

EP No. 225/2019

27.07.2021

Husband of the petitioner and Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

This implementation petition has been filed for implementation of the order dated 09.10.2018 passed in Service Appeal No. 1213/2018 and is pending till today. The status quo order dated 09.10.2018 was interpreted in order dated 05.08.2019 and consequently direction was issued for implementation report after payment of outstanding salaries to the petitioner. It is reflected in order dated 23.08.2019 that representative of respondent No. 4 submitted copy of Pay Roll, wherein current pay of the petitioner as well as arrear w.e.f. 07.06.2018 have been calculated and sent to the Director Finance, K.T.H Peshawar for payment to the petitioner. The purpose of status quo order as interpreted vide order dated 05.08.2018 stood fulfilled when the case for payment of salary was submitted to the concerned quarter. It is evident from the subsequent order that the petition remained pending due to trivial objections on behalf of the petitioner. As the main appeal No. 1213/2018 has been returned to the petitioner for want of jurisdiction vide judgment passed today and copy placed on this file, there is no need to proceed further with the Execution Petition at hands and the same be consigned to the record room.


Chairman

Saba Maimuna EP 225/19

14.07.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG for the respondents No. 1 to 3 present. Barrister Amirullah Khan, Legal Advisor present on behalf of respondent No. 3 and furnished Wakalatnama which is placed on file.

Learned Legal Advisor for respondent No. 4 again seeks time for preparation. To come up for further proceedings on 27.07.2021 before S.B.



Chairman

19.03.2021

Counsel for the petitioner present. Addl: AG alongwith Mr. Nisar Khan, Litigation Officer for respondents No. 1 to 3 and counsel for respondent No.4 respondents present.

Partial arguments heard due to paucity of time (i.e 12:20 PM being Friday) and learned counsel for the petitioner as well as counsel for respondent No.4 reiterated their respective written stance pertaining to the contentious issue of "house rent allowance" and its admissibility or otherwise. They also claimed to have the support of case laws on their side. However, no such authority could be produced during course of the arguments. Both the parties mutually requested for adjournment to produce the case laws/authorities they rely on, on next date of hearing.

Adjourned to 27.05.2021 for further proceedings before S.B.


(Mian Muhammad)
Member (E)

27.05.2021

Counsel for the petitioner, Mr. Javidullah, Asstt. AG for respondents No. 1 to 3 and Legal Advisor for respondent No. 4 present.

Learned Legal Advisor for respondent No. 4 states that he has been recently engaged and seeks adjournment. Adjourned to 14.07.2021 for further proceedings before S.B.

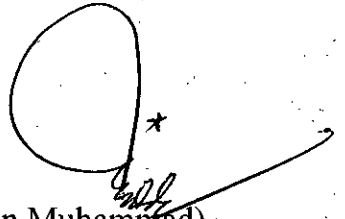

Chairman

08.03.2021

Husband of the petitioner present. Additional Advocate General for respondents No. 1 to 3 and counsel for respondent No.4 alongwith representative Abid Jan Junior Clerk present.

Former requests for adjournment as learned counsel for the petitioner is busy before the Divisional Bench of this Services Tribunal.

Adjourned to 18.03.2021 before S.B.

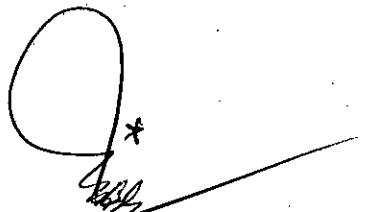

(Mian Muhammad)
Member (E)

18.03.2021

Husband of the petitioner and Addl: AG alongwith Mr. Abid Khan, Junior Clerk for respondent No.4 present.

For ^{mer} requests for adjournment as learned counsel for the petitioner was busy before the august Supreme Court of Pakistan. In this respect he also submitted cause list which is placed on file.

Adjourned to 19.03.2021 before S.B.


(Mian Muhammad)
Member (E)

23.12.2020

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Nisar Ahmad Assistant for respondents No.1 to 3 present. Counsel for respondent No.4 alongwith representative Abid Jan J.C present.

Reply submitted on behalf of respondent No.4. Counsel for petitioner made a request for adjournment. Adjourned. To come up for consideration and arguments on 02.02.2021 before S.B.



(Rozina Rehman)
Member (J)

02.02.2021

Special Attorney alongwith counsel for the petitioner, Addl. AG for respondents No. 1, 2 & 3 and Abid Khan, Junior Clerk for respondent No. 4 present.

It is stated by representative of respondent No. 4 that learned counsel had to leave the Tribunal premises in connection with some personal engagement. Requests for adjournment.

Adjourned to 08.03.2021. Learned counsel for the parties are expected to address and conclude their respective arguments on the next date positively.



Chairman

28.10.2020

Husband of the petitioner present.

43

Mr. Kabir Ullah Khattak learned Additional Advocate General present.

On the preceding date, notice was issued to respondent No.4 but none is present on his behalf, therefore, he be noticed once again with strict direction to submit implementation report on 21.12.2020 before S.B, failing which, strict legal action will be taken against the defaulting officer/official.

Adjourned accordingly.



(Rozina Rehman)
Member (J)

Continued
28.10.2020

Later on, Dr. Hakim Khan Afridi alongwith Fazli Khuda Assistant attended the Tribunal on behalf of respondent No.4 with a request for short adjournment in order to submit implementation report. Adjourned. To come up for implementation report on 21.12.2020 before S.B.



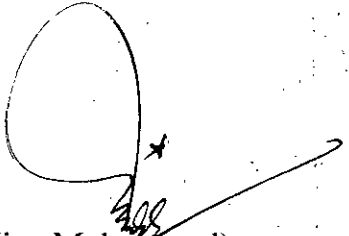
(Rozina Rehman)
Member (J)

13.07.2020

Counsel for the petitioner and Addl: AG for respondents present.

Vide order sheet dated 17.02.2020, the respondent No.4 was directed to submit reply on application for grant of house rent allowance submitted by the petitioner but today reply not submitted. Last opportunity granted for submission of written reply on application above.

Adjourned to 14.09.2020 before S.B.

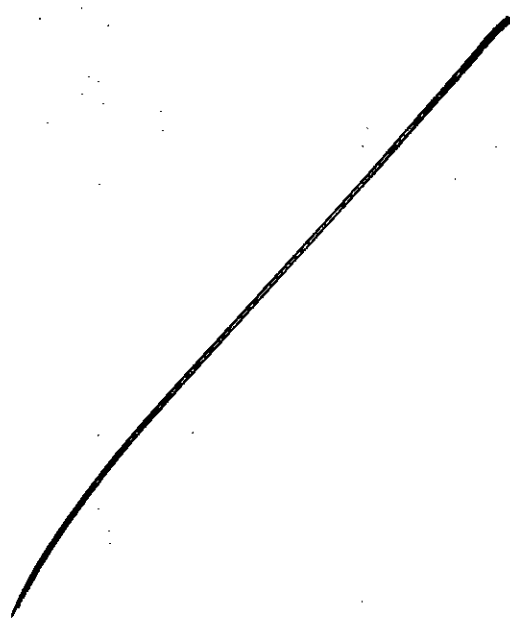

(Mian Muhammad)
Member(E)

14.09.2020

Counsel for the petitioner and Addl. AG for respondents No. 1 & 2 present.

On the last date of hearing no one was present on behalf of respondent No. 4. The said respondent shall be put on notice for submission of implementation report on next date of hearing. Adjourned to 28.10.2020 before S.B.


Chairman




17.02.2020

Mr. Atiqur Rahman, husband of petitioner and Mr. Riaz Ahmad Painsakheil, Assistant AG on behalf of respondents No. 1 to 3 present. Learned counsel for the petitioner stated that he has also filed application for grant of house rent allowance to the petitioner on 15.10.2019 and requested that the respondent No. 4 may be directed to submit reply of the same. Accordingly, respondent No. 4 is directed to submit reply of the same on 18.03.2020 before S.B. Notice be also issued to respondent No. 4 for attendance for the date fixed.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.03.2020

Counsel for the petitioner present. Mr. Kabirullah Khattak learned Addl. AG alongwith Fazle Khuda Assistant Litigation on behalf of respondent No.4 present and seeks time to submit reply. Adjourned. To come up for further proceedings/reply on 16.04.2020 before S.B.


(Hussain Shah)
Member

16.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 13.07.2020 for the same. To come up for the same as before S.B.


Reader

10.12.2019

Husband of the *petitioner* Addl. AG & junior to learned counsel for respondent No. 4 present.

Due to general strike of the Bar, learned counsel for the petitioner is not available today and a request for adjournment is made. Adjourned to 26.12.2019 for further proceedings.

Chairman 

26.12.2019


Counsel for the petitioner present. Addl: AG for respondents no. 1 to 3 and Mr. Saqib Raza, Legal Advisor for respondent no.4 present. Both the parties seeks adjournment. Adjourned. To come up for further proceedings on 15.01.2020 before S.B.


Member

15.01.2020

Mr. Atiqur Rahman, husband of petitioner and Addl. AG alongwith Sajid Superintendent for the respondents No. 1 to 3 present.

Former requests for adjournment due to general strike of the Bar today. Adjourned to 17.02.2020 for further proceedings before S.B.

Chairman 

EP 225/2019

15.10.2019

Counsel for the petitioner and Addl. AG alongwith Hazrat Shah, Superintendent for respondents No. 1 to 3 and Fazle Khuda, Assistant for respondent No. 4 present.

Learned counsel for the petitioner has submitted an application for release of house rent allowance in favour of the petitioner which, in her view, has been illegally deducted during the period from September, 2012 till date. Copies of the application have been handed over to learned AAG as well as the representative of respondent No. 4.

As learned senior counsel for the petitioner as well as learned counsel for respondent No. 4 are engaged before the Honourable High Court today instant matter is adjourned to 14.11.2019 for further proceedings/arguments.

Chairman 

14.11.2019

Counsel for the petitioner and Addl. AG alongwith Fazle Khuda Assistant Litigation, and counsel for respondent No. 4 present.

Learned counsel for respondent No. 4 has submitted copy of documents in lieu of a formal reply to the application of petitioner for the grant of House Rent Allowance.

To come up for further proceedings on 10.12.2019 before S.B.

Chairman 

23.08.2019

Counsel for the petitioner, and Mr. Kabeerullah Khattak, Addl. AG alongwith Mukhtiar Ali, Librarian for respondents No. 1 to 3 and counsel for respondent No. 4 present.

The representative of respondent No. 4 has submitted copy of Pay Roll wherein the current pay of the petitioner as well as arrears w.e.f. 07.06.2018 has been calculated and sent to the Director Finance, Khyber Teaching Hospital Peshawar for payment in favour of petitioner. The representative further states that the petitioner would be paid salary of August 2019 alongwith outstanding arrears in the first week of September 2019.

The matter is, therefore, adjourned to 19.09.2019 for further proceedings before S.B.


Chairman

19.09.2019

Counsel for the petitioner and Addl. AG alongwith Mukhtiar Ali, Librarian for the respondents present.

Learned counsel for the petitioner states that although the petitioner has been paid the arrears as well as monthly salary, some allowances have not been included in the Pay Roll. He, therefore, requests to submit the exact figures of released amount and that of claimed by petitioner for comparison and further proceedings.

Adjourned to 15.10.2019 before S.B.


Chairman

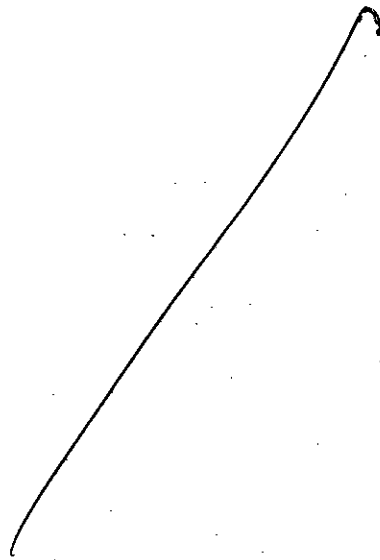
while no order of release of salary in favour of petitioner was made. It is also the stance of respondent No.4 that the salary of petitioner has been stopped on account of notification dated 07.06.2018 reflecting the decision of Board of Governor of Khyber Medical College.

The respondent No.4 has fallen into error in interpreting the order dated 09.10.2018. In fact, the maintenance of status-quo, noted in the order, was for all intents and purposes including the continuation of service of the petitioner as Warden in Girls Hostel on one hand and the payment of her lawful emoluments, including salary by respondent No.4, on the other. The respondent No.4 may proceed against the petitioner in accordance with law in case she has failed to perform her duties as per her job description. However, her salary cannot be stopped on that pretext.

In the circumstances, the respondent No.4 shall submit implementation report after payment of outstanding salaries to the petitioner.

Adjourned to 23.08.201 before S.B.


Chairman



05.08.2019

Counsel for the petitioner, Mr. Ziaullah, DDA for respondents No. 1 to 3 and counsel for respondent No.4 alongwith Mr. Mukhtiar Ali, Librarian present.

The petition in hand is essentially for implementation of order dated 09.10.2018 passed by this Tribunal in service appeal No. 1213/18. It is also the contention of petitioner that due to the specific order of maintenance of status-quo dated 09.10.2018, the petitioner is performing her duties as Warden, Girls Hostel while she is denied payment of her monthly salary w.e.f 07.06.2018 i.e the date of the notification relieving the petitioner and placing her services at the disposal of Health Department Government of Khyber Pakhtunkhwa. The same has been impugned in appeal No. 1213/2018 which is still pending for disposal.

It is not denied by the respondent No.4 that on the date of passing of order, requiring maintenance of status-quo, the petitioner had not relinquished charge as Warden in pursuance to notification dated 07.06.2018. It is also not denied by the respondent that the petitioner is still retaining the designated accommodation for Warden in the Girls Hostel of Khyber Medical College. AT the same time, it is argument of learned counsel for the respondent No.4 that ever-since the issuance of notification on 07.06.2018, the petitioner is not performing her duties, therefore, she has not been paid the monthly salary.

It appears, also through the contents of reply submitted by respondent No.4 with regard to the implementation petition, that the concerned respondent is seeking protection qua non-payment of the salary to the petitioner, purportedly from the order dated 09.10.2018. It is the stance of respondent that on the said date the Tribunal had only ordered the maintenance of status-quo



10.07.2019

Counsel for the petitioner and Addl: AG alongwith Mr. Mukhtiar Ali, Librarian for respondent no.4 present.

Representative of the respondent no.4 requests for time to engage a counsel.


Adjourned to 24.07.2019 before S.B.


Chairman

24.07.2019

Counsel for the petitioner, Mr. Usman Ghani, District Attorney for respondents alongwith Mr. Mukhtiar Ali Librarian for respondent No. 4 present.

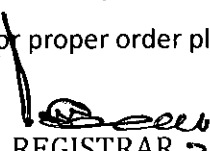
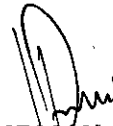

Representative of respondent No. 4 has submitted reply alongwith Wakalatnama in favour of his counsel. The same is placed on record. To come up for arguments on 05.08.2019. The record of Appeal No. 1213/2018 shall also be requisitioned for the date fixed.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 225/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.5.2019	<p>The execution petition of Mst. Saba Memoona submitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 27/5/19</p>
2-	28/5/19	<p>This execution petition be put up before S. Bench on <u>26/06/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	26.06.2019	<p>Learned counsel for the petitioner present. Notice of the present execution petition be issued to the respondents for 10.07.2019. Adjourn. To come up for implementation report/comments on the date fixed before S.B.</p> <p style="text-align: right;"> Member</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Implementation Petition No 2225 /2019

In

Service Appeal No 1213/2018

Mst. Saba MemoonaApplicant/Appellant

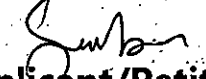
V E R S U S

Govt. of KPK and Others.....Respondents

I N D E X

S.No	Description of documents	Annexure	Pages
1.	implementation Petition with Affidavit		1-3
2.	Copy of the Order a dated 09-105-2018	A	4-10
3.	Copy of Application	B	11-13

Dated:-27-05-2019


Applicant/Petitioner

Through


Fazal Shah Mohmand
Advocate Peshawar.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

- 1 -

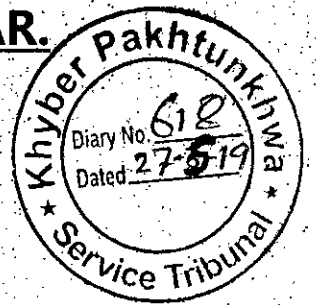
BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Implementation Petition No 225 /2019

In

Service Appeal No 1213/2018

Mst. Saba Memoona, Warden Girls Hostel, Khyber Medical College
Peshawar.**Applicant/Appellant**



VERSUS

1. Govt. of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary, Health Department, Govt. of KPK Civil Secretariat Peshawar.
3. Director General, Govt. of KPK Civil Secretariat Peshawar.
4. Dean, Khyber Medical College, Peshawar.

.....**Respondents**

**PETITION FOR THE IMPLEMENTATION OF ORDER DATED
09-10-2018 PASSEDBY THIS HONORABLE TRIBUNAL IN
THE ABOVE TITLED SERVICE APPEAL.**

Respectfully Submitted:-



1. That the applicant/appellant has filed Service Appeal No 1213/2018 against her relieving order dated 07-06-2018 and also release of her salaries which was admitted for full hearing and interim relief in the form of Status Quo was also granted in favor of the applicant/appellant vide Order dated 09-10-2018. It is pertinent to note that the previous relieving order of the appellant was suspended by this honorable Tribunal, **(Copy of the Order dated 09-10-2018 is enclosed as Annexure A).**
2. That the applicant/appellant time and again approached respondents for the implementation of the Order dated 09-10-2018 of this honorable Tribunal and release of salaries but of no use. Even the applicant also filed application for the release of her salaries. **(Copy of Application is enclosed as Annexure B).**
3. That respondents have malafidely stopped the salaries of the applicant/appellant since about one year without any legal justification and despite the interim order of this honorable Tribunal, which amounts to Contempt of the order of this honorable Tribunal.

4. That thereafter the applicant/appellant approached time and again for the implementation of the Order dated 09-10-2018 but of no use..
5. That the respondents are not ready to implement the Order of this honorable Tribunal dated 09-10-2018 in its true spirit for no legal and valid reasons, this act of the respondents is unlawful, unconstitutional and goes against the Orders dated 09-10-2018 of this honorable Tribunal besides being Contempt of Court aimed at to lower the position of the judiciary in the eyes of the public at large.
6. That from the facts and grounds taken in the said Service Appeal, it has become crystal clear that the respondents have committed Contempt of Court.

It is therefore prayed, that on acceptance of this Application/Petition, respondents may kindly be directed to implement the Order of this honorable Tribunal dated 09-10-2018 passed in Service Appeal No 1213/2018.

Dated:-27-05-2019

Through


Applicant/Petitioner

Fazal Shah Mohmand
Advocate Peshawar.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Implementation Petition No _____/2019

In

Service Appeal No 1213/2018

Mst. Saba Memoona**Applicant/Appellant**

V E R S U S

Govt. of KPK and Others.....**Respondents**

A F F I D A V I T

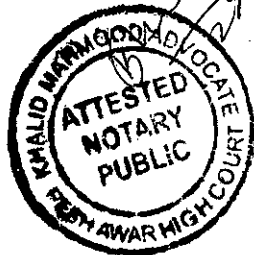
I, Mst. Saba Memoona, Warden Girls Hostel, Khyber Medical College Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Implementation Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by



Fazal Shah Mohmand

Advocate Peshawar


DEPONENT

-4- "A"



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1213 /2018

Mst. Saba Memoona.....Appellant

VERSUS

Government and Others.....Respondents.


INDEX

S No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-6
2.	Application for suspension of impugned Order with affidavit		7-8
3.	Copy of Notification dated 03-09-2012	A	9
4.	Copy of Notification dated 17-12-2012	B	10-11
5.	Copies of documents	C	12-19
6.	Copies of orders dated 08-12-2017, 22-12-2017, Service Appeal and suspension orders	D & E	20-36
7.	Copy of daily diary No 37 dated 04-01-2018 & COC	F & G	37-42
8.	Copy of FIR & Order dated 31-01-2018	H & I	43-46
9.	Copy of Complaint, Press Clipping, Minutes of 38 th BOG Meeting & Notification dated 07-06-2018	J, K & L	47-61
10.	Copy of departmental appeal	M	62-70
11.	Copies of Orders of Justice of Peace and high Court	N	71-85
12.	Requests for compliance orders of tribunal dated 12-02-2018 & 16-04-2018	O	86-91
13.	Copy of letter of students dated 04-02-2018	P	92
14.	Copies of Utility bills	P/1	93-96
15.	Copies of Press Clippings	Q	97-103
16.	Minutes of 4 th meeting of BOG dated 31-08-2018	R	104-106
17.	Copy of Supreme Court order dated 06-06-2018	S	107-108
18.	Wakalat Nama		109

ATTESTED Dated:-22-09-2018

Applicant/Appellant

Through


Fazal Shah Mohmand
Advocate, Peshawar.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1213 /2018

Diary No. 1463

Mst. Saba Memoona Warden, Girls Hostel, Khyber medical College Peshawar.....

