

10.03.2020

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

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

ANNOUNCED  
10.03.2020




(HUSSAIN SHAH)  
MEMBER




(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

03.01.2020


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


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

14.02.2020

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

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

27-2-20

The learned Members is on tour  
Therefore case is adjourned to 10-3-2020  
for order.

  
Rander

29.11.2019

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

  
Member

  
Member

20.12.2019

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


  
Member

  
Member

24.12.2019

Rasheed Khan appellant in connected service appeal present on behalf of appellant. Mr. Muhammad Jan learned Deputy District Attorney for respondents present. Rasheed Khan seeks adjournment as 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

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

  
Member

  
Member

30.04.2019

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

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

Adjourned to 20.06.2019 for submission for written reply/comments.



Chairman

28.05.2019

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

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

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



Chairman

04.07.2019

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

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



Member

07.02.2019

Counsel for the appellant present.

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

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

To resolve the controversy instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 28.03.2019 before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

29.03.2019


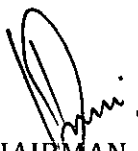
Clerk to counsel for the appellant present. Jafar Ali Assistant and Atif Assistant representatives of the respondent department present and requested for time to furnish written reply/comments. Granted. To come up for written reply/comments on 30.04.2019 before S.B.

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 34/2019

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

The appeal of Mst. Samina Shaukat Ex-LHV Bhu Jalala Mardan received today i.e. on 21.12.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

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

No. 2447 /S.T,

Dt. 24-12-2018.

*12/2018*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Amjid Ali Adv. Mardan.

*Go* objections have been removed  
there is no termination order  
mere oral order - so resubmitted.

*Amjid Ali*  
ADVOCATE  
SUPREME COURT



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

Service Appeal No. 34 /2019

Samina Shoukat .....Appellant

**VERSUS**

Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar & others ....Respondents

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5.	posting/ transfer orders	C	14
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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. 34 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1779

Date 21-12-2018

Samina Shoukat D/o Shoukat Ali  
R/o Abid Khan Kallay, Sardherai, Tehsil &  
District Mardan Ex-LHV (BPS-9) BHU Jalala

.....Appellant

**VERSUS**

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

4) DHO Health 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

Basel  
Registrar

21/12/18

Re-submitted to -day  
and filed.

Basel  
Registrar

9/1/19  
PRAYER:

*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 LHV in the year 2011 after requisite qualification. **(Copy of appointment order and Certificates are Annex "A & A/1")**
- 2) That appellant after medical fitness was posted and thereafter series of posting/ transfer orders were passed. **(Copy of medical certificate is Annex "B", posting/ transfer orders are Annex "C", arrival report is Annex "D" and Service book is Annex "E")**
- 3) That appellant regularly received salary till October 30.12.2014. **(Copy of pay slips/ Last pay certificates are Annex "F")**
- 4) That an ex-parte inquiry, at the back of appellant was conducted, wherein, appellant was not associated with the inquiry and inquiry report dated 07.04.2016 was authored. **(Copy of inquiry report dated 07.04.2016 is Annex "G")**
- 5) That appellant was orally stopped from performing duty on 23.11.2018, thus performed duty till 23.11.2018, whereas, appellant salary was stopped on 30.12.2014.
- 6) That appellant immediately approached for release of his salary before hon'ble Peshawar High Court, Peshawar, however, the writ petition was dismissed on the basis of maintainable vide order dated 22.02.2018. **(Copy of order of High Court dated 22.02.2018 alongwith grounds of writ petition are Annex "H")**
- 7) That appellant received relieving order dated 07.04.2016 and passed by DHO Mardan and order dated 18.10.2017 passed by MS THQ Hospital Takht Bhai received on 23.11.2018. **(Copy of relieving orders are attached as Annex "I")**
- 8) That appellant filed departmental appeal dated 19.11.2018, which is dismissed vide order dated

(3)

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:-

**GROUND**

- A. Because impugned oral termination order is a void order.
- B. Because it is must that for written appointment, there should be written termination order.
- C. Because it is not simple appointment order, but series of orders/ posting/ transfers, wherein salaries has been paid on the basis of appointment order by A.G Office and Accounts Officer of different Districts.
- D. Because appellant is not associated with the fact finding inquiry and is back biting.
- E. Because none of the witness has been examined in presence of appellant.
- F. Because appellant has not been given opportunity of hearing.
- G. Because the procedure under E&D Rules has not been followed.
- H. Because appellant has not been given charge sheets/ statement of allegations.
- I. Because appellant has not been given any show cause notice.
- J. Because principle of natural justice has been violated, which is well entrenched in our judicial system and even find its traces from Garden of ADAM & EVE.
- 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.

