

Service Appeal No. 35/2019

10.03.2020

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant Advocate - General alongwith Mr. Hazrat Shah, Superintendent for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of seven pages placed in connected Service Appeal No. 30/2019 titled "Rasheed Khan Versus The Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others", the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
10.03.2020



(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

03.01.2020

Appellant in person present. Mr. Riaz Painsdakhel learned Assistant Advocate General for the respondents present. Appellant submitted rejoinder which is placed on file and requested for adjournment. Adjourned. To come up arguments on 14.02.2020 before D.B.

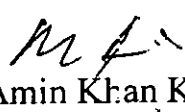

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

14.02.2020

Learned counsel for the appellant and Mr. Riaz Painsdakhel learned Assistant AG alongwith M/S Hazrat Shah Superintendent and Jaffar Assistant for the respondents present. Arguments heard. To come up for order on 27.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

27-2-20

The learned Members is an
hour therefore case is adjourned
to 10-3-2020 for order


Reader

29.11.2019

Appellant in person present. Asst: AG for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 20.12.2019 before D.B.


Member


Member

20.12.2019

Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Saleem Javid Litigation Officer present. Representative of respondents submitted reply. Partial arguments of learned counsel for the appellant heard. Adjournment requested. Adjourn. To come up for further proceedings/further arguments on 24.12.2019 before D.B.


Member


Member

24.12.2019

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 03.01.2020 before D.B.


Member


Member

30.08.2019

Appellant in person and Addl. AG for the appellant present.


Despite last chance the respondents have failed to furnish the reply/parawise comments. To come up for arguments before D.B on 21.10.2019.


Chairman

21.10.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 14.11.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

14.11.2019

Appellant with counsel present. Mr. Usman Ghani learned District Attorney alongwith M/S Saleem Javid Litigation Officer and Jaffar Ali Assistant present. Learned District Attorney requested for adjournment. Adjourn. To come up for further proceedings/arguments on 29.11.2019 before D.B.


Member


Member

30.04.2019

Counsel for the appellant and Mr. Usman Ghani District Attorney for the respondents present.

Learned AAG requests for adjournment to procure the requisite reply from the respondents.

Adjourned to 20.06.2019 for submission for written reply/comments.



Chairman

28.05.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG states that he has not been contacted by any representative of the respondents today. He, however, requests for a further chance to the respondents for submission of written reply.

Adjourned to 04.07.2019 for submission of written reply/comments as a last chance.



Chairman

04.07.2019

Counsel for the appellant and Addl. AG alongwith M/S Atif and Jaffar Ali, Assistants for the respondents present.

Representative of the respondents seeks further time. Last opportunity granted. To come up for written reply/comments on 30.08.2019 before S.B.



Member

07.02.2019

Counsel for the appellant present.

The proposition involved in the appeal in hand essentially is:-

Whether the salary of appellant could be stopped and his service terminated through oral order?

To resolve the controversy instant appeal is admitted for regular hearing. 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 28.03.2019 before S.B.

~~Amount deposited~~
Security & Process Fee


Chairman

29.03.2019

Clerk to counsel for the appellant present. Jafar Ali Assistant and Atif Assistant representatives of the respondent department present and requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 30.04.2019 before S.B.




Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 35/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/1/2019	<p>The appeal of Mr. Abdul Salam resubmitted today by Mr. Amjid Ali Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/1/19</p>
2-	16-1-19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Abdul Salam son of Muhtaj-ud-Din Ex-Malaria Supervisor BHU Kodinaka Mardan received today i.e. on 21.12.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of judgment is incomplete which may be completed.
- 2- Copy of impugned termination order mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 3- Necessary party may be made in the heading of appeal.

No. 2444 /S.T,

Dt. 24-12-2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Adv. Mardan.

8/6
objection have been removed there is
no termination order in wording man
oral order so resubmit


Amjad Ali
ADVOCATE
SUPREME COURT

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

Service Appeal No. 35 /2018

Abdul Salam.....Appellant

VERSUS

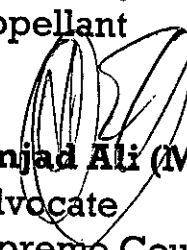
Director General Health Services,
Khyber Pakhtunkhwa, Peshawar & othersRespondents

INDEX

S.No.	Description of documents.	Annexure	Page No
1.	Memo of appeal		1-4
2.	Addresses of parties		5
3.	Copy of appointment order & Certificate	A-A/1	6-9
4.	Copy of the appointment order		
5.	Copy of posting/ transfer orders	C	10-11
6.	Copy of initial report		
7.	Copy of service sheet		
8.	Copy of pay slips/ Last pay certificates	F	12-13
9.	Copy of inquiry report dated 07.03.2016	G	14-15
10.	Copy of order of High Court dated 22.02.2018 alongwith grounds of writ petition	H	16-24
11.	Copy of reliving order of the tribunal	I	25-25A
12.	Copy of departmental appeal	J	26-28
13.	appellate order dated 28.11.2018	K	29
14.	Wakalatnama		30


Appellant

Through


Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan
Cell: 0321-9882434

Dated:

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 35 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1778

Date 21-12-18

Abdul Salam S/o Muhtaj-ud-Din
R/o Gujar Ghari, Tehsil Takht Bhai, District Mardan
Ex-Malaria Supervisor (BPS-9) THQ, Takht Bhai.

.....Appellant

VERSUS

- 1) Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 2) Agency Surgeon, South Waziristan Wana.
- 3) Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.

4) DHO Health mardanRespondents

**APPEAL U/S 4 OF KP SERVICE
TRIBUNAL ACT, 1974 AGAINST
ORAL TERMINATION ORDER AND
APPELLATE ORDER DATED
28.11.2018 UPON DEPARTMENTAL
APPEAL DATED 19.11.2018,
WHEREIN DEPARTMENTAL APPEAL
HAS BEEN DISMISSED, WHICH IS
ILLEGAL AGAINST LAW AND FACTS.**

Filed to-day

10
Registrar

21/12/18

PRAYER:

Re-submitted to -day
and filed.