Dated 22-9-2018

Appellant

VERSUS

1. Government of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary, Health Department, Govt. of KPK Peshawar.
3. Chairman, Board of Governors, MTI, KTH/KMC/KCD, Peshawar.
4. Dean, Khyber Medical College Peshawar.

.....**Respondents**

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE NOTIFICATION DATED 07-06-2018 PASSED BY RESPONDENT NO 3 WHERE BY THE APPELANT HAS BEEN RELIEVED OF HER DUTIES AND HER SERVICES HAS BEEN PLACED AT THE DISPOSAL OF HEALTH DEPARTMENT AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINTY DAYS.

PRAYER:-

On acceptance of this appeal the impugned Notification Dated 07-06-2018 of respondent No 3 may kindly be set aside and the appellant may kindly be allowed to perform her duties as Warden Girls Hostel Khyber Medical College Peshawar with further directions to the respondents to forth with release the salaries of the appellant.

Filed to-day
Registrar
22-9-18

Respectfully Submitted:-

1. That the appellant is the bonafide resident of District Peshawar and appointed as Female Warden (BPS 17) at Saidu Medical College Swat upon the recommendations of KP Public Service Commission on regular basis and was posted as such in Saidu Medical College Swat vide Notification dated 03-09-2012 and the appellant since then performed her duties as assigned and with honesty and full devotion and to the entire satisfaction of her high ups. **(Copies of Notification dated 03-09-2012 is enclosed as Annexure A).**

ATTESTED

EXAMINER
Kyber Pakhtunkhwa
Service Tribunal,
Peshawar

09.10.2018

Mr. Atiqur Rahman, husband of the appellant alongwith counsel Mr. Fazal Shah, Advocate present and heard in limine.

Contends that despite the fact, duly admitted by the respondents in their meeting as is evident from the minutes of the meeting, that the appeal of the appellant was pending before this Tribunal wherein her transfer was suspended and the appellant still hold charge of the post but again transferred the appellant from that very post and that too on administrative ground.


Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 25.10.2018 before S.B. Counsel for the appellant also submitted an application for suspension of impugned order dated 07.06.2018. Notice of application be given to the respondents for the date fixed. In the meanwhile status quo shall be maintained till the date fixed.

Appellant Deposited Security & Process Fee

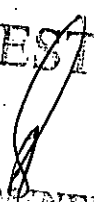

Chairman

25-10-18

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 13-11-2018


Reader

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

13.11.2018

- 7 -

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 27.11.2018. Written reply not received.


READER

27.11.2018


Husband of appellant and Mr. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith M/S Sher Abdullah Admin Officer and Mr. Subhan Ullah Senior Clerk for the respondents present. Representative of the respondents seeks time to furnish written reply. Granted. To come up for submission of written reply/comments on 03.12.2018 before S.B. Learned counsel for the appellant also submitted application for the release of the salaries of the appellant. Copy of the said application given to the representatives of the respondents for reply on the date fixed.


Member

03.12.2018

Counsel for the appellant present. M/S Hazrat Shah, Supdt, Subhan Ullah, Assistant Litigation and Fatal Khuda, Assistant Litigation alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present.

Representatives of the respondents seeks further time to submit the requisite replies. Learned counsel for the appellant does not ~~assist request~~. Adjourned. To come up for written reply/comments on 12.12.2018 before S.B.


Chairman

- 7/A -

12.12.2018

Counsel for the appellant present. Mr. Subhanullah, Assistant (Litigation) on behalf of respondent No. 3 and Mr. Abdullah, Admin Officer on behalf of respondent No. 4 alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Representatives of respondents No. 3 & 4 submitted written reply. Representatives of respondents No. 3 & 4 are also directed to furnish better copies of page No. 106 & 107 of the written reply on the next date. Representative of respondents No. 1 & 2 not present therefore, notice be issued to respondents No. 1 & 2 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 1 & 2 on 26.12.2018 before S.B. The restraint order already granted shall continue till the date fixed.

MA
Muhammad Amin Khan Kundi
Member

26.12.2018

Husband of the appellant alongwith learned counsel for the appellant present. M/S Amjid Ali Assistant for respondent No.1 & 2, Subhan Ullah Senior Clerk for respondent No.3 and Sher Abdullah Admin Officer for respondent No.4 present. Amjid Ali representative of respondents No.1 & 2 stated that respondents No.1 & 2 rely upon the reply of respondents No.3 & 4. Adjourn. To come up for rejoinder if any and arguments 10.01.2019 before D.B. -II

[Signature]
Member

ATTESTED


[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

10.01.2019

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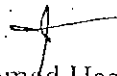
Husband of the appellant alongwith learned counsel for the appellant present. Sher Abdullah Admin Officer representative of respondent No.4 and Subhan Ullah Assistant litigation for respondents No. 3 present. Learned counsel for the appellant submitted rejoinder which is placed no file and seeks adjournment. Adjourn. To come up for arguments on 18.01.2019 before D.B

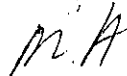
Member


Member

18.01.2019

Counsel for the appellant present. Mr. Sher Abdullah, Admin Officer and Hazrat Shah, Supdt alongwith Mr. Ziaullah, DDA for respondents present. Counsel for the appellant stated that another service appeal no. 1417/2017 of the present appellant has been fixed for arguments on 4.02.2019, therefore, the same may also be clubbed with the said appeal. Request accepted. Case to come up for arguments on 4.02.2019 before D.B alongwith the connected appeal. The restraint order already granted shall continue till the date fixed.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

- 8/A -

04.02.2019

Mr. Atique-Rehman, husband of the appellant alongwith learned counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents No. 1 & 2 and Mr. Sher Abdullah, Admin Officer for respondents No. 3 & 4 present. Representative of respondents No. 3 & 4 requested for adjournment on the ground that Legal Advisor for respondent No. 2 is not available today. Adjourned to 27.02.2019 for arguments before D.B. The restraint order already granted shall continue till the date fixed.


(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

27.02.2019

Counsel for the appellant, Assistant A.G alongwith Hazrat Shah, Superintendent for respondents No. 1 & 2 and Mr. Sher Abdullah, Accounts Officer for respondents No. 3 & 4 present.

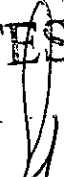
Adjourned to 12.03.2019. To be laid before a Bench comprising Honourable Members M/S Ahmad Hassan and Muhammad Amin Khan Kundi.

Representative of respondents No. 3 & 4 is directed to ensure the availability of learned counsel on the next date.


Member



Chairman

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

12.03.2019

Counsel for the appellant present. Mr. Saqib Raza, Advocate for respondents present. Both the parties seek adjournment. Adjourned to 14.03.2019 for arguments before this D.B.


(AHMAD HASSAN)
MEMBER

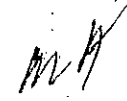

(M. AMIN KHAN KUNDI)
MEMBER

14.03.2019

Counsels for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Hazrat Shah, Supdt for respondents no.1 and 3 and Mr. Saqib Raza, Advocate alongwith Mr. Sher Abdullah, Admin Officer for respondent no.3 present.

Counsel for the appellant seeks adjournment. Adjourned. Case to come up for further proceedings on 29.03.2019 before D.B. The restraint order already granted shall continue till the date fixed.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

- 9/A -

09.04.2019

Counsel for the appellãnt and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Hazrat Shah, Superintendent for respondents No. 1 & 2 present. Legal counsel and representatives of respondent No. 3 & 4 were not present. They are directed to ensure their presence on the next date of hearing. Adjourned. To come up for arguments on 29.04.2019 before this D.B. The restraint order already granted shall continue till the date fixed.

(AHMAD HASSAN)
MEMBER

(M. AMIN KHAN KUNDI)
MEMBER

29.04.2019

Husband of the appellãnt present. Mr. Ziaullah, DDA alongwith Mr. Sher Abullah, Admin Officer and Mr. Subhanullah, Assistant for respondents present. Arguments could not be heard due to learned Member (Judicial) is on leave. Adjourned to 17.05.2019 for arguments before D.B.

(Ahmad Hassan)
Member

17.05.2019

Husband of the appellãnt alongwith counsel for the appellãnt and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Hazrat Shah, Superintendent for respondents No. 1 & 2 present. Mr. Fazle Khuda, Assistant Litigation for respondents No. 3 & 4 also present and submitted an application for adjournment on the ground that learned counsel namely Saqib Raza representing respondents No. 3 & 4 has proceeded to village due to demise of a family member. Adjourned to 30.05.2019 for arguments before D.B. The restraint order already granted shall continue till the date fixed.

(AHMAD HASSAN)
MEMBER

(M. AMIN KHAN KUNDI)
MEMBER

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

This is an appeal filed by Mst. Saba Memoona today on 22.09.2018 against the order dated 07.06.2018 against which she preferred/made a departmental appeal on 02-07-2018 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1912 /S.T.

Dt. 22/9 /2018

[Signature]
REGISTRAR 22/9/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

Re-submitted please, by now the Statutory Period has been lapsed. therefore instant appeal is mature and may kindly be fixed before the Tribunal accordingly.

[Signature]

Certified to be true copy

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

3-10-18

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	<u>17-5-19</u>
Number of Words	<u>2800</u>
Copying Fee	<u>18/-</u>
Urgent	<u>2</u>
Total	<u>20/-</u>
Name of Copyist	<u>Su</u>
Date of Completion of Copy	<u>17-5-19</u>
Date of Delivery of Copy	<u>17-5-19</u>

-11- "B" 2 B

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No 1213/2018

Mst. Saba Memoona.....Appellant.

V E R S U S

Govt. & Others.....Respondents

I N D E X

S.No	Description of documents	Annexure	Pages
1.	Application with Affidavit		1-2
2.	Copy of order dated 07-06-2018	A	3

Dated:-27-11-2018

Applicant/Appellant

Through

Fazal Shah Mohmand

Advocate Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

Attested
cal [Signature] An


BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No 1213/2018

Mst. Saba Memoona.....Appellant.

V E R S U S

Govt. & Others.....Respondents

**APPLICATION FOR THE RELEASE OF SALARIES OF THE
APPLICANT/APPELLANT W.E.F. 07-06-2018 TILL DATE.**

Respectfully Submitted:-

1. That the above cited Service Appeal is pending adjudication before this honorable Tribunal and fixed for today i.e 27-11-2018.
2. That the applicant is regularly performing her duties with zeal and devotion and to the entire satisfaction of high ups.
3. That malafidely, without any reason and to pressurize the applicant, respondents have stopped the salaries of the applicant since 07-06-2018, after release despite the fact that she is performing her duties regularly and is also holding her post. **(Copy of order dated 07-06-2018 is enclosed as Annexure A).**
4. That stopping the salaries despite performance of duties amount to forced labor besides exploitation which is not only against the Constitution but also against the Islamic teachings.

Attest

[Signature] Sec

5. That the law as well as the rules governing the matter are very much clear on the point, particularly Section 17 of the Civil servants Act 1973.
6. That the fundamental rights of the applicant guaranteed in Constitution are at stake and if the salaries of the applicant are not released, she would suffer irreparable loss.
7. That the applicant seeks the permission of this honorable Tribunal for additional grounds at the time of arguments.

It is therefore prayed that on acceptance of this application, respondents may kindly be directed to forth with release the salaries of the applicant w.e.f. 07-06-2018 till date.

Dated:-27-11-2018

Applicant/Appellant

Through

Fazal Shah Mohmand

Advocate Peshawar

AFFIDAVIT

I, Mst. Saba Memoona Warden, Girls Hostel, Khyber Medical College Peshawar, (the applicant), do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

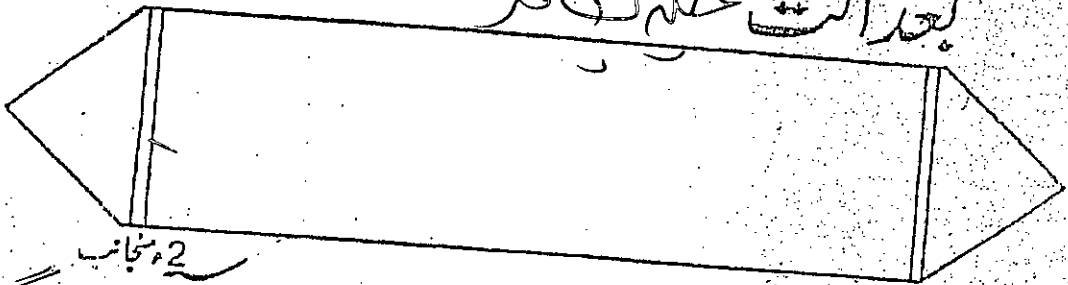
Identified by

DEPONENT

Fazal Shah Mohmand

Advocate Peshawar.

بعدالت علیہ الرحمہ



صباح صبحوت
بنام لورینڈو

مورخہ
مقدمہ
دعویٰ
جزم

باعث تحریر آئنگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی در جواب دہی وکل کاروائی متعلقہ

آن مقام کوئی کیلئے لکھنا محمد
مقرر کر کے اتر کر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثباتہ فیصلہ بر حلف۔ عے جواب دہی اور اقبال دعویٰ اور
اسورت ڈگری کرنے اجراء اور صولی چیک در دپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے رہوگا۔
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۔

لکھنا محمد

Accepted

20 ماہ المرقوم

لکھنا محمد کے لئے لکھنا محمد

مقام

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

Implementation petition no. 225 of 2019.

In Re:-

Service Appeal No. 1213/2018

Mst. Saba Memoona

... Applicant/Appellant.

Versus

Govt. of KPK & Others

... Respondents

**REPLY FOR AND ON BEHALF OF RESPONDENT NO. 4 TO THE
IMPLMENTATION OF ORDER DATED 9-10-2018 PASSED BY THIS
HON'BLE TRIBUNAL IN THE ABOVE TITLED SERVICE APPEAL**

PREMININARY OBJECTIONS:-

- i) That the present applicant/petition as laid is bad in law and facts both. Hence untenable.
- ii) That the applicant/petition under reply is laden with misstatements and concealment of true facts, hence the applicant is denuded of all equities which may be in her favour under the equitable jurisdiction of this Hon'ble Court.
- iii) That the applicant/appellant has not come to the court with clean hands.
- iv) That the answering Respondents have great respect and honour for each and every order of this Hon'ble Court. It is in-conceivable for answering Respondents even to think of defying the order of this Honourable Court
- v) That the appellant is a civil servant whereas the post of "Warden Khyber Medical College Peshawar is a post of a Corporate/autonomous body. The terms and condition of service including appointment, posting and transfer of the appellant are governed under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (hereinafter referred to as "Act"). In terms of 1st proviso under Section-10 of the Act ibid, the appellant has been specifically appointed against a civil post of Warden in Saidu Medical College Swat. Thus wherever the appellant is posted, her lien against the post of Warden at Saidu Medical College, Swat cannot be terminated as envisaged in the 1st proviso of Section 10 of the Act.
- vi) That as per the KPK ESTA CODE-2011 the maximum tenue of posting/transfer of a civil servant at a station is 2 years foe settled areas whereas 1 ½ year for unattractive areas, however, the appellant has spent over 6 years at one station, thus, she has even otherwise completed her tenure.

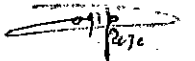
ON FACTS:-

1. No comments.
2. Absolutely incorrect, hence denied. Upon perusal of order dated 9-10-2018 it can be clearly seen that this Hon'ble Tribunal had ordered the respondents to maintain status quo and no order of releasing of salary of the applicant/appellant was issued by this Hon'ble Tribunal. Even otherwise the application of the applicant/appellant for release of salaries was submitted by the applicant/appellant which has not been considered by this Hon'ble Court which is evident from the order dated 27-11-2018. Further, the salary of the applicant has been stopped as she has been relieved from her services by the BOG and the KMC administration, thus, is not entitled to the same and this Hon'ble Tribunal has ordered to maintain status quo.
3. Absolutely incorrect, the applicant is not performing her duties in fact she only marks her attendance and does not perform her duties.
- 4-5 Incorrect, hence denied. This Hon'ble Tribunal has ordered to main status quo vide order dated 9-10-2018 and the answering respondent has great respect and honour for each and every order of this Hon'ble Court. It is in-conceivable for answering respondent even to think of defying the order of this Honourable Court.
4. Absolutely incorrect, hence denied. The applicant has intentionally and with malafide intention suppressed material and important facts and documents from this Hon'ble Court. Indeed she has approached this Hon'ble Court with twisted and untrue facts, thus, is denuded of all equities, if any, in her favour. The perusal of the documents annexed with appeal does not constitute any contempt. Indeed, the answering respondent has great respect and honour for each and every order of this Hon'ble Court.

It is, therefore, most rumbly prayed that the present application being devoid of merits may kindly be dismissed with cost.

Respondents No.4

Through


COUNSEL

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

Implementation petition no. 225 of 2019.

In Re:-

Service Appeal No. 1213/2018

Mst. Saba Memoona

... Applicant/Appellant.

Versus

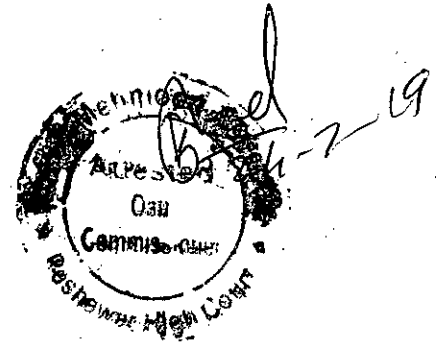
Govt. of KPK & Others

... Respondents

AFFIDAVIT

I, Mukhtiyar Ali, Librarian, Khyber Medical College, Peshawar do hereby affirm that the contents of the attached reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.


Deponent





KHYBER MEDICAL COLLEGE PESHAWAR
OFFICE OF THE DEAN

☎ 091-9222162
☎ 091-9222163
✉ principal@kmc.edu.pk
✉ dean@kmc.edu.pk

IA / RA

WAKALATNAMA

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

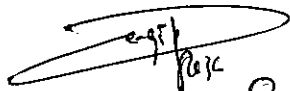
Versus: Mrs. Saba Memoona

E/Petition No. 225/2019

Respondent:

Dean Khyber Medical College, Peshawar (Resp. No. 04)

By this, power-of-attorney Dean, Khyber Medical College, the said Respondent in the above case do hereby constitute and appoint **SAQIB RAZA, HAZIQ ALI SHAH AND JUNAID ZAMAN ADVOCATES** as my attorney for me/us in my/us name and on my behalf to appear, plead, give statement, verify, administer oath, file comments, written statement, reply and do all lawful acts and things in connection with the said case on my behalf or with the execution of any decree or order passed in the case in my favour/against which I/we shall be entitled or permitted to do myself, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my success or failure in case, provided that if the case is heard at any place other than the usual place of sitting of the court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.


Saqib Raza
Advocate.


DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR

Accepted/Attested
SAQIB RAZA, HAZIQ ALI SHAH AND JUNAID ZAMAN
ADVOCATES

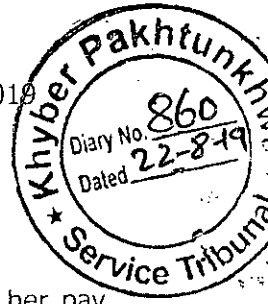
KHYBER MEDICAL COLLEGE, PESHAWAR

No. 7501-3/Estt/KMC

Dated: 21/8/2019

Copy of Service Tribunal Order Sheet in Service Appeal No. 1213/2018

Dated 05/08/2019 is forwarded to:



1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Mr. Saqib Raza, Legal Advisor KMC, Peshawar.
3. The Accounts officer, KMC, Peshawar with the directions to release her pay according to Court Order.

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DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR

Placed in file.

[Handwritten signature]
22/8/19

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4158
Dated 20/8/19

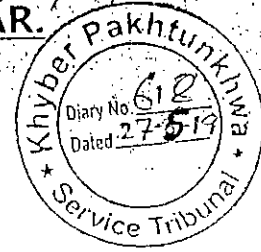
BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Implementation Petition No 225 /2019

In

Service Appeal No 1213/2018

Mst. Saba Memoona, Warden Girls Hostel, Khyber Medical College
Peshawar.Applicant/Appellant



VERSUS

1. Govt. of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary, Health Department, Govt. of KPK Civil Secretariat Peshawar.
3. Director General, Govt. of KPK Civil Secretariat Peshawar.
4. Dean, Khyber Medical College, Peshawar.

