

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 30/2019

Date of institution ... 21.12.2018
Date of judgment ... 10.03.2020

Rasheed Khan S/o Rahmat Said
R/o Khan Sher Killi P/o Gaddar, Tehsil & District Mardan,
Working and posted as Malaria Supervisor (BPS-9), attached to BHU
Fatma, under the Direct Control/Command of the Executive District
Officer Health, Mardan ... (Appellant)

VERSUS

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
 2. Agency Surgeon, Parachinar Kurram Agency.
 3. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
 4. District Health Officer Health Mardan.
- ... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA 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.

Mr. Amjad Ali (Mardan), Advocate. .. For appellant.
Mr. Riaz Ahmad Paindakheil, Assistant AG .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this

judgment shall disposed of instant service appeal as well as

- I. Service Appeal No. 31/2019 titled "Manzoor Badshah Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others"

- II. Service Appeal No. 32/2019 titled "Iftikhar Khan Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others"
- III. Service Appeal No. 33/2019 titled "Riaz Ali Shah Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others"
- IV. Service Appeal No. 314/2019 titled "Samina Shoukat Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others"
- V. Service Appeal No. 35/2019 titled "Abdul Salam Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others" as common question of law and facts are involved in all the appeals.

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

3. Brief facts of the cases as per presents appeals are that the appellant Mst. Samina Shoukat was appointed as LHV while the other appellants were appointed as Malaria Supervisors (BPS-9) and were transferred to District Mardan. They were receiving their salaries from the date of their appointment but later on the appellants were stopped from performing their duties immediately after October 2014 and their salaries were also stopped. The appellants approached the worthy Peshawar High Court Peshawar for release of their salaries through Writ Petition but their Writ Petitions were dismissed. Some of the appellants also challenged the judgment of the Worthy Peshawar High Court Peshawar before the

*M. Amin
10.3.2020*

august Supreme Court of Pakistan but their Civil Petition was also dismissed vide order dated 14.09.2018. Thereafter, the appellants filed departmental appeals on 19.11.2018 & 27.11.2018 which were also dismissed vide order dated 28.11.2018 hence, the present service appeals on 21.12.2018.

4. Respondents were summoned who contested the appeals by filing written reply/comments.

5. Learned counsel for the appellants contended that the appellants were appointed in the year 2007/2008 as Malaria Supervisors/LHV and were performing their duties regularly. It was further contended that the appellants were also receiving salaries regularly. It was further contended that the appellants were transferred to district Mardan by the competent authority but the respondent-department conducted ex-parte inquiry at the back of the appellants and on the basis of said ex-parte inquiry, the appellants were orally stopped from performing their duties and the respondent-department also stopped their salaries immediately after October 2014, therefore, the appellants approached the Worthy Peshawar High Court Peshawar for release of their salaries but the Writ Petitions of the appellants were dismissed. It was further contended that some of the appellants challenged the judgment of the Worthy Peshawar High court Peshawar before the august Supreme Court of Pakistan through civil petition but the same was also dismissed on the ground that the petitioners are going to avail remedy in accordance with law and does not want to press the petition vide order/judgment dated 14.09.2018. It was further contended that thereafter, the appellants filed proper departmental appeals but the same were also rejected hence, the present service

*M. Amin
10.3.2020*

appeals. It was further contended that the appellants were orally stopped from performing their duties and no termination or removal order was passed by the competent authority. It was further contended that the appellants had more than ten years service in their credit but the same was also not considered by the respondent-department. It was further contended that neither charge sheet, statement of allegation were served upon the appellants nor proper inquiry was conducted nor the appellants were associated in any inquiry proceeding nor the appellants were issued any show-cause notice, therefore, the impugned orders are illegal and liable to be set-aside and prayed for acceptance of appeals.

6. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellants and contended that neither any advertisement was published by the respondent-department for the appointment on the said posts nor the appellants were appointed by the competent authority nor any codal formalities before their appointments were fulfilled rather the appellants received their salaries on the basis of fake appointment order. It was further contended that the appellants were transferred to District Mardan but the same was also proved fake through inquiry. It was further contended that the appellants were called by the inquiry committee and they were fully associated in the inquiry proceeding. It was further contended that as per inquiry report, the appointment and transfer orders of the appellants were found fake. It was further contended that the worthy High Court has also dismissed the Writ Petitions of the appellants Iftikhar Khan, Manzoor Badshah and Rasheed Khan on the basis of inquiry report and the august Supreme Court of Pakistan

W. A. G. M.
10.3.2020

also dismissed their civil petition, therefore, the present services appeals are hit by rule 23 of Khyber Pakhtunkhwa Service Tribunal Rules 1974 ~~therefore~~, it was further contended that their departmental appeals are also time barred and prayed for dismissal of appeals.

7. Perusal of the record reveals that the appellants were serving in Health Department. They were transferred to District Mardan. After their transfer a separate inquiry was constituted regarding the appointment and transfer order of the appellants Iftikhar Khan, Manzoor Badshah and Rasheed Khan and as per inquiry report they were properly associated in the said inquiry by the inquiry committee namely Dr. Muhammad Asif, Coordinator Public Health DHO office Peshawar and Dr. Sartaj Khan, Deputy Director (Admin), DHS FATA Peshawar and after examining the relevant record it was concluded that the appointment of the concerned Malaria Supervisors Iftikhar Khan, Manzoor Badshah and Rasheed Khan are confirmed bogus and fake and the transfer orders of the above mentioned Malaria Supervisors shown issued by the Director General Health Services are fake and bogus vide inquiry report dated 29.10.2014. The record further reveals that another inquiry committee was conducted by the District Health Officer Charsadda against the appellant Riaz Ali, Abdul Salam, Samina Shoukat, Rasheed Khan and others wherein the inquiry officer also recommended that the appointment of staff who were appointed in North Waziristan and transferred to Mardan are absolutely fake because there is no record of their appointment, salary drawn at the Agency Account Office and LPC from the concerned AAO as well as FATA Secretariat vide inquiry report (undated). The record further

M. Asif
10.3.2020

reveals that the worthy High Court has also dismissed the Writ Petition of the appellants on merit vide order dated 19.04.2016. Operative part of the judgment of Writ Petition decided on 19.04.2016 is reproduced as under.

"Perusal of comments submitted on behalf of respondents and other documents available on file, reveals that an inquiry committee consisting of Dr. Muhammad Asif Coordinator of Public Health (DHO) Office Peshawar and Dr. Sartaj Khan Deputy Director (Admin) DHS FATA Peshawar was constituted by the order of Director General Health Services KPK, to probe into the matter regarding appointments of petitioners. AS per observation of the said Committee, after recording statements of concerned officials as well as perusing the concerned record, it came to the light that no such appointments have been made in the respective Agency Surgeon Offices nor any ^{no} ~~codal~~ formalities in the shape of demand by the Agency Surgeon, approval for appointment from the DHS FATA, advertisement in the press, short listing, test and interviews by the Selection Committee etc were observed nor any source-I was received from the Agency Surgeon for these employees. The concerned record was also checked and verified from the signatories of the alleged appointment letters, transfer orders etc which were denied by the concerned officials being bogus and fake. Moreso, for transfer from FATA to settle areas, an NOC from the competent authority is mandatory which was also not obtained for the said purpose making the same dubious. The material available on file further reveals that fake proceedings for forwarding Source-I of petitioners from DHO Malakand in absence of LPC from concerned Agency Account Office and charge relieving certificates were conducted with the connivance of certain concerned officials and salaries were drawn on the basis of said bogus proceedings, causing great loss to the Government exchequer. The petitioners failed to bring on record any strong or cogent documentary evidence in support of their stance which could show that they have been appointed after observing all codal formalities and were wrongly restrained by the respondents from performing their duties. So when the foundation of appointments of petitioners is found cracked, then what to say

*M. Asif
10.3.2020*

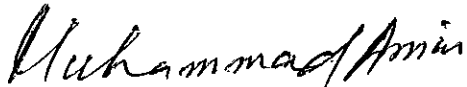
about the other contentions of petitioners as it is well established proposition of law that fraudulent act vitiate all proceedings. Hence, they were rightly restrained by the respondents from performing their duties, which needs no interference by this Court.

For what has been discussed above, we are of the opinion that the act of petitioners regarding their appointment on fake appointment letters disentitles them for any relief in writ jurisdiction of this Court, therefore, this petition is dismissed in limine."

8. Meaning thereby that the Writ Petition of the appellants was dismissed on merit therefore, the present service appeals are also hit by rule 23 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. The departmental appeals of the appellants are also badly time barred. As such, the appeals have no force which are 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

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 eight pages placed on file, 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



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(HUSSAIN SHAH)
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

Appellant alongwith his counsel 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 on tour therefore case is adjourned to 10-3-2020 for order


Bench

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

Appellant with counsel 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. Appellant seeks adjournment. 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 ^{28 05} ~~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.


Appellant Deposited
Security & Process Fee


Chairman

29.03.2019

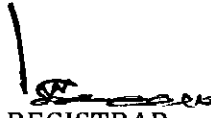
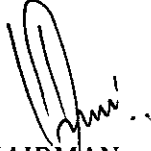
Clerk to counsel for the appellant present. Jafar Ali Assistant and Atif Assistant representatives of the respondent department present and requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 30.04.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 30/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/1/2019	<p style="text-align: center;">The appeal of Mr. Rasheed Khan 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-	16-01-19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07-02-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Rasheed Khan son of Rahmat Said r/o Khan Sher Killi Malaria Supervisor BHU Fatma 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- Memorandum of appeal may be got signed by the counsel.
- 2- Copy of judgment is incomplete which may be completed.
- 3- Copy of termination order is not attached with the appeal which may be placed on it.
- 4- Necessary party may be made in the heading of appeal.

No. 2442 /S.T,

Dt. 24-12-2018.

REGISTRAR - 24/12/18

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Adv. Mardan.

Sir, objects have been removed. There is no termination order in writing, mere oral order. So may please to place before the court.
Amjid Ali Mardan

Amjid Ali
ADVOCATE
SUPREME COURT

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

Service Appeal No. 30 /2019

Rasheed Khan.....Appellant

VERSUS

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar & othersRespondents

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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. 30 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1782

Dated 21-12-2018

Rasheed Khan S/o Rahmat Said
R/o Khan Sher Killi P/O Gaddar, Tehsil & District Mardan,
working and posted as Malaria Supervisor (BPS-9), attached
to BHU Fatma, under the Direct Control/ Command of the
Executive District Officer Health, Mardan.

.....Appellant

VERSUS

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

G. D. H.O Health Mardan.....Respondents

**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

Registrar

21/12/18

PRAYER:

Re-submitted to -day
and filed.

Registrar

9/1/19

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,

Appellant humbly submits as under;-

- 1) That appellant was appointed as Moharrir Supervisor vide order dated 15.04.2008. (Copy of appointment order is Annex "A")
- 2) That appellant after medical fitness was posted and thereafter series of posting/ transfer orders were passed. ~~_____~~ posting/ transfer orders are Annex "C", Arrival report is Annex "D" and Service book is Annex "E")
- 3) That appellant regularly received salary till October 2014. (Copy of pay slips/ Last pay certificates are Annex "F")
- 4) That an exparte inquiry, at the back of appellant was conducted, wherein, appellant was not associated with the inquiry and inquiry report dated 29.10.2014 was authored. (Copy of inquiry report dated 29.10.2014 is Annex "G")
- 5) That appellant was orally stopped from performing duty immediately after October 2014 and salary of appellant was stopped.
- 6) That appellant immediately approached for release of his salary before hon'ble Peshawar High Court, Peshawar, however, the writ petition was dismissed vide order dated 19.04.2016. (Copy of order of High Court dated 19.04.2016 alongwith grounds of writ petition are Annex "H")
- 7) That appellant approached against the order dated 19.04.2016 passed by the hon'ble Peshawar High Court, Peshawar before the august Supreme Court and after lengthy arguments vide order dated 14.09.2018, received on 14.11.2018, it was held to

avail departmental remedy as no written termination order is in field, plus no charge sheet, no regular inquiry, no show cause notice was given. (Copy of order dated 14.09.2018 of august Supreme Court is Annex "I")

- 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 fat 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. (4)
- 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.
- 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.

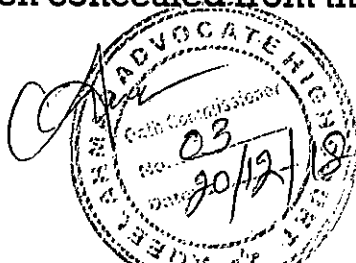
It is therefore, humbly prayed that, the impugned oral termination order and appellate order dated 28.11.2018 may please be set-aside and appellant may please be reinstated in service with all back benefits.

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

Rasheed Khan.....Appellant

VERSUS

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar & othersRespondents

ADDRESSES OF PARTIES

APPELLANT

Rasheed Khan S/o Rahmat Said
R/o Khan Sher Killi P/O Gaddar, Tehsil & District
Mardan, working and posted as Malaria Supervisor
(BPS-9), attached to BHU Fatma, under the Direct
Control/ Command of the Executive District Officer
Health, Mardan.

RESPONDENTS

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

4) DHO Health Mardan

Appellant

Through

Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Ann - A

(37) (6)

OFFICE OF THE AGENCY SURGEON PARACHINAR KURROM AGENCY

OFFICE ORDER

Consequent upon approval accorded by the Departmental Selection Committee Rasheed Khan S/o Rahmat Said, Village Khan Sher Kally P/O Gadar Mardan is hereby appointed as Malaria Supervisor BPS-09 (i.e. Rs.3820-230-10720) plus usual allowances as admissible under the Rules.

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

1. He will on probation initially for a period of two years extendable for a further period not exceeding one year.
2. His services can be dispensed with during the probation period, if his work and conduct found unsatisfactory.
3. His appointment will be subject to Medical fitness and verification of character and antecedents.
4. He will not be entitled to any TA/DA for Medical examination and joining the first appointment.
5. 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.
6. As laid down vide Govt of NWFC 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 his account in the said fund.
7. 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 his Agency Surgeon Parachinar Kurram Agency within fourteen (14) days of the receipt of this order.