10
Registrar

09/1/19

**On acceptance of this appeal, the
impugned oral termination order and
appellate order dated 28.11.2018 may
please be set-aside and appellant
may please be reinstated in service
with all back benefits.**

Sir,

(2)

Appellant humbly submits as under;-

- 1) That appellant was appointed as Malaria Supervisor vide order dated 16.08.2007 after requisite qualification. (Copy of appointment order and Certificates are Annex "A & A/1")
- 2) That appellant after medical fitness was posted and thereafter series of posting/ transfer orders were passed. ~~(Copy of medical certificate is Annex "B")~~ posting/ transfer orders are Annex "C". ~~(Artyak report is Annex "D" and service book is Annex "E")~~
- 3) That appellant regularly received salary till October 30.12.2014. (Copy of pay slips/ Last pay certificates are Annex "F")
- 4) That an ex-parte inquiry, at the back of appellant was conducted, wherein, appellant was not associated with the inquiry and inquiry report dated 07.03.2016 was authored. (Copy of inquiry report dated 07.03.2016 is Annex "G")
- 5) That appellant was orally stopped from performing duty on 23.11.2018, thus performed duty till 23.11.2018, whereas, appellant salary was stopped on 30.12.2014.
- 6) That appellant immediately approached for release of his salary before hon'ble Peshawar High Court, Peshawar, however, the writ petition was dismissed on the basis of maintainable vide order dated 22.02.2018. (Copy of order of High Court dated 22.02.2018 alongwith grounds of writ petition are Annex "H")
- 7) That appellant received relieving order dated 07.04.2016 and passed by DHO Mardan and order dated 18.10.2017 passed by MS THQ Hospital Takht

Bhai received on 23.11.2018. (Copy of relieving orders are attached as Annex "I")

(3)

- 8) That appellant filed departmental appeal dated 19.11.2018, which is dismissed vide order dated 28.11.2018. (Copy of departmental appeal is Annex "J" and appellate order dated 28.11.2018 is Annex "K")
- 9) That the impugned oral termination order and order dated 28.11.2018 passed by respondent No.1 is illegal, against law and facts on the following grounds:-

GROUNDS

- A. Because impugned oral termination order is a void order.
- B. Because it is must that for written appointment, there should be written termination order.
- C. Because it is not simple appointment order, but series of orders/ posting/ transfers, wherein salaries has been paid on the basis of appointment order by A.G Office and Accounts Officer of different Districts.
- D. Because appellant is not associated with the fact finding inquiry and is back biting.
- E. Because none of the witness has been examined in presence of appellant.
- F. Because appellant has not been given opportunity of hearing.
- G. Because the procedure under E&D Rules has not been followed.
- H. Because appellant has not been given charge sheets/ statement of allegations.

- I. Because appellant has not been given any show cause notice. (4)
- J. Because principle of natural justice has been violated, which is well entrenched in our judicial system and even find its traces from Garden of ADAM & EVE.
- K. Because impugned appellate order dated 28.11.2018, is a non-speaking order, not supported by any reason and passed without hearing of appellant.
- L. Because appellant is jobless and entitled for back benefits.

It is therefore, humbly prayed that, the impugned oral termination order and appellate order dated 28.11.2018 may please be set-aside and appellant may please be reinstated in service with all back benefits.

Any other relief deemed appropriate in the circumstances of the case may kindly also be granted.

Appellant

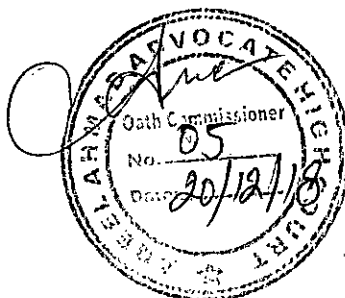
Through

Amjad Ali (Mardan)
Advocate

Supreme Court of Pakistan

VERIFICATION

It is verified that, the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.



Deponent

(5)

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

Service Appeal No. _____/2018

Abdul Salam.....Appellant

VERSUS

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar & othersRespondents

ADDRESSES OF PARTIES

APPELLANT

Abdul Salam S/o Muhtaj-ud-Din
R/o Gujar Ghari, Tehsil Takht Bhai, District Mardan
Ex-Malaria Supervisor (BPS-9) THQ, Takht Bhai.

RESPONDENTS

- 1) Director General Health Services, Khyber Pakhtunkhwa,
Peshawar.
- 2) Agency Surgeon, South Waziristan Wana.
- 3) Govt. of Khyber Pakhtunkhwa through Secretary Health,
Civil Secretariat, Peshawar.


Appellant

Through


Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Aux-A (6)

(6)

AGENCY SURGEON SOUTH WAZIRISTAN AGENCY, WANA

OFFICE ORDER

Consequent upon approval accorded by the Departmental Selection Committee Mr. Abdul Salam S/O Mukhtaj-ud-Din is hereby appointed as Malaria Supervisor BPS-09 (i.e. Rs.3185-190-8885) plus usual allowances as admissible under the Rules.

His appointment in the Health Department will be subject to the following terms and conditions.

1. His appointment will be subject to Medical fitness.
2. He will not be entitled to any TA/DA for Medical examination and joining the first appointment.
3. He will be governed by such rules and orders as may be issued by the Government for the category of Government Servant to which he belongs.
4. As laid down vide Govt. of N.W.F.P Establishment and Administration Department Notification No. E & A (1-13)/2005, dated 10-08-2005, he will not be entitled to pension or gratuity however in lieu thereof, will be entitled to received such amount contributed by him towards the contributory provident fund along with the contributions made by the Government to him account in the said fund.
5. If he wishes to resign from service he will have to submit resignation in writing one month in advance OR deposit one month's pay in the Govt treasury. However he will continue to serve the Govt, till his resignation is accepted by the competent authority.

If the above terms and conditions are acceptable to him, he should report to the undersigned within fourteen (14) days of the receipt of this order.