*San*

Appellant

Through

**Amjad Ali (Mardan)**

Advocate

Supreme Court of Pakistan

*Amjad Ali*

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.

*San*

Deponent



(5)

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

Service Appeal No. \_\_\_\_\_/2018

Samina Shoukat .....Appellant

**VERSUS**

Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar & others ....Respondents

**ADDRESSES OF PARTIES**

**APPELLANT**

Samina Shoukat D/o Shoukat Ali  
R/o Abid Khan Kallay, Sardherai, Tehsil &  
District Mardan Ex-LHV (BPS-9) BHU Jalala

**RESPONDENTS**

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

Appellant

Through

**Amjad Ali (Mardan)**

Advocate

Supreme Court of Pakistan

Ann-A  
6

OFFICE OF THE AGENCY SURGEON SOUTH WAZIRISTAN WANA  
OFFICE ORDER

Consequent upon approval accorded by the Departmental Selection Committee Sameena D/o Shaukat Ali is hereby appointed as L.H.V BPS-09 (i.e. Rs.3820-230-10720) plus usual allowances as admissible under the Rules.

Her appointment in the Health Department, will be subject to the following terms and conditions:

1. She will on probation initially for a period of two years extendable for a further period not exceeding one year.
2. Her services can be dispensed with during the probation period, if her work and conduct found unsatisfactory.
3. Her appointment will be subject to Medical fitness and verification of character and antecedents.
4. She will not be entitled to any TA/DA for Medical examination and joining the first appointment.
5. She will be governed by such rules and orders as may be issued by the Government for the category of Government Servant to which she belongs.
6. As laid down vide Govt of KPK Establishment and Administration Department Notification No.E&A (1-13)/2005, dated 10-08-2005, she will not be entitled to pension or gratuity however in lieu thereof, will be entitled to received such amount contributed by her towards the contributory provident fund along with the contributions made by the Government to her account in the said fund.
7. If she wishes to resign from service she will have to submit resignation in writing one month in advance OR deposit one month's pay in the Govt Treasury. However she will continue to serve the Govt, till her resignation is accepted by the competent authority.

If the above terms and conditions are acceptable to her she should report to her Agency Surgeon South Waziristan Wana within fourteen (14) days of the receipt of this order.

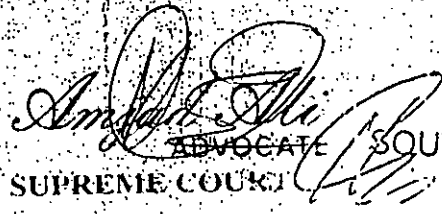
Sd/-  
AGENCY SURGEON  
SOUTH WAZIRISTAN WANA


Dated: 04-04-2011

No. 151-54/IV-III

Copy forwarded to:

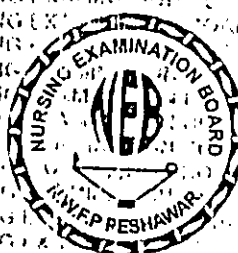
1. The Director Health Services, FATA Peshawar
2. The Agency Account Officer, South Waziristan Wana
3. Accounts Section
4. Official concerned.

  
ADVOCATE  
SUPREME COURT

  
AGENCY SURGEON  
SOUTH WAZIRISTAN WANA

Annex-A/1

# NURSING EXAMINATION BOARD



## LHV Section 2 Examination

November 2007

### Detailed Marks Certificate

Name: Miss Sameena D/O Shai kat Ali

Roll No. : 94

The candidate secured the following marks and is placed in Second division.

Subjects	Allotted	Obtained	In words
Obstetrics Theory	100	59	FIFTY NINE
Obstetrics Practical	100	50	FIFTY
Obstetrical Nursing Theory	100	59	FIFTY NINE
Obstetrical Nursing Practical	100	65	SIXTY FIVE
English 'A'	100	23	FOURTY THREE
<b>Total</b>	<b>500</b>	<b>275</b>	<b>TWO HUNDREDS AND SEVENTY FIVE</b>

Note: The marks obtained in English 'A' are not counted in division.