AGENCY SURGEON
PARACHINAR KURRAM AGENCY

No. 109-12 /EV-III

Dated: 15-04-2008

Copy forwarded to:

1. The Director Health Services, FATA Peshawar
2. The Agency Account Officer, Parachinar Kurram Agency
3. Accounts Section.
4. Official concerned.


AGENCY SURGEON
PARACHINAR KURRAM AGENCY


ADVOCATE
SUPREME COURT



Am - C



7

DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR

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

E-Mail Address: info@ghs.gov.pk Office Phone: 091-92-10269 Fax: 091-92-10117/9211106

OFFICE ORDER

As approved by the Competent Authority the services of Mr. Rasheed Ahmad Malaria Supervisor attached to Agency Surgeon Parachinar Kurrom Agency are hereby placed at the disposal of EDO (Health) Malakand for further adjustment against any vacant post in the interest of public service, with immediate effect.

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

Sd/xxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KPK PESHAWAR

No. 1035/S-9 /EAV

Dated Pesh. the 27-1 /2011

Copy forwarded to the:

1. P.S. to Minister for Health KPK, Peshawar
2. DHS (FATA) KPK Peshawar
3. Agency Surgeon Parachinar Kurrom Agency
4. EDO (Health) Malakand
5. DAO concerned

For information and necessary action

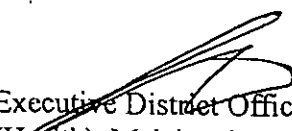
ASSISTANT DIRECTOR (P-11)
DIRECTORATE GENERAL HEALTH
SERVICES KPK PESHAWAR

ADVOCATE
SUPREME COURT

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH), MALAKAND

Office order

Mr. Rasheed Ahmad, Malaria Supervisor, whose services were placed at the disposal of this office, vide Director General Health Service, Khyber Pukhton Khwa Peshawar office order No. 1455-59/E-V, dated 27/01/2011 is hereby adjusted against the vacant post of Jr: Clinical Technician Surgical BPS-9 CH Agra with immediate effect in the interest of Public services.



Executive District Officer,
(Health), Malakand.

No. _____ Dated Batkhela the _____/2011

Copy to:

- 1- Director General Health Service, Khyber Pukhton Khwa Peshawar.
- 2- District Account Officer, Malakand.
- 3- Account Section of this office.
- 4- Medical Officer Incharge CH Agra.
- 5- Official Concerned.


Executive District Officer,
(Health), Malakand.


ADVOCATE
SUPREME COURT

Ann-D

The Executive District Officer,
Health Malakand.

(9)

Subject: Arrival for Duty.

Sr,
Reference DGHS, KPK, Peshawar office
order no. 1455-59 dt 1-3-2011


Respectfully submitted that I have
been transferred to Health Sectn, Malakand &
your good self have adjusted me against the
post of OT Tech. CH Dgra. I therefore ~~request~~
submit herewith my arrival report
for duty on 1-3-2011 FN.

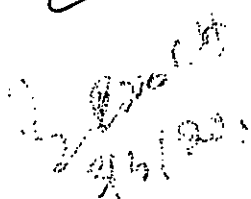
For your kind information - pl.

Thanks

Obediently yours,
Rashed Khan
malakandhp.
dt, 1/3/2011

Recd. Sectn




2/3/2011


Amjad Ali
ADVOCATE
SUPREME COURT

The Director General Health
Services, Khyber Pakhtunkhwa
Peshawar,

Through District Health Officer,
Malakand Agency.

Subject, REQUEST FOR TRANSFER HOME DISTRICT.

Sir, it is stated with great honor and respected that
I am working in Health Sector Malakand at CH Agra as malaria supervisor


2011 my Parents are old and weak there is no one at home to look after
them I am a permanent Residents of Mardan
Now it is requested in your honor to Kindly Transfer me from District
Mardan or Nowshera

Thanks,
Your bedient
Rasheed Khan

No 1167 / 1 Dated. 22/4/2013

forwarded to Director General
Health Services Khyber Pakhtunkhwa
Peshawar for favour of further action.
It is further added that this
Office have no objection on the
transfer of the applicant

District Health Officer
Malakand


ADVOCATE
SUPREME COURT



OFFICE OF THE DISTRICT HEALTH OFFICER, MALAKAND.
Phone 0932-410399, Fax No.0932 413110

(Handwritten scribble)
(Handwritten '11')

OFFICE ORDER.

Mr. Rasheed Khan Malaria Supervisor BPS-09 attached to this office has been transferred to District Mardan vide Director General Health Services, Khyber Pakhtun Khawa Peshawar vide order No.1806-9/AE-VI dated 19-08-2013 is hereby relieved from his duties with immediate effect from 21.8.2013. He is further directed to report for duty to District Health Officer Mardan forthwith.

(Handwritten signature)
District Health Officer
Malakand.

No. 3900-03 / Dated _____ Dated _____ Batkhela the 28/08/20013

Copy forwarded to the :

- 1- Director General Health Services, Khyber Pakhtun Khawa Peshawar.
- 2- District Health Officer Mardan
for information.
- 3- Accounts Clerk of this office for information and necessary action.
- 4- Mr. Rasheed Khan Malaria Supervisor,
For information and necessary action.

(Handwritten signature)
District Health Officer
Malakand.

(Handwritten signature)
ADVOCATE
SUPREME COURT

~~(12)~~
(12)

The Mulla RHC
Sakhalot

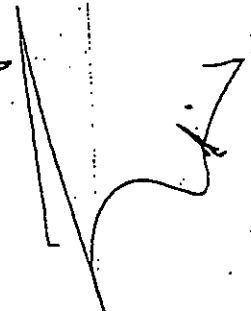
Subj. Departure Report

Sir,
With due respect I beg to submit my
departure - report as malaria supervisor
vide the order no-3900-03/dated Batekhela
the 28/08/2013 to-day 28/8/13 after-noon.


Mr. Rashid Khan Malaria Supervisor
attached to RHC Sakhalot is
here by Relieved from his
duty. There are No outstanding
against him.

Yours obediently

Rashid Khan
M Supervisor RHC
Sakhalot



28/8/13
Dr. Kachkol Khan
Medical Officer
Incharge RHC Sakhalot


ADVOCATE
SUPREME COURT



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**

(13)

Mail Address: mgfdgshs@yahoo.com Office Ph#: 91-9210269 Exchange# 091-9210187, 9210196 Fax# 091-9210230

OFFICE ORDER:

As approved by the 'Competent Authority' the services of Mr. Rasheed Khan Malaria Supervisor attached to EDO (Health) Malakand are hereby placed at the disposal of EDO (Health) Mardan for further adjustment against any vacant post in the interest of public service, with immediate effect.

NB:- Arrival/Departure report should be submitted to this Directorate for record.

Sd/xxxxxx
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA,
PESHAWAR


No. 1806-9 /AE-VI


Dated 19-8-2013

Copy forwarded to the:

1. P.S to Minister for Health KPK, Peshawar
2. EDO (Health) Malakand
3. EDO (Health) Mardan
4. DAO concerned.

For information and necessary action


ASSISTANT DIRECTOR (P-II)
DGHS, KHYBER PAKHTUNKHWA,
PESHAWAR


ADVOCATE
SUPREME COURT

OFFICE OF THE DISTRICT HEALTH OFFICER MARDAN

PH: # (0937) 9230030 Fax: # (0937) 9230349 Email: edohmr@yahoo.com

14

Office Order

Reference: Director General Health Services, Khyber Pakhtunkhwa Peshawar office order No: 1806-9/AE-VI dated 19.08.2013, Mr. Rashid Khan Jr PHC Technician (MP) Malaria Supervisor under transfer from District Malakand to District Mardan is hereby adjusted against the vacant post of Jr PHC Technician (MP) BPS-9 at Malania Head of accounts

However he will work at BHU Fathma till further orders.

District Health Officer
Mardan

No. 9301-7 /DHO dated Mardan the 21/08/2013

Copy forwarded to the:

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar w/r to his order No. quoted above.
2. District Support Manager PPHI, DSU Mardan.
3. Medical Officer Incharge BHU Fathma
4. District Comptroller of Accounts Mardan
5. Accountant DHO office Mardan.
6. Computer Cell
7. Official concerned.

for information and n/action.

District Health Officer
Mardan

Amjad Ali
ADVOCATE
SUPREME COURT

OFFICE OF THE DISTRICT HEALTH OFFICER
MALAKAND AT BATKHELA

No. 4450

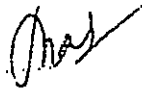
Dated 11 /09/2013

To:- The District Health Officer,
Mardan

Subject: SERVICES DOCUMENTS
Memo:-


With reference to Director General Health Services Khyber
Pakhtunkhwa order No. 1806-9/AE-VI dated 19.8.2013

Enclosed please find herewith Services Book alongwith LPC in
respect of Mr. Rasheed Khan Jr. Technician for favour of further necessary action please


District Health Officer,
Malakand at Batkhela

Acc'tt:


DHO Mardan.


ADVOCATE
SUPREME COURT.

SERVICE BOOK

Aux - E
(16)

OF

Mr. Rashid Khan
S/o Rahmat Gul
Designation Malam Supervisor
Department Health

[Handwritten signature]

[Signature]
ADVOCATE
SUPREME COURT

Price : Rs. 30/-

PRINTED BY MANAGER
STATIONERY & PRINTING DEPARTMENT, GOVERNMENT OF N.W.F.P. PESHAWAR

~~HR~~

~~17~~

17

Note: The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: Mr. Roshood Khan

Race: Afghan

Residence: Khan Sher Leas P/o Ghandan Man

Father's name and residence: Rahimat Said

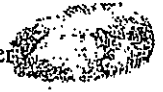
Date of birth by Christian era as nearly as can be ascertained:

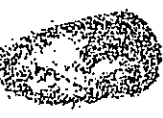
Exact height by measurement: 5-6

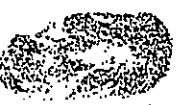
Personal marks for identification: NIL


Left hand thumb and Finger impression of (Non-Gazetted) officer:


Amjad Ali
ADVOCATE
SUPREME COURT

Little Finger: 

Ring Finger: 

Middle Finger: 

Fore Finger: 

Thumb: 

Signature of Government Servant: *Dammen*

Signature and designation of the Head of the office, or other Attesting Officer: *af*

Agency Surgeon
Surrain Parachinar.

(For use in Police Department only).

7.2

M/srs,

~~142~~

18

- 1.
- 2.
- 3.

Verification Roll No. _____ dated _____ received back _____

Left Thumb Impression

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. or B.A	
Urdu		Pledership examination	
Plan-drawing		Training School Final examination	
Finger Print		Other qualifications—	
Drill Instructing			
Court Duties			
Reserve Duties			

Amjad Ali
ADVOCATE
SUPREME COURT

~~100~~ - 10

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
T. Adarsh, Inspector.			Rs. 3220/-			15/4/08	
420-230-10720							
Adarsh			Rs. 4050/-			1/12/08	
A.			Rs. 4280/-			12/2009	

~~100~~

(19)

Amjad Ali
ADVOCATE
SUPREME COURT

← 148 -

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
<i>Substantive</i>	<i>Substantive</i>	<i>Rs 4570/-</i>	<i>Rs 4570/-</i>			<i>12/1/2010</i>	
<i>26-2-2010</i>	<i>10-7-2010</i>						
<i>Secy. General</i>	<i>Rs 17600/-</i>		<i>Rs 7340</i>			<i>9/11/2010</i>	
<i>620/13/2010</i>					<i>EDD (15)</i>		

21

Amal K. Saha
ADVOCATE
SUPREME COURT

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "pay"	7 Date of Appointment	8 Signature of Government servant
D. M. K. Teo	M.A. 1955		Rs. 7720/-			1/12/86	
6200	3/1/57						
			Rs. 8100/-			1/12/82	
J. Hentons (Mrs)	Malania	Malania	8100/-			8.2.9	
Malania	S. H. Masdan	S. H. Masdan				2.11.83	

23

[Signature]

Amjad Ali
 ADVOCATE
 SUPREME COURT



24

9	10	11	12	13		14	1
				Leave			
Signature and Designation of the head of the office or other attesting officer in the column No 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave, on average, pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Return Specimen for closure, or prais Govon San
					Period		
	30/11/2011		Annual Increment Allowed		Service Verified with Pay Bill from 30/11/2011 to 30/11/2011		2-18
Executive District Officer Health, Malakand			Executive District Officer Health, Malakand		Executive District Officer Health, Malakand		
	3/11/2012		Annual Increment Allowed		Service Verified with Pay Bill from 3/11/2012 to 3/11/2012		2-20
Executive District Officer Health, Malakand			Executive District Officer Health, Malakand		Executive District Officer Health, Malakand		
			Transferred to EDO Malakand vide D.O. No. 1806-8/AB dated 19-8-2013		Service Verified with Pay Bill from 19-8-2013 to 19-8-2013		
			District Health Officer Malakand		District Health Officer Malakand		
			Under transfer from Malakand to Dins Mandan is hereby advertised against the vacant post of DHO Malakand vide No. 9301-71 dated 21/8/2013				

Anjad Ali
 ADVOCATE
 SUPREME COURT



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

2011 03

PAYMENT ADVICE

P Sec: 001 Month: June 2011
MD6087 - E. D. O HEALTH MKD (Other
Min: Health
NTN:
CPF #:
Old #:

25
Aux F

Pers #: 00576068 Buckle:
Name: RASHID KHAN
Desg.: JUNIOR TECHNICIAN
NIC No.: 1610112300515
CPF Interest Applied
BPS 09 Regular / Contract

DEPTT CODE MD6087

PAYS AND ALLOWANCES:		
0001-Basic Pay		4,510.00
1000-House Rent Allowance		1,146.00
1300-Medical Allowance		1,000.00
1908-Adhoc Relief-2009 (01-16)		902.00
1911-Compen Allow 20% (1-15)		902.00
1948-Adhoc Allowance 2010@ 50%		2,255.00
Gross Pay and Allowances		10,715.00
DEDUCTIONS:		
CPF Balance 4,192.00	Subrc:	524.00
3501-Benevolent Fund		180.00
3511-Addl Group Insurance		7.00
3604-Group Insurance		67.00
Total Deductions		778.00
NET AMOUNT PAYABLE		9,937.00