(AGENCY SURGEON)
SOUTH WAZIRISTAN AGENCY
WANA

No. 451-54/E-III,

Date: 16 - 8 - 2007

Copy forwarded to:

5. The Director Health Services FATA, Peshawar.
6. Agency Account Officers in South Waziristan.
7. Accountant Agency Surgeon Office, South Waziristan, Wana.
8. Official concerned.

For information and necessary action.


ADVOCATE
SUPREME COURT

S.No. 85879

Roll No. 185554



(13)

Amjad Ali
ADVOCATE
SUPREME COURT

Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 1999 – ANNUAL

(Humanities Group)

This is to Certify that Abdul Salam Son / Daughter of Mukhtaj ud Din
and a resident of Mardan District

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Peshawar held in May/June 1999 as a Private candidate. He / She obtained 421 Marks out of 850 and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|--------------------|--------------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Islamic Studies |
| 2. Urdu | 4. Pakistan Studies | 6. General Science | 8. Pashto |

Date of birth according to admission form March 14, 1982

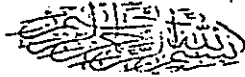
[Signature]
Ass. Secretary

[Signature]
Secretary

S.No. 103110

Roll No. 17138

Group. Humanities



14

Revised

Amjad Ali
ADVOCATE
SUPREME COURT

Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION
SESSION - 2001-SUPPLEMENTARY

This is to Certify that Abdul Saleem Son of Mukh Taj Ud Din
and a resident of Mardan District Registered No. 162-B/M-2-99
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar
held in Oct/Nov: 2001 as a Private Candidate. He obtained 546 Marks out of 1100
and has been placed in Grade D Representing Fair. He has been awarded Grade - on the
basis of internal assessment by the institution concerned. The Examination was taken in parts.

Asstt Secretary

10

Secretary

Issued in lieu of Certificate No. 101443

This certificate is issued without alteration or erasure

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

15

9

University of Peshawar (Pakistan)

Session SUPPLEMENTARY 2006

ABDUL SALAM

Son / Daughter of

MUKH TAJ UD DIN

and a student/private candidate of DISTRICT MARDAN

Having passed the Prescribed examination held in JANUARY 2007

is this day admitted by the University of Peshawar to the Degree of

Bachelor of Arts

in THIRD Division

The Examination was taken as a whole / in parts

Serial No. 0120491

Registration No. 2002-PC-7757

Roll No. 22776

Result declared on MAY 2007



[Signature]
Registrar

Countersigned

[Signature]

Vice-Chancellor



**DIRECTORATE
GENERAL HEALTH SERVICES
N.W.F PESHAWAR**

BB
Aux - C
10

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwfdgls@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196
Fax # 091-9210230

OFFICE ORDER

As approved by the competent authority, the service of Mr. Abdul Salam Malaria Supervisor attached to Agency Surgeon South Waziristan Agency, Wana are hereby placed at the disposal of Executive District Office (Health) Mardan for further adjustment under his control in the interest of public service, with immediate effect.

Arrival/departure report should be submitted to this Directorate for record.

Sd/-
Director General Health
Services NWFP, Peshawar

No. 3055-59/Personnel,

Dated: 25-8-2009

Copy forwarded to the:-

- 1- P.S to Minister for Health NWFP, Peshawar.
 - 2- DHS (FATA), NWFP Peshawar.
 - 3- EDO (H) Mardan.
 - 4- Agency Surgeon South Waziristan Agency Wana.
 - 5- Official concerned.
- For compliance and necessary action.

Office for NWFP

[Signature]
Director General Health
Services NWFP, Peshawar

[Signature]
ADVOCATE
SUPREME COURT

(11)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (HEALTH) MARDAN
Ph: # (0937) 9230030 Fax: # (0937) 9230349 Email: edohmr@yahoo.com

OFFICE ORDER

Mr. ~~Abdull Salam Malaria~~ Supervisor under transfer to EDO (Health) Mardan vide DGHS order No. 3055-59/ Personnel dated 25.08.2009, is hereby adjusted against the vacant post of (*Malaria Supervisor*) Junior Primary Health Care Technician (Multi Purpose) BPS-09, under the control of this office.

He is directed to report for duty at RHC Takht Bhai.

NB: - Arrival/Departure report should be submitted to this office.

sl/xxx
Executive District Officer,
(Health) Mardan

No. *13802-06* /EDO(H) dated _____ Mardan the *18/09/2009*
Copy forwarded to the:

1. Director General Health Services, N.W.F.P, Peshawar for information w/r to his order No. quoted above.
 2. SMO Incharge RHC Takht Bhai.
 3. Accountant EDO (H) office Mardan
 4. Computer cell
 5. Official concerned.
- for information and necessary action.

[Signature]
Executive District Officer,
(Health) Mardan

[Signature]
ADVOCATE
SUPREME COURT

LAST PAY CERTIFICATE

Annex F
Annex 2
(33) (12)

1. Last Pay Certificate of Abdul Salam Khan
of the Agency Surgeon South Waziristan
proceeding to EDO (Health) Masdan

2. He has been paid upto 31.08.2009
as the following rates:

Particulars:

Substantive Pay:—

Officiating Pay:—

Exchange & Compensation Allowance

Basic Pay	Rs.	4,250/-
S.R.A.	Rs.	1,146/-
U.A.A.	Rs.	75/-
M.A.	Rs.	500/-
2% D.H.	Rs.	312/-
Total	Rs.	6,583/-

Deductions:—

3. He made over charge of the Office of his duties

on the 31.08.2009 from of 31.08.2009

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

From 31.08.2009 to 31.08.2009 Rs. 0/- a month

From 31.08.2009 to 31.08.2009 Rs. 0/- a month

From 31.08.2009 to 31.08.2009 Rs. 0/- a month.

He is entitled to draw the following:

He is also entitled to joining time for 0 days

The details to the Income Tax recovered from him upto the date in the beginning of the current year are noted on the reverse.