Date 30-Jan-2008

Prepared by

For Controller  
Nursing Examination Board  
NWFP, Peshawar.

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

NOTE: Errors & Omission are Subject to subsequent rectification.



GOVERNMENT PUBLIC HEALTH SCHOOL  
NISHTERABAD PESHAWAR

Session  
2006-08

One Year  
Midwifery

Certificate of Course Completion

One Year  
Public Health

Certified that Miss SAMINA SHAIKAT D/O Mr. SHAIKAT AU has completed  
her two Years training (One Year Midwifery) & (One Year Public Health) at P.H.S. Nishtarabad Peshawar during  
Session September 2006 to September 2008

Created by Bilal Khan

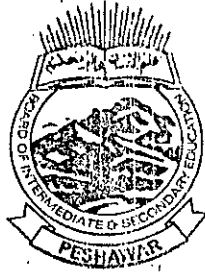
Principal  
Public Health School  
Nishtarabad Peshawar  
27/10/08

SUPREME COLLEGE

10621

# BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR

Roll No 2622  
Group SCIENCE



## PESHAWAR

PROVISIONAL AND DETAILED MARKS CERTIFICATE  
SECONDARY SCHOOL CERTIFICATE EXAMINATION  
SESSION ANNUAL-2006

Sameena

Son/Daughter of Shaukat Ali

of SARDHERI PUBLIC HIGH SCHOOL CHARSA DDA

has secured the marks shown against each subject, in the Secondary School Examination held in the months of March / April 2006 as Regular Student

Subject	Marks	MARKS OBTAINED					
		9Th		10Th		Total	In Words
		Theory	Pract	Theory	Pract		
1. English	150	36	--	40	--	76	Seventy-Six
2. Urdu	150	48	--	47	--	95	Ninety-Five
3. Islamiyat (Comp)	75	53	--	--	--	53	Fifty-Three
4. Pakistan Studies	75	--	--	45	--	45	Forty-Five
5. Maths	150	25	--	41	--	66	Sixty-Six
6. Physics	150	22	13	29	12	76	Seventy-Six
7. Chemistry	150	34	12	38	13	97	Ninety-Seven
8. Biology	150	30	12	41	12	95	Ninety-Five

Total 1050

**VERIFIED**

603-C

Six Hundred Three Only

Remarks:

Date of Birth: 15th February 1988

**SECRETARY OFFICER**  
Board of Inter & Secondary  
Education Peshawar (Pakistan)

Controller of Examinations

Issue Date: 30-06-2006.

Note: Error / Omission excepted. Any mistake in above particulars must be intimated within 30 days after receiving the above certificate.

( Computer Cell BISE, Peshawar )

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

SERIAL No. 03357

10

Diploma No. N.W.F.P. 3693 /NEB/LHV

19

Roll No. 61



Nursing Examination Board N.W.F.P. PESHAWAR



LADY HEALTH VISITORS DIPLOMA

This is to Certify that Samreena

Daughter/wife/of Shaukat Ali

having been trained in the PHS, Nishterabad Peshawar

has passed in the LADY HEALTH VISITOR EXAMINATION of the Nursing Examination Board N.W.F.P. held in April/November, 2008 and is considered qualified to act as HEALTH VISITOR AND MATERNITY SUPERVISOR

She Passed in Second Division,

*Farhan Joseph*  
Vice-Chairman

*Sami*  
Controller

NURSING EXAMINATION BOARD N.W.F.P.

Peshawar 02-Mar-09

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

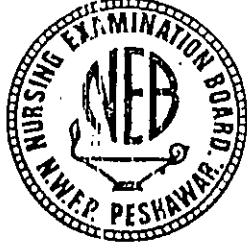
SERIAL No. 03424

11

Diploma No. N.W.F.P. 3831 /NEB/DM. SEC-II

Roll No. 94

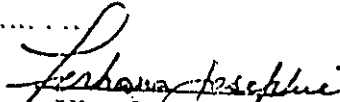


Nursing Examination Board  
  
 N.W.F.P.