QUALIFYING SERVICE
YRS MON D. O. B LFP Quota:
03 Years 02 Months 017 Days 26.03.1981 Payment through DDO.
Government Contribution To CPF : 524.00



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

2011 03

P Sec: 001 PAYMENT ADVICE11
MD6087 - E. D. O HEALTH MKD (Other
Min: Health
NTN:
CPF #:
Old #:

Pers #: 00576068 Buckle:
Name: RASHID KHAN
Desg.: JUNIOR TECHNICIAN
NIC No.: 1610112300515
CPF Interest Applied
BPS 09 Regular / Contract

DEPTT CODE MD6087

PAYS AND ALLOWANCES:		
0001-Basic Pay		7,340.00
1000-House Rent Allowance		1,146.00
1210-Convey Allowance 2005		1,150.00
1300-Medical Allowance		1,000.00
1911-Compen Allow 20% (1-15)		1,000.00
1948-Adhoc Allowance 2010@ 50%		2,255.00
1970-Adhoc Relief Allow 2011		676.00
5801-Adj Basic Pay		0.00
Gross Pay and Allowances		14,567.00
DEDUCTIONS:		
CPF Balance 5,240.00	Subrc:	524.00
3501-Benevolent Fund		180.00
3511-Addl Group Insurance		7.00
3604-Group Insurance		67.00
5801-Adj Basic Pay		0.00
Total Deductions		778.00
NET AMOUNT PAYABLE		13,789.00

QUALIFYING SERVICE
YRS MON D. O. B LFP Quota:
03 Years 03 Months 018 Days 26.03.1981 Payment through DDO.
Government Contribution To CPF : 524.00

Amjad Ali
ADVOCATE
SUPREME COURT



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

2011 15

PAYMENT ADVICE

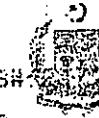
P Sec: 001 Month: December 2011
MD6087 - E. D. O HEALTH MKD (Other ho

Pers #: 00576068 Buckle:
Name: RASHID KHAN
Dsg.: JUNIOR TECHNICIAN
NIC No.: 1610112300515

Min: Health
NTN:
CPF #:
Old #:

CPF Interest Applied		DEPTT CODE	MD6087
BPS 02 Regular / Contract			
PAYS AND ALLOWANCES:			
0001-Basic Pay			7,720.00
1000-House Rent Allowance			1,146.00
1210-Convey Allowance 2005			1,150.00
1300-Medical Allowance			1,000.00
1911-Compen Allow 20% (1-15)			1,000.00
1948-Adhoc Allowance 2010@ 50%			2,255.00
1970-Adhoc Relief Allow 2011			676.00
Gross Pay and Allowances			14,947.00
DEDUCTIONS:			
CPF Balance 10,480.00		Subrc:	524.00
3501-Benevolent Fund			180.00
3511-Addl Group Insurance			7.00
3604-Group Insurance			67.00
Total Deductions			778.00
NET AMOUNT PAYABLE			14,169.00

QUALIFYING SERVICE	D. O. B	LFP Quota:
YRS MON	26.03.1951	NBP MARDAN MAIN BRANMARDAN MAIN BRCH
03 Years 08 Months 018 Days		12561-9
Government Contribution To CPF		524.00



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

2012 09

PAYMENT ADVICE

P Sec: 001 Month: June 2012
MD6087 - E. D. O HEALTH MKD (Other ho

Pers #: 00576068 Buckle:
Name: RASHID KHAN
Dsg.: JUNIOR TECHNICIAN
NIC No.: 1610112300515

Min: Health
NTN:
CPF #:
Old #:

CPF Interest Applied		DEPTT CODE	MD6087
BPS 02 Regular / Contract			
PAYS AND ALLOWANCES:			
0001-Basic Pay			7,720.00
1000-House Rent Allowance			1,146.00
1210-Convey Allowance 2005			1,150.00
1300-Medical Allowance			1,000.00
1911-Compen Allow 20% (1-15)			1,000.00
1948-Adhoc Allowance 2010@ 50%			2,255.00
1970-Adhoc Relief Allow 2011			676.00
Gross Pay and Allowances			14,947.00
DEDUCTIONS:			
CPF Balance 16,768.00		Subrc:	524.00
3501-Benevolent Fund			180.00
3511-Addl Group Insurance			7.00
3604-Group Insurance			67.00
Total Deductions			778.00
NET AMOUNT PAYABLE			14,169.00

QUALIFYING SERVICE	D. O. B	LFP Quota:
YRS MON	26.03.1951	NBP MARDAN MAIN BRANMARDAN MAIN BRCH
04 Years 02 Months 017 Days		12561-9
Government Contribution To CPF		524.00

Amjad Ali
ADVOCATE
SUPREME COURT

Min: Health
 NTN:
 GFF #:
 Old #:

87

00578068 Buckle
 RASHID KHAN
 JR. CLINICAL TECH SURGICAL
 CNIC No: 1610412300515

DEPT CODE ME7018

PAYS AND ALLOWANCES		
0001 Basic Pay		18,480.00
1000 House Rent Allowance		1,146.00
1210 Convey Allowance 2005		1,840.00
1300 Medical Allowance		1,000.00
1749 Adhoc Allowance 2010@ 50%		2,255.00
1970 Adhoc Relief Allow 2011		676.00
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		
GRF Balance 5,355.00	Subtr:	595.00
3501 Benevolent Fund		180.00
3511 Addl Group Insurance		7.00
3604 Group Insurance		67.00
Total Deductions		849.00
NET AMOUNT PAYABLE		17,516.00

QUALIFYING SERVICE
 YRS MON
 05 Years 08 Months 018 Days

D.O.B 26-03-1981
 LFP Quota:
 Payment through DDO

DEPT CODE

NET AMOUNT PAYABLE

QUALIFYING SERVICE
 YRS MON

12561-9

Amjad Ali
 ADVOCATE
 SUPREME COURT

2013

PAYMENT ADVICE

(Handwritten marks and signatures)

SH: 1238		Malakand	
Pers # 00576069		Buckle	
Name RASHID KHAN		Sec: 003 Month: May 2013	
Dsg: JUNIOR TECHNICIAN		HD6087 - E. D. O HEALTH MKD (Other	
CNIC No. 1610112300515		Min. Health	
GPF Interest Free		NTNDEPT CODE	
09 Active Temporary		GPF #:	
		Old #:	
PAYS AND ALLOWANCES:		HD6087	
0001-Basic Pay			8,100.00
1000-House Rent Allowance			1,146.00
1210-Convey Allowance 2005			1,840.00
1300-Medical Allowance			1,000.00
1911-Compen Allow 20% (1-15)			1,000.00
1948-Adhoc Allowance 2010@ 50%			2,255.00
1970-Adhoc Relief Allow 2011			676.00
2118-Adhoc Relief Allow (2012)			1,620.00
Gross Pay and Allowances			17,637.00
DEDUCTIONS:			
GPF Balance 1,190.00		Subtr:	595.00
3501-Benevolent Fund			180.00
3511-Addl Group Insurance			7.00
3604-Group Insurance			67.00
NET AMOUNT PAYABLE			
Gross Total Deductions			849.00
YRS			
MCM			16,788.00

(Signature)
 ADVOCATE
 SUPREME COURT

LAST PAY CERTIFICATE.

29

1. Certified that Mr. Rashid Khan Jr: Tech: of the District Health Officer Malakand retired/Transferred to District Mardan vide Order No. 1806-9/AE-VI dated 28.8.2013
2. He/She has been paid upto 31.8.2013 on the following rates

i.	Pay	Rs. 8100	
	Personal pay	Rs -	Personal No.
2.	HR: Allow	Rs. 1146	576068
3	Medical	Rs 1000/-	
4.	RCA	Rs 00	
5.	Washing Allow	Rs 000	
6	CA	Rs 1000	
7.	Conveyce Allow	Rs 2255	
8.	Adhoc Relief	Rs. 1667	
9	Adh: Relief	Rs. 676	
10.	Adhoc relief	Rs 1620	
	<u>11. Adhoc relief 2013</u>	<u>Rs. 1215</u>	
	Total:	Rs. 18852/-	

DEDUCTION.

G.P. Fund Rs. 595/- G.Insu: Rs. 67/- / B.Fund Rs. 180/- Add: G.Ins: Rs. 7/- Group Insurance under GPF A/C

3. He/She made over charge of the office of Jr: Tech: on the afternoon of 28.08.2013

4 Recoveries are to be made from the pay of the Government servants as detailed PM the reverse.

5 He/She has been paid leave salary as detailed below deduction have been made as noted on

From _____	To _____	Rs. _____	for _____ month
From _____	To _____	Rs. _____	a month
From _____	To _____	Rs. _____	_____ month

6 He/She is entitled to draw the following

7 He/She is also entitled to joining time for _____ usual.

8 The details to the income tax recovery from him/her up to the date from beginning of the current year are noted on the reverse

Dated _____

Computer Report
Pr-576068
Pay Inactive web
1-9-13
DM
P/19

Content signed
for G.P.F. only
12/9

Assume duty 29/12/13 (P.N)

District Health Officer
Mardan

District Health Officer
Malakand

Amjad Ali
ADVOCATE
SUPREME COURT

LAST PAY CERTIFICATE

1 Last Pay Certificate of Mr. Rasheed Khan MA Parachinar
 of the Agency Sangan Parachinar
 proceeding to FDO Health Malakand

2 He has been paid upto 28-2-2011
 as the following rates:-

Particulars
 Substantive Pay—
 Officiating Pay—
 Exchange Compensation Allowance—

B. Pay = 4570/-
 Adhoc 4212/-
 HRA 1146/-
 M. A. 1000/-
 H.A.E. 750/-
 Adhoc 2255/-
 50%

Deductions—
90/- PA

3 He made over charge of the Office of Agency Sangan Parachinar
 on the _____ noon of _____

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 _____ to _____ at Rs. _____ a month
 From _____ to _____ at Rs. _____ a month
 From _____ to _____ at Rs. _____ a month

6 He is entitled to draw the following:-

7 He is also entitled to joining time for _____ days.

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

(Signature)
 (Name)
 (Designation)

(Signature)
 (Name)
 (Designation)

Dated at _____ 19 _____

Signature _____
 Designation _____

(Signature)
 ADVOCATE
 SUPREME COURT

Ann-6
CONFIDENTIAL

ENQUIRY REPORT BY THE COMMITTEE

Subject: ENQUIRY IN TO THE FAKE APPOINTMENT OF JR PHC TECHNICIANS (MP) MALARIA SUPERVISORS

Reference: Director General Health Services Khyber Pakhtunkhwa Peshawar office order No. 4951-56/AE-VI dated 21/08/2014, the following committee was constituted on the subject noted above.

1. Dr. Muhammad Asif, Coordinator Public Health DHO office Peshawar
2. Dr. Sartaj Khan, Deputy Director (Admin), DHS FATA Peshawar

TORS:

- i. To investigate as whether they are actually appointed after observing the codal formalities or otherwise.
- ii. To investigate the following officials who got themselves transferred on the basis of bogus office orders.

The enquiry committee enquired the following accused officials

- a) Mr. Manzoor Badshah Jr. PHC Tech (MP) Malaria Supervisor from District Malakand to District Mardan (shown appointed on fake appointment order by Agency Surgeon SW Wana).
- b) Mr. Iftikhar Khan Jr PHC Tech (MP) Malaria Supervisor from DGHS Peshawar to District Mardan. (shown appointed on fake appointment order by Agency Surgeon SW Wana)
- c) Mr. Rashid Khan PHC Tech (MP) Malaria Supervisor from District Malakand to District Mardan (shown appointed on fake appointment order by Agency Surgeon Kurram Agency).

Proceedings:

To assess the appointment of the officials, who were shown to be appointed on Mr. Rashid Khan, (15-04-2008 in Kurram Agency) Mr. Manzoor Badshah (12-02-2008 in SW Agency) and Mr. Iftikhar Khan (03-01-2006 SW Agency) as Malaria Supervisors BPS-09; The following investigations were carried out:

1. Statements of Ex-Agency Surgeons SWA and Kurram Agency regarding their Fake signature on the Fake Service books and other documents Annex - A.
2. Investigation through relevant record regarding the appointments in DHS office FATA. Statement of the record keeper & attested by the Deputy Director (Admin) DHS FATA - Annex - B.
3. Statements of the DHO, Deputy DHO Mardan and concerned staff of DHO Office Mardan along with relevant record Annex - C.
4. Record of salaries drawn by the officials from District Account Office Mardan, attested by DAO Mardan Annex - D.

29/10/14

29/10/14

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ADVOCATE Mardan

SUPREME COURT

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- (33)
- c. Mr. Rashid Khan s/o Rahmat Said was shown to be appointed as Malaria Supervisor in BPS-9 on 15/04/2008 by the Agency Surgeon Kurram and was transferred to DHO Malakand on a fake transfer order from DGHS vide letter No: 1455-59/EV dated 27-01-2011. Where he continued to draw his salary till August 2013 and managed to get himself transferred to DHO Mardan on another fake order from DGHS No: 1806-9/AE-V1 Dated: 19-08-2013. (Annex-L) In response to letter from DGHS bearing No: 29670-72/EV Dated: 23-10-2013 the service books of Mr. Rashid Khan and Manzoor Badshah was submitted to AD P-III DGHS through special messenger Mr. Ayub Khan of the DHO Office Malakand and DHO Malakand also instructed the DAO Office for stoppage of their salaries.
 - d. The transfer letters from the DGHS off all the 03 accused officials came under suspicious by Dr. Qasim the then DHO Mardan due to an abnormal long blank space before the names on each order and discrepancies in the dispatch numbers of DGHS.
 - e. After receiving instructions from DGHS the DHO Mardan stopped the salaries of the accused Mr. Rashid Khan and Mr. Iftikhar Khan and deposited Rs. 92,666/- (Mr. Iftikhar Khan) and Rs. 69,038/- (Mr. Rashid Khan) in to the government treasury (NBP Mardan) on proper challan.
 - f. A legal notice from Mr. Iftikhar Khan and Mr. Rashid Khan was served on DHO Mardan on 07-11-2013 through Syed Ahmed Ali Shah advocate for the release for salaries, which was responded by the DHO Mardan till the decision of enquiry DGHS Khyber Pakhtunkhwa.
- It is also worth mentioning that the statements of the accused whirl around the then office assistant Mr. Wazir Zada who died on 26-10-2013 and due to serious illness his charge was handed over to Mr. Fazal Ahmad Office assistant on 27-09-2013 but Mr. Wazir Zada was incapacitated and not performing his duties 04-05 months prior to his death due to his deteriorating state of health so he should not be accused only for this engineered crime.
- g. The service books of the 03 accused malaria supervisors were found fake/bogus as per the statements of concerned agency surgeons.