Amjad Ali
ADVOCATE
SUPREME COURT Signature

[Signature]
Agency Surgeon
South Waziristan.

Designation

ted at 19

13



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT Mardan
PAY ROLL SYSTEM



PAYMENT ADVICE
P Sec: 002 Month: December 2013
NR7018 - District Health Officer

Pers #: 00483550 Buckle:
Name: ABDUL SALAM
Des.: MALARIA SUPERVISOR
CNIC No. 1610219301257

Min: Min. of Health
NTN:
GPF #: 01d #: 161021930125

DEPTT CODE NR7018

PAYS AND ALLOWANCES:		
0001-Basic Pay		8,480.00
1000-House Rent Allowance		1,146.00
1210-Convey Allowance 200E		1,840.00
1300-Medical Allowance		1,000.00
1948-Adhoc Allowance 2010@ 50%		2,255.00
1970-Adhoc Relief Allow 2011		876.00
2118-Adhoc Relief Allow (2012)		1,696.00
2148-15% Adhoc Relief All-2013		1,272.00
Gross Pay and Allowances		18,365.00
DEDUCTIONS:		
GPF Balance 10,071.00		
3501-Benevolent Fund	Subrc:	595.00
3511-Addl Group Insurance		180.00
3604-Group Insurance		7.00
		67.00
Total Deductions		849.00
NET AMOUNT PAYABLE		17,516.00

QUALIFYING SERVICE
YRS MON
06 Years 04 Months 017

D.O.B
14.03.1982
Days

LFP Quota:
NEP MARDAN MAIN BRANMARDAN MAIN BRCH
11799-5

Amjad Ali
ADVOCATE
SUPREME COURT

Ann G

(14)

ENQUIRY REPORT OF DHO CHARSAZZA IN LIGHT OF REFERENCE NO. 10551-53/A.E VI DATED 21/10/2015 ABOUT THE

1. Mr. Shah Waliullah Malaria Supervisor BPS-09
- ✓ 2. Mr. Riaz Ali Shahconda Malaria Supervisor BPS-09
- ✓ 3. Mst. Sameena Shaukat Jr. PHC Tech (MCH)/LHV BS-09
- ✓ 4. Mr. Abdul Salam Malaria Supervisor BPS-09
5. Mr. Rasheed Khan Malaria Supervisor BPS-09
6. Mr. Javed Khan Malaria Supervisor BPS-09
7. Ms. Neelam Naz Jr. PHC Tech (MCH)/LHV BS-09

MENDATE OF ENQUIRY

- To find out whether the appointment was fake
- To determine whether the persons under enquiry were transferred from Wana North Waziristan to Mardan vide fake transfer order.


PROCEEDINGS:

The undersigned visited DHO office Mardan on Friday 13/11/2015 and on 8/12/2015 attend the office of DHO Noshehra and collect the appointment orders, service books, LPC and other documents of the relevant staff. Statements of the concerned staff were recorded.

The staff who were appointed at Wana and transferred to District Mardan stated in their statement that they have never been in Wana Waziristan for duty nor they have seen Wana North Waziristan and accepted that they have never drawn salary from the concerned DAO. According to them they were told by the person who appointed them that you will not demand for salary and nobody will ask you about performance of duties. LPC were not issued all of them by concerned DAO office.

According to their statements (annexed) that a Senior Clerk of DHO office Mardan named Mr. Wazir Zada appointed them and transferred them subsequently and handed over the service book and transfer orders to them in his home.

The clerk Mr. Wazir Zada Senior Clerk involved has died sometimes ago and therefore his view was impossible to record. Moreover the two persons Mr. Javed Khan Malaria Supervisor at serial No. 6 and Neelam Naz PHC/LHV at serial No. 7 were appointed on 8/02/2008 by DHO Nowshehra and transferred to District Mardan on 26/05/2008.


ADVOCATE
SUPREME COURT

In this connection statements of concerned officials and DHO Newshehra were recorded which is self explanatory (Annexed) and record to match this order/appointment could be included, because as per statement of DHO Newshehra all the relevant record destroyed in 2010 devastating flood. However he stated he has done appointments after fulfilling all codal formalities.

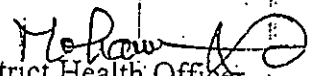
OPINION:

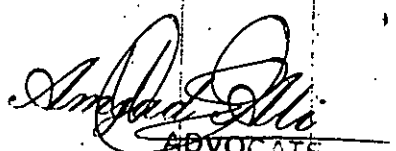
In my opinion five number of persons appointed/transferred from Wana are fake and their appointment orders order could not be verified from the concerned offices. Neelan Naz and Javed appointed/transferred to DHO Mardan are probably correct due to the fact that the record to verify their statements has lost in 2010 devastating flood and admitted in his statement by DHO Newshehra(Annexed). So No record was available to verify/match.

The undersigned has reached a point that such appointment /transfer cannot be made by a single person sitting in Mardan now deceased. A gang of personnel sitting in DGHS and Mardan might have done the process collectively. No record of any kind was available at FATA Secretariat.

RECOMMENDATIONS:

- The appointment of staff who were appointed at North Waziristan and transferred to Mardan are absolutely fake, because there is no record of appointment, salary drawn at agency account office and LPC from the concerned AAO as well as FATA Secretariat.
- The credentials of LHV's need to be verified from the concerned faculty / nursing council.
- All the employees appointed in FATA and transferred to settle areas may be scrutinized to find out their position as to fake or otherwise. For this purpose a high level enquiry is recommended to discover the network involved.


