

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 747/2019

Date of Institution ... 12.06.2019

Date of Decision ... 11.09.2019

Nizamud Din son of Maroofud Din (Ex-Anesthesia Technician) R/O Village Khoraj  
Baber Tehsil and District Bannu. ... (Appellant).

VERSUS

Secretary Health Department Peshawar and two others. ... (Respondents)  
Present.

Mr. Javed Ali,  
Advocate. ... For appellant

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant appeal has been submitted with the prayer to set aside the impugned penalty order as well as appellate order dated 26.5.2016 and reinstate the appellant in service with all back benefits.
2. Learned counsel for the appellant heard and available record gone through.
3. It was the argument on the part of appellant that a fresh cause of action accrued to him upon decision of departmental appeal which was decided on 26.10.2016 but was communicated to the appellant on 15.05.2019, hence the appeal in hand was preferred on 12.06.2019.



4. The appellant has appended with the appeal copies of different orders passed by the Honourable Peshawar High Court Peshawar which include judgment in COC No. 415-P of 1016 in Writ Petition No. 1689-P of 2011 wherein it was mentioned that as per arguments of learned AAG appearing in that matter, the appellant had filed an appeal against the departmental penalty before this Tribunal which stood dismissed where-against the Civil Petition as well as Review Petition before the Apex Court was also dismissed. The order dated 26.10.2016 passed on departmental appeal of the appellant also suggested that a Service Appeal No. 1010/2006 was submitted before this Tribunal by the appellant wherein the penalty of dismissal from service was impugned.

The original record of Appeal No. 1010/2006 was consulted and it was found that against the order dated 14.09.2006, imposing the penalty of dismissal from service upon the appellant, was appealed against and the appeal was dismissed with costs on 16.05.2008. On the other hand, throughout the memorandum of appeal the relevant facts were not disclosed. Even before the Honourable High Court, in so many rounds of litigation, the factum of appellant's service appeal having been decided by this Tribunal, was suppressed.

5. In view of the above facts and also under the provisions contained in Rule 23 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 the appeal in hand is not maintainable. The same is, therefore, dismissed in limine.

File be consigned to the record room.






(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
11.09.2019

Form- A  
FORM OF ORDER SHEET

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

Case No.- 747/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/06/2019	<p>The appeal of Mr. Nizam-ud-Din resubmitted today by Mr. Javed Ali Muhammadzai 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 19/6/19.</p>
2-	24/06/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/07/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	15.07.2019	<p>Appellant present and requests for adjournment due to non-availability of his learned counsel. Adjourned to 11.09.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Nizam-ud-Din Ex- Anesthesia Technician District Bannu received today i.e. on 12.06.2019 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 appellant.
- 2- Copy of impugned dismissal order dated 26.11.2004 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 1078 /S.T,


Dt. 13-6- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Ali Muhammadzai Adv. Pesh.

19-5-2019

Sir, Resubmitted after compliance, so far impugned dismissal order dated 26<sup>th</sup> 11/2004 is concerned, the appellant through application, asked the result/reportment to provide him the said order but he was refused. Copy of the application is being filed on case file. Pl, place the appeal for hearings before the Honorable Tribunal.

Javed Ali  
Advocate Pesh  


**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 747 /2019

Nizam-ud-Din

(Appellant)

**V E R S U S**

Secretary Health, Health Department, Peshawar etc.

(Respondents)

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10 copy application dated 10<sup>12</sup>/<sub>04</sub>

*Nizamud Din*  
Appellant

Through

*Javed Ali*  
**Javed Ali Mohammadzai**  
Advocate High Court,  
Peshawar  
Cell No. 0333-9064763

Dated: 31.05.2019

①

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 747 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No: 851

Dated 17-6-2019

**Nizam-ud-Din** S/o Maroof-ud-Din (Ex-Anesthesia Technician)  
R/o Village Khoraj Baber, Tehsil & District Bannu

(Appellant)

**V E R S U S**

- 1) Secretary Health, Health Department, Peshawar
  - 2) Director General Health, Health Department, Peshawar
  - 3) Medical Superintendent, District Headquarter Hospital, Bannu
- (Respondents)

**Appeal Under Section 4 of the Service Tribunal  
Act 1974, against the order dated 26.10.2016  
(communicated on 15.05.2019) where the  
departmental appeal of appellant against his  
dismissal order dated 26.11.2004 was rejected.**

**Prayer:**

**On acceptance of this appeal, the impugned  
punishment order as well as appellate order  
dated 26.10.2016 may kindly be set aside and  
appellant may reinstated in his service with all  
back benefits.**

Filed to-day

Registrar

12/6/19

Re-submitted to-day  
and filed.