DIPLOMA IN MIDWIFERY  
SECTION II

This is to Certify that Sameena  
 Daughter/wife/of Shaukat Ali  
 having been trained in the PHS, Nishterabad Peshawar  
 has passed the **MIDWIFERY EXAMINATION** of the Nursing Examination  
 Board N.W.F.P. held in April/November, 2007 and is considered qualified  
 to attend Cases of **NORMAL LABOUR.**

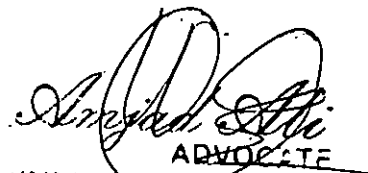
She Passed in Second Division,

  
 Vice-Chairman

  
 Controller

NURSING EXAMINATION BOARD N.W.F.P.

Peshawar 29-Mar-08

  
 ADVOCATE  
 SUPREME COURT

# Sardheri Public School & College



## Shahjehanabad (Sardheri) Charlsadda Character Certificate

This is certify that Mr./Miss SAMEENA

Son/ Daughter of Mr. SUKAT AKI

Passed the Secondary School Certificate Examination, under Roll No. 2629

He/ She was a regular, Obedient and hard working student. (He/She took active part in) \_\_\_\_\_

His/ Her conduct has all along the School career being \_\_\_\_\_  
Excellent and

He/She bears a Good moral character. \_\_\_\_\_

I wish his/ her success in future

*[Signature]*  
Principal  
Sardheri Public School  
& College  
Charlsadda

Dated 04-07-2006

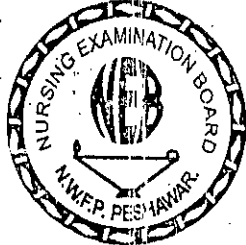
*[Signature]*  
ADVOCATE  
SUPREME COURT

13

20

S. No. 1361

# NURSING EXAMINATION BOARD



## LHV Section 3 Examination Session : November [Old] 2008 Detailed Marks Certificate

Name: Miss Sameena D/O Shaukat Ali

Roll No. : 61

The candidate secured the following marks and is placed in Second division.

Subject	Marks		
	Allotted	Obtained	In words
Group I			
Theory	100	60	SIXTY
Practical	100	60	SIXTY
Group II			
Theory	100	50	FIFTY
Practical	100	50	FIFTY
Group III			
Theory	100	66	SIXTY SIX
Practical	100	50	FIFTY
Group IV			
Theory	100	52	FIFTY TWO
Practical	100	79	SEVENTY NINE
English 'A'	100	43	FOURTY THREE
English 'B'	100	33	TEIRTY THREE
<b>Total</b>	<b>1000</b>	<b>543</b>	<b>FIVE HUNDREDS AND FOURTY THREE</b>

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

Note: The marks obtained in English 'A' and English 'B' are not counted in division.

Date 01-Jan-2009  
Prepared by *[Signature]*

*[Signature]*  
Controller  
Nursing Examination Board  
NWFP, Peshawar.

NOTE: Errors & Omission are Subject to subsequent rectification.

Ann C  
33  
14

**District Health Department - Mardan**  
**OFFICE OF THE EXECUTIVE DISTRICT OFFICER, (HEALTH) MARDAN**  
Ph: # (0937) 9230030 Fax: # (0937) 9230349 Email: [edohmr@yahoo.com](mailto:edohmr@yahoo.com)

**OFFICE ORDER**

The following transfers are hereby ordered with immediate effect in the public interest.

S.#	Name	From	To	Remarks
1.	Zubaida Karim JPHC Tech; (MCH)	BHU Muhib Banda	EDO(H) office	Adjusted against the vacant post PHC Technologist (MCH) (Admin) Head of account for the purpose of pay. However she will work at CD Kas Koruna till further orders.
2.	Nasreen Begum JPHC Tech; (MCH)	Surplus & relieved by MS DHQ H Mardan	BHU Muhib Banda	Vice No.1
3.	Samina JPHC Tech; (MCH)	Under transfe- from Waziristan	EDO(H) office	Adjusted against the vacant post JPHC Tech (MP) BPS-09 (Malania) for the purpose of pay. However she will work at THQ Hospital Takht Bhai

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


*Sell-oo*  
Executive District Officer,  
(Health) Mardan

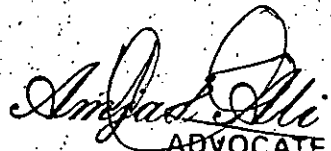
No. 4362-72 /EDO (H) dated Mardan the 27/3/2012

A copy is forwarded to the:-

1. Medical Superintendent DHQ Hospital Mardan w/r to his office order No. 1885-90 dated 17.03.2012.
2. Medical Superintendent THQ Hospital Takht Bhai
3. District Support Manager PPHI, DSU Mardan
4. SMO Incharge CD Kas Koruna
5. Medical Officer Incharge BHU Muhib Banda
6. District Comptroller of Accounts, Mardan
7. Accountant EDO(H) office Mardan
8. Computer Cell.
9. Official concerned.

for information and n/action.