District Health Officer
Charsadda


ADVOCATE
SUPREME COURT

Am H

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

(16)

Date of Order or Proceedings	Order/Proceedings with Signature of Judge.
1	2
22.02.2018	<p><u>WP No. 475-P/2017.</u></p> <p>Present: Mr. Irfan Ali Yousafzai, Advocate, for petitioners.</p> <p>Syed Qaiser Ali Shah, AAG, for respondents.</p> <p>***</p> <p><u>MUHAMMAD AYUB KHAN, J.:-</u> Petitioners, Riaz Ali Shah and two others, seeks the constitutional jurisdiction of this Court praying that:-</p> <p><i>“That on acceptance of this writ petition, the impugned notification/letter/order may kindly be declared as illegal, unlawful and against the law and facts, and be set aside, respondents be directed to issue salaries and all other benefits to petitioners as are given to other employees”.</i></p> <p>2. As per writ petition, the petitioners were appointed in the Health Department in the years 2007 & 2011 respectively. They arrived for duty at the relevant places of posting; The petitioners were then transferred to Takht Bhai, District Mardan. They were provided the LPCs by the concerned Agency Surgeon.</p>

Am H

Am H
ATTORNEY
SUPREME COURT

SCANNED

(17)

Vide letter No. 11427-46/P&E (Estb) dated 27.06.2014 they were directed to submit some documents relevant to their service; That vide letter No.3682/DHO, the petitioners have been informed that their appointment/transfer orders were fake. That since 2015 the petitioners have not been paid their salaries. Aggrieved of such actions of the respondents, the petitioners have preferred the instant petition.

3. Arguments of the learned counsel for the parties heard and record gone through with their valuable assistance.

4. After the alleged transfer of petitioners to Takht Bhai by the order of Agency Surgeon, Waziristan Agency, Wana, enquiry was conducted by the DHO, Charsadda against the petitioners and four others. He found;

"The staff who were appointed at Wana and transferred to District Mardan stated in their statement that they have never been in Wana Waziristan for duty nor they have seen Wana North Waziristan and accepted that they have never drawn salary from the concerned DAO. According to them they were told by the person who appointed them that you will not demand for salary and nobody will ask you about performance of duties. LPC were not issued to all of them by concerned DAO office."

5. He pointed that;
- i. Appointment/transfer from Wana were fake. There appointment orders could not be verified from the concerned office
 - ii. The appointment of staff (petitioners) at

11/11/14

Amir Ali
ADVOCATE
SUPREME COURT

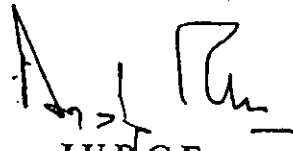
North Waziristan and transfer to Mardan were absolutely fake because there was no record of appointment, salary drawn at Agency Accounts Office and LPC from the concerned AAO as well as FATA Secretariat.

6. As consequence of the enquiry, DHO, Mardan addressed letter No. 3682/DHO dated 07.04.2016 wherein it was requested to Director General, Health Services, Khyber Pakhunkhwa, Peshawar, to issue termination order of the petitioners. Now, the petitioners have impugned the above order/letter No.3682/DHO dated 07.04.2016 (evidently not mentioned specifically) to be declared as illegal, unlawful and to be set aside.


7. As we have stated above that this letter is recommendation, forwarded to Director General, Health Services, Khyber Pakhunkhwa, Peshawar. No final order has been made on the basis of these recommendations. Hence, present petition is not maintainable and is, accordingly dismissed in limine.

Announced on;
22.02.2018


CHIEF JUSTICE


JUDGE

(10)


ADVOCATE
SUPREME COURT

(A)

BEFORE THE HONOURABLE PESHAWAR HIGH COURT
PESHAWAR

Writ Petition No. _____ /2017

(19)

1. Riaz Ali Shah S/o Anumber Shah R/o Bajwaro Korona
Tehsil Takht Bhai District Mardan
2. Abdul Salam S/o Mukhtaj ud Din R/o Gojhar Ghari Tehsil
& District Mardan
3. Samina Shoukat S/o Shuokat Ali R/o Abid Khan Kaly Sar
Dheri Tehsil & District Charsadda
.....Petitioner

VERSUS


1. Government of Khyber Pakhtunkhwa, through Chief
Secretary Khyber Pakhtunkhwa
2. Secretary Health, Khyber Road, Khyber Pakhtunkhwa
3. Director General Health, Khyber Pakhtunkhwa
4. District Health Officer, Mardan
5. District Account Officer, Mardan

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

Respectfully Submitted

Brief facts of the case are as under.

FACTS:


ADVOCATE
SUPREME COURT

- (A)
1. That the petitioners being a respectable citizen of the country acquired there education from well reputed institutions of the country. (Copy of educational document are annexed as annexure "A")
- (20)
2. That it was in the year 2007 that the petitioner No. 1 & 2 were appointed as Malaria Supervisor in BPS-09 and petitioner No.03 was appointed as L.H.V in BPS-09 in the year 2011 in Health Department, as a permanent Civil servants. (Copy of appointment orders are annexed as annexure "B")
3. That the petitioners as such put their entry in the service with the aim to serve the country in particular, his family in general and started receiving their salaries through pay roll system. (Copy of pay rolls of all the petitioners are annexed as annexure "C")
4. That, the respondents were pleased to issue transfer order to the petitioners No.01 & 02 and were transferred from South Waziristan and adjusted against the vacant posts at RHC Takht Bhai and the petitioner No.03 was transfer from Waziristan against the vacant post at THQ hospital Takht Bhai, District Mardan. (Copy of the transfer orders are annexed as annexure "D")
5. That when the petitioners were transferred, the Agency surgeon of South Waziristan provided the last pay Certificate to the petitioners. (Copy of last Pay Certificate are annexed as annexure "E")

Amjad Ali
ADVOCATE
SUPREME COURT

- 6. That thereafter petitioners were issued letter No. 11427-46/P&E(Estb) dated Mardan 27/06/2014, vide which the petitioners were directed to submit some of their relevant documents including their appointment letter, academic documents, Diploma / Certificate, transfer order in original etc. (Copy of letter No. 11427-46/P&E(Estb) dated Mardan 27/06/2014 is attached as annexure "F")
- 7. That a so called inquiry was conducted by respondents where after a letter No. 3682/DHO, dated 07/04/2016 was issued to petitioners wherein it was stated that the appointment / transfer of the petitioner is fake and not according to the codal formalities as per Esta-Code rules / regulation. (Copy of letter No. 3682/DHO, dated 07/04/2016 is attached as annexure G)
- 8. That thereafter since January 2015 the salaries of the petitioners are stopped, without any reason, nor there was any termination letter etc and still petitioners are serving the department. (Copy of attendance register is attached as annexure "H")
- 9. That the petitioners thereafter wrote a Mercy Petition to M/S Takht Bhai Hospital for release of their salaries, whereupon the M/S DHO Takht Bhai recommended petitioners in good words. (Copy of Mercy Petition to M/S Takht Bhai Hospital is attached as annexure "I").
- 10. That no action whatsoever was taken on the said mercy petition even with the recommendation of M/S of the hospital, but the petitioners were asked to continue on to perform their duties without payment of their salaries.