From the observations by the inquiry committee it is proved that during the period shown against the appointments, no such appointments were made in the respective Agency Surgeon offices. No codal formalities like demand by the Agency Surgeon approval for appointment from the DHS FATA advertisement in the press, short listing, test and interviews by the selection committee etc were observed.

It was further confirmed from the respective Agency Account Offices that no source-1 have been received from Agency Surgeon for these employees and no salaries drawn.

All the accused officials also categorically denied their appointments in the Agencies their performance of duties and drawl of any salaries in SW and Kurram Agencies of FATA.

The alleged transfer orders from the DGHS were traced from the record of the concerned section (P-III Paramedics). Both the ADs (Mr. Sheraz Khan P-III & Mr.

[Signature]
28.10.14

[Signature]
Hijab-e-Munim Khan

[Signature]
ADVOCATE
SUPREME COURT

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(34)

Jamil P-II) disowned their signatures on the joint order No. 1806-9/AE/VI Dated 19-08-2013 (Rashid Khan & Manzoor-Badshah) & Order No. 2790-94/AE-VI Dated 24-01-2013 (Mr. Iftikhar Khan). For further confirmation the relevant dispatch register were checked and it was found that transfer order of Mr. Rashid Khan from DHO Malakand to DHO Mardan vide DGHS letter No. 1806-9/AE-VI dated 19/08/2013 the record on date 19/08/2013 start from 15281 and end upon 15286 which do not match with the numbers of transfer orders issued on the same date from DGHS so confirmed to be fake / bogus.

The transfer order of Mr. Manzoor Badshah vide DGHS order No. 1806-9/AE-VI dated 19/08/2013 (joint) when checked in the dispatched register of DGHS was not matching, hence confirmed to be fake and bogus.

The transfer order of Mr. Iftikhar from SW Agency to Mardan vide DGHS Order No. 20790-94/AE/E dated 24/01/2013 when checked in the dispatch register of the DGHS was found that no entry was made in the register on 24/01/2013 at all. The last running record No does not match with the S.No of the fake orders, hence proved to be fake/bogus.

It is further added that for transfer from FATA to settle area/districts, an NOC from the competent authority is mandatory, which was not accorded.

It is worth mentioning that why the source 1 for the salaries of accused Mr. Manzoor Badshah and Rashid Khan was forwarded from DHO Malakand in the absence of EPC from the concerned Agency Account Office and charge relieving certificates duly endorsed by the relevant Agency Surgeon.

Conclusion:

Keeping in view the statement of all the concerned and thorough examination of the relevant available record, the committee came to the conclusion that:

1. The appointments of the concerned Malaria Supervisors Mr. Rashid Khan, Manzoor Badshah and Iftikhar Khan are confirmed to be bogus and fake.
2. The transfer orders of the above mentioned Malaria Supervisors shown to be issued by DGHS Khyber Pakhtunkhwa are confirmed to be fake and bogus.

Recommendation:

Specific:

1. Since the appointment orders are fake and bogus, so it is recommended that the services of the all the accused Malana Supervisors (Mr. Rashid Khan, Mr. Manzoor Badshah and Mr. Iftikhar Khan) may be terminated with immediate effect.
2. The salaries (to be calculated by the concerned DHOs & DAOs Malakand & Mardan) drawn by the officials concerned may be recovered from all the responsible persons and to be deposited in Government Treasury on proper challan.

Hajj Muhammad Khan

Distt. Comptroller of Accounts
Mardan

ADVOCATE
SUPREME COURT

- 35
3. Being a fraudulent case resulting in to heavy financial loss to the government ex-checker, a proper criminal or legal case may be initiated against the accused officials.
 4. Disciplinary action against Mr. Khaista Muhammad the then Account Clerk DHO Office Malakand for manipulation & facilitating the source-I of Mr. Manzoor Badshah and Mr. Rashid Khan without the LPC of the Agency Account offices resulting to the loss of public money. He should have kept the record but he failed to produce so. Appropriate action may be taken against him under revised E&D rules 2011.
 5. For forwarding source-I of the officials concerned to the DAO Malakand and adjustment of the Malaria Supervisors (declared dying cadre in 2006) on Jr technician pathology in district Malakand without fulfilling the codal formalities, a charge sheet may be served on the ex-DHO Malakand Dr. Bakht Zada DDO.
 6. Overriding the observations of the DAO office Malakand, the source-I were re-submitted by the then acting DHO Dr. Tillah Muhammad when Dr. Bakht Zada DHO was abroad for performing Umrah appropriate legal action is recommended as the officer concerned (Dr. Tillah Muhammad) has retired on 27-11-2011 from service.
 7. Censure to Dr. Mohtaram Shah the then acting DHO Mardan for his negligence in his official responsibilities being DDO and to be held responsible for the recoveries of the salaries drawn by accused Mr. Rashid Khan & Itikhar Khan to deposit into the Government Treasury on proper challan.
 8. Warning is recommended to be served on Dr. Abdul Khalig DHO Mardan for retaining the accused Malaria Supervisors on his roll even after the clear instructions by the DGHS Office Khyber Pakhtunkhwa.
 9. Warning is recommended to the concerned officials working in DHO Office Mardan for not keeping the proper record and to keep a vigilant eye to identify such like cases in future.
 10. During the examination of the file at Anti-Corruption circle Mardan it was observed that the case was totally fraudulent and fake and the office filed the enquiry only on the basis of death of Mr. Wazir Zada the then dealing senior Clerk and statements of the accused Malaria Supervisors.

The enquiry committee observed that their findings were based only on the record provided by the DHO Office Mardan and statement of the accused. The investigation officer has not visited the relevant Agency Surgeons.

29/11/14
 29/11/14

High Commission Khan

Distt. Comptroller of Accounts

Abdul Ali
 ADVOCATE
 SUPREME COURT

Agency Account offices, DHO Malakand & Director General Khyber Pakhtunkhwa Office.

The Director General Anti-Corruption establishment Khyber-Pakhtunkhwa may kindly be approached to direct the relevant investigation officer for a comprehensive re-inquiry of the case up to the logical & conclusive end.

Handwritten marks: a circled 'D' and a circled '36'.

General

Preparation / maintenance of service books in a sequence of a genuine with fake signature of Agency Surgeon of their respective period putting official stamps awarding annual increments.

Issuance of transfer orders from the DGHS office with fake signature of the relevant officers of their respective periods using the official pad of the DGHS and putting dispatch numbers in a sequence close to running numbers.

Forwarding salary source and placement at the DHOs offices could not be made possible without the involvement of the staff of the Directorate and subordinate offices. There seems to be a network who is engaged in parallel administration at all levels. And the possibility of more such cases could not be ruled out.

The committee recommends a detail enquiry to dig out the network of these Black sheeps at the DGHS Directorate FATA, Agency and District Health Offices to abolish these fraud practices bringing bad names to the offices and heavy financial losses to the public money.

The committee also recommends to design and link a system of online verification of orders issued by the Director General Health Services Khyber-Pakhtunkhwa and its subordinate offices.

The inquiry report is submitted for onward perusal please.

Dr. Santaj Khan
Deputy Director (Admin)
DHS FATA

Dr. Muhammad Asif
Public Health Coordinator
DHO Office Peshawar

Inquiry Committee Health Department Khyber-Pakhtunkhwa

Copies/record retained.

COMMISSIONER TRIBUNAL
PESHAWAR

Amjad Ali
ADVOCATE
SUPREME COURT

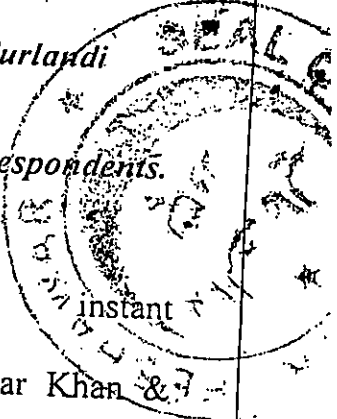
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PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

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Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
19.04.2016	<p data-bbox="572 390 885 441"><u>WP No.3669-P/2014.</u></p> <p data-bbox="572 466 1324 554"><i>Present: Mr. Muhammad Usman Khan Turlandi Advocate, for petitioner.</i></p> <p data-bbox="729 567 1387 642"><i>Syed Qaisar Ali Shah AAG, for respondents.</i></p> <p data-bbox="995 655 1074 693">****</p> <p data-bbox="556 705 1387 781"><u>MUHAMMAD DAUD KHAN, J.:-</u> Through instant</p> <p data-bbox="548 793 1387 869">Constitution petition, Rasheed Khan, Iftikhar Khan &</p> <p data-bbox="548 869 1387 945">Manzoor Badshah, the petitioners seek issuance of an</p> <p data-bbox="548 945 1387 1020">appropriate writ directing the respondents to release</p> <p data-bbox="548 1020 1387 1096">monthly salaries of petitioners being withheld w.e.f</p> <p data-bbox="548 1096 1387 1171">1.9.2013 to 1.11.2013 and also to restore their real</p> <p data-bbox="548 1171 1387 1247">posts/designations by keeping them continuously as</p> <p data-bbox="548 1247 1387 1323">regular civil servants against the posts of "Malaria</p> <p data-bbox="548 1323 1387 1398">Supervisors".</p> <p data-bbox="525 1449 1356 1524">2. In essence, the grievance of the petitioners is</p> <p data-bbox="525 1524 1356 1600">that despite performing their duties as "Malaria</p> <p data-bbox="525 1600 1356 1675">Supervisors" for about 5 years in the respondents'</p> <p data-bbox="525 1675 1356 1751">department, their services were terminated and their</p> <p data-bbox="525 1751 1356 1827">salaries were stopped on the allegation that they had</p> <p data-bbox="525 1827 1356 1902">fraudulently managed their respective appointment orders</p> <p data-bbox="525 1902 1356 1978">and they were also restrained from performing their</p> <p data-bbox="525 1978 1356 2053">duties. Hence, having no other remedy, the petitioners</p> <p data-bbox="525 2053 1356 2129">approached this Court by filing the instant Constitution</p> <p data-bbox="525 2129 1356 2205">petition.</p>



M/S

Amjad Ali
ADVOCATE
SUPREME COURT

REGISTERED
EXAMINER
Peshawar High Court
3-1 MAY 2016

3. The respondents were put on notice, who filed their comments denying the allegations of petitioners therein by stating that all the appointments and transfer orders of petitioners are bogus and fake.

4. Arguments heard and record perused.

5. Perusal of comments submitted on behalf of respondents and other documents available on file, reveals that an inquiry committee consisting of Dr. Muhammad Asif Coordinator Public Health DHO Office, Peshawar and Dr. Sartaj Khan Deputy Director (Admin) DHS FATA Peshawar was constituted by the order of Director General Health Services KPK, to probe into the matter regarding appointments of petitioners. As per observation of the said Committee, after recording statements of concerned officials as well as perusing the concerned record, it came to the light that no such appointments have been made in the respective Agency Surgeon Offices nor any codal formalities in the shape of demand by the Agency Surgeon, approval for appointment from the DHS FATA, advertisement in the press, short listing, test and interviews by the Selection Committee etc were observed nor any Source-1 was received from the Agency Surgeon for these employees. The concerned record was also checked and verified from the signatories of the alleged appointment letters,

m/s

Sartaj Khan
ADVOCATE
SUPREME COURT

ATTESTED
EXAMINER
Peshawar High Court

(48)

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transfer orders etc which were denied by the concerned officials being bogus and fake. Moreso, for transfer from FATA to settle areas, an NOC from the competent authority is mandatory which was also not obtained for the said purpose making the same dubious. The material available on file further reveals that fake proceedings for forwarding Source-1 of petitioners from DHO Malakand in absence of LPC from concerned Agency Account Office and charge relieving certificates were conducted with the connivance of certain concerned officials and salaries were drawn on the basis of said bogus proceedings, causing great loss to the Government exchequer. The petitioners failed to bring on record any strong or cogent documentary evidence in support of their stance which could show that they have been appointed after observing all codal formalities and were wrongly restrained by the respondents from performing their duties. So when the foundation of appointments of petitioners is found cracked, then what to say about the other contentions of petitioners as it is well established proposition of law that fraudulent act vitiate all proceedings. Hence, they were rightly restrained by the respondents from performing their duties, which needs no interference by this Court.

Amjad Ali
ADVOCATE
SUPREME COURT

6. For what has been discussed above, we are of the opinion that the act of petitioners regarding their

EXAMINER
Peshawar High Court

39 A

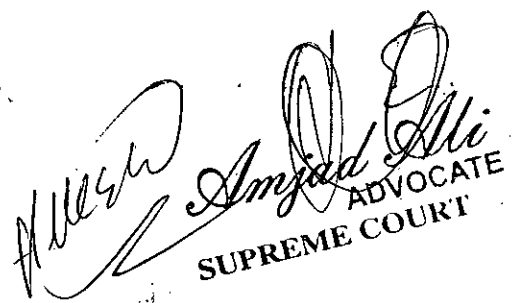
appointment on fake appointment letters disentitles them for any relief in writ jurisdiction of this Court, therefore, this petition is dismissed in limine.

Announced.