  
Executive District Officer,  
(Health) Mardan

  
ADVOCATE  
SUPREME COURT

(15)

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: SAMINA SHOUKAT

Place: Paghlan

Residence: Ibad Khan Kalay Po Shekha Sardarki Teh. & Distt. Charsadda

Father's name and residence: SHOUKAT ALI

Date of birth by Christian era as early as can be ascertained: 15-02-1988

Exact height by measurement: 5-2

Personal marks for identification: Nil

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

Little Finger: [Impression] Ring Finger: [Impression]

Middle Finger: [Impression] Fore Finger: [Impression]

Thumb: [Impression]

Amjad Ali  
ADVOCATE  
SUPREME COURT

Signature of Government Servant: [Signature]

Signature and designation of the Head of the office, or other Attesting Officer: [Signature]

Secretary, Government of Punjab



~~16~~

1 Name of Post	2 Substantive Whether substan- tive 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 9 Signature of Government servant in Designation of the office holding officer Station of ns 1 to 5
HV-9 820-230-10720)			Rs. 3820			11.06.11 2011	16
HV-9 200-380-17600)			Rs. 6200			17.11.11 2011	
HV-09 200-380-17600)			Rs. 6580			01.12.11 2011	

*[Signature]*  
ADVOCATE  
SUPREME COURT

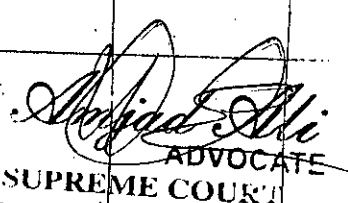
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1	2	3	4	5	6	7	8	9
Name of Post	Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 374 C.S.B.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature Government	Id Designati of the offic posting offic Station of as 1 to 5
LHV-09								
6200-380	-17600		Rs	6580/-		31-3-2012		
(LHV)								
Malini Simpson	Off/Temp		Pay	Rs. 6580/-		07-4-2012	F.V.	

17

Amjad Ali  
ADVOCATE  
SUPREME COURT

43 (18)

9	10	11	12	13		14	15
Signature of the Government	Designation of the officer	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Recd. certificate of resignation or discharge Govt. Serv.
				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		
					Period		
				Service verified up to 6-4-2011 to 30-11-10			
		Transfer to BDO (M) Mardan vide D.G.P.S. No. 2430-34/PA dt 31/12/2011		Service verified up to 31-3-2011			
		Assumed Duty on 7/4/2012 (M)		Adjustment of Adv. Matruw Subhan Wali BDO (M) Mardan No. 4362-72 Matru dt 27/3/2012			
		Executive District Officer (M) Mardan		Executive District Officer (M) Mardan			
				 ADVOCATE SUPREME COURT			

Ann - F (19)

GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHAYBER PAKHTUNKHWA  
DISTRICT  
PAY ROLL SYSTEM

SIN 3836

Per. # 00660442 Huckle

Name: SAMINA SHOUKAT  
Desq: MALARIA SUPERVISOR  
CNIC No. 1710163854932  
GPF Interest Free

P. Sec: 002AY/Health/AD/19C/2013  
MR6168 - E. D. O HEALTH (MALARIA)  
Min: Health

NTN:  
GPF #:   
Old #: 171016385493

Annex

25

PAY AND ALLOWANCES:

DEPTT CODE MR6168

0001-Basic Pay	6,760.00
1000-House Rent Allowance	1,146.00
1210-Convey Allowance 2005	1,840.00
1300-Medical Allowance	1,000.00
1948-Adhoc Allowance 2010@ 50%	1,910.00
1970-Adhoc Relief Allow 2011	573.00
2118-Adhoc Relief Allow (2012)	1,392.00
2148-15% Adhoc Relief All-2013	1,044.00
<b>Gross Pay and Allowances</b>	<b>15,865.00</b>
<b>DEDUCTIONS:</b>	
GPF Balance 7,096.00	Subtr: 595.00
3501-Benevolent Fund	180.00
3511-Addl Group Insurance	7.00
3604-Group Insurance	67.00
<b>Total Deductions</b>	<b>849.00</b>
<b>NET AMOUNT PAYABLE</b>	<b>15,016.00</b>