21

That the petitioners being aggrieved prefer this petition on the following grounds amongst other inter alia.


Amir Ali
 ADVOCATE
 SUPREME COURT

(A)

(22)

GROUNDS:

- A. That the act of respondents is arbitrary mechanical and is in flagrant violation of the rules and of the law laid down for the purpose.
- B. That the petitioners were properly appointed as per law and rules and the appointment orders were issued by respondents and it is not that petitioners themselves drafted the same at their home.
- C. That it is also necessary to mention here that the transfer orders of petitioners were also issued by the respondents department.
- D. That it is also necessary that the petitioners were paid salaries, till Jan 2015 and thereafter stoppage of salaries on the ground that their appointment orders are not in accordance with the Esta-Code doesn't make any since whatsoever.
- E. That a mistake / non following of relevant procedure for issuance of appointment / transfer order may be an error on part of respondents and never on part of petitioners, hence petitioners can never be deprived of their salaries.
- F. That before the appointment of petitioners all the documents of petitioners was verified by respondents where after according to the procedure petitioners were appointed.
- G. That the petitioners were appointed on merit and never through any illegal procedure, hence respondents can never deprive petitioners of their rights.


ADVOCATE
SUPREME COURT

H

That the petitioners are earning hands for their families and hence if the salaries remained continued not to be issued to petitioners the petitioners would become unable to support their families.


(83)

- I. That any other ground will be raised at the time of arguments with prior permission of this Honorable Court.

It is, therefore, humbly prayed that on acceptance of this Writ Petition, the impugned notification/ letter/ order may kindly declared as illegal, unlawful and against the law and facts, and be set aside, respondents be directed to issue salaries and all other benefits to petitioners as are given to other employees. (This is a DB case and copy of Writ Petition were send to respondents)

Or

Any other relief which this August Court deems proper may kindly be awarded to meet the ends of justice.


ADVOCATE
SUPREME COURT

(6)

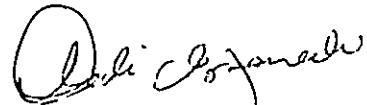
(911)

INTERIM RELIEF:

By way of interim relief it is respectfully submitted that as the salaries of petitioners are stopped since January 2015 and the petitioners are hand to mouth due to non availability of any money in their hands to support their families, hence the respondents be directed to release monthly salaries to petitioners till the disposal of this writ petition.

Petitioners

Through



Irfan Ali Yousafzai

Advocate High Court

CERTIFICATE:

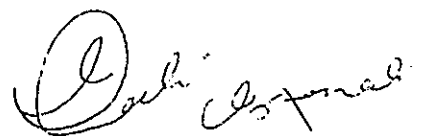
Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

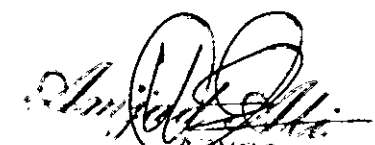

ADVOCATE

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need

ADVOCATE




ADVOCATE
SUPREME COURT



حکومت خیبر پختونخوا

District Health Department – Mardan
DISTRICT HEALTH OFFICER
Mardan (Khyber Pakhtunkhwa)

Ph: # (0937) 9230030 Fax: # (0937) 9230349
Email: mardandho@gmail.com

No 3683/DHO Df 07/04/16

Annex I
Annex. ①

25

Director General Health Service,
Khyber Pakhtunkhwa Peshawar.

Subject: Office Order/Enquiry

Please refer to your letter No. 2774-76/AE-VI dated 07.03.2016 and enquiry conduct by DHO Charsadda I have the honor to forward herewith a list of officials whom appointment / transfer has been declared as fake and not according to the Codal formalities as per Esta-code rules/regulation. The names of the officials are as under:

1. Mr. Shah Wafiullah Malaria Supervisor (BS-09)
2. Mr. ~~Riaz Ali~~ Shah Malaria Supervisor (BS-09)
3. Mr. ~~Abdul Salam~~ Malaria Supervisor (BS-09)
4. Mr. Rasheed Khan Malaria Supervisor (BS-09)
5. Mst. ~~Sameena Shaukat~~ Jr. PHC Tech; (MCH)/LHV BS-09

It is requested that the termination orders of the above mentioned staff may please be issued at DGHS office level as per the existing rules etc.

The transfer orders of Neelam Naz LHV and Javed Khan Malaria Supervisor issued vide DGHS orders may please be verified whether correct or otherwise.

Moreover the credentials of LHV (Diploma) are sent to Nursing Council for verification.

After verification of the transfer orders by the DGHS office and her Diploma from the Nursing Council the ultimate decision will be done accordingly.

District Health Officer,
Mardan


ADVOCATE
SUPREME COURT

To,

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Ana-J

(26)



TEHSIL HEADQUARTER HOSPITAL
TAKHT BHAI Mardan (Khyber Pakhtoonkhwa)
Email: thqtakhtbhai@gmail.com Ph: # 0937 551 880

(25A)

No. 370 DHQ Dated: 18/10/2017

10X

- 1- Shah Wali Ullah (Malaria Supervisor)
- 2- Riaz Ali Shah (Malaria Supervisor)
- 3- Abdul Salam (Malaria Supervisor)

Subject: Open Enquiry

Reference to DHO office letters No 13791-93/dated 16.10.2017 you are hereby directed to stop your duty at THQ Hospital Takht Bhai with immediate effect.