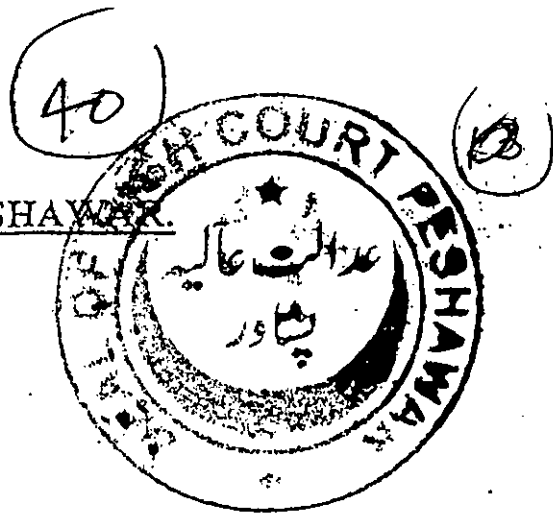
19.4.2016.


JUDGE


JUDGE


ADVOCATE
SUPREME COURT

IN THE PESHAWAR HIGH COURT PESHAWAR.



In Ref: to WP No. 3669/P/2014.

1. Rasheed Khan S/O Rahmat Said R/O Khan Sher Killi P/O Gaddar, Tehsil & District Mardan, working and posted as Malaria Supervisor (BPS-9), attached to EHU Fatma, under the direct control/command of the Executive District Officer Health, Mardan.
2. Iftikhar Khan S/O Said Wali R/O Katlang Road, Naseer Killi Tehsil & District Mardan, working and posted as Malaria Supervisor (BPS-9), attached to BHU Kodinaka under the direct control/command of the Executive District Officer Health, Mardan.
3. Manzoor Badshah S/o Haji Lal Bad Shah R/O Village Gujur Garhi Tehsil & District Mardan, working and posted as Malaria Supervisor (BPS- 9), attached to BHU Jamra under the direct control/command of the Executive District Officer Health, Mardan.

.....PETITIONERS.

VERSUS

Amir Ali
ADVOCATE
SUPREME COURT

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. Executive District Officer Health, Mardan.....RESPONDENTS.

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP-TO DATE.

PRAYERS IN WRIT PETITION.

ATTESTED

EXAMINER
Peshawar High Court

31 MAY 2014

On acceptance of this petition the respondents may be directed to release monthly salaries of the petitioners, withheld w.c.f. 01-10-2013, 01-11-2013 and 01-11-2013 respectively and they may further be directed to ensure/restore the real/parent post/designation of the petitioners by keeping them working continuously against the post of Malaria Supervisor, initially held by the petitioners.

(42)

orders and the case beside referring to the Anti-Corruption Authority, was also enquired twice by the Inter-departmental Committee. (8)

- 5) That the fate of the enquiry conducted by the Inter-departmental Committee was not yet ascertained. However, the Assistant Director Admn; Anti-Corruption, Khyber Pakhtunkhwa Peshawar while endorsing their remarks in the concluding para has clearly stated that "In view of the above, the subject enquiry has been filed as recommended by the field Staff of this establishment. This office has no objection to release the payoff the concerned officials if any, under intimation to this office." (Copy of the official letter dated 10-06-2014 is annexure "B").
- 6) That since October 2014, the petitioners were verbally restrained to perform their respective duties and were verbally directed not put their appearance/attendance and even their salaries for the work done by them were also denied and hence the case.
- 7) That the petitioners while aggrieved of the discriminative treatment given by the respondents depriving them from their legitimate valuable rights and having no adequate remedy in the circumstances of the case, are constrained to approach this august court on the following amongst other grounds inter-alia.

GROUNDS.

- a) That the first appointment/recruitment orders passed/issued by the competent appointing authority (Respondent No. 1), showing the designation as Malaria Supervisors and the said authority is the only custodian of all the relevant service record of the petitioners which have totally been denied and such practice is illegal, unlawful, without lawful authority, unconstitutional, against the law on the subject and against the norms of natural justice and liable to be declare as such.
- b) That the respondents have adopted a novel procedure and by playing with the fate of the petitioners, have not yet passed any written order

Amjad Ali
ADVOCATE
SUPREME COURT ATTESTED

EXAMINER
Peshawar High Court
31 MAY 2016

(43) (18)

detrimental to the terms and condition of the service which could be get
impugned before the proper forum and thus verbal order is no order in
the eyes of law and the petitioners can never be knock out in such
arbitrarily manner.

Amjad Ali
ADVOCATE
SUPREME COURT

c) That the first appointment/recruitment orders passed/issued by the
competent appointing authority (Respondent No. 1) in the year 2008 and
when the petitioners after carrying out all the legal codal formalities, did
used to draw their monthly salary for the post of Malaria Supervisor
through proper pay-slip from the office of the Accountant General KPK
Peshawar, when they were repeatedly transferred/posted by the order of
respondent No. 1 as such then such appointment orders have gained
legal effect and valuable fundamental rights have been accrued to them
which could not be taken away with a single stroke of pen and as such
the impugned verbal order is not sustainable in the eyes of law and liable
to be reversed.

d) That the respondents have no authority whatsoever either to stop the
monthly salary for the work done by the petitioners or to restrain them
from performing/rendering their respective duties as Malaria Supervisors
who have already served the department for a long considerable period
then all such service proceedings have taken legal effect and thus such
impugned verbal orders have been passed in the exercise of colorful
authority beyond the legal jurisdiction.

ATTESTED

EXAMINER
Peshawar High Court

31 MAY 2008

e) That under no canon of law, a government servant could be denied of his
monthly salary whereas he has already worked for that period

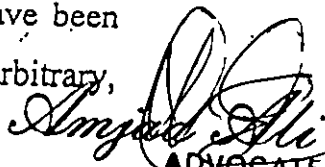
f) That the petitioners being qualified, highly deserving candidates and
have performed their respective duties as Malaria Supervisors with
great zeal and enthusiasm and since their enlistment / posting as such, no
adverse remarks whatsoever have ever been assigned to them from any
quarter till date.

g) That the act of the respondents by stopping the monthly pay and not
allowing the petitioners to perform their respective duties by keeping
them on their respective post/duty station for which the petitioners were

(44) (10)

initially recruited and such post/designations were held by the petitioners till leveling verbal allegation is not only deplorable and condemnable but also against the fundamental rights of the petitioners guaranteed by the constitution.

- h) That the respondents have transgressed their powers and the petitioners have been denied of their fundamental rights.
- i) That discrimination in service as observed by the respondents in the matter of not restoring the parent post/designation of the petitioners as Malaria Supervisors is hit by the command of the constitution, being unlawful, without lawful authority, without jurisdiction, against the norms of natural justice and equity hence be declared as such.
- j) That the petitioner being deserving and eligible candidates having legitimate right for their due restoration in the rank of Malaria Supervisors while no adverse remarks whatsoever has ever been assigned to them from any quarter and thus valuable rights have been accrued to them and such rights could not be taken away in an arbitrary, flimsy and fanciful manner.
- k) That there is sheer discrimination in the matter of stopping the monthly salary withheld illegally and the respondents have acted according to their own sweet will, wishes, discretion and innovation.
- l) That the petitioners have not been dealt with in accordance with law and equity and the petitioners have been made as scapegoat who has been penalized for no fault on their part.
- m) That further submission with the prior permission of this august court will be advanced at the time of hearing the petitioners at the bar.


ADVOCATE
SUPREME COURT

ED
court

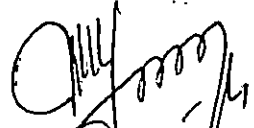
Keeping in view the above mentioned facts and circumstances and on acceptance of this writ petition an appropriate writ ~~may~~ be passed directing the respondents to release monthly salaries of the petitioners, withheld w.e.f. 01-10-2013, 01-09-2013 and 01-11-2013 respectively and as such they may further be directed to ensure/restore the real/parent post/designation of the petitioners by keeping them continuously as regular civil servants

(45) (FB)
against the post of Malaria Supervisor, initially held by the petitioners enabling the petitioners to enjoy equal protection of law in order to meet the ends of justice.

Any further better relief deemed just and acquit-able in the circumstances of the case may also be granted please,

PETITIONERS.

Through;


Muhammad Usman Khan
Turlandi
Advocate Peshawar.


Dated:- ___/___/11/2014.

CERTIFICATE.

No such like petition has ever been filed previously before this august as per instruction of my clients.

LAW BOOKS:-

- i. The constitution of Islamic Republic of Pakistan 1973.
- ii. Any other law books according to need.


ADVOCATE PESHAWAR.


ADVOCATE
SUPREME COURT

ATTESTED

EXAMINER
Peshawar High Court
31 MAY 2016



SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Annex-I
(46)

Present:

Mr. Justice Gulzar Ahmed
Mr. Justice Maqbool Baqar

Civil Petition No.2345 of 2016

[Against the order dated 19.04.2016, passed by the Peshawar High Court, Peshawar in W.P.No.3669-P of 2014]

Rasheed Khan & others.

Petitioner (s)

VERSUS

Director General Health Services, KPK, Peshawar & Respondent (s) another.

For the Petitioner (s) : Mr. Amjad Ali, ASC
Mir Adam Khan, AOR (Absent)

For the Govt. of KPK : Barrister Qasim Wadood, Addl.A.G. KPK

Date of Hearing : 14.09.2018

ORDER

Gulzar Ahmed, J:- After arguing the matter at some length, learned ASC for the petitioners states that petitioners are going to avail remedy in accordance with law and does not press this petition, which is dismissed as such.

Amjad Ali
ADVOCATE
SUPREME COURT
Sd/-J
Sd/-J
Certified to be True Copy
Court Associate
Supreme Court of Pakistan
Islamabad



GR No: 21552/18
Date of Presentation: 10/9/18
No of Words: 210
No of Folios: 2
Requisition Fee Rs: 100
Copy Fee in: 150
Court Fee Rs: 600
Date of Completion of Copy: 15/9/18
Date of Submission: 28/9/18
Received by: Genl. Secy

To,

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Aux-J
(47)

**Subject: DEPARTMENTAL APPEAL AGAINST ORAL
TERMINATION ORDER ON THE BASIS OF
FACT FINDING INQUIRY DATED
29.10.2014, WHICH IS ILLEGAL AND
AGAINST THE LAW & FACTS**

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

Sir,

Amjad Ali
ADVOCATE
SUPREME COURT


Appellant humbly submits as under:-

1. That appellant was appointed as Moharrir Supervisor vide order dated 15-4-2008 (Copy of appointment order is Annex "A")
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", Arrival report is Annex "D" and Service book is Annex "E")
3. That appellant regularly received salary till October 2014. (Copy of pay slips/ Last pay certificates are Annex "F")
4. That as exparte inquiry, at the back of appellant was conducted, wherein, appellant was not associated with the inquiry and inquiry report dated 29.10.2014 was authored. (Copy of inquiry report dated 29.10.2014 is Annex "G")
5. That appellant was orally stopped from performing duty immediately after October 2014 and salary of appellant was sotpped.

- (48)
6. That appellant immediately approached for release of his alary before hon'ble Peshawar High Court, Peshawar, however, the writ petition was dismissed vide order dated 19.04.2016. (Copy of order of High Court dated 19.04.2016 alongwith grounds of writ petition are Annex "H")
 7. That appellant approached against the order dated 19.04.2016 passed by the hon'ble Peshawar High Court, Peshawar before the august Supreme Court and after lengthy arguments vide order dated 14.09.2018, received on 14.11.2018, it was held to avail departmental remedy as no written termination order is in field, plus no charge sheet, no regular inquiry, no show cause notice was given. (Copy of order dated 14.09.2018 of august Supreme Court is Annex "I")
 8. That impugned oral termination order 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 fat 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.


ADVOCATE
SUPREME COURT

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.

49

It is, therefore humbly prayed that, on acceptance of this appeal, the oral termination order of appellant may please be set-aside and appellant may please be reinstated in service with all back benefits.

Appellant *Rasheed*

Rasheed Khan
S/o Rahmat Said
R/o Khan Sher Killi P/O Gaddar,
Tehsil & District Mardan, working
and posted as Malaria Supervisor
(BPS-9), attached to BHU Fatma,
under the Direct Control/
Command of the Executive
District Officer Health, Mardan.

Amjad Ali
ADVOCATE
SUPREME COURT

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



Aux K
SO

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 10546-5/AE-VI,

Dated 28/11/2018

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.

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

بعدالت سروس ٹریڈنگ لک

محمد منجانب سید

21/12/2018

مورخہ:

بنام:

اسٹیشن

مقدمہ:

سروس

دعویٰ:

جرم:

سروس ٹریڈنگ لک
باجت تحریر آفندہ

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

آن مقام کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اسٹیشن
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 بیکٹھرنہ 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 شرط چرچہ 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:

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العبد

گواہ

العبد

بمقام

صع کے لیے منظور ہے۔

Amjad Ali
ADVOCATE
SUPREME COURT

اسٹیشن

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان

0321-9882434 0321-9870175

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

S.A.No.30 of 2019

Rasheed KhanV/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.

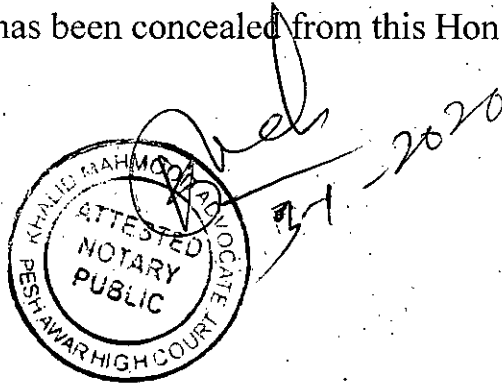

Appellant


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

CERTIFICATE

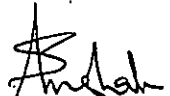
This is to certify that Mr. ABDUL SALAM

participated in Ten days Refresher Training Course on Malaria Microscopy held

from 20th JAN 2011 to 31st JAN 2011

at TYPE D TORU in Mardan.