.....Respondents

**PETITION FOR THE IMPLEMENTATION OF ORDER DATED
09-10-2018 PASSEDBY THIS HONORABLE TRIBUNAL IN
THE ABOVE TITLED SERVICE APPEAL.**

Respectfully Submitted:-

1. That the applicant/appellant has filed Service Appeal No 1213/2018 against her relieving order dated 07-06-2018 and also release of her salaries which was admitted for full hearing and interim relief in the form of Status Quo was also granted in favor of the applicant/appellant vide Order dated 09-10-2018. It is pertinent to note that the previous relieving order of the appellant was suspended by this honorable Tribunal. **(Copy of the Order dated 09-10-2018 is enclosed as Annexure A).**
2. That the applicant/appellant time and again approached respondents for the implementation of the Order dated 09-10-2018 of this honorable Tribunal and release of salaries but of no use. Even the applicant also filed application for the release of her salaries. **(Copy of Application is enclosed as Annexure B).**
3. That respondents have malafidely stopped the salaries of the applicant/appellant since about one year without any legal justification and despite the interim order of this honorable Tribunal, which amounts to Contempt of the order of this honorable Tribunal.

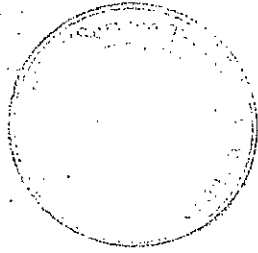
ATTESTED

SECRETARY
SERVICE TRIBUNAL
PESHAWAR

A/c of Saba Memoona
for n/a please
20/8/19

Execution Petition No. 225/2019
Mst. Saba Munir vs Govt

05.08.2019



Counsel for the petitioner, Mr. Ziaullah, DDA for respondents No. 1 to 3 and counsel for respondent No.4 alongwith Mr. Mukhtiar Ali, Librarian present.

The petition in hand is essentially for implementation of order dated 09.10.2018 passed by this Tribunal in service appeal No. 1213/18. It is also the contention of petitioner that due to the specific order of maintenance of status-quo dated 09.10.2018, the petitioner is performing her duties as Warden, Girls Hostel while she is denied payment of her monthly salary w.e.f 07.06.2018 i.e the date of the notification relieving the petitioner and placing her services at the disposal of Health Department Government of Khyber Pakhtunkhwa. The same has been impugned in appeal No. 1213/2018 which is still pending for disposal.

It is not denied by the respondent No.4 that on the date of passing of order, requiring maintenance of status-quo, the petitioner had not relinquished charge as Warden in pursuance to notification dated 07.06.2018. It is also not denied by the respondent that the petitioner is still retaining the designated accommodation for Warden in the Girls Hostel of Khyber Medical College. AT the same time, it is argument of learned counsel for the respondent No.4 that ever-since the issuance of notification on 07.06.2018, the petitioner is not performing her duties, therefore, she has not been paid the monthly salary.

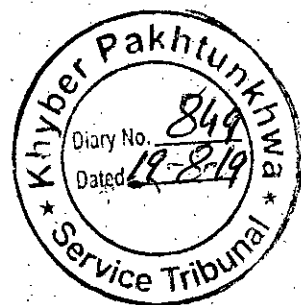
It appears, also through the contents of reply submitted by respondent No.4 with regard to the implementation petition, that the concerned respondent is seeking protection qua non-payment of the salary to the petitioner, purportedly from the order dated 09.10.2018. It is the stance of respondent that on the said date the Tribunal had only ordered the maintenance of status-quo

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To,

The Secretary to Chairman BOG,
MTI (KTH/KMC/KCD), Peshawar.



Subject: Request for Compliance with Honorable Services Tribunal KP Peshawar Order dated: 05/08/2019 in Its True Spirit & Also Restoring the Applicant's Office with Record and Powers of Signature.

Sir,

It is submitted for your kind information that the Honorable Services Tribunal Khyber Pakhtunkhwa Peshawar issued clear cut directions in Implementation Petition No. 225/2019 on dated: 05/08/2019, which is self explanatory (Copies enclosed).

As you are already been informed by the undersigned through (an application dated 16/04/2018) that the respondent No. 4 with the malafide intentions had been snatched her office, its record and signatory powers etc by the Chief Provost KMC hostels Peshawar and the same may kindly be restored please but till date no response been received to the undersigned. Another application submitted to your good-self on dated 12/02/2018 for compliance with court orders but till date no correspondence yet been received. The record of the said applications are annexed in the (Appeal No. 1213/2018, case title: Mst Saba Memoona VS Govt & others). Your good-self was again been informed through an application against the respondent No. 4 on dated 04/12/2018 received at your office vide diary No. 514 for releasing of Service & RFID Card etc and compliance with Honorable Service Tribunal Peshawar Orders but no response yet been received from your office. Therefore, the undersigned may kindly be informed with written reply of the above applications at the earliest, as the reply has been abnormally delayed.

The undersigned has been already doing her job duties dedicatedly as per rules regulations and take hostel rounds, but here she may be briefed in written with her job description just to avoid the misguiding attempt may be taken by the respondents legal Counsels before the Honorable Service Tribunal KP Peshawar and also any untoward situation in the future.

Dated: 16/08/2019

Obediently Yours,

Saba Memoona
Warden, BS-17

Address: Warden Residence, KMC
Girls Hostel University Campus Peshawar.

Copy for Record & Necessary Action as per law:

✓ The Honorable Registrar, Services Tribunal Khyber Pakhtunkhwa, Peshawar.
(Service Appeal No. 1213/2018. Case Title Mst Saba Memoona VS Govt & others. Coming
dated: 27/08/2019).

Placed on file

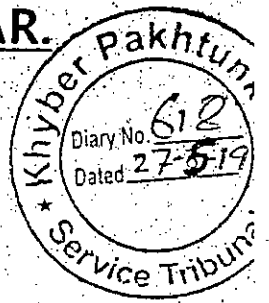
Reader

19/8/19

- 1 -

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Implementation Petition No 225 /2019



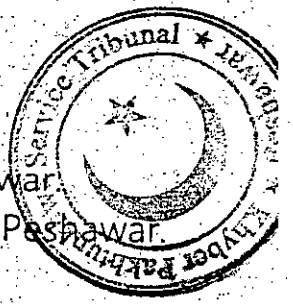
In

Service Appeal No 1213/2018

Mst. Saba Memoona, Warden Girls Hostel, Khyber Medical College Peshawar.**Applicant/Appellant**

VERSUS

1. Govt. of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary, Health Department, Govt. of KPK Civil Secretariat Peshawar.
3. Director General, Govt. of KPK Civil Secretariat Peshawar.
4. Dean, Khyber Medical College, Peshawar.




.....**Respondents**

PETITION FOR THE IMPLEMENTATION OF ORDER DATED 09-10-2018 PASSEDBY THIS HONORABLE TRIBUNAL IN THE ABOVE TITLED SERVICE APPEAL.

Respectfully Submitted:-

1. That the applicant/appellant has filed Service Appeal No 1213/2018 against her relieving order dated 07-06-2018 and also release of her salaries which was admitted for full hearing and interim relief in the form of Status Quo was also granted in favor of the applicant/appellant vide Order dated 09-10-2018. It is pertinent to note that the previous relieving order of the appellant was suspended by this honorable Tribunal. **(Copy of the Order dated 09-10-2018 is enclosed as Annexure A).**
2. That the applicant/appellant time and again approached respondents for the implementation of the Order dated 09-10-2018 of this honorable Tribunal and release of salaries but of no use. Even the applicant also filed application for the release of her salaries. **(Copy of Application is enclosed as Annexure B).**
3. That respondents have malafidely stopped the salaries of the applicant/appellant since about one year without any legal justification and despite the interim order of this honorable Tribunal, which amounts to Contempt of the order of this honorable Tribunal.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

05.08.2019

Counsel for the petitioner, Mr. Ziaullah, DDA for respondents No. 1 to 3 and counsel for respondent No.4 alongwith Mr. Mukhtiar Ali, Librarian present.

The petition in hand is essentially for implementation of order dated 09.10.2018 passed by this Tribunal in service appeal No. 1213/18. It is also the contention of petitioner that due to the specific order of maintenance of status-quo dated 09.10.2018, the petitioner is performing her duties as Warden, Girls Hostel while she is denied payment of her monthly salary w.e.f 07.06.2018 i.e the date of the notification relieving the petitioner and placing her services at the disposal of Health Department Government of Khyber Pakhtunkhwa. The same has been impugned in appeal No. 1213/2018 which is still pending for disposal.

It is not denied by the respondent No.4 that on the date of passing of order, requiring maintenance of status-quo, the petitioner had not relinquished charge as Warden in pursuance to notification dated 07.06.2018. It is also not denied by the respondent that the petitioner is still retaining the designated accommodation for Warden in the Girls Hostel of Khyber Medical College. AT the same time, it is argument of learned counsel for the respondent No.4 that ever-since the issuance of notification on 07.06.2018, the petitioner is not performing her duties, therefore, she has not been paid the monthly salary.

It appears, also through the contents of reply submitted by respondent No.4 with regard to the implementation petition, that the concerned respondent is seeking protection qua non-payment of the salary to the petitioner, purportedly from the order dated 09.10.2018. It is the stance of respondent that on the said date the Tribunal had only ordered the maintenance of status-quo

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

while no order of release of salary in favour of petitioner was made. It is also the stance of respondent No.4 that the salary of petitioner has been stopped on account of notification dated 07.06.2018 reflecting the decision of Board of Governor of Khyber Medical College.

The respondent No.4 has fallen into error in interpreting the order dated 09.10.2018. In fact, the maintenance of status-quo, noted in the order, was for all intents and purposes including the continuation of service of the petitioner as Warden in Girls Hostel on one hand and the payment of her lawful emoluments, including salary by respondent No.4, on the other. The respondent No.4 may proceed against the petitioner in accordance with law in case she has failed to perform her duties as per her job description. However, her salary cannot be stopped on that pretext.

In the circumstances, the respondent No.4 shall submit implementation report after payment of outstanding salaries to the petitioner.

Adjourned to 23.08.2019 before S.B.

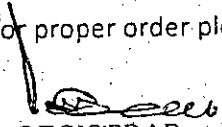
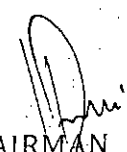
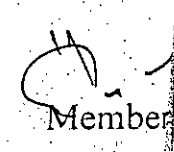
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 225/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.5.2019	<p>The execution petition of Mst. Saba Memoona submitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 27/5/19</p>
2	28/5/19	<p>This execution petition be put up before S. Bench on <u>26/06/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	26.06.2019	<p>Learned counsel for the petitioner present. Notice of the present execution petition be issued to the respondents for 10.07.2019. Adjourn. To come up for implementation report/comments on the date fixed before S.B.</p> <p style="text-align: right;"> Member</p>

verified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Number of Pages of Application - 6-8-2019
 Number of Words - 2400
 Copying Fee - 24/-
 Urgent - u
 Total - 38
 Name of Copyist - [Signature]
 Date of Completion of Copy - 6-8-19
 Date of Delivery of Copy - 6-8-19



**PAYROLL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE ENTRY**

OFFICE OF THE ³ Dean UMC

Date: _____

FOR THE MONTH OF ⁴ 8 / 2019

Page No.: _____

DDO Code ⁵ (Cost Center) PR4189 Description ⁶ UMC

Monthly rate.

GENERAL DATA CHANGE							GENERAL DATA CHANGE			CHANGE IN PAYMENTS/DEDUCTIONS ¹²			Effective Date ¹⁷	Remarks ⁷	
Employees Number ⁷							Info Type ¹⁰	Field ID ²	New Contents ³	Wage Type ¹⁵	Amount				
											Rupees ¹⁴	Paisa			Adj
20	18	88	10						B-pay		44	170/-	PM		Pay of the officer may be start with endorsement No. 7501-3/13/16/18 dated 21-8-2019.
									Med: All		184	67/-	PM		
									Warden All		3000	00/-	PM		
									Ad 2013		920	00/-	PM		
									Ad 2015		634	41/-	PM		
									Ad 2016		3316	71/-	PM		
									Ad 2017		4187	11/-	PM		
									Ad 2018		4487	11/-	PM		
									Ad 2018		2208	11/-	PM		
									I.P.A		4000	00/-	PM		

MS Malik
Prepared By ²¹ MS Malik
Khyber Medical College
Peshawar

Audited/Checked By ²² MS Malik
KTH, KNC, KCD,
Peshawar

MS Malik
Entered/Verified By (User)
Khyber Medical College
Peshawar

**PAYROLL SYSTEM
AMENDMENT FORM
MULTIPLE EMPLOYEE ENTRY**



OFFICE OF THE ³ _____

Dean UMC

Date _____

FOR THE MONTH OF ⁴ _____

8/2019

Page No. _____

DDO Code ⁵ (Cost Center)

PR4164

Description ⁶

UMC

Arrears of pay & allowances from 7-6-2018 to 31-7-2019.

GENERAL DATA CHANGE				GENERAL DATA CHANGE ¹¹			CHANGE IN PAYMENTS/DEDUCTIONS ¹¹			Stop Sal.	Effective Date ¹²	Remarks	
Employees Number ⁷				Info Type ¹⁰	Field ID ⁸	New Contents ⁹	Wage Type ¹⁵	Amount					
Employee Name ³								NIC Number ²					Rupees ¹⁶
00688816 Mrs. Saba Memona						B-PAY		596206/-	P				
Wardar						Med. All		25475/-	P				
						Warden All		41400/-	P				
						Ad 2013		12696/-	P				
						Ad 2015		8749/-	P				
						Ad 2016		45761/-	P				
						Ad 2017		59621/-	P				
						Ad 2018		56271/-	P				
						Ad 2019		2208/-	P				
						I.P-A		55200/-	P				

Prepared By *[Signature]*
Peshawar

Director Finance
KPH, KMC NCD
Peshawar
Audited/Checked By *[Signature]*

Principal
Community Center
KPH, Medical College
Peshawar
Entered/Verified By *[Signature]*

detail of arrear in respect of Mrs. Saba Memona Warden Girls Hostel KMC

Date	Months	Basic Pay	Due	Drawn	Diff	Aeerar
7.6.2018 to 30.6.2018	1		41870	8374	33496	33496
1.7.18 to 30.11.18	5		41870	0	41870	209350
1.12.18 to 31.7.19	8		44170	0	44170	353360
						596206
		Medical All				
7.6.2018 to 30.6.2018	1		1846	369	1477	1477
1.7.18 to 31.7.19	13		1846	0	1846	23998
						25475
7.6.2018 to 30.6.2018	1	Warden All	3000	600	2400	2400
1.7.18 to 31.7.19	13		3000	0	3000	39000
						41400
		Adh: 2013				
7.6.2018 to 30.6.2018	1		920	184	736	736
1.7.18 to 31.8.19	13		920	0	920	11960
						12696
		Adh: 2015				
7.6.2018 to 30.6.2018	1		634	127	507	507
1.7.18 to 31.7.19	13		634	0	634	8242
						8749
		Adh: 2016				
7.6.2018 to 30.6.2018	1		3316	663	2653	2653
1.7.18 to 31.7.19	13		3316	0	3316	43108
						45761
		Adh: 2017				
7.6.2018 to 30.6.2018	1		4187	837	3350	3350
1.7.18 to 30.11.18	5		4187	0	4187	20935
1.12.2018 to 31.7.19	8		4417	0	4417	35336
						59621
1.7.18 to 30.11.18	5	Adh: 2018	4187	0	4187	20935
1.12.2018 to 31.7.19	8		4417	0	4417	35336
						56271
1.7.2019 to 31.7.2019	1	Adh: 2019	2208	0	2208	2208
7.6.2018 to 30.6.2018	1	IPA	4000	800	3200	3200
1.7.18 to 31.7.19	13		4000	0	4000	52000
						55200
					G. Total Rs:	903587

Saba Memona
 Warden
 Girls Hostel KMC
 S. P. K. M. C.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Implementation Petition No. 333/2018

In

Service Appeal No 1213/2018

Mst. Saba Memoona, Warden Girls Hostel, Libher Medical College
Peshawar. Applicant/Appellant



VERSUS

1. Govt. of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary, Health Department, Govt. of KPK Civil Secretariat Peshawar
3. Director General, Govt. of KPK Civil Secretariat Peshawar
4. Dean, Khyber Medical College, Peshawar.

..... Respondents

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Respectfully Submitted:-

1. That the applicant/appellant has filed Service Appeal No. 1213/2018 against her relieving order dated 07-06-2018 and also release of her salaries which was admitted for full hearing and interim relief in the form of Status Quo was also granted in favor of the applicant/appellant vide Order dated 09-10-2018. It is pertinent to note that the previous relieving order of the appellant was suspended by this honorable Tribunal. (Copy of the Order dated 09-10-2018 is enclosed as Annexure A)
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3. That respondents have malafidely stopped the salaries of the applicant/appellant since about one year without any legal justification and despite the interim order of this honorable Tribunal, which amounts to Contempt of the order of this honorable Tribunal.

A/c 27/8/18
for n/a peshawar
20/8/18

05.08.2019

Counsel for the petitioner, Mr. Ziaullah, DDA for respondents No. 1 to 3 and counsel for respondent No.4 alongwith Mr. Mukhtar Ali, Librarian present.

The petition in hand is essentially for implementation of order dated 09.10.2018 passed by this Tribunal in service appeal No. 1213/18. It is also the contention of petitioner that due to the specific order of maintenance of status-quo dated 09.10.2018, the petitioner is performing her duties as Warden, Girls Hostel while she is denied payment of her monthly salary w.e.f 07.06.2018 i.e the date of the notification relieving the petitioner and placing her services at the disposal of Health Department Government of Khyber Pakhtunkhwa. The same has been impugned in appeal No. 1213/2018 which is still pending for disposal.

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It appears, also through the contents of reply submitted by respondent No.4 with regard to the implementation petition, that the concerned respondent is seeking protection qua non-payment of the salary to the petitioner, purportedly from the order dated 09.10.2018. It is the stance of respondent that on the said date the Tribunal had only ordered the maintenance of status-quo

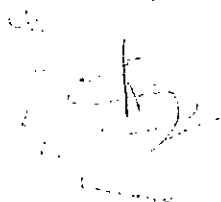
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Adjourned to 23.08.201 before S.B.


Chairman



1202
16-11
17-11
20-11
19-8-19
19-8-19

**OFFICE OF THE
DIRECTOR FINANCE
KTH/KMC/KCD PESHAWAR**

No. DF/Audit/2009-10/ 414/10

Dated: 12.06.2010

To


The Principal
KMC Peshawar.

Subject: IRREGULAR PAYMENT OF HOUSE RENT ALLOWANCE TO
MRS. MUMTAZ BEGUM, WARDEN-RS.267305/-


It has come to the notice that the above named officer has been allowed Govt. Accommodation and she is drawing regularly house rent allowance in her monthly salary w.e.f. 1.09.2002 to 31.05.2010 at the following rate.

S.No.	Period	Monthly House Rent Allowance	Total
1	1.09.2002 to 30.06.2005	Rs.1291/- PM	RS.43894
2	1.07.2005 to 30.06.2007	Rs.3213/-PM	RS. 77112
3	1.07.2007 to 30.06.2008	Rs.3695/-PM	RS.44340
4	1.07.2008 to 31.05.2010	Rs.4433/-PM	RS.101959
Grant Total			RS.267305/-

~~(You are therefore requested to kindly direct the officer to immediately recover the above amount.)~~


AUDIT OFFICER
KTH/KMC/KCD
PESHAWAR

Copy forwarded to Mrs. Mumtaz Begum, Warden KMC Peshawar.


AUDIT OFFICER
KTH/KMC/KCD
PESHAWAR

12/6/10

Note for approval

Mst Mumtaz Begum Ex-Warden Girls Hostel Khyber Medical College Peshawar was retired from Govt: Service w.e.f 24-09-2012. Her bill of encashment of 365 days in lieu of LPR for Rs.582,000/- was sent to the KTH for pre-Audit. ~~However, Resident Assistant Director (RAD) raised some audit objections~~ on the bill regarding the recoveries in the shape of House Rent, Conveyance Allowance and Utilities charges, as she was residing in the 4 rooms house within the premises of the girls hostel.

The case has been discussed with Director Finance KTH/KMC/KCD and he suggested that House rent recovery may be made on the analogy of KTH rooms at fixed rate of Rs.100/- per room. Similarly Sui Gas and Electricity charges are to be recovered at the rate of Rs. 100/- and Rs.150/- per month w.e.f 1987 to 2013.

A part from above she was also entitled to warden allowance w.e.f 1987 to 06/2009 at the rate of Rs.75/- and w.e.f 07/2009 to 9/2012 at the rate of Rs.2000/- at revised rate. Detail of recoveries and arrears are as under.