Haf.
THQ Hospital Takht Bhai
Medical Superintendent.

Copy forwarded to

- 1- District Health officer Mardan with request to guide this office in case of Saha Wali ullah (S.No-1), as he had resigned from Malaria Supervisor post on 01.08.2016 and was inducted into health services again as Pharmacy technician on 22.08.2016. vid DHO letter No. 10065-75/DHO and gave his arrival at this hospital on 23.8.2016. Furthermore Samina Shaukat (LHV) is not on the strength of this hospital.

- 2- Anti Corruption Mardan.

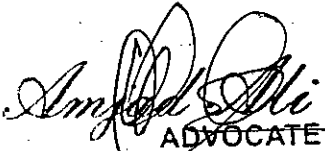
Haf.
Medical Superintendent,
THQ Hospital Takht Bhai.

Amjad Ali
ADVOCATE
SUPREME COURT

- (26)
5. That appellant was orally stopped from performing duty on 23.11.2018, thus performed duty till 23.11.2018, whereas, appellant salary was stopped on 30.12.2014.
 6. That appellant immediately approached for release of his salary before hon'ble Peshawar High Court, Peshawar, however, the writ petition was dismissed on the basis of maintainable vide order dated 22.02.2018. (Copy of order of High Court dated 22.02.2018 alongwith grounds of writ petition are Annex "H")
 7. That appellant received relieving order dated 07.04.2016 and passed by DHO Mardan and order dated 18.10.2017 passed by MS THQ Hospital Takht Bhai received on 23.11.2018. (Copy of relieving orders are attached as Annex "I")
 8. That impugned oral termination order/ relieving orders dated 07.04.2016 and 18.10.2017 is illegal, against law and facts on the following grounds:-

GROUND

- A. Because impugned oral termination order is a void order.
- B. Because it is must that for written appointment, there should be written termination order.
- C. Because it is not simple appointment order, but series of orders/ posting/ transfers, wherein salaries has been paid on the basis of appointment order by A.G Office and Accounts Officer of different Districts.
- D. Because appellant is not associated with the fact finding inquiry and is back biting.
- E. Because none of the witness has been examined in presence of appellant.
- F. Because appellant has not been given opportunity of hearing.
- G. Because the procedure under E&D Rules has not been followed.


ADVOCATE
SUPREME COURT

H. Because appellant has not been given charge sheets/
statement of allegations.


I. Because appellant has not been given any show cause
notice.

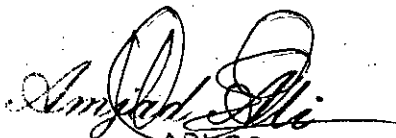
J. Because principle of natural justice has been violated,
which is well entrenched in our judicial system and
even find its traces from Garden of ADAM & EVE.

*It is, therefore humbly prayed that, on
acceptance of this appeal, the oral termination order /
relieving order dated 07.04.2016 passed by DHO
Mardan and relieving order dated 18.10.2017 passed
by M/s THQ Hospital Takht Bhai of appellant may
please be set-aside and appellant may please be
reinstated in service with all back benefits.*

Date 07/11/2018

Appellant


Abdul Salam
S/o Muhtaj-ud-Din
R/o Gujar Ghari, Tehsil
Takht Bhai, District Mardan
Ex-Malaria Supervisor (BPS-9)
THQ, Takht Bhai.


ADVOCATE
SUPREME COURT

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.**



Ann-K

Office Ph# 091 – 9210269

Exchange# 091 – 9210187, 091 – 9210196,

Fax #091 - 9210230

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

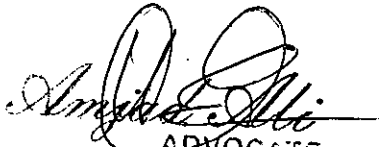
No 10546-51/AE-VI,

Dated 28 / 11 / 2018

(29)

To

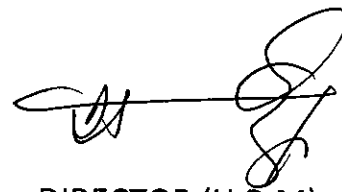
1. Mr. Manzoor Badshah S/O Haji Lal Badshah
Resident of village Gujar Garhi, Tehsil & District, Mardan
Ex-Malartia Supervisor DHO Mardan.
2. Abdul Salam S/O Muhtajuddin,
Resident of village Gujar Garhi, Tehsil & District, Mardan
Ex-Malartia Supervisor DHO Mardan.
3. Mr. Riaz Ali Shah S/O Aunber Shah,
Resident of Bajaur Korona Tehsil Takhtbhai,
District Mardan, Ex-Malaria Supervisor DHO Mardan.
4. Mst. Samina Shoukat D/O Shoukat Ali,
Resident of Abid Khan Kallay, Sardheri,
Tehsil & District Charsadda.
Ex-PHC Technician (MCH)/LHV.
5. Mr. Rasheed Khan S/O Rehmat Said,
Resident of Khan Sher Kallay,
P.O Gaddar Tehsil & District Mardan.
Ex-Malaria Supervisor DHO Mardan.
6. Iftikhar Khan S/O Said Wali,
Resident of Naseer Killy Tehsil & District,
Mardan, Ex-Malaria Supervisor.


ADVOCATE
SUPREME COURT

Subject: - DEPARTMENTAL APPEAL AGAINST ORAL TERMINATION ORDER
ON THE BASIS OF FACT FINDING ENQUIRY DATED 29/10/2014,
WHICH IS ILLEGAL AND AGAINST THE LAW AND FACTS.

I am directed to refer to your applications dated 19/11/2018 and 27/11/2018, regarding above captioned subject, the above mentioned applicants have submitted departmental appeal against oral termination order and request for reinstatement into Government Service.