QUALIFYING SERVICE 15.02.1988  
02 Years 08 Months 02 Days

D. B. D  
LFF-Quota  
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05057900017403  
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*Adnan Ali*  
ADVOCATE  
SUPREME COURT

Para-G  
(20)

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

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

MENDATE OF ENQUIRY

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

PROCEEDINGS:

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

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

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

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

  
ADVOCATE  
SUPREME COURT

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

OPINION:

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

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

RECOMMENDATIONS:

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

*Mohamud*  
District Health Officer  
Charsadda

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

Ann H

**PESHAWAR HIGH COURT, PESHAWAR**

**FORM OF ORDER SHEET**

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

Amir

*Amir Ali*  
ADVOCATE  
SUPREME COURT

SCANNED

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

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

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

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

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

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*Amjad Ali*  
ADVOCATE  
SUPREME COURT



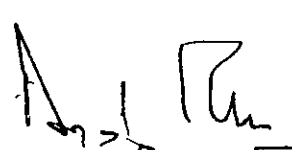
North Waziristan and transfer to Mardan were absolutely fake because there was no record of appointment, salary drawn at Agency Accounts Office and LPC from the concerned AAO as well as FATA Secretariat.


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

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

**Announced on;  
22.02.2018**

  
CHIEF JUSTICE

  
JUDGE

241  
  
ADVOCATE  
SUPREME COURT

(S)

BEFORE THE HONOURABLE PESHAWAR HIGH COURT  
PESHAWAR

(25)

Writ Petition No. \_\_\_\_\_/2017

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

VERSUS

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

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

Respectfully Submitted

Brief facts of the case are as under.

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

FACTS:

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

(26)


*Amjad Ali*  
ADVOCATE  
SUPREME COURT

(B)

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

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

  
ADVOCATE  
SUPREME COURT

GROUNDS:

②

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

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

28

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

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

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

Or

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

*Amjad Ali*  
ADVOCATE  
SUPREME COURT

(30)

**INTERIM RELIEF:**

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

**Petitioners**

Through

*Irfan Ali Yousafzai*

**Irfan Ali Yousafzai**

Advocate High Court

**CERTIFICATE:**

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

*Irfan Ali Yousafzai*  
**ADVOCATE**

**LIST OF BOOKS:**

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

**ADVOCATE**

*Irfan Ali Yousafzai*

*Irfan Ali Yousafzai*  
**ADVOCATE**  
**SUPREME COURT**



حکومت خیبر پختونخوا

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

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

No 3689/DHO. Dtd 27/04/16

Director General Health Service,  
Khyber Pakhtunkhwa Peshawar.

Subject: Office Order/Enquiry

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

1. Mr. Shah Waliullah Malaria Supervisor (BS-09)
2. Mr. [REDACTED] Shah Malaria Supervisor (BS-09)
3. Mr. [REDACTED] Malaria Supervisor (BS-09)
4. Mr. Rasheed Khan Malaria Supervisor (BS-09)
5. Mst. [REDACTED] Shaikat Jr. PHC Tech; (MCH)/LHV BS-09

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

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

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

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

District Health Officer,  
Mardan

  
ADVOCATE  
SUPREME COURT





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

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No. 370

DHO Dated: 18/10/2017

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

Subject: Open Enquiry


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


  
THQ Hospital Takht Bhai,  
Medical Superintendent.

Copy forwarded to

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

2- Anti Corruption Mardan.

  
Medical Superintendent,  
THQ Hospital Takht Bhai.

  
ADVOCATE  
SUPREME COURT

To,

Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

*Amir J*  
(33)

**Subject: DEPARTMENTAL APPEAL AGAINST ORAL TERMINATION ORDER/ RELIEVING ORDER DATED 07.04.2016 AND DATED 18.10.2017 RECEIVED ON 23.11.2018 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/ relieving order dated 07.04.2016 and dated 18.10.2017 received on 23.11.2018 of appellant may please be set-aside and appellant may please be reinstated in service with all back benefits.

Sir,

Appellant humbly submits as under:-


*Amir J*  
ADVOCATE  
SUPREME COURT

1. That appellant was appointed as LHV in the year 2011 after requisite qualification. (Copy of appointment order and Certificates are Annex "A & A/1")
2. That appellant after medical fitness was posted and thereafter series of posting/ transfer orders were passed. (Copy of medical certificate is Annex "B", posting/ transfer orders are Annex "C", Arrival report is Annex "D" and Service book is Annex "E")
3. That appellant regularly received salary till October 30.12.2014. (Copy of pay slips/ Last pay certificates are Annex "F")
4. That an ex<sup>1</sup>-parte inquiry, at the back of appellant was conducted, wherein, appellant was not associated with the inquiry and inquiry report dated 07.04.2016 was authored. (Copy of inquiry report dated 07.04.2016 is Annex "G")

5. That appellant was orally stopped from performing duty on 23.11.2018, thus performed duty till 23.11.2018, whereas, appellant salary was stopped on 30.12.2014. (34)
6. That appellant immediately approached for release of his salary before hon'ble Peshawar High Court, Peshawar, however, the writ petition was dismissed on the basis of maintainable vide order dated 22.02.2018. (Copy of order of High Court dated 22.02.2018 alongwith grounds of writ petition are Annex "H")
7. That appellant received relieving order dated 07.04.2016 and passed by DHO Mardan and order dated 18.10.2017 passed by MS THQ Hospital Takht Bhai received on 23.11.2018. (Copy of relieving orders are attached as Annex "I")
8. That impugned oral termination order/ relieving orders dated 07.04.2016 and 18.10.2017 is illegal, against law and facts on the following grounds:-

**GROUND**

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

  
ADVOCATE  
SUPREME COURT

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

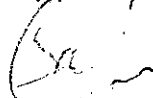
I. Because appellant has not been given any show cause  
notice.

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

*It is, therefore humbly prayed that, On  
acceptance of this appeal, the oral termination order/  
relieving order dated 07.04.2016 and dated  
18.10.2017 received on 23.11.2018 of appellant may  
please be set-aside and appellant may please be  
reinstated in service with all back benefits.*

*Date 07/11/2018*

Appellant



Samina Shoukat

D/o Shoukat Ali


R/o Abid Khan Kallay,

Sardherai, Tehsil &

District Mardan

Ex-LHV (BPS-9)

BHU Jalala



ADVOCATE  
SUPREME COURT

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



Amx-K

Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,

Fax #091 - 9210230

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

No 10546-SI/AE-VI, (36)

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

2018ء منجانب

بنام: ڈاکٹر لطیف علی صاحب

کینٹ شوکت

مورخہ:

مقدمہ:

دعویٰ:

جرم:

اصل  
باجت تحریر آفندہمقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آلٹن مقام کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اسٹریٹ مردان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

2018ء


ماہ دسمبر

المرقوم:

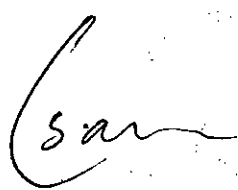
العبد

گواہ

العبد

  
Amjad Ali  
ADVOCATE  
SUPREME COURT

مقام کے لیے منظور ہے۔  
2



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

S.A.No.34 of 2019

Samina Shaukat...V/S... Govt. of Khyber Pakhtunkhwa and others

**REJOINDER ON BEHALF OF APPELLANT**

*Respectfully Sheweth;*

Preliminary objections:

All the preliminary objections are incorrect, misconceived, denied.

ON FACTS:

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

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

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

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

#### GROUNDS

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



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

Appellant

Through

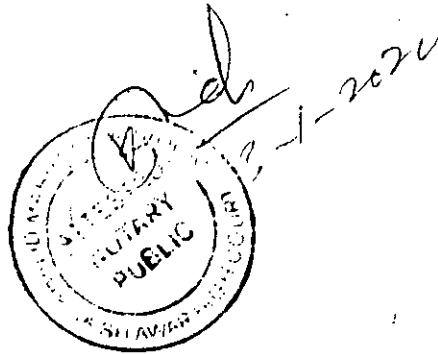
**Amjad Ali**

Advocate

Supreme Court of Pakistan

**AFFIDAVIT**

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



Deponent