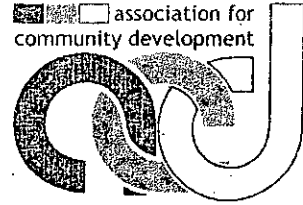

Executive District Officer (HEALTH)
Mardan




Dr. Emel Khan
Executive Director
Frontier Primary Health Care




Dr. Iftikhar Ali
Project Manager



Certificate of Participation

This is to certify that Mr./Ms. ABDUL SALAM has attended

One Day Training on Malaria Information System (MIS) Tools

Date: 28th November, 2014

Venue: Taj Restaurant, Mardan, KPK

*Organized by: Association for Community Development (ACD)
in collaboration with Roll Back Malaria (RBM) &
Directorate of General Health Services Khyber Pakhtunkhwa*

*Mr. Sajjad Ahmed
ACD-Peshawar*

*District Health Officer (DHO)
District Mardan, KPK*



CHEF INTERNATIONAL
Comprehensive Health & Education Forum Int'l



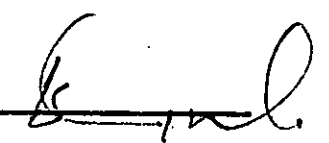
LIGHT
FOR THE WORLD

Certificate of Participation
In
Training Workshop on Primary Eye Care
at Takht Bhai Eye Hospital

30th November to 2nd December 2015

Mr. /Ms. Abdul Salam


Mr. Fida Hussain
Administrator Takht Bhai Eye Hospital


Mr. Israj Gul
Coordinator Eye Care Programs
CHEF International

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

1. Rasheed Khan Service Appeal No. 30 of 2019
2. Manzoor Badsha Service Appeal No. 31 of 2019
3. Iftikhar Khan Service Appeal No. 32 of 2019
4. Riaz Ali Service Appeal No. 33 of 2019
5. Samina Shaukat Service Appeal No. 34 of 2019 and
6. Abdul Salam Service Appeal No. 35 of 2019

.....Appellants

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

Respectfully Sheweth:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections:-

1. That the Appellants have got neither cause of action nor locus standi to file the instant Appeals.
2. That the Appellants have filed the instant appeal just to pressurize the respondents.
3. That the instant Appeals are against the prevailing Law and Rules.
4. That the Appeals are not maintainable in the present form and also in the present circumstances of the issue.
5. That the Appellants have filed the instant Appeals with mala-fide intention hence liable to be dismissed.
6. That the Appellants have not come to the Tribunal with clean hands.
7. That the Appeals are time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.

ON FACTS:

1. Para No. 1 pertains to Respondent No. 2 i.e. Agency Surgeon, Parachinar, Kurram Agency.
2. Para No. 2 pertains to Respondent No. 2 i.e. Agency Surgeon, Parachinar, Kurram Agency.
3. In reply to Para No. 3 it is submitted that the Appellants received their salary on the basis of fake appointment letter and other fake orders, which were proved fake after a thorough inquiry already annexed.
4. Para No: 4 is wrong, incorrect & misleading, hence denied. The inquiry report reveals that all the Applicants were called by the inquiry committee including Manzoor Badshah and others in which Manzoor Badshah Mr. Iftikhar Khan & Rasheed Khan were inquired while the rest of the Applicants do not attend the inquiry proceeding despite directions of the inquiry committee. The inquiry committee after a thorough procedure gives their observation, suggestion and recommendation which were upheld by the competent authority. According to inquiry committee report the appointment transfer order and others orders of the appellant were found fake.
5. In reply to Para No. 5 it is stated that the salaries of the Petitioners have been stopped in light of Enquiry Report.

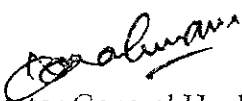
6. Para No. 6 is correct. [REDACTED] Petition has been dismissed by the Honorable Peshawar High Court, Peshawar.
7. Para No. 7 is correct. The Honorable Supreme Court of Pakistan also dismissed the case.
8. Para No. 8 is correct. The Appeal has been regretted in light of the order of the High Court/Supreme Court of Pakistan.
9. Para No. 9 is incorrect, as explained in Para No. 4 above.

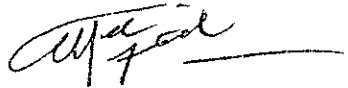
ON GROUNDS:


- A. Para-A is incorrect, as explained in Para No. 4 of the Facts above.
- B. Para-B is incorrect, as explained in Para No. 4 of the Facts above.
- C. Para-C is incorrect, as explained in Para No. 4 of the Facts above.
- D. Para-D is incorrect, as explained in Para No. 4 of the Facts above.
- E. Para-E is incorrect, as explained in Para No. 4 of the Facts above.
- F. Para-F is incorrect, as explained in Para No. 4 of the Facts above.
- G. Para-G is incorrect, as explained in Para No. 4 of the Facts above.
- H. Para-H is incorrect, as explained in Para No. 4 of the Facts above.
- I. Para-I is incorrect, as explained in Para No. 4 of the Facts above.
- J. Para-J is incorrect, as explained in Para No. 4 of the Facts above.
- K. Para-K no comments.
- L. Para-L is subject to proof.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant Appeal may very graciously be dismissed with cost.


Director General Health Services,
Khyber Pakhtunkhwa.
Respondent No. 01


Secretary Health, Khyber Pakhtunkhwa.
Respondent No. 03


District Health Officer Mardan.
Respondent No. 04

ENQUIRY REPORT BY THE COMMITTEE

Subject: ENQUIRY IN TO THE FAKE APPOINTMENT OF JR PHC TECHNICIANS (MP) MALARIA SUPERVISORS

Reference: Director General Health Services Khyber Pakhtunkhwa Peshawar office order No. 4951-56/AE-VI dated 21/08/2014, the following committee was constituted on the subject noted above.

1. Dr. Muhammad Asif, Coordinator Public Health DHO office Peshawar.
2. Dr. Sartaj Khan, Deputy Director (Admin), DHS FATA Peshawar.

TORs:

- i. To investigate as whether they are actually appointed after observing the codal formalities or otherwise.
- ii. To investigate the following officials who got themselves transferred on the basis of bogus office orders.

The enquiry committee enquired the following accused officials:

- a) Mr. Manzoor Badshah Jr PHC Tech (MP)/Malaria Supervisor from District Malakand to District Mardan (shown appointed on fake appointment order by Agency Surgeon SW Wana).
- b) Mr. Iftikhar Khan Jr PHC Tech (MP/ Malaria Supervisor from DGHS Peshawar to District Mardan. (shown appointed on fake appointment order by Agency Surgeon SW Wana)
- c) Mr. Rashid Khan PHC Tech (MP) Malaria Supervisor from District Malakand to District Mardan (shown appointed on fake appointment order by Agency Surgeon Kurram Agency).

Proceedings:

To assess the appointment of the officials, who were shown to be appointed on Mr. Rashid Khan, (15-04-2008 in Kurram Agency) Mr. Manzoor Badshah (12-02-2008 in SW Agency) and Mr. Iftikhar Khan (03-01-2006 SW Agency) as Malaria Supervisors BPS-09; The following investigations were carried out:

1. Statements of Ex-Agency Surgeons SWA and Kurram Agency regarding their Fake signature on the Fake Service books and other documents. Annex - A.
2. Investigation through relevant record regarding the appointments in DHS office FATA. Statement of the record keeper & attested by the Deputy Director (Admin) DHS FATA - Annex- B.
3. Statements of the DHO, Deputy DHO Mardan and concerned staff of DHO Office Mardan along with relevant record. Annex - C.
4. Record of salaries drawn by the officials from District Account Office Mardan, attested by DAO Mardan. Annex - D

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29/10/14

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2. Dr. Sartaj, Deputy Director (Admin), DHS FATA, Peshawar.

- 5-
5. Checking of the record of anticorruption circle Mardan and letter from the DG Anti-corruption establishment Khyber Pakhtunkhwa to DGHS Khyber Pakhtunkhwa. **Annex – E**
 6. Statements along with cross examination regarding the posting / transfer of the officials concerned from the then DHO (Dr. Bakht Zada) and the present DHO (Dr. Muhammad Ali) Malakand, Ex- Office Assistant (Mr. Khaliq), present office Assistant (Mr. Ehsan), Ex- Account Assistant (Mr. Khaista Muhammad), and Junior Clerk (Mr. Ayub) along with relevant record. **Annex – F**
 7. Statement of the DAO Malakand regarding the drawl of salaries of the officials concerned. **Annex – G**
 8. Statement of Mr. Sheraz Khan, Assistant Director P III (Paramedics), Assistant Director Mr. Jamil, Assistant Director P II, Director General Health Services Khyber Pakhtunkhwa office along with the record of the dispatch registers of the concerned date of transfer orders. **Annex – H.**
 9. Statement and thorough cross examination of the concerned Malaria Supervisors under enquiry. **Annex – I.**
 10. The service books and correspondence file of 03 accused Malaria Supervisors under enquiry provided by Mr. Sheraz Khan AD P-III DGHS were thoroughly checked and returned back to him.
 11. All the relevant informations in this particular case under enquiry were shared with Dr. Muhammad Qasim, Ex DHO Mardan and he affirmed the observations of the committee.

All the concerned offices were visited by the committee after information in written/fax letters.

Observations:

Going through all the available record, statements of the concerned officers/ officials along with cross examination the committee observed the following:

- a. Mr. Manzoor Badshah s/o Haji Lal Badshah was shown appointed as Malaria Supervisor in BPS-9 in SW Agency on 12-02-2008 and was transferred on a fake order issued from DGHS vide office order No. 1460-64/E-V dated 27-01-2011 and was adjusted on the vacant post of Jr Clinical Tech Pathology vide EDO (H) Malakand No. 432-35 dated 17/02/2011 in Malakand and he continued to draw his salary till October 2013. He was transferred on a fake order from DGHS bearing No. 29670-72/EV dated 24-09-2013 to DHO Mardan. On arrival to DHO Mardan in October 2013, he has not provided LPC from DAO Malakand and has not claimed his salaries from November 2013 till date inspite of performing his official duties. (Annex-J)
- b. Mr. Iftikhar Khan s/o Said Wali was shown appointed as Malaria Supervisor BPS-9 by Agency Surgeon SW Agency on 03/01/2006 (fake order) and he was transferred to DHO Mardan through fake order vide DGHS letter No. 2790-94 / AE-VI dated 24/01/2013. His further posting is shown by DHO Mardan on 31-05-2013 with the laps of 04 months and his salary was started from July 2013. Annex--K

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- c. Mr. Rashid Khan s/o Rahmat Said was shown to be appointed as Malaria Supervisor in BPS-9 on 15/04;2008 by the Agency Surgeon Kurram and was transferred to DHO Malakand on a fake transfer order from DGHS vide letter No: 1455-59/EV dated 27-01-2011. Where he continued to draw his salary till August 2013 and managed to get himself transferred to DHO Mardan on another fake order from DGHS No. 1806-9/AE-V1 Dated 19-08-2013. (Annex-L) In response to letter from DGHS bearing No: 29670-72/EV Dated 23-10-2013 the service books of Mr. Rashid Khan and Manzoor Badshah was submitted to AD P-III DGHS through special messenger Mr. Ayub Khan of the DHO Office Malakand and DHO Malakand also instructed the DAO Office for stoppage of their salaries.
 - d. The transfer letters from the DGHS off all the 03 accused officials came under suspicious by Dr. Qasim the then DHO Mardan due to an abnormal long blank space before the names on each order and discrepancies in the dispatch numbers of DGHS.
 - e. After receiving instructions from DGHS the DHO Mardan stopped the salaries of the accused Mr. Rashid Khan and Mr. Iftikhar Khan and deposited Rs. 92,666/-(Mr. Iftikhar Khan) and Rs.69,038/-(Mr. Rashid Khan) in to the government treasury (NBP Mardan) on proper challan.
 - f. A legal notice from Mr. Iftikhar Khan and Mr. Rashid Khan was served on DHO Mardan on 07-11-2013 through Syed Ahmed Ali Shah advocate for the release for salaries, which was responded by the DHO Mardan till the decision of enquiry DGHS Khyber Pakhtunkhwa.
 - g. It is also worth mentioning that the statements of the accused whirl around the then office assistant Mr. Wazir Zada who died on 26-10-2013 and due to serious illness his charge was handed over to Mr. Fazal Ahad, Office assistant on 27-9-2013 but Mr. Wazir Zada was incapacitated and not performing his duties 04-05 months prior to his death due to his deteriorating state of health so he should not be accused only for this engineered crime.
 - h. The service books of the 03 accused malaria supervisors were found fake/bogus as per the statements of concerned agency surgeons.

From the observations by the inquiry committee it is proved that during the period shown against the appointments, no such appointments were made in the respective Agency Surgeon offices. No. codal formalities like demand by the Agency Surgeon, approval for appointment from the DHS FATA, advertisement in the press, short listing, test and interviews by the selection committee etc were observed.

It was further confirmed from the respective Agency Account Offices that no source-1 have been received from Agency Surgeon for these employees and no salaries drawn.

All the accused officials also categorically denied their appointments in the Agencies, their performance of duties and drawl of any salaries in SW and Kurram Agencies of FATA.

The alleged transfer orders from the DGHS were traced from the record of the concerned section (P-III Paramedics). Both the ADs (Mr. Sheraz Khan P-III & Mr.

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Jamil P-II) disowned their signatures on the joint order No. 1806-9/AE/VI Dated 19-08-2013 (Rashid Khan & Manzoor Badshah) & Order No. 2790-94/AE-VI Dated 24-01-2013 (Mr. Iftikhar Khan). For further confirmation the relevant dispatch register were checked and it was found that transfer order of Mr. Rashid Khan from DHO Malakand to DHO Mardan vide DGHS letter No. 1806-9/AE-VI dated 19/08/2013, the record on date: 19/08/2013 start from 15281 and end upon 15286 which do not match with the numbers of transfer orders issued on the same date from DGHS so confirmed to be fake / bogus.

The transfer order of Mr. Manzoor Badshah, vide DGHS order No. 1806-9/AE-VI dated 19/08/2013 (joint) when checked in the dispatched register of DGHS was not matching, hence confirmed to be fake and bogus.

The transfer order of Mr. Iftikhar from SW Agency to Mardan vide DGHS Order No. 20790-94/AE/E dated 24/01/2013 when checked in the dispatch register of the DGHS was found that no entry was made in the register on 24/01/2013 at all. The last running record No does not match with the S.No of the fake orders, hence proved to be fake/bogus.

It is further added that for transfer from FATA to settle area/districts, an NOC from the competent authority is mandatory, which was not accorded.

