

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 5696 OF 2021

Khyber Pakhtunkhwa
Service Tribunal

Case No.

3901

Dated

27/2/2023

Saqib Khan.....Appellant

Versus

Secretary Health Khyber Pakhtunkhwa Respondents
and others

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
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APPEAL NO. 5696 OF 2021

Saqib Khan.....Appellant

Versus

Secretary Health Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 4

Respectfully Sheweth:

Preliminary Objections:-

1. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
2. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appeal is barred by law and limitation.
5. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. Correct to the extent that the then Agency Surgeon FR Kohat (Now Deputy DHO) advertised some posts of Medical Technicians in daily newspaper on 03.01.2015.
2. Due process was followed in appointments by the competent authority i.e. DHO Kohat & Deputy DHO Sub Division Darra Kohat.
3. Correct to the extent that on the direction of Hon'ble Court, an inquiry was initiated. The inquiry committee thoroughly checked the whole process of recruitment and submitted its report by producing its own merit list therein, with recommendation to follow the merit strictly.
4. Correct to the extent that the Hon'ble Court disposed of the writ petition with the direction to Deputy DHO Kohat to pass an order in light of the inquiry report.
5. Correct to the extent that in light of court direction and inquiry report, the appellant was appointed on 18.01.2021 whereas appointment w.e.f. 03.01.2015 after about

...six years is not permissible under the rules.


- 6. Incorrect, the appellant has not submitted his departmental appeal.
- 7. Incorrect, in light of the above, the appellant has no right to file the instant appeal.


ON GROUNDS

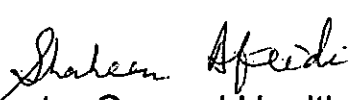
- A) Incorrect. The appointment order dated 18.01.2021 has been passed in light of Court order as well as inquiry report whereas appointment w.e.f. 03.01.2015 after about six years is not maintainable under the rules.
- B) Incorrect, as stated in the preceding para.
- C) Incorrect as explained in above para.
- D) Pertains to record.
- E) Incorrect, as explained in para-A.
- F) Incorrect, as explained in para-A.
- G) Answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

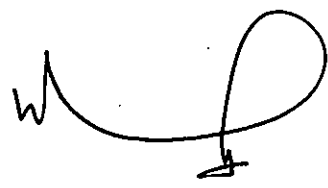
PRAYER

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


 District Health Officer
 Kohat.
Respondent No. 3


 Deputy DHO Darra
 Kohat.
Respondent No.4


 Director General Health Services
 Khyber Pakhtunkhwa
 Department
Respondent No. 2


 Secretary to Govt. of Khyber
 Pakhtunkhwa Health
Respondent No. 1

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TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 5696/2021

Saqib Khan.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents.

Affidavit

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

Laeq Ahmad
Deponent

17301-1648599-3



17301-23