Total Encashment Amount	$\frac{48500 \times 365 \times 12}{365} =$	Rs.582,000
Total Warden Allowance w.e.f 1987 to 06/2009 @ Rs.75 P.M x264		Rs. 19,800/-
Total warden Allowance w.e.f 7/2009 to 9/2012 @ Rs.2000 P.M x 38		Rs. <u>76,000</u> /-
<u>Total amount due.</u>		Rs. 677,800

Total amount Recoverable:

1. Sui Gas Charges from the year 1987 from the warden Girl,s hostel
From 01-09-2002 to 01-09-2012 (145 months) Per Room Rs.100/- Rs.14500/-
2. Electricity charges from 01-09-2002 to 01-09-2012 from the Warden
(145 months) Per month Rs.150/- Rs.21750/-
3. House Rent Allowance Deduction w.e.f 1-9-2002 to 31-5-2010 Rs.237197/-
4. Conveyance Allowance deduction w.e.f 1.9.2002 to 31.5.2010 (56 Months) Rs.106640/-

Total amount recoverable **Rs.380087/-**

Net amount payable (Rs. 677,800-Rs.380087)= Rs. 297713/-

Submitted for approval and sanction please.

Principal
KMC Peshawar

As proposed

28
13/07/13

AR
Account Officer
KMC Peshawar

13/7/13

A.O.

Detail of deduction of conveyance allowance in respect of Mst: Mumtaz Begum are as under:-

S.No	Period	Monthly conveyance all:	Total
1	01-09-2002 to 01-01-2004 (28 months)	Rs.620/PM	Rs.17360/-
2.	01-07-2005 to 30-06-2007 (24 months)	Rs.1240/-PM	Rs.29760/-
3.	01-07-2008 to 31-05-2010 (24 months)	Rs.2480/-PM	Rs.59520/-

Grand Total Rs.106640/-

KHYBER MEDICAL COLLEGE PESHAWAR

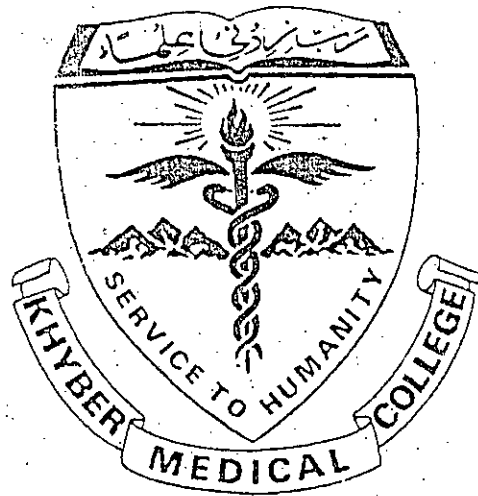
YEAR

STUDENT

DATE

ROLLING

NUMBER



WORKING PAPER ON MANAGEMENT OF KHYBER
MEDICAL COLLEGE PESHAWAR FOR D.A.C FOR
THE FINANCIAL YEAR 2007-08 UNDER GRANT NO.13.

ADVANCE PARA BASED ON ACCOUNT OF KHYBER MEDICAL COLLEGE, PESHAWAR FOR THE YEAR 20067-08.

RECURRING LOSS OF RS.70740/- ON ACCOUNT OF UN-AUTHORIZED DRAWAL OF HOUSE RENT ALLOWANCE AND OTHERS.

AUDIT PARA NO.	<u>ADVANCE</u> <u>PARA NO!</u>	<u>AUDIT OBSERVATIONS</u>	<u>REPLY OF THE DEPARTMENT</u>	<u>COMMENTS OF THE CONTROLLING OFFICER</u>	<u>DECISION OF D.A.C.</u>
	[315]	<p>According to FR.45 (C) and order issued there under from time to time a Govt. officer/official provided with Govt. residential accommodation with in premises of duty is not entitled to draw House Rent Allowance. In the office of Principal Khyber Medical College Peshawar <u>Mst Mumtaz Begum warden</u> Personal No. 1954053 had been provided residential accommodation since long. <u>(However, the scrutiny of pay roll disclosed that she was drawing H.R.A. @ Rs.3695/- Per Month and recovery of 5% deduction of Rent has also not deducted in the pay roll.</u> This cause recurring loss of Rs.58740/- (3695+1200=4895*12=58740/-). Moreover, consumer charges i.e Electricity, Sui Gas and Water</p>	<p>The entire building is meant for residential purpose of KMC Girls students. There is no other facility with in its premises such as staff accommodation. The duty of the warden is whole time and is spread up on round the clock. The area which has been named as residential accommodation by audit party is of two office rooms (i.e) a room/sleeping room of warden/house keeper. Families of both the employees are residing outside the hostel. Since non of the two can leave the hostel therefore sleeping/retiring room is very essential therefore the premises pointed out are not residential one therefore ^{no} allotment orders has ever been made. Further it is also not</p>		

Recovery should be made immediately under in line and

	<p>charges were also not recovered, which are worked out Rs.12000/- @ Rs.1000/- P.M. The total loss P.A. would be worked out Rs.70740/-. When pointed out it was replied that detail reply would be furnished after consulting the record. Matter is brought to the notice of higher authority for investigation towards recovery of Govt: dues to make good the loss.</p>	<p>included in list of accommodation. In view of the above the warden deserve for extra remuneration for performing duties round the clock instead of present observation the para is not based on facts and may be dropped.</p>		
--	--	--	--	--

Imdad
 Assoc. Prof. of Biochemistr
 Drawing & Dissection Officer
 Khyber Medical College
 Peshawar



**KHYBER PAKHTUNKHWA
MEDICAL / DENTAL COLLEGES**

**PROSPECTUS
2018 - 19**

DEPARTMENT OF HEALTH
Government of Khyber Pakhtunkhwa

WARDEN

- a) The warden shall be directly under the control of the hostel administration that will look after the hostel affairs.
- b) The warden, in all matters requiring approval, attention or advice of the College administration, relating to discipline or change of conditions in the hostel or any deficiency shall inform/report to the Assistant Provost Office.
- c) The warden shall make the admission of the students on the prescribed form and will maintain complete record of the students and to issue hostel leaving certificate to a resident student after clearance.
- d) The warden, in consultation with the hostel superintendent/house keeper shall make a Food Committee consisting of 5 resident students from different classes, one of them will perform the duties of Senior Food Monitor.
- e) The warden shall constitute a Sports Committee for the hostel comprising of 5 students, one of them will work as the Sports Secretary.
- f) The Warden in consultation with the Assistant Provost will report all cases of indiscipline or breach of regulations and orders relating to hostel affairs to the Chief Provost.
- g) The Warden shall supervise the activities of washer-man, tuck shop and mess contractors and ensure payment of dues by them to the account branch before 10th of each month.
- h) The Warden will not stay out of hostel during night without prior permission of Assistant Provost or Dean/Principal, as the case may be.
- i) The Warden will be responsible for the safety of hostel property for which he/she shall maintain complete record and also maintain accounts record which will be checked annually by the Accounts Officer and by the Physical Verification Committee of the College. He/ She will be held personally responsible for any damage or loss sustained to the hostel Property.
- j) In case of leave from the hostel he shall inform the Assistant Provost and the Chief Provost.
- k) ~~Part-time; the warden shall be provided rent free accommodation in the hostel and shall be granted an allowance of RS. 3000/month.~~

SUPERINTENDENT/HOUSE KEEPER Is responsible:

- a) To implement the hostel's regulations with the help of Warden, Assistant Provost and Provost.
- b) To report to the warden every month about non-payment of various funds like mess dues, room rent, electricity and gas charges etc payable by each boarder from date of his/her admission. He/ She shall also report to the student affairs section about the non-payment of dues.
- c) To physically verify the presence of students in their allotted rooms and to check and report the stay of outsiders in the hostels to the warden.
- d) To maintain and prepare the list of monthly mess dues of each boarder.
- e) To check the attendance of the staff working in the hostel and to keep their leave record in their personal files.
- f) To maintain the stock register of permanent and consumable items such as crockery, furniture and other articles of the hostel.
- g) To check and report the water, electricity and gas problems of hostels and communicate them to the concerned authorities through warden and provost.
- h) To check the cleanliness inside and outside the hostel premises.
- i) To look after the common room and supervise indoor and outdoor games.
- j) To prepare demands as per college rules and to route the demands through hostel administration and main store department of the college.
- k) The House keeper will not stay out of hostel during night without prior permission of Warden, Assistant Provost or Chief Provost as the case may be.

HOSTEL CLERK Is responsible:

- a) To maintain all sorts of account books, stock register etc.
- b) To help the Superintendent/House Keeper of the hostel and perform all sorts of clerical work.
- c) To perform any other duty assigned by the hostel administration.

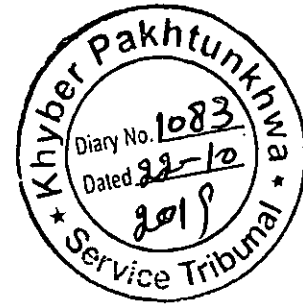
HOSTEL SECURITY

Hostel Security staff will keep liaison with Security Officer of the concerned college for all matters concerning to Security.

HOSTEL ADMISSION

- a) Accommodation in the hostels is a privilege and cannot be claimed as a right. Accommodation being limited in the hostels may not be provided to all the applicants.
- b) Only those students, who are on the roll of the Medical/Dental College, may be allowed admission in the hostel.
- c) Accommodation in the hostels is to be provided on merit cum seniority basis.
- d) Students having accommodation (personal, or official) within a radius of 20 kilometers of the district where the college is located will not be eligible for hostel accommodation.
- e) Students seeking hostel accommodation are required to apply on the prescribed hostel admission form. Students shall submit duly completed forms along with three passport size photos affixed on the hostel admission form and a copy of the DMC of the last exam passed. The forms after necessary scrutiny will then be forwarded to the office of the Assistant Provost. (In case of submission of incorrect/ false information hostel admission will be cancelled and will be fined Rs. 10,000/)

The Dean,
Khyber Medical College, Peshawar.



Subject: REQUEST FOR ALLOWING 05 DAYS LEAVE.

Sir,

Reference your letter No. 9330 / Estt/KMC Dated: 16/10/2019 on the subject noted above (copy enclosed, Annex-A). In this connection, upon your desire the undersigned has already been replied in detail to your good-self on 05/10/2016 through registered courier bearing receipt No. 4763711357 (copy enclosed, Annex-B). Without perusal of the previous detail record, you again asked the same vide letter No. 8813/Estt/KMC Dated: 04/10/2019, which was again replied to your good-self on dated 06/10/2019 through a registered courier receipt bearing No. 4763708646 dated 07/10/2019 (copies enclosed, Annex-C). At least you have acknowledged of receiving the undersigned replies as mentioned in your fresh letter No. 9330/Estt/KMC dated 16/10/2019. Furthermore it will be highly appreciated that if you mentioned the rules regulation for a Civil Servant that in an emergency the ailment person will get treatment in Government hospital only. The raised questions in your letter only fit in that condition where the undersigned submit an application to you for the re-imbusement of the spent amount on her medical treatment. The undersigned time and again cleared that she is sufficient educated and on realizing the symptoms of dengue fever she rushed to get medically examined and the record of the laboratory test & visit, medical certificate / prescription of a Doctor and advised for bed rest, cash memo of the medicines are enclosed, Annex-D.

It is worth mentioning here that your personal grudges with the undersigned and her spouse is on the record, which are already communicated with the evidences to Chairman BOG KTH Peshawar, Worthy Chief Secretary KP Peshawar, Honorable Registrar Services Tribunal KP Peshawar etc. Your latest letter No. 9330/Estt/KMC dated 16/10/2019 is a piece of a chain to put stigma on my service with financial loss and malign and tease me. I reserve the right to have a sue against you in receiving any negative order.

Encl: (a.a)

Dated: 18/10/2019

Total Pages-18.

Saba Memoona

WARDEN, BS-17
KMC Girls Hostel, Peshawar.

03459142327

Copy for Information & Record.

- 1) Worthy Chief Secretary KP, Peshawar.
- 2) The Honorable Registrar, Services Tribunal Khyber Pakhtunkhwa, Peshawar. (In implementation [petition No. 225/2019 in appeal No. 1213/2018].)
- 3) The Chairman BOG KTH Peshawar.

Placed on relevant petitioner.

Reader

22/10/19



KHYBER MEDICAL COLLEGE PESHAWAR
OFFICE OF THE DEAN

091-9222162
 091-9222163
 principal@kmc.edu.pk
 dean@kmc.edu.pk

No. 9330 /Estt/KMC

Dated: 16/10 /2019

To

Mst. Saba Memoona
 Warden
 Girls Hostel, KMC.

Subject:- **REQUEST FOR ALLOWING 05 DAYS LEAVE.**

Memo:

Reference your reply vide diary No. 5370 dated 08/10/2019.

Reference this office letter No. 8813/Estt/KMC dated 04/10/2019, you are once again directed to furnish the following medical certificates from the Govt. sector Hospital as per rules within 03 days positively to proceed further in the matter:-

1. OPD slip
2. Investigations/Tests reports of Laboratory
3. Advised bed rest from authorized medical practitioner showing his name, stamp, signature and prescription.

DEAN
 KHYBER MEDICAL COLLEGE
 PESHAWAR

No. 9331-32 /Estt/KMC

Copy to:

1. The Honorable Registrar Services Tribunal Khyber Pakhtunkhwa, Peshawar.
2. The legal advisor, KMC.

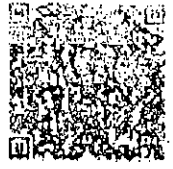
DEAN
 KHYBER MEDICAL COLLEGE
 PESHAWAR

Route

-3-

Annex - "B"

GST No. 12-009608-002-73



CN: 4763711357

Product: C G

Payment Mode: CASH Date: 2019-10-05 15:29

ORG-DES: PEW-PEW

Staff: 111835 1Pcs - 0.8 Route: X33102

Shipper Details

Name : SABA NEMOGNA W.R.
Phone : 03337606137
Address : KMC PEW.....

Shipper Details

Name : NOORUL IMAN KMI.
Phone : 03338131322
Address : UNIVERSITY CAMPUS PEW

Shipper Details

Rs. 0

Shipper Details

Service CHG	180.0
Other Amount	0.0
VAS	0.0
Insurance CHG	0
GST	25

TOTAL 190.0

Remarks

Instructions

ON SHIPPER RISK

Customer Signature

R

For Terms & Conditions Visit
www.tcs couriers.com/tnc
 TCS Headquarters, 101-104, Civil Lines
 Club Road Karachi - 75202, Pakistan
 UAN : 111 123456 Web : tcs.com.pk
 (Shipper Copy) # 1.43

The Chairman,
Disciplinary Committee,
Khyber Medical College, Peshawar.

Subject: **CHARGE SHEET.**

Ref: No. 8564/Estt/KMC dated 26-09-2019 and No. 1096/CM/KMC dated even (copies enclosed as Annex

A).

Sir,

With due respects, before proceeding further, I would like to mention about the previous letter (No. 1078/DC/CM/KMC Dated 23-09-2019) calling upon me for personal appearance before the Disciplinary Committee which for its incomplete narration, have already replied to (copies enclosed as Annex B). The letter under reference is the outcome of my request.

In this MTI institution there are four categories of employees.

- (i) Civil-Servant who have not opted for absorption under the Medical Teaching Institutions Reforms Act 2015 (MTI Act 2015) and continue to serve the health department in the MTIs.
- (ii) Civil Servants who have opted for their absorption in the MTI under the MTI Act 2015.
- (iii) Employees who have been appointed under the Medical and health institutions and Regulation of Health-Care Services Ordinance 2002 (2002 Ordinance) and whose services are protected under Section 16 of the MTI Act 2015.
- (iv) Those employees who have been recruited directly under the MTI Act 2015.

I having from the category (1st). I was posted in this institution in the best public interest and am not a deputation (copies of relevant record is enclosed as Annex C) and as such any disciplinary action, if any, is to be got approved from the Competent Authority of the lending department. The KMC authorities and BOG KTH cannot proceed against me without the prior permission of the Competent authority (Honorable Chief Secretary KP) as per Notification of the Government of Khyber Pakhtunkhwa Establishment and Administration Department dated 16-09-2011, No SO(REG-VI)E&AD/2-6/2010 Section 16 "Procedure of inquiry against Government Servants lent to any other government department, corporation, corporate body, autonomous body etc" (copies enclosed as Annex D).

Despite the fact that no obligations have been fulfilled in order to proceed against me i.e the Competent Authority (Chief Secretary) has not been apprised of the fabricated situation to obtain permission, I would however reply to the charge sheet in its order.

Para 1. This charge speaks loud of the intentions of the just adding to the number of allegation. Apart from the use of abusive and rough language against a respectable female, the allegation is but out of trash, anonymous as it is because the absence of names of the students and the nature of "minor things" provide no reason to behave it worth consideration. It should have been ignored for the lack of basic requirements yet it still was added to the allegation, just out of malafide intentions.

I in-fact have never quit the charge and the term "back" is out of question for the so called students. Only my pay was stopped and the hurdles were and still created in my job duties by the KMC administration, and the salaries were released on the Honorable Court orders (copies enclosed as Annex E). I wonder as to what make them believe that I was back when I had not gone else-where and kept performing my usual duties continuously. That the allegations against me are false, baseless, and unfounded besides based on malafide the allegations do not disclose the name of any student, which thus as per law and instructions of the government is anonymous complaint, upon which no proceedings can be initiated. The action as such is violative to the law and rules, which violation is contrary to good conduct, thus constitutes misconduct, and I have the right to approach the competent forum / authority for the same. This allegation being baseless and false, does not deserve to be answered.

Para 2. This is even more ridiculous allegation and unfit to be called an allegation and included to list. Here again the language is rough and unnecessarily been added to in a manner to show the intention of a respectable office holder. I reserve the right to lodge a complaint.

The nature of the allegation is but an attempt to malign me and torture me mentally. I have no concern with what an employee wears and keep herself clean. Why on the earth for I might have objected her dress / attire or even one's looks. Everyone has a right to dress him / herself decently and is purely a personal matter. If, for example, I have a habit to object things like that then why only her and not all the rest of the employees. There should have been some evidence / proof to substantiate the charge. There are six Khalas, and even number of female Sweepers. Male staff consist as Head Dearer (one), male Bearers are (nine), Mali (one), generator Operator

-4-
-1-
Recd by
Abdul Basit
(computer operator)
07-10-019

-2- -5-

Clerk / Superintendent (one), Chowkidars (three), Security Guards (private) are five. None of the staff might ever approached you for any misbehavior.


- (i) I have not authority to dismiss any employee from service why should have threaten her to snatch the bread.
- (ii) I have nothing to do with whatever she does out of the office premises and do I have time to watch her coming / leaving on bikes or cars?
- (iii) I have no knowledge about the allotment of a residential quarter to her. The fact about her claim regarding the allotment of quarter may be got first confirmed from her previous pay slips and if yes then the recovery order of quarter rent / deduction of house rent allowance be issued. However, the quarter / house number with her name has not been seen in the previous list accommodation for officials of the KMC provided / allotted to them (copies enclosed as Annex F). Furthermore, if she was provided with quarter, then she must have the allotment letter or utility bills as per her claim.

Now, as there is mention about the principal of democracy/freedom/equality/tolerance and social justice in a government office, the words used for me indecent/immoral/ridiculous, and the words of the so called in application calling me (Feroun) and teaching me a lesson, what action has been taken against her and what about my castigation by your good-self? It is not chastise, harsh and burdensome? What should I expect for all this behavior meted out to me? Again this applicant has mentioned me as "restored". How come she knows that I had been removed and restored when I have not even moved from the office / hostel even for a single day. The phrase used in both the application gives rise to the suspicion that both these applications were written by the same person to vent his spleen.

Para 3. Again calling me Ex-Warden where as I had not been transferred / removed from my present post. The charges leveled against me have not been explained or mentioned of it. Only a charge not proved or backed by evidence is no more than a trash and a defaming act. It is a fact that a person of character remains a person of character no matter what the others may say about him / her. I have no concerned with the personal life of others and why should I say nasty things about my staff? I don't see any reason to do such things.

The hand writing of the applicant is different from her original style and the name of the applicant has written as "Nafees Jamal" instead of Mst Nafees Jahan (copies enclosed as Annex G). This is a serious matter. The hand writing and the signature may be got confirmed first through F.S.L. I am sure that this is fabricated and I have the right to sue all the concerned for my dishonoring.

Para 4. I think the statement of Mr. Muhammad Ibrahim (Head Bearer) has been misunderstood. The matter of generator inquired for being running excessively and the orders of Chief Provost were provided. Actually in past the over consumption of P.O.L of generator was objected and I was asked for its justification (copies enclosed as Annex H). I inquired the said matter just to avoid audit observation.