It is worth mentioning that why the source 1 for the salaries of accused Mr. Manzoor Badshah and Rashid Khan was forwarded from DHO Malakand in the absence of LPC from the concerned Agency Account Office and charge relieving certificates duly endorsed by the relevant Agency Surgeon.

Conclusion:

Keeping in view the statement of all the concerned and thorough examination of the relevant available record, the committee came to the conclusion that:

1. The appointments of the concerned Malaria Supervisors Mr. Rashid Khan, Manzoor Badshah and Iftikhar Khan are confirmed to be bogus and fake.
2. The transfer orders of the above mentioned Malaria Supervisors shown to be issued by DGHS Khyber Pakhtunkhwa are confirmed to be fake and bogus.

Recommendation:

Specific:

1. Since the appointment orders are fake and bogus so it is recommended that the services of the all the accused Malaria Supervisors (Mr. Rashid Khan, Mr. Manzoor Badshah and Mr. Iftikhar Khan) may be terminated with immediate effect.
2. The salaries (to be calculated by the concerned DHOs & DAOs Malakand & Mardan) drawn by the officials concerned may be recovered from all the responsible persons and to be deposited in Government Treasury on proper challan.

2. Dr. Sartaj, Deputy Director (Admin), DHS FATA, Peshawar.

3. Being a fraudulent case resulting in to heavy financial loss to the government ex-checker, a proper criminal or legal case may be initiated against the accused officials.
4. Disciplinary action against Mr. Khaista Muhammad the then Account clerk DHO Office Malakand for manipulation & facilitating the source-I of Mr. Manzoor Badshah and Mr. Rashid Khan without the LPC of the Agency Account offices resulting to the loss of public money. He should have kept the record but he failed to produce so. Appropriate action may be taken against him under revised E&D rules 2011.
5. For forwarding source-I of the officials concerned to the DAO Malakand and adjustment of the Malaria Supervisors (declared dying cadre in 2006) on Jr technician pathology in district Malakand without fulfilling the codal formalities, a charge sheet may be served on the ex-DHO Malakand Dr. Bakht Zada DDO.
6. Overriding the observations of the DAO office Malakand, the source-1 were re-submitted by the then acting DHO Dr. Tillah Muhammad when Dr. Bakht Zada DHO was abroad for performing Umrah, appropriate legal action is recommended as the officer concerned (Dr. Tillah Muhammad) has retired on 27-11-2011 from service.
7. Censure to Dr. Mohtaram Shah the then acting DHO Mardan for his negligence in his official responsibilities being DDO and to be held responsible for the recoveries of the salaries drawn by accused Mr. Rashid Khan & Iftikhar Khan to deposit into the Government Treasury on proper challan.
8. Warning is recommended to be served on Dr. Abdul Khaliq DHO Mardan for retaining the accused Malaria Supervisors on his roll even after the clear instructions by the DGHS Office Khyber Pakhtunkhwa.
9. Warning is recommended to the concerned officials working in DHO Office Mardan for not keeping the proper record and to keep a vigilant eye to identify such like cases in future.
10. During the examination of the file at Anti-Corruption circle Mardan it was observed that the case was totally fraudulent and fake and the office filed the enquiry only on the basis of death of Mr. Wazir Zada the then dealing senior Clerk and statements of the accused Malaria Supervisors.

The enquiry committee observed that their findings were based only on the record provided by the DHO Office Mardan and statement of the accused. The investigation officer has not visited the relevant Agency Surgeons /

29/10/14

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5

2. Dr. Sartaj, Deputy Director (Admin), DHS FATA, Peshawar.

Agency Account offices, DHO Malakand & Director General Health Khyber Pakhtunkhwa Office.

The Director General Anti-Corruption establishment Khyber-Pakhtunkhwa may kindly be approached to direct the relevant investigation officer for a comprehensive re-inquiry of the case up to the logical & conclusive end.

General:

Preparation / maintenance of service books in a sequence of a genuine with fake signature of Agency Surgeon of their respective period putting official stamps, awarding annual increments.

Issuance of transfer orders from the DGHS office with fake signature of the relevant officers of their respective periods using the official pad of the DGHS and putting dispatch numbers in a sequence close to running numbers

Forwarding salary source and placement at the DHOs offices could not be made possible without the involvement of the staff of the Directorate and subordinate offices. There seems to be a network who is engaged in parallel administration at all levels. And the possibility of more such cases could not be ruled out.

The committee recommends a detail enquiry to dig out the network of these Black sheeps at the DGHS, Directorate FATA, Agency and District Health Offices to abolish these fraud practices bringing bad names to the offices and heavy financial losses to the public money.

The committee also recommends to design and link a system of online verification of orders issued by the Director General Health Services Khyber-Pakhtunkhwa and its subordinate offices.

The inquiry report is submitted for onward perusal please.

Dr. Sartaj Khan
Dr. Sartaj Khan
Deputy Director (Admin)
DHS FATA

Dr. Muhammad Asif
Dr. Muhammad Asif
Public Health Coordinator
DHO Office Peshawar

Inquiry Committee Health Department Khyber-Pakhtunkhwa

Copies/record retained.

Name: Mr. Rasheed Khan

Designation: Malaria Supervisor

S.No	Month	Amount
1	10/2013	17003
2	11/2013	17003
3	12/2013	17516
4	1/2014	17516
	Total	69038/-

Note: Deposited Govt: Treasury (Challan # 73 dated 16/6/2014) NBP Main Branch Mardan (Copy Attached)

② 9/2013 ✓ = 17003/- paid to Rasheed Khan

Qay 28/8/14.

[Signature]
District Health Officer
Mardan

2. Dr. Sartaj, Deputy Director (Admin), DHS FATA, Peshawar.

Amended - B *Man H* 

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
19.04.2016	<p><u>WP No. 3669-P/2014</u></p> <p><i>Present:</i> Mr. Muhammad Usman Khan Turlandi Advocate, for petitioner.</p> <p style="padding-left: 100px;">Syed Qaisar Ali Shah AAG, for respondents</p> <p>MUHAMMAD DAUD KHAN, J. Through instant</p> <p>Constitution petition; Rasheed Khan, Iftikhar Khan & Manzoor Badshah, the petitioners seek issuance of an appropriate writ directing the respondents to release monthly salaries of petitioners being withheld w.e.f 1.9.2013 to 1.11.2013 and also to restore their real posts/designations by keeping them continuously as regular civil servants against the posts of "<i>Malaria Supervisors</i>".</p> <p>2. In essence, the grievance of the petitioners is that despite performing their duties as "<i>Malaria Supervisors</i>" for about 5 years in the respondents' department, their services were terminated and their salaries were stopped on the allegation that they had fraudulently managed their respective appointment orders and they were also restrained from performing their duties. Hence, having no other remedy, the petitioners approached this Court by filing the instant Constitution petition.</p>

Sartaj

[Signature]
ADVOCATE

SUPREME COURT OF PESHAWAR HIGH COURT

3. The respondents were put on notice, who filed their comments denying the allegations of petitioners therein by stating that all the appointments and transfer orders of petitioners are bogus and fake.

4. Arguments heard and record perused.

5. Perusal of comments submitted on behalf of respondents and other documents available on file, reveals that an inquiry committee consisting of Dr. Muhammad Asif, Coordinator, Public Health, DHO Office, Peshawar and Dr. Sartaj Khan, Deputy Director (Admin) DHS FATA Peshawar was constituted by the order of Director General Health Services, KPK, to probe into the matter regarding appointments of petitioners. As per observation of the said Committee, after recording statements of concerned officials as well as perusing the concerned record, it came to the light that no such appointments have been made in the respective Agency Surgeon Offices nor any codal formalities in the shape of demand by the Agency Surgeon, approval for appointment from the DHS FATA, advertisement in the press, short listing, test and interviews by the Selection Committee etc were observed nor any Source-1 was received from the Agency Surgeon for these employees. The concerned record was also checked and verified from the signatories of the alleged appointment letters.

31
 SUPREME COURT
 SOUVENIR

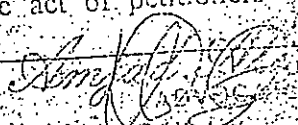
Dr. Sartaj

EXAMINER
 Peshawar High Court

2. Dr. Sartaj, Deputy Director (Admin), DHS FATA, Peshawar.


transfer orders etc which were denied by the concerned officials being bogus and fake. Moreso, for transfer from FATA to settle areas, an NOC from the competent authority is mandatory which was also not obtained for the said purpose making the same dubious. The material available on file further reveals that fake proceedings for forwarding Source-1 of petitioners from DHO Malakand in absence of LPC from concerned Agency Account Office and charge relieving certificates were conducted with the connivance of certain concerned officials and salaries were drawn on the basis of said bogus proceedings, causing great loss to the Government exchequer. The petitioners failed to bring on record any strong or cogent documentary evidence in support of their stance which could show that they have been appointed after observing all legal formalities and were wrongly restrained by the respondents from performing their duties. So when the foundation of appointments of petitioners is found cracked, then what to say about the other contentions of petitioners as it is well established proposition of law that fraudulent act vitiate all proceedings. Hence they were rightly restrained by the respondents from performing their duties which needs no interference by this Court.

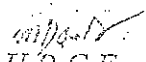
6. For what has been discussed above, we are of the opinion that the act of petitioners regarding their


JUDGE
SUPREME COURT

appointment on fake appointment letters disentitles them for any relief in writ jurisdiction of this Court, therefore, this petition is dismissed in limine.

Announced.
19.4.2016.


JUDGE


JUDGE

Attested

ADVOCATE
SUPREME COURT

"A. Qayum"

2. Dr. Sartaj, Deputy Director (Admin), DHS FATA, Peshawar.

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Page I
39

Present:

Mr. Justice Gulzar Ahmed
Mr. Justice Maqbool Baqar

Civil Petition No. 2345 of 2016

(Against the order dated 19.04.2016, passed by the Peshawar High Court, Peshawar in W.P. No. 3669-P of 2014)

Rasheed Khan & others

Petitioner (s)

VERSUS

Director General Health Services, KPK, Peshawar & another
Respondent (s)

For the Petitioner (s)

Mr. Amjad Ali, ASC
Mr. Adam Khan, AOR (Absent)

For the Govt. of KPK

Barrister Qasim Wadood, Addl. A.G. KPK

Date of Hearing

14.09.2018

ORDER

Gulzar Ahmed, J.: After arguing the matter at some length, learned ASC for the petitioners states that petitioners are going to avail remedy in accordance with law and does not press this petition, which is dismissed as such.

Sd/- J

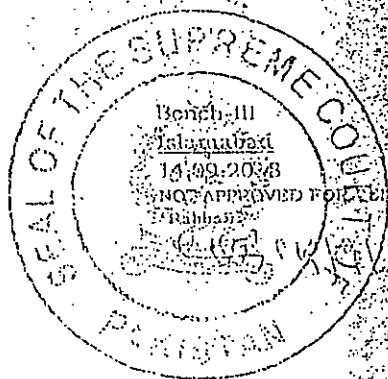
Sd/- J

Certified to be True Copy

ADVOCATE

SUPREME COURT

Court Associate
Supreme Court of Pakistan
Islamabad



GR. No. 21562/18
Date of Presentation 15/9/18
No. of Words 200
No. of Pages 2
Requisition Fee Paid 100
Copy Fee in 100
Court Fee 600
Date of Court 15/9/18
Date of Order 28/9/18
Received 6/10/18

Annex

2 January

GS&PO NWFP Form Store Jobs-2000 Regds. of 1961, 1979, 1984 Form Store Jobs NWFP

Routine No. 34

ATTENDANCE ROLL FOR THE

MONTH OF 2015

Name																					Total Late		Casual Leave		Holidays		REMARKS
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Current month	To end of current month	Current month	To end of current month	Current month	To end of current month	
PARAMEDICAL STAFF																											
5 Mohd Saifur R. PDK Tech	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
7 Khalid Rehman PDK Tech	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	
8 Khalid Khan "	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	KL	
9 Sajid W. Khan "	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
10 Shamshad "	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
11 Saad ur Rehman "	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
12 Asmat ulle k "	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	
LABORATORY STAFF																											
3 Afisay Khin Lab Tech	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	
4 Tufan Ullah "	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	
55 Sajjad Ali "	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
58 Mohd Ilyas "	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	
7 Mankour Sadiq "	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	
58 Dawood Khan "	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
55 Sajjad Khan Lab Tech	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
58 Abdul Kalam	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	AK	
Radiology Staff																											
61 Aslak Khan X-Ray Tech	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	
62 Zafar Khin Durrani	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	
62 Saad ur Mutalib Staff	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	

ATTENDANCE ROLL FOR THE MONTH OF

January

58

Name																					Total Late		Casual Leave		Holidays		REMARKS																																												
	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	31	Current month	To end of current month	Current month	To end of current month	Current month	To end of current month																																	
Paramedical Staff			X																					X							X																																								
Mohammad Sherif			X																					X							X																																								
Merajuddin			X																					X							X																																								
Khalid Rehman			X																					X							X																																								
Khalid Khan			X																					X							X																																								
Shamshad			X																					X							X																																								
Sajjad Abrar			X																					X							X																																								
Saeed us Rehman			X																					X							X																																								
Rahmanullah			X																					X							X																																								
Fazle Rehman			X																					X							X																																								
Asmaullah			X																					X							X																																								
Laboratory			X																					X							X																																								
Afsar Khan			X																					X							X																																								
Dr. Farmanullah			X																					X							X																																								
Sajjad Ali			X																					X							X																																								
Mohammad Shams			X																					X							X																																								
Mansoor Sadiq			X																					X							X																																								
Sajjad Ali Shah			X																					X							X																																								
Abdus Salam			X																					X							X																																								
Rasool Khan			X																					X							X																																								
X Ray Staff			X																					X							X																																								
Asif Khan			X																					X							X																																								
Rafiq Ali			X																					X							X																																								

Mirajuddin is on Leave for 40 days tablest.