Your request for re-instatement is hereby regretted.



DIRECTOR (H.R.M)
DIRECTORATE GENERAL
HEALTH SERVICES KP PESH.

↓
28/11

2018ء منجانب

مورخہ:

مقدمہ: عبدالسلام

دعویٰ:

جرم:

بنام:

ڈاکٹر سید علی سعید و دیگرین

اسل
باجت نہربر آفکے

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

آن مقام لاہور کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اسل مردان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ

برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر

دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ

التوائے مقدمہ کے سبب سے ہوگا۔ 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 سنڈ رہے۔

المرقوم:

۵۶ دسمبر

2018ء

گواہ

العبد

بمقام کے لیے منظور ہے۔

لاہور

العبد
Amjad Ali
ADVOCATE
SUPREME COURT

Amjad

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

S.A.No.35 of 2019

Abdul Salam.....V/S... Govt. of Khyber Pakhtunkhwa and others

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objections:

All the preliminary objections are incorrect, misconceived, denied.

ON FACTS:

- 1-2) That paras No.1 and 2 of the appeal has not been denied which means admission.
- 3) That para No.3 of appeal is correct and that of reply is incorrect. Denied.

Appellant has not been associated with inquiry and no opportunity of cross examination has been afforded and no charge sheet, statement of allegation has been given. Moreover, it is not a single appointment order which could be termed as fake on the basis of probe findings inquiry. In fact, all those who have signed the appointment orders, posting orders, LPCS

etc are required to be arrayed as an accused. 34 months salary of Riaz Ali, Samina Shaukat, Abdul Salam are outstanding inspite of duty performed.

- 4) That para No.4 of appeal is correct and that of reply is incorrect. Denied. Without proper charge sheet/ statement of allegation, the inquiry is probe finding only. There is no service of summon upon Riaz Ali, Samina Shaukat, Abdul Salam. There is no authorization, scope of the so-called inquiry. Moreover, the recommendations are with respect to initiation of disciplinary proceedings, which too has not been acted upon.
- 5) That para No.5 of the appeal is correct and that of reply is incorrect. Denied. There is no recommendation by the so-called one sided inquiry report regarding stoppage of salary. There is no order of termination/ dismissal of appellants.
- 6) That para No.6 of appeal is correct and that of reply is incorrect. Denied.
- 7) That para No.7 of appeal is correct and that of reply is incorrect. The hon'ble Supreme Court permitted appellant for approaching proper forum.
- 8) That para No.8 of appeal is correct and that of reply is incorrect. Denied.
- 9) That para No.9 of appeal is correct and that of reply is incorrect. Denied. moreover, the signature on appointment orders have not been sent to F.S.L. The High Court/ Supreme Court has no jurisdiction in service matters.

GROUNDS

- A-L) That all grounds "A to L" of appeal are correct and those of reply are incorrect. Denied.

It is, therefore, humbly requested that appeal may please be accepted and Riaz Ali, Samina Shaukat, Abdul Salem may please be granted salaries for 34 months for which they performed duty.



Appellant

Through


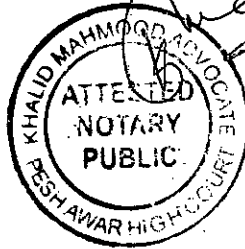


Amjad Ali
Advocate

Supreme Court of Pakistan

AFFIDAVIT

I, do hereby affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

S.A.No.35 of 2019

Abdul Salam.....V/S... Govt. of Khyber Pakhtunkhwa and others

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objections:

All the preliminary objections are incorrect, misconceived, denied.

ON FACTS:

- 1-2) That paras No.1 and 2 of the appeal has not been denied which means admission.
- 3) That para No.3 of appeal is correct and that of reply is incorrect. Denied.

Appellant has not been associated with inquiry and no opportunity of cross examination has been afforded and no charge sheet, statement of allegation has been given. Moreover, it is not a single appointment order which could be termed as fake on the basis of probe findings inquiry. In fact, all those who have signed the appointment orders, posting orders, LPCS

etc are required to be arrayed as an accused. 34 months salary of Riaz Ali, Samina Shaukat, Abdul Salam are outstanding inspite of duty performed.

- 4) That para No.4 of appeal is correct and that of reply is incorrect. Denied. Without proper charge sheet/ statement of allegation, the inquiry is probe finding only. There is no service of summon upon Riaz Ali, Samina Shaukat, Abdul Salam. There is no authorization, scope of the so-called inquiry. Moreover, the recommendations are with respect to initiation of disciplinary proceedings, which too has not been acted upon.
- 5) That para No.5 of the appeal is correct and that of reply is incorrect. Denied. There is no recommendation by the so-called one sided inquiry report regarding stoppage of salary. There is no order of termination/ dismissal of appellants.
- 6) That para No.6 of appeal is correct and that of reply is incorrect. Denied.
- 7) That para No.7 of appeal is correct and that of reply is incorrect. The hon'ble Supreme Court permitted appellant for approaching proper forum.
- 8) That para No.8 of appeal is correct and that of reply is incorrect. Denied.
- 9) That para No.9 of appeal is correct and that of reply is incorrect. Denied. moreover, the signature on appointment orders have not been sent to F.S.L. The High Court/ Supreme Court has no jurisdiction in service matters.

GROUNDS

- A-L) That all grounds "A to L" of appeal are correct and those of reply are incorrect. Denied.

It is, therefore, humbly requested that appeal may please be accepted and Riaz Ali, Samina Shaukat, Abdul Salem may please be granted salaries for 34 months for which they performed duty.

Appellant

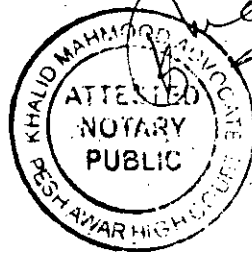
Through


Amjad Ali
Advocate

Supreme Court of Pakistan

AFFIDAVIT

I, do hereby affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent