبہ 2 مخائب
بنام صلوات

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و حجاب دہی و کل کارروائی متعلقہ
آن مقام کے لئے کراچی کیلئے لکھنؤ کے لئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو ہمیں وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted
B...

المرقوم 10 ماہ 11 2021

العاب واه العبا

بمقام کراچی کے لئے منظور ہے۔