01
03

ATTENDANCE ROLL FOR MONTH OF July 2016

20

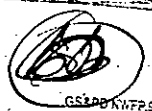
No.	Name	Total Late		Casual Leave		Holidays		REMARKS
		Current month	To end of current month	Current month	To end of current month	Current month	To end of current month	
51	B.B. Haseem							
52	Hermat							
53	Hacio							
54	Frash							
55	Zahira Naz							
56	Naima Naxos							
57	Suyeta Khan							
58	Para Medical Staff							
58	M. Harman Sahar							
59	Mirzapur							
60	Khabib Khan							
61	Shamshad							
62	Sayeed Ahmad							
63	Azmatullah							
64	Rahmanullah							
65	K. K. Khan							
66	Saidurrahman							
67	Fazle Rahman							
68	M. H. Khan							
69	Lab Staff							
70	Dr. A. Khan							
71	Dr. A. Khan							
72	M. Khan							
73	M. Khan							
74	M. Khan							

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ATTENDANCE ROLL FOR THE MONTH OF

Nov



20/10

No.	Name	Days of the Month																															Total Late		Casual Leave		Current month						
		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	31	Current month	To end of current month	Current month	To end of current month							
87	Gurran	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS										
88	Zahid Khan	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS									
89	Abid Ali	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS									
	LAB STAFF					X																																					
90	Akbar Khan	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS								
91	Jaymullah	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS							
92	Muhammad Nizam	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
93	Mansoor Sadiq	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
94	Sayed Ali	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS					
95	Abdul Karim	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS					
96	Sajjad Ali	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS					
97	Rawaid Khan	R	R	R	R	X	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R					
100	Said Umar	S	S	S	S	X	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S					
	STAFF					X																																					
101	Aslat Khan (Morning)	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS					
102	Mehnaz (Morning)	AS	AS	AS	AS	X	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS				
103	Neshaan (Morning)	P	P	P	P	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
104	Said Umar	S	S	S	S	X	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
105	Zina Ur Rahman (Night)	N	N	N	N	X	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N				

December 2016

ATTENDANCE ROLL FOR THE

MONTH OF December 2016

Name																					Total Late		Casual Leave		Ho	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Current month	To end of current month	Current month	To end of current month		Current month
Lab Staff																										
1 Afzar Khair	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
Dr Farullah	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
Mrid Dlyas	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL	IL						
Monsoor Sadiq	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
Sayed Riaz Ali Shah	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
Abdusalam	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
4 Sajjad Ali	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
5 Mrid Rawaid	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R						
6 Saia umran	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R						
X Row Staff																										
7 Aslat Khan	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
8 Mehwaz Ali	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA						
9 Zeeshan	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
10 Kishorekumar	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS						
11 Saia umran	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
12 Obaidullah	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E						
ECG Staff																										
13 Jawseef Ahmad	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA	MA						

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ATTENDANCE REGISTER

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Attendance Role For the Month January 2015

No	Name and Designation	Total Late		Casual Leave		Holiday		Remarks
		Current Month	To end of Current Month	Current Month	To end of Current Month	Current Month	To end of Current Month	
1	Dr. SALMAN SHAHZAD Medical officer (1/c)							
2	Mr. Saïd Afzal S.M.T							
3	Mrs. Khatoon BIRI F.M.T							
4	Mrs. Khatoon BIRI L.H.V							
5	Mr. Bilal Khan Med. Microscopist							
6	Mr. Shafiullah EPI tech							
7	Amma BIRI Dor							
8	Danish AL ward attendant							
9	Muhammed J.H. Baker							
10	Tannat Gul Charcoal							
11	Fazal Aman L.H.S							
12	Fazal Aman Dor							



ATTENDANCE REGISTER

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Attendance Role For the Month MARCH 2015

No	Name and Designation	Total Late		Casual Leave		Holiday		Remarks
		Current Month	To end of Current Month	Current Month	To end of Current Month	Current Month	To end of Current Month	
1)	Dr. SALMAN SHAHZAD Medical Officer (Vc)							
2)	Mr. Saikh Afzal S.M.T							
3)	Miss Khatoon BiBi F.M.T							
4)	Miss Samina Shokat L.H.V							
5)	Mr. Babar Khan Malavia - Mc							
6)	Mr. Shafiullah FPI Tech							
7)	Amina BiBi Dhai							
8)	Qamar Ali Ward Orderly							
9)	Mahammad Ihsan Bheshti							
10)	Jannat Gul Chakedar							
11)	Fauzia Anwar L.H.S							
12)	Fazal Anwar Driver							

checked
10.3.2015

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

S.A.No.30 of 2019

Rasheed KhanV/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.

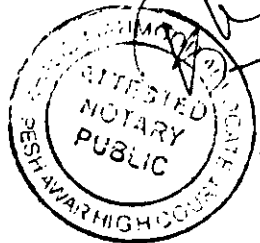
Appellant

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

(1)

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

Service Appeal No. 30 /2019



1782
21-12-20

Rasheed Khan S/o Rahmat Said
R/o Khan Sher Killi P/O Gaddar, Tehsil & District Mardan,
working and posted as Malaria Supervisor (BPS-9), attached
to BHU Fatma, under the Direct Control/ Command of the
Executive District Officer Health, Mardan.

.....Appellant

VERSUS

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

4. D. H. O Health Mardan.....Respondents

**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.**

17/12/2019

Registrar

21/12/18

PRAYER:

Re-submitted to -day
and filed.

Registrar

9/1/19

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.

ATTORNEY

ATTORNEY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL NO. 30/2019

Date of institution ... 21.12.2018
Date of judgment ... 10.03.2020

Rasheed Khan S/o Rahmat Said
R/o Khan Sher Killi P/o Gaddar, Tehsil & District Mardan,
Working and posted as Malaria Supervisor (BPS-9), attached to BHU
Fatma, under the Direct Control/Command of the Executive District
Officer Health, Mardan ... (Appellant)

VERSUS

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Agency Surgeon, Parachinar Kurrām Agency.
3. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
4. District Health Officer Health Mardan. ... (Respondents)

**APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA 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.**

Mr. Amjad Ali (Mardan), Advocate. .. For appellant.
Mr. Riaz Ahmad Paindakheil, Assistant AG .. For respondents.


Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this

judgment shall disposed of instant service appeal as well as

- I. Service Appeal No. 31/2019 titled "Manzoor Badshah Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others"

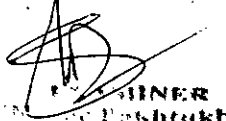
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

- II. Service Appeal No. 32/2019 titled "Iftikhar Khan Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others"
- III. Service Appeal No. 33/2019 titled "Riaz Ali Shah Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others"
- IV. Service Appeal No. 314/2019 titled "Samina Shoukat Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others"
- V. Service Appeal No. 35/2019 titled "Abdul Salam Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and three others" as common question of law and facts are involved in all the appeals.

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

3. Brief facts of the cases as per presents appeals are that the appellant Mst. Samina Shoukat was appointed as LHV while the other appellants were appointed as Malaria Supervisors (BPS-9) and were transferred to District Mardan. They were receiving their salaries from the date of their appointment but later on the appellants were stopped from performing their duties immediately after October 2014 and their salaries were also stopped. The appellants approached the worthy Peshawar High Court Peshawar for release of their salaries through Writ Petition but their Writ Petitions were dismissed. Some of the appellants also challenged the judgment of the Worthy Peshawar High Court Peshawar before the

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PESHAWAR HIGH COURT
PESHAWAR

*M. Ahmad
10.3.2020*

august Supreme Court of Pakistan but their Civil Petition was also dismissed vide order dated 14.09.2018. Thereafter, the appellants filed departmental appeals on 19.11.2018 & 27.11.2018 which were also dismissed vide order dated 28.11.2018 hence, the present service appeals on 21.12.2018.

4. Respondents were summoned who contested the appeals by filing written reply/comments.

5. Learned counsel for the appellants contended that the appellants were appointed in the year 2007/2008 as Malaria Supervisors/LHV and were performing their duties regularly. It was further contended that the appellants were also receiving salaries regularly. It was further contended that the appellants were transferred to district Mardan by the competent authority but the respondent-department conducted ex-parte inquiry at the back of the appellants and on the basis of said ex-parte inquiry, the appellants were orally stopped from performing their duties and the respondent-department also stopped their salaries immediately after October 2014, therefore, the appellants approached the Worthy Peshawar High Court Peshawar for release of their salaries but the Writ Petitions of the appellants were dismissed. It was further contended that some of the appellants challenged the judgment of the Worthy Peshawar High court Peshawar before the august Supreme Court of Pakistan through civil petition but the same was also dismissed on the ground that the petitioners are going to avail remedy in accordance with law and does not want to press the petition vide order/judgment dated 14.09.2018. It was further contended that thereafter, the appellants filed proper departmental appeals but the same were also rejected hence, the present service

W. Amin
10.3.2020

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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[Signature]

appeals. It was further contended that the appellants were orally stopped from performing their duties and no termination or removal order was passed by the competent authority. It was further contended that the appellants had more than ten years service in their credit but the same was also not considered by the respondent-department. It was further contended that neither charge sheet, statement of allegation were served upon the appellants nor proper inquiry was conducted nor the appellants were associated in any inquiry proceeding nor the appellants were issued any show-cause notice, therefore, the impugned orders are illegal and liable to be set-aside and prayed for acceptance of appeals.

6. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellants and contended that neither any advertisement was published by the respondent-department for the appointment on the said posts nor the appellants were appointed by the competent authority nor any codal formalities before their appointments were fulfilled rather the appellants received their salaries on the basis of fake appointment order. It was further contended that the appellants were transferred to District Mardan but the same was also proved fake through inquiry, It was further contended that the appellants were called by the inquiry committee and they were fully associated in the inquiry proceeding. It was further contended that as per inquiry report, the appointment and transfer orders of the appellants were found fake. It was further contended that the worthy High Court has also dismissed the Writ Petitions of the appellants Iftikhar Khan, Manzoor Badshah and Rasheed Khan on the basis of inquiry report and the august Supreme Court of Pakistan

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EXAMINER
Service Tribunal

also dismissed their civil petition, therefore, the present services appeals are hit by rule 23 of Khyber Pakhtunkhwa Service Tribunal Rules 1974 ~~therefore~~, it was further contended that their departmental appeals are also time barred and prayed for dismissal of appeals.

7. Perusal of the record reveals that the appellants were serving in Health Department. They were transferred to District Mardan. After their transfer a separate inquiry was constituted regarding the appointment and transfer order of the appellants Iftikhar Khan, Manzoor Badshah and Rasheed Khan and as per inquiry report they were properly associated in the said inquiry by the inquiry committee namely Dr. Muhammad Asif, Coordinator Public Health DHO office Peshawar and Dr. Sartaj Khan, Deputy Director (Admin), DHS FATA Peshawar and after examining the relevant record it was concluded that the appointment of the concerned Malaria Supervisors Iftikhar Khan, Manzoor Badshah and Rasheed Khan are confirmed bogus and fake and the transfer orders of the above mentioned Malaria Supervisors shown issued by the Director General Health Services are fake and bogus vide inquiry report dated 29.10.2014. The record further reveals that another inquiry committee was conducted by the District Health Officer Charsadda against the appellant Riaz Ali, Abdul Salam, Samina Shoukat, Rasheed Khan and others wherein the inquiry officer also recommended that the appointment of staff who were appointed in North Waziristan and transferred to Mardan are absolutely fake because there is no record of their appointment, salary drawn at the Agency Account Office and LPC from the concerned AAO as well as FATA Secretariat vide inquiry report (undated). The record further

M. Amin
10.3.2020

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

reveals that the worthy High Court has also dismissed the Writ Petition of the appellants on merit vide order dated 19.04.2016. Operative part of the judgment of Writ Petition decided on 19.04.2016 is reproduced as under.

"Perusal of comments submitted on behalf of respondents and other documents available on file, reveals that an inquiry committee consisting of Dr. Muhammad Asif Coordinator of Public Health (DHO) Office Peshawar and Dr. Sartaj Khan Deputy Director (Admin) DHS FATA Peshawar was constituted by the order of Director General Health Services KPK, to probe into the matter regarding appointments of petitioners. AS per observation of the said Committee, after recording statements of concerned officials as well as perusing the concerned record, it came to the light that no such appointments have been made in the respective Agency Surgeon Offices nor any codal formalities in the shape of demand by the Agency Surgeon, approval for appointment from the DHS FATA, advertisement in the press, short listing, test and interviews by the Selection Committee etc were observed nor any source-I was received from the Agency Surgeon for these employees. The concerned record was also checked and verified from the signatories of the alleged appointment letters, transfer orders etc which were denied by the concerned officials being bogus and fake. Moreso, for transfer from FATA to settle areas, an NOC from the competent authority is mandatory which was also not obtained for the said purpose making the same dubious. The material available on file further reveals that fake proceedings for forwarding Source-I of petitioners from DHO Malakand in absence of LPC from concerned Agency Account Office and charge relieving certificates were conducted with the connivance of certain concerned officials and salaries were drawn on the basis of said bogus proceedings, causing great loss to the Government exchequer. The petitioners failed to bring on record any strong or cogent documentary evidence in support of their stance which could show that they have been appointed after observing all codal formalities and were wrongly restrained by the respondents from performing their duties. So when the foundation of appointments of petitioners is found cracked, then what to say

M. Asif
10.3.2020

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AS
M. Asif
Coordinator of Public Health
DHO Malakand

about the other contentions of petitioners as it is well established proposition of law that fraudulent act vitiates all proceedings. Hence, they were rightly restrained by the respondents from performing their duties, which needs no interference by this Court.

For what has been discussed above, we are of the opinion that the act of petitioners regarding their appointment on fake appointment letters disentitles them for any relief in writ jurisdiction of this Court, therefore, this petition is dismissed in limine."

8. Meaning thereby that the Writ Petition of the appellants was dismissed on merit therefore, the present service appeals are also hit by rule 23 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. The departmental appeals of the appellants are also badly time barred. As such, the appeals have no force which are hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
10.03.2020

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Hussain Shah
(HUSSAIN SHAH)
MEMBER
Certified to be true copy
EX. DIR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 19-10-22
Number of Words 2800
Copying Fee 30/-
Urgent 4/-
Total 34/-
Name of Copyist -
Date of Completion of Copy 19-10-22
Date of Delivery of Copy 19-10-22