The parking of a private car in the premises of hostel was objectionable and again the order obtained from Chief Provost on "WhatsApp" was produced. 

As you know that I am responsible for the hostel building and the matter related to the premises and persons. In the face of prevalent situation the private vehicles cannot be allowed to be parked without my prior permission which on no account would have I allowed. The car is parked besides the main electricity board, 200 KV generator and switch box (pictures enclosed as Annex I). It needs hardly a mention that car parking is separately available out of the building. This act (parking inside the car) is no less than risking the precious lives of the people around. I had discussed the matter with the Head Bearer and not with Mst Nafees Jahan. The car does not have any recognition sticker or mark and Police clearance.

There is nothing mentioned about the Mst Hina Kafeel is his statement. The inclusion of Hina's name in charge sheet reveals ill intention of the Chairman Disciplinary Committee to make the matter further complicate. Mr. Muhammad Ibrahim has further appreciated my behavior and integrity in his concluding lines of statement.

Para 5. As far as the case of my ailment, I being sufficient educated, I on realizing the symptoms of the dengue, got alarmed and rushed to get medically examined. The result of test has already been provided to your good-self. My test was flatly objected for not having a documentary proof. I had directly gone to the lab for test; hence no reference chit is required as nowadays the dengue virus is common almost in country. If you have any doubt about the test result you can challenge it. I have the record of my visit to the laboratory already (copies enclosed as Annex J). Furthermore, instead of showing any sympathy with an ailing person you choose to call me culprit etc in your letter. I reserve the right to knock at the door of court for this harassing behavior at proper time.

I would have been pleased to come to you and explain your position regarding asking me to appear before you without following the proper way and procedure i.e the permission of the Competent authority (Chief Secretary) through Chairman BOG KTH in my case. I am not obliged to follow this irregular and illegal inquiry.

FACTS. Before this present attempt, I had been targeted by the same Dean KMC (Noorul Iman) setting an inquiry in connection with a difference with the parents of a student. Instead of helping and appreciating me, he relieved me without having such powers despite the fact the parents realizing their fault, excused and patched up (copies enclosed as Annex K). I challenged his orders and consequently suspended the order by Honorable Service Tribunal Peshawar (copies enclosed as Annex L). The matter is still subjudice. He did not stop and fixed planks / sealed the door opening into hostel (pictures enclosed as Annex M). He also lodged an FIR against me and my spouse to harass us (copy enclosed as Annex N) and BBA was confirmed by merit (copies enclosed as Annex O). After some time, he along with administration of KMC and police broke pad lock of my residence and carried away record etc. The SHO was reluctant to register FIR, I submitted petition under 22A Cr. PC in the court of law, which was allowed (copies enclosed as Annex P). The Police station again was hesitant and therefore I applied for C.O.C (copies enclosed as Annex Q). The Dean and his administration got stay order from the Apex court and succeeded in allowing their petition (copies enclosed as Annex R). Now I have approached the Honorable Supreme Court against the said order and the case is still there (copies enclosed as Annex S). He participated in 38th BOG meeting, and again succeeded in relieving me through BOG KTH on 07-06-2018 (copies enclosed as Annex T). I again approached the court of law and who was kind enough to suspended the said orders (copies enclosed as Annex U). The Dean was not in a mood to follow the Court's orders, then I submitted petition of implementation against their not following the court order. The Court orders to Dean for releasing the salaries including continuation of Service as Warden (copies already enclosed as Annex E). Having been given relief the Dean and his administration have got furious and are sparing no time to torture (mentally), embarrassing and harassing me. In an attempt to damage my service and financial position. A copy of his letter No. 8134/Estt/KMC dated 12-09-2019 and its reply is being attached herewith as an evidence of the financial loss to me for no reason (Annex V). To further damage my image, documents meant to be signed by me were got signed by other persons (copies enclosed as Annex W). Instead of obeying the Court's orders, the Dean and his administration snatched my office, record etc from me. I have time and again requested for the compliance with Court's order and they are not paying head to Court's orders (copies enclosed as Annex X) and are sending letters just to harass me. All these are the pieces of chain of their taking pleasure in such nasty practices. The Dean has become just a nuisance and a trouble maker for all those who refuse to follow his sweet well and some reply of the letters of other staff members of KTH/KMC are available for the proof with newspaper cutting. (copies enclosed as Annex Y).

FINAL. It is therefore requested that being fabricated and false cases against me based upon the Dean (Noorul Iman) nefarious designs, the charges levelled against me, be firstly approved through Chairman BOG KTH Peshawar from the Competent Authority (Honorable Chief Secretary KP) as per Notification of the Government of Khyber Pakhtunkhwa Establishment and Administration Department dated 16-09-2011, No SO(REG-VI)E&AD/2-6/2010 Section 16 "Procedure of inquiry against Government Servants lent to any other government department, corporation, corporate body, autonomous body etc" with a provision of a chance for personal hearing and cross questioning against the complainants. Till such time, I will request you to let me work with the peace of mind and concentration.

Encl (a.a)
Total Pages: 184.

Office of the A.O.
(M.T.I) K. P.
Dairy No. 672
Date 17-10-19

Saba Memoona
Warden, BS-17
KMC Girls Hostel,

Peshawar University Campus, Peshawar.

Dated: 01-10-2019

Copy for Information & Action as per Law:

- 1) Honorable Chief Justice Peshawar High Court Peshawar, (through Respected Registrar Peshawar High Court).
- 2) Worthy Chief Secretary KP, Peshawar. - 57-110/19
- 3) Respected Director Human Rights at Peshawar High Court, Peshawar.
- 4) Honorable Chairman / Chief Provincial KP FOR OMBUDSMAN, HAYATABAD PESHAWAR. dairy no 989 date 7/10/19

SSIE BRANCH
CHIEF SECRETARY
GOVT of Khyber Pakhtunkhwa
Peshawar

9/22 dated: 07/10/19
forwarded to Secretary Health

Copy for Information & Record.

- 1) Honorable Registrar Services Tribunal KP Peshawar. (Service Appeal No.1213/2019, coming date: 15-10-2019)
- 2) Chairman B.O.G KTH/KMC/KCD Peshawar.
- 3) All members of B.O.G KTH Peshawar.
- 4) Dean KMC Peshawar Mr. Noorul Iman.

Signature
7-10-19



-7- Annex-C

KHYBER MEDICAL COLLEGE PESHAWAR
OFFICE OF THE DEAN

091-9222162
091-9222163
principal@kmc.edu.pk
dean@kmc.edu.pk

No. 8813 /Estt/KMC

Dated: 4/10/2019

To

Mst. Saba Memoona
Warden
Girls Hostel, KMC.

Subject:- **REQUEST FOR ALLOWING 05 DAYS LEAVE.**

Memo:

Reference your application for 05 medical leave dated 24/09/2019.

You are directed to furnish proper medical certificate from the Govt. sector Hospital as per rules along with investigations within 03 days positively to proceed further in the matter.

[Signature]

DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR

No. 8814-15 /Estt/KMC

Copy to:

1. The Honorable Registrar Services Tribunal Khyber Pakhtunkhwa, Peshawar.
2. The legal advisor, KMC.

[Signature]

DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR

-8-

The Dean,
Khyber Medical College, Peshawar.

Subject: REQUEST FOR ALLOWING 05 DAYS LEAVE.

Sir,

Reference your letter No. 8813 / Estt/KMC Dated: 04/10/2019 on the subject noted above (copy enclosed). In this connection, upon your desire, I have already submitted my detail written reply to the charge sheet No. 8564 / Estt/KMC dated 26/09/2019 and No. 1096 /CM/KMC dated even on the subject matter at Para 5 with explanation and sufficient record of my ailment for your perusal. A copy of the same was sent to you for the information and record through registered courier bearing receipt No. 4763711357 dated 05/10/2019 (copy enclosed).

Encl: (a.a)

Dated: 06/10/2019

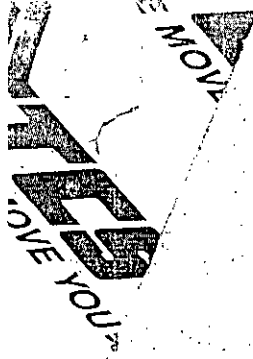


Saba Memoona

WARDEN
KMC Girls Hostel, Peshawar.

Copy for Information & Record.

- 1) The Honorable Registrar, Services Tribunal Khyber Pakhtunkhwa, Peshawar. (In implementation petition No. 225/2019 in appeal No. 1213/2018).
- 2) Worthy Chief Secretary KP, Peshawar.
- 3) The chairman BOG KTH Peshawar.



GST No. 12-009808-002-73



CN: 4763708646

Product: C Service Type: 0

Payment Mode: CASH Date/Time: 2019-10-07 12:18

Orig/Des: PEW-PEW Pieces: 1 Pcs - 0.5
Staff: 104867 Route: X33109

Shipper Details
Name: SABA MEMOONA WARDEN
Phone: 03337606137
Address: WARDEN RESIDENCE K.M.C PESHAWAR UN
CAMPUS PESHAWAR \

Consignee Details
Name: THE DEAN K.M. C PESHAWAR
Phone: 55552222222
Address: KYBER MEDICAL COLLEGE PESHAWAR UNI
CAMPUS PEW

Insured Value: Rs. 0

Payment Details	
Service CHG	122.0
Other Amount	0.0
VAS	0
Insurance CHG	0
GST	18
TOTAL	140.0

Remarks:

Instructions:

Customer Signature:

For Terms & Conditions Visit
www.tcscouriers.com/tnc
TCS Headquarters, 101-104, Civil Aviation
Club Road Karachi - 75202, Pakistan
UAN : 111 23456 Web : tcs.com.pk
(Shipper Copy) V-1.43

KHYBER Clinical Laboratory

9 Amir Market, Opposite K.T.H. University Town Peshawar



کھنبر کلینیکل لیبارٹری

Ph: 091-5851222 Reg # KPHCC(F)4573-0/08670

E-mail: khyberlab@gmail.com

Name :- Saba Memoona

Sex :- Female

Code :- 23/09-19-03

Age :- 39 Years

Ref. By Dr. :-

Specimen :- BLOOD

Date :- September 23, 2019 8:15pm

TEST REQ. :- DENGUE NS1 // IgG /// IgM :-

Blood for Dengue Test NS1 :----- **"POSITIVE"**

(ICT method for the qualitative detection of dengue virus(DEN1,2,3,4)
antigen in human serum)

(Immunochromatoraphic Technique)

Outside Specimen

Electronically generated report signature not required 010:37:04 AM (Not Valid For Court)

Dr. Shakeel Khan
Consultant

Abdul Mateen
Bio-Chemist

Dr. M. Yousaf Khan
DMLT (GIMS) Pesh.
DHMS (NCH) Isl.

Saifullah
DMLT (MKD)
Microbiologist (m.Phil)

Shereen Badshah
DMLT (PGPI) Pesh.



Annex-D

-10-

23/09/19.

-11-

102

1,	Siraj Tg - 173 C861 - 270 102 - 39 102 - 136 Ca ⁺ 8.6 Aug - 190 1. 1/12 0-1 1. 2/12 3-4 3-4-4 MT TT 1.00 Acetic 0	10,	m/o Ashraf Aug 174 - 154
2,	Zeeana Dengue Neg CBC 2001 B-500	11,	m/o Anjum Aug 96
3,	Sunayya Tg - 149 C87 - 186 Aug 236 Typhic -	12,	Ashraf Khan Aug 117 102 C813 - 92 23 200
4,	Aala Mohammad Aug 222 262	13,	Imam Dina Aug 204 209
5,	Umar Guler Aug 153 151	14,	Mian Zahid 14/12 NK 1.252
6,	Rashid Khan Aug 224 194	15,	Halima gp (CA) Reshore
7,	m/o Umar Hashim Aug 133 - 123	16,	Aman Ullah CBC
8,	Akhtar Ali Typhic - No Dengue Neg CBC 9.0	17,	Khadiga Aug 134 167
9,	Junaid Aug 66	18,	Gul Nisar CBC RBS 12.198
	0342-9284153	19,	Dilshad CBC RBS 112

21 M. HASRIL K. HAY
 CBL. 10/12-1987
 DIR. D.9 D.5UC-1987
 PT 14/12 APTT 21/12
 INP. 1.24
 BR 0.55 NET III AP. 187
 17.0

21 M. RUKH
 CBL. 10/12-1987
 D.5UC-1987
 PT 14/12 APTT 31/12
 INP. 1.24
 13.0

22 M. W. T. H. A.
 CBL.
 1.5

23 Kalsom
 CBL. 10/12-1987
 Ca⁺⁺ 8.9
 L.R. 1/2
 1.0

24 M. H. H. H.
 C-1987
 RBS 173-182
 4.0

25 Momen K. dom
 RBS 7.9
 0307-900 8523
 1.0

26 Jamal
 CBL.
 1.0

27 Asrul ALIOP.
 STERIL QUANTI STERIL-1987
 4.0

28 IMAD
 Semen 90/95/1987
 10/05/04/10/04
 3.0

28 Lila
 10/12-1987
 3.0

29 M. S. Y. B. B.
 CBL.
 1.0

29 K. H. H. H. H. H.
 CBL.
 1.0

30 M. H. H. H. H.
 1.0

31 M. R. H. A. I.
 CBL.
 1.0

32 M. H. H. H. H.
 CBL.
 1.0

34 H. H. H. H. H.
 RBS 25
 2.22
 1.0

35 M. H. H. H. H.
 CBL.
 1.0

36 Anam Istary, S. Life
 L. H. H. H. H.
 1.0

<p>37, ABDUL MALIK Wife RWS-02 Ay. ++ Aty. all. PC 10</p>	<p>1, Nazir Ullah 19-139 C.H.D. MDL-38 Aug 13 124 RT 24 U 15 HbTC 5.2 U-R/B</p>
<p>38, ABDUL WALI RBS 78 CBL 3.0</p>	<p>2, Mrs. Nazir Ullah Aug 12 113 RT 27 U 15 HbTC 5.2 U-R/B</p>
<p>39, Naimat Ullah Cik Dengue - negative 5.2</p>	<p>3, Mrs. Nazir Ullah Aug 12 113 RT 27 U 15 HbTC 5.2 U-R/B</p>
<p>40, Farsi Ullah CBL RBS 78.253 2.2</p>	<p>4, Yasir Shah Aug 26 RT 27 U 15 HbTC 5.2 U-R/B</p>
<p>41, Mr. Tariq Shah CBL RBS 78.253 Wife RWS-03 EPR-05 Ay. ++ Aty. all. PC 10</p>	<p>5, Shehzad CBL RT 27 U 15 HbTC 5.2 U-R/B</p>
<p>42, Sunny RBS 78.253 Ured 18 CBL RT 27 U 15 HbTC 5.2 U-R/B</p>	<p>6, Atiq Ullah U 27 CBL RT 27 U 15 HbTC 5.2 U-R/B</p>
<p>43, Farooq CBL RT 27 U 15 HbTC 5.2 U-R/B</p>	<p>7, Tifaj CBL RT 27 U 15 HbTC 5.2 U-R/B</p>
<p>44, Atam Insa Memon Dengue - Positive RT 27 U 15 HbTC 5.2 U-R/B</p>	<p>8, Fozat K-3.9 RT 27 U 15 HbTC 5.2 U-R/B</p>

16, 9,	Arshad Ali CBC 1.0	18,	Abdul Sumad CBC Dengue Neg 6.0
16, 10,	Tahir CBC 1.0	19,	Abdul Rahman CBC 1.0
11,	Ahmad Bil 47 Dised. 1.7 Ind 9.0 GPRD 20 min B.G-A-ve 7.0	20,	Aala Muhammad RBS 416 399 1.0
12,	Kashif Typhoid Neg RPR N 5.0	21,	Arif Khan Albunin 3.9 1.5
13,	Ajma MP No Typhic = CBC Dengue Neg 23, B. N C N 9.0	22,	Mantaha CBC 1.0
14,	Azwar Khan Sige 209 1.0	24,	Aliga CRP 6.0 7.0
15,	Maria CBC Dengue Neg 1.0	25,	Shams Tg 134 Chad -159 3.0
16,	Touiza U. Rte 2.4 MSR 12-15 3+4+8 1.0	26,	Mahmud Typhoid 1.5
17,	Mashal CBC MP No Dengue Neg 5.0	27,	Fahad Khan Dengue Neg CBC 6.0
		28,	Joya CRP Neg 1.0

29, Shehab 07 39, Zuhair
 Urine R/G^o 1/6^o MS I - Positive
 Rbc - 0-2. WBC - 0-2. No Parasites CBC

30, Saima 39, Faiz-e-Moula
 Dengue - Neg. B Dengue - Negative
 CBC

31, Rehmat 41, Amanullah
 Gb PD - 6/mm³ CRP - 26.0 9.0
 CBC

33, Hamza 42, Rabia
 CBC WBC - 11.5 4.0
 Dengue - Positive B Neg

33, Bibi Hina 43, Mrs. Shahida
 WBC - Neg. 1.0 Dengue +ve
 CBC

34, Sawaira c/o Pida 44, Hina
 ESH - 25.0 Prolactin - 169 4.0
 T₃ 4.30 T₄ 11.97 TSH 1.92
 Dengue Neg
 CBC

35, Muhammad Kamran 45, Zahid Khan
 CBC 1.0 Dengue +ve
 CBC

36, Mrs. M. Kamran 46, M. Rasheed
 CBC 1.0 Dengue - Positive
 CBC

37, Sheer Zameer 46, M. Rasheed
 Rbc - 146 1.0
 Dengue - Positive
 CBC

38, Hafia 47, Hesham
 Urine R/E 1-2 1.0
 ABN^o 6-8
 Parasites 1-2
 CBC

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

CM No. _____/2019

In Re:-

Implementation petition no. 225 of 2019.

In Re:-

Service Appeal No. 1213/2018

Mst. Saba Memoona

... Applicant/Appellant.

Versus

Govt. of KPK & Others

... Respondents

**REPLY FOR AND ON BEHALF OF RESPONDENT NO. 4 TO APPLICATION
FILED BY THE APPELLANT FOR GRANT OF HOUSE RENT
ALLOWANCE.**

PREMININARY OBJECTIONS:-

- i) That the present applicant/petition as laid is bad in law and facts both. Hence untenable.
- ii) That the applicant/petition under reply is laden with misstatements and concealment of true facts, hence the applicant is denuded of all equities which may be in her favour under the equitable jurisdiction of this Hon'ble Court.
- iii) That the applicant/appellant has not come to the court with clean hands.
- iv) That the answering Respondents have great respect and honour for each and every order of this Hon'ble Court. It is in-conceivable for answering Respondents even to think of defying the order of this Honourable Court

ON FACTS:-

1. No comments.
2. No comments.
3. Absolutely incorrect, hence, denied. The applicant/appellant is not entitled for the house rent allowance as is evident from the prospectus attached. As per the prospectus for the year 2018-19 and onward the house rent allowance is only allowed to the part-time warden and not the full time warden. The applicant/appellant being the full time warden is not entitled to the same.

(Copy of the prospectus is annexed herewith marked as "A")

4. Incorrect, hence denied. A detailed reply has been given in the preceding paras.

It is, therefore, most rumbly prayed that the present application being devoid of merits may kindly be dismissed with cost.

Alcha

Respondents No.4

Through

[Signature]

COUNSEL

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

CM No. _____/2019

In Re:-

Implementation petition no. 225 of 2019.

In Re:-

Service Appeal No. 1213/2018

Mst. Saba Memoona

... Applicant/Appellant.

Versus

Govt. of KPK & Others

... Respondents

AFFIDAVIT

I, Abid Ichan, Junior clerk Khyber Medical College, Peshawar do hereby affirm that the contents of the attached reply are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Abid Ichan
Deponent.