Registrar  
19/6/19

**Respectfully Sheweth,**

Matrix of the case given rise to the instant appeal are under:

- 1) That the appellant was serving as Anesthesia Technician under Health Department, Govt. of Khyber Pakhtunkhwa. (Copy of appointment order is annexed as Annexure A)
- 2) That the appellant was allowed on deputation to Saudi Arabia for one year vide letter dated 24.10.2001 which was extend to 26.11.2004. Meaning thereby the appellant was on deputation from 24.10.2001 to 26.11.2004.
- 3) That when 27.11.2004 the appellant after completion of his deputation period, reported on his duties, the respondent No. 3 refused to accept his arrival report and told him that he (appellant) has dismissed from service on 26.11.2004 for reason of absent from his duty.
- 4) That the appellant at that time asked the respondent to provide him, dismissal order but he was refused.
- 5) That being so, the appellant immediately on 29.11.2004 preferred departmental before respondent No. 1 but decision on departmental appeal was deliberately delayed by respondent No. 1. (Copy of departmental appeal is annexed as Annexure B)
- 6) That for reason above, the appellant filed a constitution petition (Writ Petition No. 1689/2011) before the Hon'ble Peshawar High Court, Peshawar, on 31.01.2012, while

disposing this writ petition, directed the respondent No. 2 to search out the file of the appellant and place it before the Secretary Health for final decision according to law. (Copy of Writ Petition is attached as Annexure C)

- 7) That the directions of hon'ble High Court, Peshawar in W.P. No. 3295/10 were not complied by respondents / department, hence the appellant filed COC No. 1360/2010 in Writ Petition No. 1689/2011 against the respondents; once again the Hon'ble court directed the respondents to disposed up the departmental appeal of the appellant vide its 19.12.2013. (Copies of writ petition No. 3295/10 and COC No. 1360/2010 is attached as Annexure D)
  
- 8) That once again the appellant filed a Contempt of Court Petition No. 415/2016 against the respondents & the respondents informed the hon'ble court that appellate authority has decided the departmental appeal of the appellant, but is worth mentioning that the copy of appellate order was not produced in the hon'ble court. (Copies of judgments in COC 415P/2016 are attached as Annexure E)
  
- 9) That being so, the appellant time and again approached the respondents department for purpose to receive the impugned appellate order but he was denied on one pretext or other. Lastly the appellant was succeeded to get impugned appellate order on 10.05.2019, hence this appeal on following grounds inter alia. (Copy of impugned order is attached as Annexure F)



GROUNDS

- a) That the impugned punishment order as well as appellate order dated 26.10.2016 are illegal, wrong, inconsistent with law and rules on subject.
- b) That the appellant has been condemned unheard, no show cause notice what so ever was served upon the appellant and the appellant was dismissed from his service without conducting proper and regular inquiry.
- c) That the appellant never remained absent from duty till 26.11.2004, the appellant was on deputation, and the appellant to have report for duty on 27.11.2004 but surprisingly, the appellant was illegally dismissed from service on his last day of his deputation.
- d) That the appellant was condemned unheard, no show cause notice, statement of allegation etc. were served upon the appellant before passing impugned order, and even without conducting any proper inquiry the appellant was dismissed from his service.
- e) That the respondents / department even do not possed the enquiry / case file of the appellant.
- f) That even at the present appellant is at role of the respondents / department. (Copy of notification is attached as Annexure G)

(5)

It is, therefore, humbly requested that on acceptance of this appeal, the impugned punishment order as well as appellate order dated 26.10.2016 may kindly be set aside and appellant may reinstated in his service with all back benefits.

*Nizam-ud-Din*  
Appellant

Through

*Javed Ali*

Javed Ali Mohammadzai  
Advocate High Court,  
Peshawar

Dated: 31.05.2019

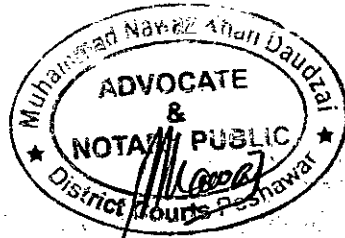
**AFFIDAVIT**

I, **Nizam-ud-Din** S/o Maroof-ud-Din (Ex-Anesthesia Technician) R/o Village Khoraj Baber, Tehsil & District Bannu, do hereby solemnly affirm and declare on Oath that the contents of instant "Service Appeal" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

ATTESTED

*Nizam-ud-Din*

DEPONENT



12/6  
2019

(6)

Ann (A)

Health  
DIVISIONAL HEALTH DIRECTORATE, DERA ISMAIL KHAN.

OFFICE ORDER.

Consequent upon the approval accorded by the Departmental Selection Committee Mr. NIZAM ud Din S/O Maroof Ud Din of Khojari, Distt: Bannu, is hereby appointed as Anaesthesia Asstt: BPS-6, plus usual allowances as admissible under the Rules, sanction by the Govt: from time to time, for the post offered to him.

His appointment will be subject to the following terms and conditions:-

- 1st The post which is offered to him is sanctioned on temporary basis but is likely to continue on year to year basis.
- 2nd His appointment is purely on temporary basis & is liable to be terminated at any time without any reasons being assigned.
- 3rd If he wishes to resign at any time, he will resign in writing by giving a prior notice of one month and will continue to serve the Government till the resignation is accepted by the competent authority and communicated to him in writing.
- 4th He will be governed by such rules and orders relating to Pay, T.A. Leave Rules and Medical Attendance Rules etc as are issued by the Government for the category of Government servants he belong to.
- 5th His appointment will be subject to the Medical Fitness, Satisfactory character report and production of Domicile Certificate of N.W.F. Province.