03005894800
1730134642491
Abid Ichan



Annot - A / (4)

As per interview dated 09-09-2020

KHYBER PAKHTUNKHWA MEDICAL & DENTAL COLLEGES



Prospectus
2018-19

**DEPARTMENT OF HEALTH
GOVERNMENT OF KHYBER PAKHTUNKHWA**



WARDEN

- a) The warden shall be directly under the control of the hostel administration that will look after the hostel affairs.
- b) The warden, in all matters requiring approval, attention or advice of the College administration, relating to discipline or change of conditions in the hostel or any deficiency shall inform/report to the Assistant Provost Office.
- c) The warden shall make the admission of the students on the prescribed form and will maintain complete record of the students and to issue hostel leaving certificate to a resident student after clearance.
- d) The warden, in consultation with the hostel superintendent/house keeper shall make a Food Committee consisting of 5 resident students from different classes, one of them will perform the duties of Senior Food Monitor.
- e) The warden shall constitute a Sports Committee for the hostel comprising of 5 students, one of them will work as the Sports Secretary.
- f) The Warden in consultation with the Assistant Provost will report all cases of indiscipline or breach of regulations and orders relating to hostel affairs to the Chief Provost.
- g) The Warden shall supervise the activities of washer-man, tuck shop and mess contractors and ensure payment of dues by them to the account branch before 10th of each month.
- h) The Warden will not stay out of hostel during night without prior permission of Assistant Provost or Dean/Principal, as the case may be.
- i) The Warden will be responsible for the safety of hostel property for which he/she shall maintain complete record and also maintain accounts record which will be checked annually by the Accounts Officer and by the Physical Verification Committee of the College. He/ She will be held personally responsible for any damage or loss sustained to the hostel Property.
- j) In case of leave from the hostel he shall inform the Assistant Provost and the Chief Provost.
- k) Part-time the warden shall be provided rent free accommodation in the hostel and shall be granted an allowance of Rs. 3000/month.

SUPERINTENDENT/HOUSE KEEPER Is responsible:

- a) To implement the hostel's regulations with the help of Warden, Assistant Provost and Provost.
- b) To report to the warden every month about non-payment of various funds like mess dues, room rent, electricity and gas charges etc payable by each boarder from date of his/her admission. He/ She shall also report to the student affairs section about the non-payment of dues.
- c) To physically verify the presence of students in their allotted rooms and to check and report the stay of outsiders in the hostels to the warden.
- d) To maintain and prepare the list of monthly mess dues of each boarder.
- e) To check the attendance of the staff working in the hostel and to keep their leave record in their personal files.
- f) To maintain the stock register of permanent and consumable items such as crockery, furniture and other articles of the hostel.
- g) To check and report the water, electricity and gas problems of hostels and communicate them to the concerned authorities through warden and provost.
- h) To check the cleanliness inside and outside the hostel premises.
- i) To look after the common room and supervise indoor and outdoor games.
- j) To prepare demands as per college rules and to route the demands through hostel administration and main store department of the college.
- k) The House keeper will not stay out of hostel during night without prior permission of Warden, Assistant Provost or Chief Provost as the case may be.

HOSTEL CLERK Is responsible:

- a) To maintain all sorts of account books, stock register etc.
- b) To help the Superintendent/House Keeper of the hostel and perform all sorts of clerical work.
- c) To perform any other duty assigned by the hostel administration.

HOSTEL SECURITY

Hostel Security staff will keep liaison with Security Officer of the concerned college for all matters concerning to Security.

HOSTEL ADMISSION

- a) Accommodation in the hostels is a privilege and cannot be claimed as a right. Accommodation being limited in the hostels may not be provided to all the applicants.
- b) Only those students, who are on the roll of the Medical/Dental College, may be allowed admission in the hostel.
- c) Accommodation in the hostels is to be provided on merit cum seniority basis.
- d) Students having accommodation (personal, or official) within a radius of 20 kilometers of the district where the college is located will not be eligible for hostel accommodation.
- e) Students seeking hostel accommodation are required to apply on the prescribed hostel admission form. Students shall submit *duly completed forms* along with three passport size photos affixed on the hostel admission form and a copy of the DMC of the last exam passed. The forms after necessary scrutiny will then be forwarded to the office of the Assistant Provost. (In case of submission of incorrect/ false information hostel admission will be cancelled and will be fined Rs. 10,000/-)

KHYBER PAKHTUNKHWA
MEDICAL & DENTAL COLLEGES



PROSPECTUS

2017-18



Department of Health
Government of Khyber Pakhtunkhwa



The Assistant Provost who has been assigned this as an additional duty shall be granted an allowance of Rs 3000/month

WARDEN

- The warden shall be directly under the control of the hostel administration that will look after the hostel affairs
- The warden, in all matters requiring approval, attention or advice of the College administration, relating to discipline or change of conditions in the hostel or any deficiency shall inform report to the Assistant Provost Office.
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- The warden, in consultation with the hostel superintendent/house keeper shall make a Food Committee consisting of 5 resident students from different classes, one of them will perform the duties of Senior Food Monitor.
- The warden shall constitute a Sports Committee for the hostel comprising of 5 students, one of them will work as the Sports Secretary.
- The Warden in consultation with the Assistant Provost will report all cases of indiscipline or breach of regulations and orders relating to hostel affairs to the Chief Provost.
- The Warden shall supervise the activities of washer-man, tuck shop and mess contractors and ensure payment of dues by them to the account branch before 10th of each month.
- The Warden will not stay out of hostel during night without prior permission of Assistant Provost or Dean/Principal, as the case may be
- The Warden will be responsible for the safety of hostel property for which he/she shall maintain complete record and also maintain accounts record which will be checked annually by the Accounts Officer and by the Physical Verification Committee of the College. He/She will be held personally responsible for any damage or loss sustained to the hostel Property.
- In case of leave from the hostel he shall inform the Assistant Provost and the Chief Provost.
- The warden shall be provided rent free accommodation in the hostel and shall be granted an allowance of Rs. 3000/month.

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- To maintain and prepare the list of monthly mess dues of each boarder.
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- To maintain the stock register of permanent and consumable items such as crockery, furniture and other articles of the hostel.
- To check and report the water, electricity and gas problems of hostels and communicate them to the concerned authorities through warden and provost.
- To check the cleanliness inside and outside the hostel premises.
- To look after the common room and supervise indoor and outdoor games.
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Accommodation in the hostels is a privilege and cannot be claimed as a right. Accommodation being limited in the hostels may not be provided to all the applicants.

KHYBER PAKHTUNKHWA

MEDICAL & DENTAL

COLLEGES



Prospectus

2015-16

Department of Health
Government of Khyber Pakhtunkhwa



Supervise Hostel Establishment.

To keep a check on receipts/expenses.

The Assistant Provost who has been assigned this as an additional duty shall be granted an allowance of Rs. 3000/month

WARDEN

- i) The warden shall be directly under the control of the hostel administration that will look after the hostel affairs.
- a) The warden, in all matters requiring approval, attention or advice of the College administration, relating to discipline or change of conditions in the hostel or any deficiency shall inform/report to the Assistant Provost Office.
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- h) The Warden will be responsible for the safety of hostel property for which he/she shall maintain complete record and also maintain accounts record which will be checked annually by the Accounts Officer and by the Physical Verification Committee of the College. He/ She will be held personally responsible for any damage or loss sustained to the hostel Property.
- i) In case of leave from the hostel he shall inform the Assistant Provost and the Chief Provost.
- j) The warden shall be provided rent free accommodation in the hostel and shall be granted an allowance of Rs. 3000/month.
- k)

SUPERINTENDENT/HOUSE KEEPER Is responsible:

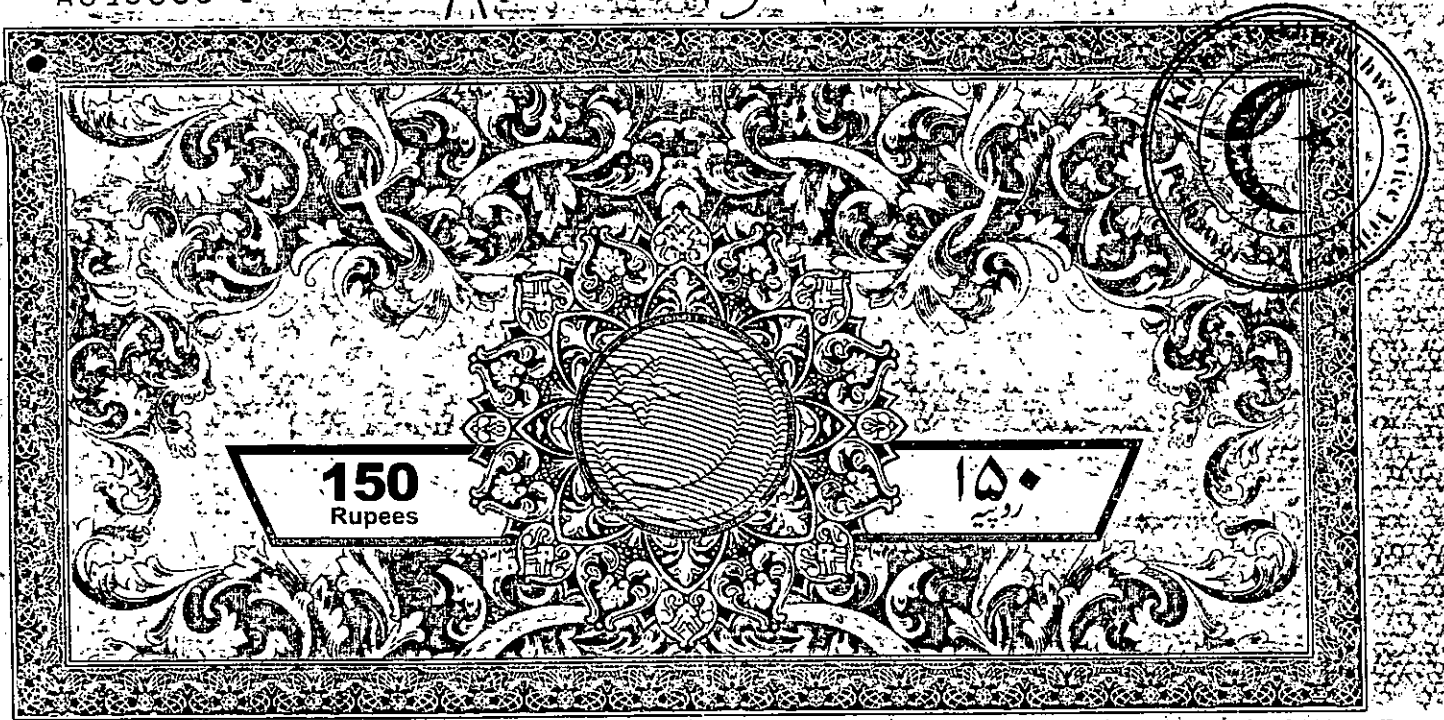
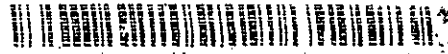
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- e) To check the attendance of the staff working in the hostel and to keep their leave record in their personal files.
- f) To maintain the stock register of permanent and consumable items such as crockery, furniture and other articles of the hostel.
- g) To check and report the water, electricity and gas problems of hostels and communicate them to the concerned authorities through warden and provost.
- h) To check the cleanliness inside and outside the hostel premises.
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- j) To prepare demands as per college rules and to route the demands through hostel administration and main store department of the college.
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- c) To perform any other duty assigned by the hostel administration.

HOSTEL SECURITY

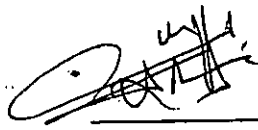
Hostel Security staff will keep liaison with Security Officer of the concerned college for all matters concerning to Security.



☆ مختار نامہ خاص برائے پیروی مقدمہ ☆

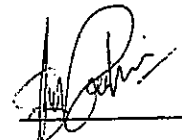
مسماة صباء میمنہ دختر عبد الرحیم زوجہ شتیق الرحمان ساکن یونیورسٹی کیمپس پشاور کی ہوں۔ در یوقت بقاگی عقل و ہوش حواس خمسہ و بلا جبر و اکراہ غیرے کے اقرار کر کے لکھ دیتی ہوں کہ من مقررہ کیلئے فقط من سرورس ٹریبونل خیبر پختونخواہ پشاور میں بعنوان 'صبا میمنہ' نام..... حکومت وغیرہ' بحوالہ ایپل نمبر 1417/2017 ایپل نمبر 1213/2018 ایپل منٹیشنیشن پیشین نمبر 225/2019 زیر سماعت ہیں۔ چونکہ من مقررہ بوجہ لیسٹڈ مقدمہ ہذا کی پیروی اصالتاً کرنے سے قاصر ہوں اور لئے اپنی جانب سے شتیق الرحمان ولد عبد الحلیم ساکن مذکور (شوہرام) کو مختار خاص مقرر کر کے اختیارات دیتی ہوں کہ مختار خاص موصوف برائے پیروی مقدمہ مختار تا پیش ہو کر مقدمہ مذکور کی پیروی کرے۔ بغرض پیروی میری جانب سے کسی بھی کیل / وکلاء صاحب / صاحبان کا تقرر کرے۔ کاغذات تقرری پر دستخط کرے۔ دوران مقدمہ مختار موصوف بدستخط خود میری جانب سے کوئی عرضی دعویٰ اقبال دعویٰ جواب دعویٰ جواب الجواب راضی نامہ دستبرداری جواب درخواست وغیرہ دیوے۔ شہادت دے شہادت پیش کرے لئے اسے منسوخ کر دے۔ اور خواست بیدخلی دائر کرے قبضہ بذریعہ عدالت یا بذریعہ علاقہ پولیس حاصل کرے ہر قسم بیان تحریری و زبانی دیوے اجراءے ڈگری کر دے بیان حلفی و بیان تصدیقی دیوے راضی نامہ کرے نقولات لیوے عدالت حضور / متعلقہ تھانہ / ڈیپارٹمنٹ سے بیلف مقرر کرے ہمراے بیلف جائے مقررہ پر جانے عدالت ہذا میں رقم جمع کرنے رقم عدالت حضور سے وصول کرے نشانہ ہی کرے دستاویزات بطور ثبوت دیوے ناشی وغیرہ کرے از عدالت ابتدائی تا عدالت عالیہ ہائی کورٹ سپریم کورٹ سیشن کورٹ لوئر کورٹ وغیرہ دیوانی و فی حداری عدالت غرضیکہ دوران مقدمہ مختار موصوف کی جملہ کاروائی تحریری و زبانی ساختہ و پرداختہ بشمل کردہ خود کے من مقررہ کو منظور و قبول ہوگی۔ لہذا مختار نامہ خاص برائے پیروی مقدمہ سندا تحریر ہے۔ المرقوم:

26-E-2020


العبد

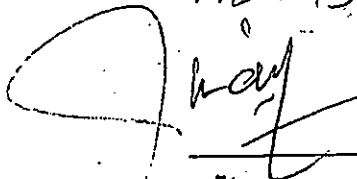
عتیق الرحمان - اختیار گیر بندہ

17301-1328322-5


العبد

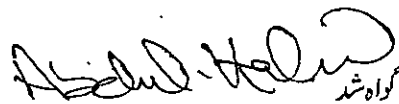
مسماة صباء میمنہ - اختیار دہندہ

17301-1295789-2


گواہ شد

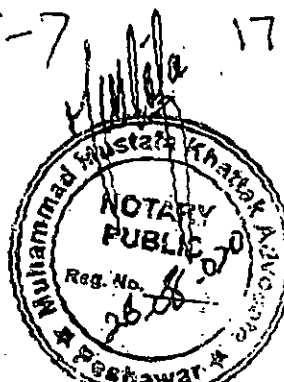
ابوزرخل ولد ثناء اللہ ساکن سفید ڈھیری تحصیل ضلع پشاور

17301-5405615-7



گواہ شد

عبد الحلیم ولد ثناء اللہ ساکن سفید ڈھیری تحصیل ضلع پشاور

17301-1361156-1



Certified to be true copy


ANER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 18-1-2024
Number of War 400
Cop 6.00
Urg. 4.00
Total 10.00
Name _____
Date of _____ of Cep 18-1-2021
Date of Delivery of Copy 18-1-2021



KHYBER MEDICAL COLLEGE PESHAWAR
OFFICE OF THE DEAN

091-9222162
091-9222163
principal@kmc.edu.pk
dean@kmc.edu.pk

No 4115 /Estt/KMC

Dated 26/05/2021

WAKALATNAMA

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Mst. Saba Memoona

Execution Petition No. 225/2019

Versus:

Respondent:

Dean Khyber Medical College Peshawar & others

By this, power-of-attorney Prof. Dr. Mahmood Anwarzels, the said Respondent in the above case do hereby constitute and appoint **BARRISTER AMIR ULLAH KHAN** as my attorney for me/us in my/us name and on my behalf to appear, plead, give statement, verify, administer oath, file comments, written statement, reply and do all lawful acts and things in connection with the said case on my behalf or with the execution of any decree or order passed in the case in my favour/against which I/we shall be entitled or permitted to do myself, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my success or failure in case, provided that if the case is heard at any place other than the usual place of sitting of the court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.

DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR

Accepted/Attested

BARRISTER AMIR ULLAH KHAN
Legal Advisor, MTI-KTH/KMC/KCD

The Chairman BOG KTH/KMC/KCD,
Peshawar.

Dated 17.9.2019

Subject: **APPEAL AGAINST THE ORDER / LETTER NO. 8134/ESTT/KMC DATED: 12-09-2019 OF THE DEAN KMC PESHAWAR WHEREBY THE ALLEGED TWO DAYS ABSENCE HAS BEEN CONVERTED INTO EXTRA ORDINARY LEAVE WITH INSTRUCTION TO BE PUNCTUAL, FULL TIME DEVOTED & REGULAR TOWARDS DUTIES.**

Respectfully Submitted,

That the appellant was shocked to receive order/letter dated :12/09/2019 whereby the alleged two days absence has been converted into EOL with instructions to be punctual, full time devoted and regular towards duties (Copy of the letter dated: 12/09/2019 is enclosed). **Annexure-A**

- a. That the impugned order/letter is illegal and void ab initio and no charge sheet or explanation and show cause notice was issued to the appellant.
- b. That Ex party action has been taken and the appellant has been condemned unheard.
- c. That the allegations in impugned order/letter are totally false and baseless as the appellant duly performed her duties as per duty hours.
- d. That no inquiry has been conducted in the matter Nor any evidence with support of the allegations was ever collected.
- e. That the impugned order/letter is based on ulterior motive where-in the issuance date of the order/letter is mentioned as 12-09-2019 for alleged absence for dated 11-09-2019 and 12-09-2019 and on the same date converting it into EOL.
- f. That the impugned order/letter is based on malafide and is a counter blast to the litigations where-in Honorable Service Tribunal KPK directed for release of the appellant salaries (Copies enclosed). **Annexure-B**
- g. That the appellant already submitted an application dated 16-08-2019 to draw your kind attention against the nefarious designs and mis-use of powers of Dean KMC (which is self explanatory) but no response yet been received (Copy enclosed). **Annexure-C**
- h. That one of the reasons for issuing the impugned order/letter may be noted that the appellant is struggling hard to get justice against the Dean and his administration, for which the criminal cases were submitted in the court of law including the criminal appeal pending before the Honorable Supreme Court of Pakistan (Copies enclosed). **Annexure-D**
- i. That the appellant was not afforded opportunity of personal hearing.

It is therefore requested on acceptance of this appeal, the impugned order/letter dated: 12-09-2019 may kindly be set aside and the alleged absence of two days may be treated as on duty.

Yours Most Obediently Servant,


Warden
(KMC Girls Hostel)

Copy for Record: 12/9/19

- Put up to the court with relevant petition.*
1. The Honorable Registrar, Services Tribunal Khyber Pakhtunkhwa, Peshawar.
(Implementation Petition No. 225/2019 in Service Appeal No. 1213/2018, Case Title Mst Saba Memoona VS Govt & others, Coming dated: 19/09/2019).
 2. Mr. Fazal Shah Mohmand, Advocate Supreme Court of Pakistan.
(Counsel for the appellant).
(High Court Peshawar Bar Room at High Court Peshawar).



-2- Annexure A

KHYBER MEDICAL COLLEGE PESHAWAR
OFFICE OF THE DEAN

091-9222162
091-9222163
principal@kmc.edu.pk
dean@kmc.edu.pk

No. 8134 /Estt/KMC

Dated: 12 / 9 /2019

Mst. Saba Mamoon
Warden
KMC Girls Hostel
Peshawar

Subject: - **ABSENCE FROM DUTIES**

Memo:

It has been reported that you have visited the hostel on 11th and 12th September 2019 just for 15 minutes and went back to your residence.

Your salary has been released on the orders of Khyber Pakhtunkhwa Service Tribunal vide Order Sheet dated 05-08-2019 in service appeal No. 1213/2018 and you are supposed and warned to perform your duties with vigilance, failing which disciplinary action will be taken against you under the rules.

Your above mentioned 02 days absence is converted in to EOL with the instructions to be punctual, full time devoted and regular towards your duties.


DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR

No. 8135-39 /Estt/KMC

Copy to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar
2. Mr. Saqib Raza, Legal adviser KMC Peshawar
3. The Chief Provost KMC Hostels.
4. The Accounts Officer, KMC for information and necessary action.
5. The Secretary BoG, MTI- KTH Peshawar


DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR

KHYBER MEDICAL COLLEGE, PESHAWAR

REGISTER OF DAILY ATTENDANCE

Subject: روان سازان سٹاؤن پائٹری

Name of Teacher: [Signature]

Class: سٹاؤن

Session/Year: 2019

DATES OF THE MONTH

Class No.	Name of Student	DATES OF THE MONTH																												ATTENDANCE			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	TOTAL LECTURES	TOTAL ATTENDED
31	رفعت سوری	X						X							X																		
32	شیخ سوری	X						X							X																		
33	سویا سوری	X						X							X																		
34	ولید الہی	X						X							X																		
35	[Illegible]	X						X							X																		
36	صابر	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		

→ 30/11/19

- 4 -

B

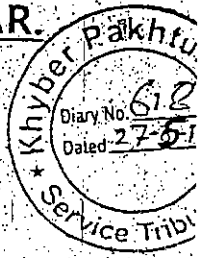
BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Implementation Petition No 225 /2019

In

Service Appeal No 1213/2018

Mst. Saba Memoona; Warden Girls Hostel, Khyber Medical College
Peshawar.Applicant/Appellant



VERSUS

1. Govt. of KPK through Chief Secretary Civil Secretariat Peshawar.
2. Secretary, Health Department, Govt. of KPK Civil Secretariat Peshawar.
3. Director General, Govt. of KPK Civil Secretariat Peshawar.
4. Dean, Khyber Medical College, Peshawar.



.....Respondents

PETITION FOR THE IMPLEMENTATION OF ORDER DATED 09-10-2018 PASSEDBY THIS HONORABLE TRIBUNAL IN THE ABOVE TITLED SERVICE APPEAL.

Respectfully Submitted:-

1. That the applicant/appellant has filed Service Appeal No 1213/2018 against her relieving order dated 07-06-2018 and also release of her salaries which was admitted for full hearing and interim relief in the form of Status Quo was also granted in favor of the applicant/appellant vide Order dated 09-10-2018. It is pertinent to note that the previous relieving order of the appellant was suspended by this honorable Tribunal. **(Copy of the Order dated 09-10-2018 is enclosed as Annexure A).**
2. That the applicant/appellant time and again approached respondents for the implementation of the Order dated 09-10-2018 of this honorable Tribunal and release of salaries but of no use. Even the applicant also filed application for the release of her salaries. **(Copy of Application is enclosed as Annexure B).**
3. That respondents have malafidely stopped the salaries of the applicant/appellant since about one year without any legal justification and despite the interim order of this honorable Tribunal, which amounts to Contempt of the order of this honorable Tribunal.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.

05.08.2019

Counsel for the petitioner, Mr. Ziaullah, DDA for respondents No. 1 to 3 and counsel for respondent No.4 alongwith Mr. Mukhtiar Ali, Librarian present.

The petition in hand is essentially for implementation of order dated 09.10.2018 passed by this Tribunal in service appeal No. 1213/18. It is also the contention of petitioner that due to the specific order of maintenance of status-quo dated 09.10.2018, the petitioner is performing her duties as Warden, Girls Hostel while she is denied payment of her monthly salary w.e.f 07.06.2018 i.e the date of the notification relieving the petitioner and placing her services at the disposal of Health Department Government of Khyber Pakhtunkhwa. The same has been impugned in appeal No. 1213/2018 which is still pending for disposal.

It is not denied by the respondent No.4 that on the date of passing of order, requiring maintenance of status-quo, the petitioner had not relinquished charge as Warden in pursuance to notification dated 07.06.2018. It is also not denied by the respondent that the petitioner is still retaining the designated accommodation for Warden in the Girls Hostel of Khyber Medical College. AT the same time, it is argument of learned counsel for the respondent No.4 that ever-since the issuance of notification on 07.06.2018, the petitioner is not performing her duties, therefore, she has not been paid the monthly salary.

It appears, also through the contents of reply submitted by respondent No.4 with regard to the implementation petition, that the concerned respondent is seeking protection qua non-payment of the salary to the petitioner, purportedly from the order dated 09.10.2018. It is the stance of respondent that on the said date the Tribunal had only ordered the maintenance of status-quo

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

on that pretext.

In the circumstances, the respondent No.4 shall submit implementation report after payment of outstanding salaries to the petitioner.

ATTESTED

-6- Annexure "B"

while no order of release of salary in favour of petitioner was made. It is also the stance of respondent No.4 that the salary of petitioner has been stopped on account of notification dated 07.06.2018 reflecting the decision of Board of Governor of Khyber Medical College.

The respondent No.4 has fallen into error in interpreting the order dated 09.10.2018. In fact, the maintenance of status-quo, noted in the order, was for all intents and purposes including the continuation of service of the petitioner as Warden in Girls Hostel on one hand and the payment of her lawful emoluments, including salary by respondent No.4, on the other. The respondent No.4 may proceed against the petitioner in accordance with law in case she has failed to perform her duties as per her job description. However, her salary cannot be stopped on that pretext.

In the circumstances, the respondent No.4 shall submit implementation report after payment of outstanding salaries to the petitioner.

Adjourned to 23.08.201 before S.B.

ATTESTED

EXAMINER
Khyber Medical College
Service (Medical),
Peshawar


Chairman

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Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 225/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.5.2019	<p>The execution petition of Mst. Saba Memoona submitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 27/5/19</p>
2	28/5/19	<p>This execution petition be put up before S. Bench on <u>26/06/19</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
<p>26.06.2019</p> <p>Attested to secure copy</p> <p>EXAMINER Khyber Pakhtunkhwa Service Tribunal, Peshawar</p> <p>ATTESTED</p> <p><i>[Signature]</i></p> <p>EXAMINER Khyber Pakhtunkhwa Service Tribunal, Peshawar</p>		<p>Learned counsel for the petitioner present. Notice of the present execution petition be issued to the respondents for 10.07.2019. Adjourn. To come up for implementation report/comments on the date fixed before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Member</p> <p>Intimation of Appellate - <u>6-8-2019</u></p> <p>Number of Words - <u>2400</u></p> <p>Copying Fee - <u>24/-</u></p> <p>Urgent - <u>u/-</u></p> <p>Total - <u>24</u></p> <p>Name of Copyist - <u>[Signature]</u></p> <p>Date of Completion of Copy - <u>6-8-19</u></p> <p>Date of Delivery of Copy - <u>6-8-19</u></p>

- 8 - Annexure "C"

Office of the BOG

(M.T.I) K.T.H

Diary No. 631

Date 16-8-19

To,

The Secretary to Chairman BOG,
MTI (KTH/KMC/KCD), Peshawar.

Subject: Request for Compliance with Honorable Services Tribunal KP Peshawar Order dated: 05/08/2019 in Its True Spirit & Also Restoring the Applicant's Office with Record and Powers of Signature.

Sir,

It is submitted for your kind information that the Honorable Services Tribunal Khyber Pakhtunkhwa Peshawar issued clear cut directions in Implementation Petition No. 225/2019 on dated: 05/08/2019, which is self explanatory (Copies enclosed).

As you are already been informed by the undersigned through (an application dated 16/04/2018) that the respondent No. 4 with the malafide intentions had been snatched her office, its record and signatory powers etc by the Chief Provost KMC hostels Peshawar and the same may kindly be restored please but till date no response been received to the undersigned. Another application submitted to your good-self on dated 12/02/2018 for compliance with court orders but till date no correspondence yet been received. The record of the said applications are annexed in the (Appeal No. 1213/2018, case title: Mst Saba Memoona VS Govt & others). Your good-self was again been informed through an application against the respondent No. 4 on dated 04/12/2018 received at your office vide diary No. 514 for releasing of Service & RFID Card etc and compliance with Honorable Service Tribunal Peshawar Orders but no response yet been received from your office. Therefore, the undersigned may kindly be informed with written reply of the above applications at the earliest, as the reply has been abnormally delayed.

The undersigned has been already doing her job duties dedicatedly as per rules regulations and take hostel rounds, but here she may be briefed in written with her job description just to avoid the misguiding attempt may be taken by the respondents legal Counsels before the Honorable Service Tribunal KP Peshawar and also any untoward situation in the future.

Dated: 16/08/2019

Obediently Yours,



Saba Memoona

Warden, BS-17

Address: Warden Residence, KMC
Girls Hostel University Campus Peshawar.

Copy for Record & Necessary Action as per law:

The Honorable Registrar, Services Tribunal Khyber Pakhtunkhwa, Peshawar.
(Service Appeal No. 1213/2018, Case Title Mst Saba Memoona VS Govt & others, Coming
dated: 27/08/2019).

Received
16/8/19

(Personal Copy)

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Annexure "D"

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. _____ -P/2018

1. Naveed Alam S/o Abdul Wahab
Chief Provost
Khyber Medical College
2. Noor Ul Iman S/o Mir Sardar Khattak
Dean
Khyber Medical College
3. Sher Abdullah Khan S/o Sher Bahadur Khan
Admin Officer
Khyber Medical College

All Residents of Khyber Medical College University Road Peshawar

PETITIONERS

VERSUS

1. Saba Memoona D/o Abdur Raheem
R/o KMC Girls Hostel University
Road Peshawar
2. The State

RESPONDENTS

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

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Respectfully Sheweth:

The Petitioners most earnestly seek permission of this Honourable Court to submit as under;

BRIEF FACTS

1. That the Petitioners are bonafide, law abiding, educated citizens of the country, having no previous criminal involvement or record.
2. That the Petitioner number 1 is the chief provost, the Petitioner number 2 is the dean whilst the Petitioner number 3 is the admin officer of Khyber Medical College Peshawar, as such all three Petitioners are senior government servants having immaculate service and personal records.
3. That the Respondent Number 1 had been working as warden KMC Girls Hostel Peshawar, but because of numerous complaints by the students/girls of the hostel against the Respondent number 1, the Petitioner number 2, after conducting an impartial inquiry, relieved the Respondent number 1 from her duties.

Copy of the Inquiry Proceedings Against Respondent Number 1 is Annex A
Copy of the Order dated 08/12/2017 is Annex A/1

4. That thereafter the Respondent number 1 approached the learned Khyber Pakhtunkhwa Services Tribunal against the said order and was able to have the same suspended on 02/01/2018. The Petitioners being law abiding citizens, as per the orders of the learned Khyber Pakhtunkhwa Services Tribunal allowed the Respondent number 2 to resume her duties.
5. That the official warden house, where the Respondent number 1, along with her husband namely Atiq Ur Rehman and other male members were residing, is adjacent to the girls hostel and can also be accessed by a gate inter-se the two properties, both belonging to the College. Needless to mention that the gate so described is always locked and bolted for the safety of the resident hostel girls. However because of the complaints made against her, the Respondent Number 1 in connivance with her husband and other male inhabitants of the official warden house managed to break the lock and bolt of the said gate, with a view to instil fear and insecurity in the hearts and minds of the hostel girls as reprimand for making complaints against their warden ie Respondent Number 1.

Pictures of the Gate is Annex B

6. That resultantly the Petitioner number 2 having no other choice, sent staff members to cater to the situation by having the aforementioned gate sealed so as to provide a safe and secure environment to the hostel girls. Unfortunately the staff members so sent, were criminally intimidated and harassed by the husband of the Respondent number 1, resulting in even more insecurity and fear amongst the hostel students.
7. That because of the criminal intimidation and destruction of the lock of the gate, by the husband of the Respondent number 1 with her connivance, the Petitioner number 2 being respectable Dean of the College wrote a letter to the Respondent number 1, asking therein to maintain discipline and also sought to restrain her husband for hurling out threats and criminally intimidating administration of the College.

Copy of the Letter Dated 03/01/2018 is Annex C

8. That because not only administrative issues but also security issues arose from the conduct of the Respondent number 1 and her husband resulting in not only criminal harassment & intimidation of the staff members but also culminated in fear and insecurity amongst the hostel students, as such

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the letter dated 03/01/2018 was also carbon copied to the Commandant University Campus to ensure maintenance of peace and security:

9. That upon receipt of the letter dated 03/01/2018, the local police of PS University summoned the husband of the Respondent number 1 to record his version and as such as a counter blast, the husband of the Respondent number 1 made general, absurd and logically untenable accusations against the Petitioners. Importantly none of the accusations came under the ambit of a cognizable offence as such the same were only incorporated in the daily diary:

Copy of DD No.37 Dated 04/01/2018 is Annex D
Better Copy of DD No.37 is Annex D/1

10. That because of the letter dated 03/01/2018, the local police inquired into the matter and found out that not only was the Respondent number 1 & her husband responsible for criminally intimidating staff of the College but it also unearthed that the husband of the Respondent number 1 is a habitual having a colourful police record and having had many FIRs lodged against him. The Local police also found enough incriminating evidence against both the Respondent number 1 & her husband during the course of inquiry and as such lodged FIR against the husband of the Respondent number 1 under sections 506, 186 PPC.

List of FIRs Against the Husband of the Respondent Number 1 is Annex E
Copy of FIR Dated 11/01/2018 is Annex E/1

11. That being aggrieved of the FIR lodged against the Respondent number 1 and her husband, the Respondent number 1 maliciously with mala fide intent approached the learned Justice of Peace for registration of FIR against the Petitioners and the Additional SHO PS university. Importantly no cognizable offence was disclosed against the Petitioner, yet on the basis of vague non cognizable accusations, FIR was ordered to be registered against the Petitioners & the additional SHO PS university on 22/03/2018.

Attested Copy of the 22-A Petition is Annex F
Order of the Learned Justice of Peace is Annex F/1

12. That being aggrieved from the order dated 22/03/2018, the Petitioners approach this honourable court for setting aside the order, on the following grounds inter alia:

GROUND:

- A. That there exists no other alternate efficacious remedy for the Petitioners to avail.
- B. That the order of the learned Justice of Peace is perverse, arbitrary and unconstitutional, having infringed the fundamental rights of the Petitioner as guaranteed by the constitution.
- C. That the actions and/or omissions of the learned Justice of peace has meant, that the Petitioners have not been treated in accordance with article 4 of the constitution.
- D. That guaranteed fundamental rights as enshrined under the Constitution have been infringed by the order of the learned Justice of Peace.
- E. That as is apparent from the comments filed by the local police of PS University Campus, no illegality has been committed by the Petitioners, nor is there any justification for lodging a baseless FIR against respectable and senior government servants, specifically when the husband of the Respondent number 1 is a notorious character having been involved in various criminal offences.

Copy of the Police Comments is Annex G

- F. That the order of the learned Justice of Peace is primarily based on the DD No.37, which admittedly does not disclose any offence and at most makes out a case for proceedings under section 107, which have duly been conducted by the local police.
- G. That in order to bring its case under the garb of a cognizable offence, baseless allegations of theft has been made, which is not only preposterous but importantly even if admitted, this does not relate to the Petitioners as such there is no legal justification for ordering registration of FIR against the Petitioners.
- H. That the learned Justice of Peace failed to judiciously apply its mind to the allegations set forth by the Respondent number 1 as such the order dated 22/03/2018 is not tenable in the eyes of law.
- I. That under the garb of 22-A proceedings, the Petitioners being, respectable members of the society are being harassed defamed and insulted for merely carrying out legal orders.
- J. That no proceedings of law can be used to become a vessel for unjustified harassment of law abiding citizens.
- K. That the conduct of the Respondent number can also be inferred from the resident hostel girls of the College, whom have requested the administration to ensure that she stays away from hostel administration, because of the insecurity the hostel girls face at the hands of the Respondent number 1.

Letter of Concern of the Residents of KMC Girls Hostel Along With Signature Sheet is Annex H

- L. That proceedings under section 22-A can not be allowed to counter blast genuinely lodged FIRs.
- M. That any other ground may be raised at the time of arguments.

PRAYER

It is, therefore, submitted with profound respect that this Honourable Court may very graciously be pleased to;

- i. Set aside the order dated 22/03/2018 being unconstitutional, arbitrary and illegal.
- ii. Grant any other relief, which is deemed appropriate in the circumstances by this Honourable Court.

INTERIM RELIEF

It is most humbly submitted that during the pendency of this writ petition as interim relief, the Respondents may kindly be refrained from registration of FIR against the Petitioners

Petitioners

Through

Barrister Amir Khan Chamkani

&

Saqib Raza Khan Advocate

CERTIFICATE

It is certified that no such other petition has earlier been filed by the Petitioner on the same subject.

LIST OF BOOKS

- I. Constitution of the Islamic Republic of Pakistan 1973
- II. Code of Criminal Procedure
- III. Pakistan Penal Code
- IV. Case Law regarding the subject matter.

Advocate

Advocate

Dated: 27/03/2018

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. _____ -P/2018

Naveed Alam & Others

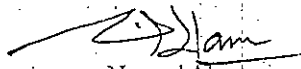
Versus

Saba Memoonat & Another

AFFIDAVIT

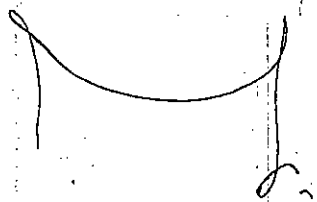
I, Naveed Alam Chief Provost Khyber Medical College Peshawar KPK do hereby solemnly swear and affirm on oath that the contents of this writ petition are true and correct to the best of my knowledge and nothing has been concealed from this honourable court either intentionally or otherwise.

Deponent


Naveed Alam

CNIC Number: 17301-1436474-3

Identified By Counsel



No: 18262

Certified that the above was verified on solemnly affirmation before me in office, this 27 day of 1990 by Naveed Alam

at Provost Peshawar

who was identified by Jamia Uta

Who is personally known to me:

Commissioner
Peshawar High Court, Peshawar

Naveed Verified 27/3/18

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. _____-P/2018

Naveed Alam & Others

Versus

Saba Memoona & Another

ADDRESSES OF THE PARTIES

PETITIONERS

1. Naveed Alam S/o Abdul Wahab
Chief Provost
Khyber Medical College
2. Noor Ul Iman S/o Mir Sardar Khattak
Dean
Khyber Medical College
3. Sher Abdullah Khan S/o Sher Bahadur Khan
Admin Officer
Khyber Medical College

All Residents of Khyber Medical College University Road Peshawar

RESPONDENTS

1. Saba Memoona D/o Abdur Raheem
R/o KMC Girls Hostel University
Road Peshawar
2. The State

Petitioners:

Through

Barrister Amir Chamkani

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**JUDGMENT SHEET
PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT.**

WP No.1657-P/2018

JUDGMENT

Date of hearing: 05-12-2018.

Petitioner: Naveed Alam by Barrister Amir Chamkani. Opposite.

Respondent: Saba Memoon by Malik Nasruminullah Opposite.
Ajed Qasoor Di. Sub. D.O.

WAQAR AHMAD SETH, CJ.- Petitioners, Naveed Alam

and others have filed the instant Writ Petition under Article 199

of the Constitution of Islamic Republic of Pakistan, 1973 and

prayed that the order dated 22.03.2018 passed by learned

Additional Sessions Judge-IV/Justice of Peace, Peshawar be set

aside being unconstitutional, arbitrary and illegal.

2. Brief facts of the case are that respondent No.1

filed an application under section 22-A before the learned

Justice of Peace, Peshawar, who after calling comments from

SHO Police Station concerned and hearing arguments, ordered

for registration of FIR against the petitioners vide order dated 22.03.2018; hence, the instant Writ Petition.

3. Arguments heard and record perused.

4. It is alleged in the application under Section 22-

A Cr.P.C. filed by respondent No.1 that she is working as Senior Warden in Khyber Medical Girls Hotel at University of Peshawar, however, vide order No. 17666/Estt/KMC dated 08.12.2017, the Dean KMC relieved her from duty on a biased inquiry and consequently, the Secretary Health repatriated her vide Notification No. SOH-III/3-5/2017, against which, respondent No.1 approached the Khyber Pakhtunkhwa Services Tribunal, who suspended the same vide order dated 02.01.2018.

On 04.01.2018, respondent No.1 approached the Khyber Medical College for communication of the order dated 02.01.2018 of the Hon'ble Services Tribunal and then came to KMC Girls Hostel for performance of her duties and after

fifteen (15) minutes, petitioners No. 1 & 3 came to KMC Girls

Hostel and threaten, harass and criminally intimidated her by stating that petitioner No.2 has directed them to expel the respondent No.1 from hostel premises. Petitioners No. 1 & 3 also used abusive language and misbehaved the respondent No.1 by stating that they will not follow court orders and have their own law. Respondent No.1 contacted her husband, namely, Attiqur Rehman and narrated the above said facts, who approached the University Campus Police Station for registration of FIR against the petitioners for harassment, using abusive language and criminal intimidation but instead of registering FIR, a daily diary No. 37 dated 04.01.2018 was registered against them. It is further alleged that on 13.01.2018, respondent No.1 was in her village whereas her husband was in Peshawar University Campus, however, at about, 1600 hours, when her husband went to Masjid Firdous for performing Asar Prayer, he received a call from ASHO-Police Station University Campus Peshawar regarding raiding their house situated in

KMC Girls Hostel in connection of an FIR lodged by petitioner No.2. When the husband of respondent No.1 came to his home, he found that the lock of the main door of house as well as doors of the rooms were broken and household articles were lying in scattered condition. It is also alleged that the entire drama was staged by ASHO Police Station University Campus Peshawar in connivance with the petitioners because they are annoyed with court proceedings initiated against them and as such, have taken the law in their hands, against which, respondent No.1 approached Police Station for registration of FIR against petitioners but refused; hence, has filed the instant application under Section 22-A Cr.P.C.


5. The learned Justice of Peace called comments from SHO Police Station concerned, which accordingly furnished the same by stating that husband of respondent No.1 is habitual having involved in various FIRs and has no veracity in the application in hand. The learned Justice of Peace did not

consider the comments of SHO Police Station concerned and pass the impugned order on the basis of Daily Diary No. 37 dated 04.01.2018 lodged by respondent No.1 earlier, which does not disclose any offence; thus, the impugned order is perverse, arbitrary, unconstitutional and the same is liable to be set aside.

6. In view of the above, the Writ Petition is allowed and the impugned order dated 22.03.2018 of learned Additional Sessions Judge-IV/Justice of Peace, Peshawar is set aside.

Announced
05.12.2018


Chief Justice


Judge

BEFORE THE HON'ABLE PESHAWAR HIGH COURT PESHAWAR.

In Re. Writ Petition No. _____ / of 2018.

1. Atiq-ur-Rehman S/O Abdul Haleem
2. Mst: Saba Memoona W/O Atiq-ur-Rehman.
Both R/O Mohallah Musa Khel, Village Sufaid Dheri, Tehsil & District
Peshawar.

.....Petitioners.

VERSUS

1. Dr. Noor-ul-Eman, Dean, Khyber Medical College, Peshawar.
2. S.H.O Police Station University Campus Peshawar.
3. The State (Through Advocate General KPK)

.....Respondents.

IN Ref: of Case F.I.R No.07, Dated:11-01-2018,
U/S- 506/186 PPC, P.S. Universty Campus Peshawar.

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
FOR QUASHMENT OF ABOVE REFERRED F.I.R
REGISTERED AGAINST PETITIONERS.

Respectfully Sheweth:-

Short Facts Giving Rise to the present Constitutional petition are as under:-

1. That the petitioners are bonafide resident of Peshawar, law
abiding and peaceful citizens of Pakistan.

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2. That the petitioner No.1 is a grade 16 gazette officer in emigration department, while petitioner No.2 is the wife of the petitioner No.1 and she is also posted and working as Senior Warden BPS-17, in Khyber Medical Girls Hostel at University of Peshawar. (Copy of appointment letter are annexed as A & B)
3. That vide order 17666/Estt/KMC dated 8/12/2017, the Dean KMC relieved the petitioner No.2 from her duty on the basis of a biased inquiry and consequently the Secretary Health repatriated the petitioner vide Notification No SOH-III/3-5/2017. (Copy of orders annexed as C and D)
4. That feeling aggrieved from the above mentioned controversial orders the petitioner No.2 approached the Hon'able Khyber Pukhtoonkhawa Services Tribunal wherein the Hon'able tribunal suspended the operations of both the impugned orders vide its order dated: 02-01-2018. (Copy of order dated 2-01-2018 is annexed as 'E')
5. That on 04/01/18 the petitioner No.2 approached to the Khyber Medical College for communication of the order dated 02/01/2018 of the Hon'able Services Tribunal and then came to KMC Girls Hostel for the performance of her duties.
6. That thereafter 15 Minutes Mr. Naveed Alam Chief Provost Khyber Medical College Peshawar and Mr. Sheer Abdullah Admin Officer Khyber Medical College Peshawar came to KMC Girls Hostel and threaten, harass and criminally intimidated the petitioner No.2, and stated that Respondent No.1 has directed them to expel the petitioner No.2 from hostel premises they also used abusive language, misbehaved and criminally intimidated the petitioner No.2 and also told the petitioner No.2 that they do not and will not follow court orders and directions, and stated that they have their own law and they will follow same and they have nothing to do with the court orders.

7. That, Thereafter the petitioner contacted her husband Atiq ur Rehman Petitioner No.1 and narrated the above stated facts to him, on this petitioner No.1 came to KMC girls hostel and was waiting outside the hostel for Mr. Naveed Alam and Sheer Abdullah to show them the copy of the order of the Hon'able Service Tribunal, that after about 20 minutes when Mr. Naveed Alam and Sheer Abdullah came out from the hostel petitioner No.1 show them the copy of court orders but they repeated the same words and also threatened, use abusive language and criminally intimidated the petitioner No.1.
8. That there after petitioner No.1 approached to university campus police station to lodge an F.I.R for harassment, misbehaving threatening of dare consequences, using abusive language and criminal intimidation toward his wife and himself against the administration of KMC but the concerned SHO refused to lodge F.I.R against them and only registered a daily dairy NO.37 dated: 04-1-2018 against them.
(Copy of daily dairy is annexed as 'F').
9. That on 05-01-2018 the petitioner No.2 was shocked when she received a letter No 323/Estt/KMC from the Respondent No.1; but "maintain discipline", and the copy of the said letter forwarded to Commandant CPC Peshawar University for just information. The petitioner No.2 also replied the said order/letter and has sent the same to the office of the Dean Khyber Medical College Peshawar through a registered courier, it is also important to note that the copy of the said letter has also been forwarded to the Commandant CPC university campus.
(Copy of letter and reply are annexed as 'G and H')

10. That, since the respondent No.1 and KMC administration was not ready to follow the orders of the Hon'able Khyber Pukhtoonkhwa Services Tribunal, therefore on 10-01-2018, under the compelling circumstances the petitioner also filled contempt of court petition in the Hon'able Khyber Pukhtoonkhwa Services tribunal which is still pending and wherein the next date of hearing is fixed for 22-02-2018.

(Copy of contempt of court petition annexed as 'I')

11. That on 13-01-2018 the petitioner No.2 was in her village whereas petitioner No.1 was in Peshawar University Campus that at about 16:00 hours when petitioner no.1 went to Masjid Firdous for performing Asar prayer wherein he received a call on his cell No 0345 9142327 from the additional SHO Campus from his personal cell 0300-9361021 wherein he was told that he has raided their house situated in KMC girls hostel, in connection of F.I.R lodged by Respondent No.1 and he also directed petitioner No.1 to come to the P.S concerned.

(Copy of F.I.R annexed as 'J')

12. That thereafter petitioner No.1 came to his home where he found that the lock of the main door of the house as well as other doors of the rooms were broken and the household articles were lying in scattered condition, thereafter he contacted the petitioner No.2 and narrated the whole incident.

13. That on 15-01-2018 both the petitioners filled their B.B.A petition before the Hon'able Session Judge Peshawar wherein interim relief was granted to them and later on the same was confirmed vide order dated: 31-01-2018.

(Copy of order dated: 31/01/2018 annexed as 'K')

14. That after getting pre-arrest interim bail when petitioner No.2 went to her house, upon inspection she found that one 9mm pistol foreign made model MC-27 weapon no T6368-14A100022 license no 2-20010748 registered in the name of the petitioner No.2 and other important documents taken

15. That against the illegal act of the respondent No.1 and others, the petitioner No.2 has also filed a 22-A petition for registration of criminal case against them, which is still pending adjudication before the competent court.

16. That since both the petitioners have neither committed any offence nor involved in criminal act as alleged by the respondent No.1 & 2, and there is no other adequate and efficacious remedy available to the petitioners, hence this petition for quashment of the above mentioned F.I.R on the following grounds amongst others.

G R O U N D S:

A. That the letter dated: 05.01.2018, was culminated into FIR by the respondent No.2, but the perusal of the same would reveal that there is no mention or request on behalf of respondent No.1 to the respondent No.2 in the said letter regarding the registration of the criminal against the petitioners, hence the FIR has been registered with malafide intention by the respondents.

B. That the whole story narrated by respondent No.1 is purely based on false and fabricated assertions, and respondent No.1 misguided the local police while furnishing false information.

C. That on the one day prior to report/letter of the respondent No.1, the petitioner No.1 has lodged the report entered into the daily diary, NO.37 dated: 04-1-2018, against the administration of KMC, and as such the present F.I.R prima facie is the counterblast of the report of petitioner No.1.


- D. That the petitioner No.2 is contesting the service case against the KMC administration wherein status-quo has already been granted against the orders of respondent No.1 and due to this motive and malice the petitioner No.2 and her husband has been booked in the present false case.
- E. That even the letter on the basis of which the instant case has been registered was addressed to the petitioner No.2 and she has properly replied the same, but despite that the respondents involved the petitioners in the instant fake and concocted case, as there is no foundation of the allegations of the respondent No.1 against the petitioners.
- F. That even the provision of section 186 PPC has wrongly been inducted in the FIR as respondent No.1 does not fall under the category of public servant as defined in the definition clause of Pakistan penal code, moreover the same is also not cognizable hence the registration of FIR against the petitioners is also not maintainable on this score alone.
- G. That despite all the above mentioned facts and circumstances the lodging of F.I.R against the petitioners is against facts and material available on record, hence the F.I.R lodge against the petitioner is of no legal worth and liable to be quashed.
- H. That the further proceedings in the case of the petitioner would be a futile exercise and would be against the liberty of the petitioners guaranteed by the constitution of Pakistan 1973.
- I. That on permission of this Honorable Court the petitioner may urged other additional grounds if any, at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the above-mentioned F.I.R registered against petitioners may kindly be quashed, with such other relief as this Hon, able court may deem fit in the circumstances of the case.

Dated: 16 /02/2018.

PETITIONER.

Through:-

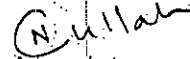

(Malik Nasrum-Minallah)
Advocate Supreme Court,
OF PAKISTAN

Book Reference

1. Constitution of Islamic Republic of Pakistan 1973.
2. Criminal Procedure Code
3. Pakistan Penal Code.
4. Case Laws, if any.

CERTIFICATE

Certified that No Writ Petition on the subject between the subject parties is pending before this Hon, Able court.


Advocate.

- 28 -

BEFORE THE HON'ABLE PESHAWAR HIGH COURT PESHAWAR.

In Re. Writ Petition No. _____ / of 2018.

Atiq-ur-Rehman & another
.....Petitioner.

VERSUS

Dr. Noor-ul-Eman & Others
.....Respondents.

AFFIDAVIT

I, Atiq-ur-Rehman S/O Abdul Haleem R/O Mohallah Musa Khel, Village Sufaid Dheri, Tehsil & District Peshawar, do hereby solemnly affirm and states on oath that the contents of accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.

Identified by: Atiq-ur-Rehman
Matik Nasrum Minallah (Asc)
Dated: 10/02/2018.

Atiq-ur-Rehman
Deponent.
NIC No: 17301-1328320-5

No. <u>1077</u>
Certified that the above was verified on solemn affirmation before me in office this <u>10th</u> day of <u>Feb</u> 20 <u>18</u> by <u>Atiq-ur-Rehman</u> s/o <u>Abdul Haleem</u> who was personally known to me: <u>Atiq-ur-Rehman</u>
Who is personally known to me: <u>Atiq-ur-Rehman</u>
Signature of Commissioner <u>[Signature]</u>
Date <u>10/2/18</u>

BEFORE THE HONABLE PESHAWAR HIGH COURT PESHAWAR.

In Re. Writ Petition No. _____ / of 2018.

Atiq-ur-Rehman & another

.....Petitioner.

VERSUS

Dr. Noor-ul-Eman & Others

.....Respondents.

ADDRESSES OF THE PARTIES

1. Atiq-ur-Rehman S/O Abdul Haleem
 2. Mst. Saba Memoona W/O Atiq-ur-Rehman
- Both R/D Mohallah Musa Khel, Village Sufaid Dheri, Tehsil & District Peshawar.

.....Petitioners.

VERSUS

1. Dr. Noor-ul-Eman, Dean, Khyber Medical College, Peshawar.
2. S.H.O Police Station University Campus Peshawar.
3. The State (Through Advocate General KPK)

.....Respondents.

Dated: 16/02/2018.

PETITIONER.

Through:-

(*N. Minallah*)
 (Malik Nasrum-Minallah)
 Advocate Supreme Court,
 OF PAKISTAN

**IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)**

- 30 -

C.P.L.A.No. 121 / 2018

Saba Memoona

.....Petitioner.

VS

S.H.O Plice Station Universaty Campus Peshawar & others

.....Respondents.

NOTICE

To

- 1) S.H.O P.S University Campus Peshawar.
- 2) Noor ul Emaan Dean Khyber Medical College Peshawar.
- 3) Naveed Alam Chief Provost Khyber Medical College Peshawar
- 4) Sheer Abdullah Admin Officer Khyber Medical College Peshawar.
- 5) The State.

..... Respondents.

Please take notice that I am filing Civil Petition in the Supreme Court of Pakistan against the Judgment and order dated: 05.12.2018 of the Peshawar High Court Peshawar, passed in Writ Petition No.1657-P /2018.



**(Syed Rifaqat Hussain Shah)
Advocate-on-Record.**

Saba Memooona

.....Petitioner

VERSUS

SHO, P.S. University Campus Peshawar & others

.....Respondents

Court Appealed From:

Peshawar High Court, Peshawar against
the Impugned Judgment dated 05.12.2018
in W.P.No.1657-P/2018

Counsel for the Petitioners:

Malik Nasrum Minallah, ASC
With Syed Rifaqat Hussain Shah, AOR

Counsel for the Respondents:

INDEX

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4	Grounds of W.P.No.1657-P/2018	27-03-2018	15-19
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Certified that the paper book as bound is complete and correct

Syed Rifaqat Hussain Shah
Advocate-on-Record
For the Petitioner

Dated:-12-01-2019

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

- A -
- 32 -

C. P.L.A No. _____ /2019.

Saba Memoona

.....Petitioner.

VS

S.H.O Police Station University Campus Peshawar & others

.....Respondents.

Concise Statement

1	Subject Matter and Law	Writ Petition for Quashment/Setting aside of order passed by the learned ASJ/Justice of Peace Peshawar vide order dated: <u>22.03.2018</u> , for registration of F.I.R against the respondent No.2-4.	
2	Who Filed it	The respondent No.2-4	
3	Court/Forum	a) Filing b) Decision	Who filed/Result
	Peshawar High Court Peshawar	27.03.2018 05.12.2018	Writ petition filed by the petitioner was dismissed.
	Point Noted in the Impugned Judgment	Treatment of point in the impugned Judgment	
	4. It is alleged in the application under section 22-A Cr.P.C filed by respondent No.1 that she is working as senior warden in Khyber Medical Girls Hostel at	5. the learned Justice of Peace called comments from the SHO police station concerned which accordingly furnished the same by stating that the husband of	

court proceedings initiated against them as such have taken the law in their hands against which respondent No.1 approach police station for registration of FIR against petitioners but refused hence, has filled the instant application u/s 22-A Cr.P.C.

Certified that proforma has been prepared by the undersigned in accordance with the rules and instruction of the court.



**(Syed Rifaqat Hussain Shah)
Advocate on Record.
Supreme Court of Pakistan
Islamabad**

BEFORE THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

-34-

C.P.L.A No. 121 / 2018

Saba Memoona D/O AbdurRaheem R/O Senior Warden House, KMC
Girls Hostel University of Peshawar.

..... Petitioner.

VERSUS

1. S.H.O P.S University Campus Peshawar.
2. Noor ul Emaan Dean Khyber Medical College Peshawar.
3. Naveed Alam Chief Provost Khyber Medical College Peshawar
4. Sheer Abdullah Admin Officer Khyber Medical College Peshawar.
5. The State.

..... Respondents.

CIVIL PETITION FOR LEAVE TO APPEAL UNDER ARTICLE
185 (3) OF THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973, AGAINST THE IMPUGNED
ORDER AND JUDGMENT DATED: 05.12.2018 OF THE
HON,ABLE PESHAWAR HIGH COURT, PESHAWAR PASSED
IN WRIT PETITION NO.1657-P OF 2018, WHEREBY THE
WRIT PETITION FILED BY THE RESPONDENT NO1-3 WAS
ALLOWED.

=====
Respectfully Sheweth:-

- I. Law points and grounds inter-alia of General Public Importance

Which falls for the determination of this August Court are:-

k. That, the Hon.able High court has passed the impugned order and judgment without bearing in mind the actual controversy between the parties and failed to appreciate the law on the subject.

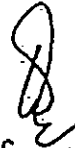
-35-

i. That, the Hon.able High court has passed the impugned order and judgment without bearing in mind the actual controversy between the parties and failed to appreciate the law on the subject.

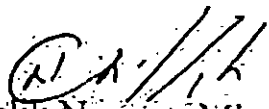
m. That, the matter has been decided in hast and haphazard manner without properly appreciating the facts and circumstances of the case, hence the same required interference of this apex court.

n. That on permission of this Honorable Court the petitioner may urged other additional grounds if any, at the time of arguments.

It is, therefore, most humbly prayed that leave to appeal against the judgment and order dated: 05.12.2018, of the Hon,able Peshawar High Court, Peshawar Passed in Writ Petition No.1657-P/2018, may graciously be granted, with such other orders deem proper may also be passed in the matter.


 Filed by

(Syed Rifaqat Hussain Shah)
Advocate-on-Record.


(Malik Nasrum-Minallah)
Advocate Supreme Court
Of Pakistan

CERTIFICATE

Certified that no such like petition has earlier been filed by the petitioner against the judgment and order impugned herein.


Advocate-on-Record

DIRECTORATE OF FINANCE, MTL, KTH, KMC & KCD, PESHAWAR

Salary Slip for the month of August-2019 (KMC)

Personal No.: 999900688816

Employee Name: Saba Memoona

Designation: Warden

BPS:

17

Father Name: na

Date of Birth: 12/19/2012

Date of Appointment: 12/19/2012

Date of Retirement: 1/1/1900

02 HBL		1697 University Town		A/C NO. 7900358903		NTN: 0		MRNo.: 0	
Pay & Allowances	Amount	Deductions	Amount	Loan/Fund		PRIN REPAID		Balance	
A01101 B Pay	44170	CPFund	25875	Others		mis 283712	141856 Bal:141856	139725	
A01217 Medical ALL	1846	G06214 B Fund	800						
Warden Allow	3000	E01152 I Tax	6923						
Ad Rel 2013	920	PL305703 ROPMIS	124124						
adrel 2015	634	G06214 Adj B Fund	11200						
Adhoc Rel 2016	3316	Adj Income Tax	13188						
Adhoc Rel 2017	4417	Deduction	182110						
Institutional Per Allow	4000								
Adrel 2018	4417								
Adrel 2019	2208								
A01101 Adj Sub	596206								
A01217 Adj Med ALL	25475								
Warden Allow	41400								
Adj Ad Rel 2013	12696								
Adj Adrel 2015	8749								
Adj Adhoc Rel 2016	45761								
Adj Adrel 2017	59621								
Adj SPA	55200								
Adj Adrel 2018	56271								
Adj Adrel 2019	2208								
Payment	972515								

Saba Memoona
Accounts Officer
Khyber Medical College
Peshawar

Net Pay: 790405 August-2019 Note: Exact GPFund/CPFund is maintained in AG-Khyber Pakhtunkhwa

DIRECTORATE OF FINANCE, MTI, KTH, KMC & KCD, PESHAWAR

Salary Slip for the month of August-2019 (KMC)

Personal No.: 999900688816

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Date of Retirement: 1/1/1900

02 HBL

1697 University Town

A/C NO. 7900358903

NTN: 0

MRNo.: 0

Pays & Allowances		Deductions		Loan/Fund Others	PRIN REPAID MR 283712 141856 Bal:141856	Balance 139725
	Amount		Amount			
AD1101 B Pay	44170	CPFund	25875			
AD1217 Medical ALL	1846	G06214 B Fund	800			
Warden Allow	3000	E01152 I Tax	6923			
Ad Rel 2013	920	FL305703 ROF/MIS	124124			
adrel 2015	634	G06214 Adj B Fund	11200			
Adhoc Rel 2016	5316	Adj Income Tax	13188			
Adhoc Rel 2017	4417	Deduction	182110			
Institutional Per Allow	4000					
Adrel 2018	4417					
Adrel 2019	2208					
AD1101 Adj Sub	396206					
AD1217 Adj Med ALL	25475					
Warden Allow	41400					
Adj Ad Rel 2013	12696					
Adj Adrel 2015	8749					
Adj Adhoc Rel 2016	45761					
Adj Adrel 2017	39621					
Adj IPA	55200					
Adj Adrel 2018	56271					
Adj Adrel 2019	2208					
Payment	972515					

Net Pay: 790405 August-2019 Note: Exact GPFund/CPFund is maintained in AG-Khyber Pakhtunkhwa