If he accept the offer on the above mentioned terms and conditions, he should report for duty to the District Health Officer, Bannu, within one week, from the date of receipt of this offer, failing which the offer will be considered as cancelled.

Divl: Dy: Director Health Services,  
D.I.Khan Division, D.I.Khan.

No. 13098-99/E-6-#, Dated D.I.Khan the 28/8/90

Copy forwarded to the:-

1. Mr. Nizamud Din S/O Maroof-ud-Din of vill: Khojari, Distt: Bannu, The District Health Officer, Bannu for information and necessary action. The above named candidate has been appointed as Anaesthesia Asstt: against vacant post communicated vide his letter No. 5828/E-4, dated 18.8.1990.

Divl: Dy: Director Health Services,  
D.I.Khan Division, D.I.Khan.

A.R. Qureshi/  
15th June, 97

Attested  
M. S. Ali

Post of Anaesthesia Asstt. is lying at CH label

No report to any

29/8/90

29/8

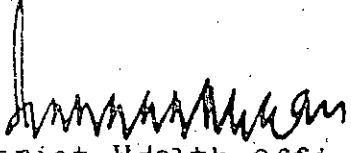
OFFICE OF THE DISTRICT HEALTH OFFICER, BANNU.

NO 5969-72/E-4 Dated Bannu the 30 /8/90.

Copy forwarded to the:-

1. Mr, Nizam ud-Din S/O Maroof-ud-Din of Khojari, Distt: Bannu for information and to report for duty at Civil Hosp:Lakki Marwat.
2. Medical Officer, Incharge Civil Hosp:Lakki.
3. A/Clerk DHO: Office, Bannu.  
for information and necessary action.

*De-I*  
*Attested*

  
District Health Officer,  
Bannu.

محرمات جناب سکرٹری ہیلتھ سروسز ایس۔ ایس۔

محکمہ ایس۔ ایس۔ کے مختلف حکم مورخہ 26 جولائی 2004 سے  
ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا

جناب علیا درخواست اسل حسب ذیل طرح ہے۔

1۔ 19 سالہ ایس۔ ایس۔ کے ملازمین میں (Ex Anesthesia Technician)

ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

2۔ 25 سالہ ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

3۔ 35 سالہ ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

4۔ 45 سالہ ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

5۔ 55 سالہ ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

6۔ 65 سالہ ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

7۔ 75 سالہ ایس۔ ایس۔ کے ملازمت سے درخواست کیا گیا ہے۔

اور حکم زیر اسل منور فرمایا جاوے

29-11-2004

نظام دکن کے معروف میں (Ex Anesthesia Technician)

ممبرانہ عدالت گورنر ہائیڈ۔ ایس۔ ایس۔  
Nizamuddin

Attested  
[Signature]

8

Ann - 1

C

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

Writ Petition No: 1689 / 2011



Nizam\_ud\_Din S/O Maroof\_ud\_Din, Anesthesia technician  
R/O Khojri Khas District Bannu ... ..  
Petitioner

Versus

1. DG Health Services, Health Directorate KPK Peshawar
  2. Secretary Health, Health Department Peshawar
  3. Secretary Establishment, Government of KPK Peshawar
  4. Assistant Director Paramedical, Health Directorate Peshawar
  5. Section Officer ( Litigation ), Health Department KPK Peshawar
  6. Section Officer-III, Health Department KPK Peshawar
- ... .. Respondents

K  
146/112

**Writ Petition Under Article 199  
Of The Constitution of Islamic  
Republic Of Pakistan, 1973**

**Respectfully Sheweth,**

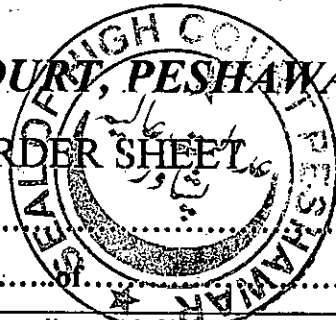
1. That the petitioner was serving as Anesthesia Technician under Health department Government of KPK Peshawar.
2. That the petitioner proceeded abroad on deputation to Saudi Arabia for one year vide letter dated 24-10-2001 which was extended upto 26-11-2004. The period was further extended upto 10-11-2005.

ATTESTED  
& EXAMINER  
Peshawar High Court  
23 JAN 2011

9

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET



Court of.....

Case No..... of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
31.01.2012	<p><u>W.P.No. 1689/2011.</u></p> <p>Present: Mian Muhibullah Kakakhel, Advocate, for the petitioner.</p> <p style="text-align: center;">***</p> <p><b><u>DOST MUHAMMAD KHAN C.J.</u></b>- Grievance of the petitioner is that his services were dispensed with because of his over staying abroad, however, he was not served on proper address by the Department and that he was not granted any further extension, hence, when approached the respondents, they refused to re-employee him or give him charge thus, he filed Departmental Appeal but someone sitting in the Health Department is suppressing &amp; withholding the same albeit, everyone is bound under the law to process the same and place it before the Departmental Appellate Authority at the earliest.</p> <p>Accordingly, this petition is disposed of with direction to respondent No.1 to search out the file of the petitioner and place it before the Secretary Health for</p>

ATTESTED  
EXAMINER  
Peshawar High Court  
23 JAN 2019

final decision according to law.



~~CHIEF JUSTICE~~

J. J.  
JUDGE

MR. J. J.  
Addl Registrar  
C/2

Office 1/2

No. 1780  
 Date of Presentation 3/16/18  
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 Date  
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CERTIFIED TO BE TRUE COPY

EXAMINED  
Peshawar High Court  
Authorized Under Article  
The Qanun-e-Shahadat Order, 1947

23 JAN 2019



**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT**

*W.P.*.....No. *3295*.....of *14<sup>th</sup> Year*.....200*0*

**JUDGMENT**

Date of hearing 16-9-10

*Petitioner*  
Appellant (Nizamuddin) *Im M. Mohibullah Kaka*  
*Adv.*

Respondent *D. S. Health Im M. Naved A. Chohan*  
*ATG*

**EJAZ AFZAL KHAN, C.J.** Petitioner

through the instant petition has asked for the issuance of an appropriate writ directing the respondents to reinstate him in service. When confronted whether the petitioner has filed any departmental appeal or representation, the answer was in the affirmative. When this being the case, we would not like to would direct the respondents to

*↙*

ATTESTED  
*[Signature]*  
EXAMINER  
Peshawar High Court

dispose of the appeal or representation of the petitioner within a fortnight. The petition is disposed of.

Sd/- Ejaz Ahmad Khan - CJ

WfU  
11/21/10

Sd/- Mazhar Alam Khan - J

Announced on  
16<sup>th</sup> Sept. 2010

pl. Issue

CERTIFIED TO BE TRUE COPY

Peshawar High Court Peshawar  
Authorized Under Section 76 Act Order

Adm. Registrar  
62  
2/3

10-2-11

No. 10927

Date of Presentation of Application 3-2-11

No of Pages 7P

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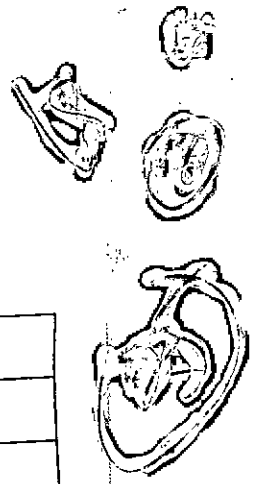
Date of Preparation of Copy 10-2-11

Date of Delivery of Copy 10-2-11

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PESHAWAR HIGH COURT, PESHAWAR  
FORM OF ORDER SHEET

Court of.....  
Case No.....of.....



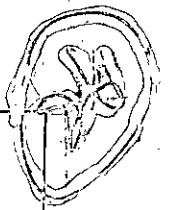
Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
25.01.2011.	<p><u>C.M. (C.O.C) No. 1360/2010 in W.P.No. 3295/2010.</u></p> <p>Present: Mian Muhibullah Kakakhel, Advocate, for the petitioner.</p> <p style="text-align: center;">***</p> <p><u>DOST MUHAMMAD KHAN, J.-</u> It was contended at the bar that the departmental appeal of the petitioner is still pending disposal before the Competent Authority albeit, this Court while deciding W.P.No. 3295/2010 vide judgment dated 16.09.2010 treated the same as departmental appeal and directed the Departmental Authority to decide it within a fortnight.</p> <p>2. This being the position, in our view, it is a clear case of violation of the writ issued by the Court which amounts to contempt of Court, therefore, the respondents / Competent Authority is once again directed with a warning note to decide the departmental appeal of the</p>

Subli  
Attested

*[Handwritten mark]*

Mag

14



petitioner positively within fifteen (15) days.

Petition disposed of with the above terms.

sd/ Dost Muhammad Khan

sd/ Yahya Afzali

Judge

sd/ Ali  
Attested

CERTIFIED TO BE TRUE COPY

sd/ Ali

sd/ Ali

08/3/2011

Peshawar High Court Peshawar  
Authorized Under Section 75 Acts Order

sd/ Ali  
27-01-11

sd/ Ali  
27-01-11

1246

Date of Presentation of application..... 28/2/2011

No. of Pages..... 8

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Agent Fee.....

Total..... 16

Date of Preparation of Copy..... 08/3/2011

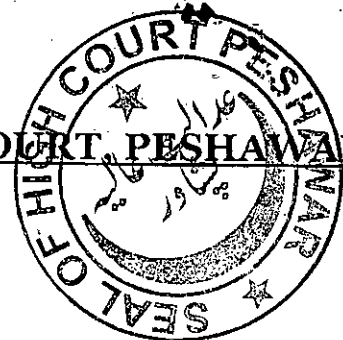
Date of Delivery of Copy..... 08/3/2011

Received By..... sd/ Ali

15

Ann - E

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**



COC No. 415P of 2016  
IN R.E  
W.P No.1689-P of 2011

Nizam-ud-Din S/O Marroof-ud-Din  
R/O Village Khojari baber Tehsil & District Bannu.  
.....Petitioner

**VERSUS**

1. Abid Majeed  
Secretary Health,  
Health Department, Peshawar.
2. Muhammad Ashfaq Khan  
Former Secretary Health,  
Health Department, Peshawar.
3. Dr. Parvez Kamal  
Director General, Health Services,  
Health Department, Peshawar.

.....Respondents

CONTEMPT OF COURT PETITION  
UNDER ARTICLE 204 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC  
OF PAKISTAN READ WITH SECTION 3/4  
OF CONTEMPT OF COURT ACT FOR  
INITIATING CONTEMPT OF COURT  
PROCEEDINGS AGAINST THE  
RESPONDENTS/CONTEMNORS AND  
FOR IMPLEMENTATION OF ORDERS OF  
THIS HON'BLE COURT IN LETTER AND

SPIRIT:

**FILED TODAY**  
 Deputy Registrar  
 24 SEP 2016

**ATTESTED**  
 EXAMINER  
 Peshawar High Court  
 28 JAN 2019

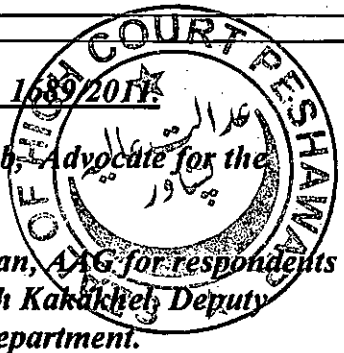
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**PESHAWAR HIGH COURT, PESHAWAR**  
**FORM OF ORDER SHEET**

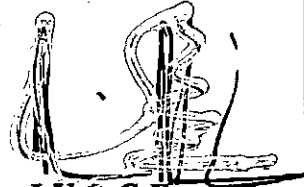
Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
21.10.2016	<p><b>COC No. 415-P/2016 in WP No. 1689/2011</b></p> <p><b>Present:</b> <i>Mr. Saifullah Mohib, Advocate for the petitioner.</i></p> <p><i>Mr. Rab Nawaz Khan, AAG for respondents alongwith Abidullah Kakakhel Deputy Secretary Health Department.</i></p> <p style="text-align: center;">****</p> <p>Once again the petitioner is before us through the present COC though earlier too, he had preferred COCs consequent to the disposal of the writ petition No. 1689/2011 by this court on 31.1.2012. Thereafter, despite an order dated 19.12.2013 in COC No. 359-P/2013 whereby a commitment was made by Mr. Abdul Latif Yousaf, the learned Advocate General at the bar that he would contact the Secretary Health Government of KPK to dispose of the departmental appeal of the petitioner within the shortest possible time in accordance with law, still no decision to that effect has been made on the departmental appeal of the petitioner and that is how the petitioner is again before us.</p> <p>Keeping in view the conduct of the respondents, we directed the learned AAG to immediately summon some responsible official of the Health Department. After a while the learned AAG alongwith Mr. Abidullah Khan Deputy Secretary Health Department appeared who could not offer any explanation as to why the decision on the appeal has been</p>



**ATTESTED**  
**EXAMINER**  
 Peshawar High Court  
 3 JAN 2019

delayed for the last about three years. He, however, seeks a short time to ensure that the judgment of this court is complied with. Such being the case, we afford him and of course to the Secretary Health, a final opportunity to comply with the order of this court dated 19.12.2013 before the next date of hearing or else we would be constrained to initiate contempt of court proceedings against the Secretary Health Department without any further notice. Adjourned to 27.10.2016.

sd Qasim Rashed Khan



JUDGE

sd Qasim Rashed Khan



JUDGE

**CERTIFIED TO BE TRUE COPY**

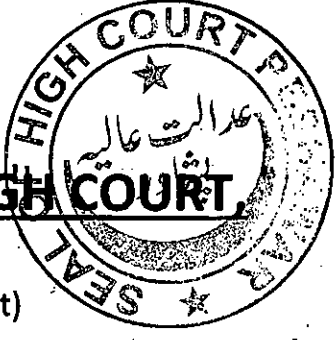
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Qanun-e-Shahadat Order 1984

28 JAN 2019

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JUDGMENT SHEET  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
(Judicial Department)



COC 415-P of 2016 in W.P. 1689 of 2011.

Date of hearing: 27.10.2016.

Petitioner (Nizam-ud-Din) by Mr.Saifullah Mohib,  
advocate.

Respondents

**JUDGMENT**

MUSARRAT HILALI, J.- Petitioner, through instant petition, seeks initiation of contempt of court proceedings against the contemnors/respondents for not complying with the orders of this court.

2. The main plea of the petitioner is that earlier he has filed W.P.3295 of 2010 seeking direction to the respondents to reinstate him in service with back benefits, which was disposed of and the respondents were directed to decide his Departmental Appeal/Representation within a fortnight. The said direction was not complied with as such he filed COC No.1360 of 2010. After hearing the parties, this court issued directions to the respondents/Health Department on 25.1.2011 to decide his Departmental

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**ATTESTED**  
EXAMINER  
Peshawar High Court  
28 JAN 2019



Appeal/Representation within 15 days. On 31.10.2012, this court further directed the concerned authority to decide the Departmental Appeal/Representation of the petitioner at the earliest. Again, the petitioner filed COC petition for implementation of the court order dated 31.1.2012, wherein, the learned Advocate General appeared and stated at the bar that the court order has been complied with by Director General, Health Services, Khyber Pakhtunkhwa. He further stated that he will contact the Secretary Health to dispose of the Departmental Appeal/Representation within shortest possible time in accordance with law and the COC was disposed of on 19.12.2013, hence this petition.

3. At the very outset, the learned AAG appeared and stated at the bar that Appeal filed by the petitioner against the departmental penalty before the learned Service Tribunal stood dismissed and same was the fate of his civil petition as well as review petition before the august Supreme Court and finally dismissal of his Departmental Appeal by the Appellate Authority in compliance with the orders of

*main*

Sadia Shah PS

**ATTESTED**  
 EXAMINER  
 Peshawar High Court  
 28 JAN 2019



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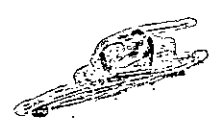
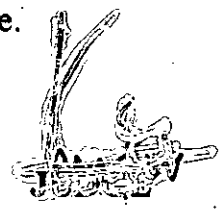
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infructuous and disposed of. Order accordingly.

However, the petitioner may approach proper forum

for the redressal of his grievance, if need be.

sd/ Musorral Hled.  
swl, M. Mosham' Khan



JUDGE

**Announced**  
**27.10.2016.**

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EXAMINER  
Peshawar High Court, Peshawar  
Authorised Under Article 27 of  
The Qanun-e-Shanadat Order 1969

28 JAN 2019.

No. 2822

Date of Presentation of Application 22-1-19

No of Pages 10

Copying Fee .....

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Total 40

Date of Preparation of Copy 28-1-19

Date of Delivery of Copy 28-1-19

Received by [Signature]

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Office [Signature] 29/10



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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

NO. SOH-III/7-191/1992 (Nizamuddin)

Dated Peshawar the, 26.10.2016

To

Mr Nizam-ud-Din S/O Maroof-ud-Din,  
Village Khojari Babar,  
PO: Khojari Khas,  
District Bannu.

Government  
Khyber Pakhtunkhwa  
Health Department

Subject: DEPARTMENTAL APPEAL/WRIT PETITION NO. 1689/2011- MR NIZAM-UD-DIN VS DIRECTOR GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA ETC.

I am directed to refer to the judgment dated 31.1.2012 of the Hon'ble Peshawar High Court Peshawar in the above subject writ petition and to state that:-

- i. You, Mr Nizam-ud-Din Ex-Anaesthesia Technician (BPS-09) DHQ Hospital Bannu were granted deputation and allowed to proceed to Saudi Arabia for one year with effect from 24.10.2001 to 26.11.2002. The period was further extended to 26.11.2003 and then to 26.11.2004.
- ii. On the expiry of deputation, you remained continuously absent from duty.
- iii. After completion all codal formalities in accordance with law/rules, you have been awarded the penalty of dismissal from service.
- iv. You filed an Appeal No. 1010/2006 in the Khyber Pakhtunkhwa Service Tribunal against the order of departmental penalty. However, your appeal, being devoid of merit, was dismissed with cost on 16.05.2008.
- v. You filed civil petition No. 122-P/2008 in the Supreme Court of Pakistan against the judgment of the Tribunal. The Civil Petition was dismissed on 27.4.2009.
- vi. You filed Civil Review Petition No. 8-P/2009 in the Supreme Court of Pakistan against the judgment dated 27.4.2009. The Review was also dismissed on 20.9.2010.

Attested  
[Signature]

2. You had availed all remedies in accordance with law and had been treated in accordance with law/rules at all stages. The judgment of the Tribunal is still in field and has never been set aside by the apex court. Even after dismissal of Review petition, you were informed so many times that your appeal merits no consideration.

3. In view of the order dated 31.1.2012 of the Hon'ble Peshawar High Court Peshawar, you are once again informed that the appellate authority (Secretary Health) considered your appeal and rejected, being devoid of merit.

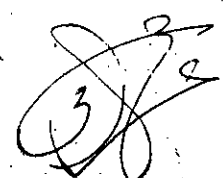
Your faithfully,

  
SECTION OFFICER (III )

**Endst: No. & Date even.**

Copy forwarded for information to:-

1. The Additional Registrar (Judicial), Peshawar High Court, Peshawar with ref: to his letter No.1568/Judl, dated 22.10.2016.
2. The Advocate General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
4. The Section Officer (Lit-1) Health Department.

  
SECTION OFFICER (III )

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

All communications should be addressed to the Director General Health Services Peshawar, and not to any official by name.  
Exchange Ph: 091-9210187 - 196 Fax: 091-9210130  
Web: [www.healthknpk.pk](http://www.healthknpk.pk) <https://www.facebook.com/dghealthservicesknpk>



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No. ~~2/27~~ <sup>2727</sup> /AE-VII Dated 11/02/2018

**MOST IMMEDIATE**

To:

1. Hospital Director MTH/LRH Peshawar.
2. Hospital Director MTH/KTH Peshawar.
3. Hospital Director DHQ Hosp./ MTH D.I Khan.
4. Director Health Services (FATA) Peshawar.
5. District Health Officer, Swat.
6. District Health Officer, Peshawar.
7. District Health Officer, Nowshera.
8. District Health Officer, D.I Khan.
9. Medical Superintendent, NKB Memorial Hosp: Peshawar.
10. Medical Superintendents, DHQ Hosp: Hangu.
11. Medical Superintendents, W & C Hospital Kohat.
12. Medical Superintendents, KAT Hospital, Manshira.
13. Medical Superintendent, DHQ Hosp; Batkhela.
14. Medical Superintendent, DHQ Hosp; Bannu. ✓
15. Medical Superintendent, DHQ Hosp: Daggur Buner.
16. Medical Superintendent, SGT Hosp: Swat.
17. Medical Superintendent, DHQ Hosp; Haripur
18. Medical Superintendent, DHQ Hosp: Charsadda.
19. Medical Superintendent, BBS Hosp: Abbottabad.
20. Medical Superintendent, AHQ Hosp: Parachinar.
21. Agency Surgeon Kuram at Parachinar.
22. Agency Surgeon Bajaur.

Subject:

**CORRECTION IN PROVISIONAL SENIORITY LIST OF  
CLINICAL TECHNICIANS ANESTHESIA BS-12.**

Memo,

I am directed to refer to the subject noted above and to request to submit Original Service Book & 1<sup>st</sup> Appointment Order of the following officials working under your control for correction in the seniority list as directed in the meeting of the Scrutiny Committee held on 07-02-2018.

S.No	Name	Place of Posting.	Documents Required:
1.	Iniran Khan S/O Akbar Zaman Clinical Technicians Anesthesia BS-12	DHQ Hosp; Bannu	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
2.	Noor Rahman S/O Naza Mir. Clinical Technicians Anesthesia BS-12	DHQ Hosp; Bannu	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
3.	Said Jabbar S/O Saïd Mian Munzar. Clinical Technicians Anesthesia BS-12	DHQ Hosp; Dager Buner	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
4.	Jehangir Khan Clinical Technicians Anesthesia BS-12	LRH Peshawar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
5.	Khajal Nawaz Clinical Technicians Anesthesia BS-12	DHQ Hosp; Bannu	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.

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[Signature]

8	Niaz Ali S/O Hussain Ali Clinical Technicians Anesthesia BS-12	AHQ Hosp; Parachinar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
9	Nizamud Din Clinical Technicians Anesthesia BS-12	DHQ Hosp; Bannu	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
10	Badshah Zada S/O Noor Muhammad Clinical Technicians Anesthesia BS-12	AHQ Hosp; Bajaur	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
9	Khan Muhammad Clinical Technicians Anesthesia BS-12	DHQ Hosp; Charsadda	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
10	Shabir Ahmad S/O Jan Muhammad	DHO Peshawar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
11	Syed Tahir Abbas Shah S/O Syed Sadiq Hussain Shah Clinical Technicians Anesthesia BS-12	DHQ Hosp; D.I. Khan	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
12	Rajazam Clinical Technicians Anesthesia BS-12	DHQ Hosp; Abbottabad	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
13	Tanveer Ahmad S/O Mashal Khan Clinical Technicians Anesthesia BS-12	BRST Hosp; Abbottabad	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
14	Shafiq Ahmad Clinical Technicians Anesthesia BS-12	BBS Hosp; Abbottabad	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
15	Nadir Shah S/O Noor Muhammad Shah Clinical Technicians Anesthesia BS-12	DHO Nowshera	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
16	Fazli Azim S/O Shah Muhammad Clinical Technicians Anesthesia BS-12	DHQ Hosp; Dager Duner	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
17	Kifayatullah S/O Fazli Ghoni Clinical Technicians Anesthesia BS-12	DHO Charsadda	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
18	Badshah Zada S/O Noor Mohammad Clinical Technicians Anesthesia BS-12	AHQ Hosp; Bajaur	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
19	Akbar Ali S/O Telazar Clinical Technicians Anesthesia BS-12	DHO Swat	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
20	Shoukat Khan S/O Muhammad Iqbal Clinical Technicians Anesthesia BS-12	DHQ Hosp; Haripur	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
21	Sajjad Ahmad Clinical Technicians Anesthesia BS-12	LRH Peshawar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
22	Bashir Hussain S/O Sultan Hussain Clinical Technicians Anesthesia BS-12	AS Kurram	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
23	Muzafar Ali S/O Bahadar Ali Clinical Technicians Anesthesia BS-12	W&C Hosp; Kohat	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
24	Sanaullah Clinical Technicians Anesthesia BS-12	AHQ Hosp; Parachinar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
25	Sultana Khan S/O Adalat Khan Clinical Technicians Anesthesia BS-12	DHO Swat	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
26	Arshad Ali S/O Iqbal Hussain Clinical Technicians Anesthesia BS-12	DHO Swat	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
27	Fazli Rubi S/O Bakhti Rowan Clinical Technicians Anesthesia BS-12	DHO Swat	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
28	Muhammad Sajjad S/O Qalandar Khan Clinical Technicians Anesthesia BS-12	BBST Hosp; Abbottabad	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
29	M. Ali Shah Clinical Technicians Anesthesia BS-12	KTH Peshawar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
30	Imdad Ullah Clinical Technicians Anesthesia BS-12	KTH Peshawar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
31	Khalid Kamal Clinical Technicians Anesthesia BS-12	KTH Peshawar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
32	Abdul Baseer Clinical Technicians Anesthesia BS-12	KTH Peshawar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
33	Usman Khan S/O Syed Alam Din Clinical Technicians Anesthesia BS-12	AS Kurram	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.
34	Sajid S/O Muhammad Ismail Clinical Technicians Anesthesia BS-12	NRK Hosp; Peshawar	a. Original Services Book. b. 1 <sup>st</sup> Appointment Order.

Attested  
[Signature]

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85	Muhammad Zameen Khan S/O Edar Shah Clinical Technicians Anesthesia BS-12	DHO Hosp, Hangu	a. Original Services Book b. 1st Appointment Order
86	Muhammad Ayaz S/O Muhammad Hassan Clinical Technicians Anesthesia BS-12	SCDH Hosp, Swat	a. Original Services Book b. 1st Appointment Order
87	Mushtaq Ahmad S/O Abdul Ghaffar Clinical Technicians Anesthesia BS-12	DHO Hosp, Dager, Duncer	a. Original Services Book b. 1st Appointment Order
88	Qaiser Farooq Clinical Technicians Anesthesia BS-12	DHO, D.I. Khan	a. Original Services Book b. 1st Appointment Order
89	Mutalluh Khan Clinical Technicians Anesthesia BS-12	DHO Hosp, Bannu	a. Original Services Book b. 1st Appointment Order
90	Sibghatullah S/O Ghulam Rasool Clinical Technicians Anesthesia BS-12	DHO Hosp, D.I. Khan	a. Original Services Book b. 1st Appointment Order

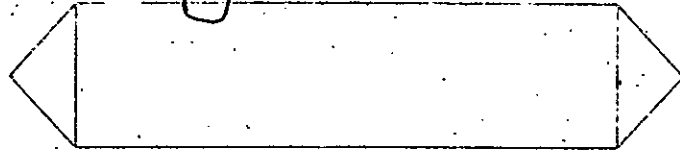
*[Signature]*  
 Assistant Director (Paramedics)  
 Directorate General Health Services  
 Khyber Pakhtunkhwa Peshawar

*[Signature]*  
 Attest ed

Syed Mahmood Bukhari



# بعدالت سروس ٹریبونل لکھنؤ



2 منجانب  
بنام

نظام دعوئے  
سروس اسٹیبلشمنٹ  
سروس اسٹیبلشمنٹ

مورخہ  
مقدمہ  
دعوئی  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام لکھنؤ کیلئے جہاں عدلیہ کی خدمت میں درخواست کی گئی ہے اور  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعوئی اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعوئی اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائز التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیش مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

22/10/2019

Attested  
&  
accepted  
[Signature]

2019

31 ماہ صبی

الرقوم

العہد گواہ العہد  
مقام لکھنؤ کے لئے منظور ہے۔

خدمت عبادت اللہ کے لئے  
خدمت عبادت اللہ کے لئے

درخواست برادر فریضہ درجہ حکم مورخہ 26/11/2004

صاحبزادگی! عمریں ہے کہ سوال کی عینہ طور پر

بہ اہم حکم مورخہ 26/11/2004 اپنے ملازمت

سے ہر وقت لیا گیا ہے۔ یہ کہ سائل

کو قانونی کارروائی لینے حکم مندرجہ بالا

کی استدعا ہے۔

لہذا استدعا ہے کہ سائل کو حکم مندرجہ

کی نقل دینے کا حکم صادر فرمایا

طاہر

مورخہ 10-12-2004

سائل: رضاکرم ولد معروف خان

ڈسٹرکٹ ہیڈ کوارٹر ہسپتال - منوں - (Ex-Anesthesia Technician)

Nizamuddin

Attested  
[Signature]