

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	11.04.2018	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 870/2015 Date of Institution ... 24.07.2015 Date of Decision ... 11.04.2018</p> <p>Asif Ullah EX-J.C.T Radiology, Rural Health Centre Kheshgi recently Senior Clinical Technician Radiology Shaheed Fareed Khan Hospital Hangu.</p> <p align="right">Appellant</p> <ol style="list-style-type: none"> EDO Health Services District Nowshera. EDO Health District Peshawar. Director General Health Services Khyber Road near Kachehri Khyber Pakhtunkhwa Peshawar. Government of Khyber Pakhtunkhwa through Secretary Health Department Peshawar. Secretary Finance Khyber Pakhtunkhwa Secretariat Peshawar. <p align="right">Respondents</p> <p>JUDGMENT <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant present. Mr. Zia Ullah, learned Deputy District Attorney for the respondents present.</p> <ol style="list-style-type: none"> Arguments heard. File perused Learned counsel for the appellant argued that the appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 as the appellant was not paid his salaries w.e.f 01.02.2011 to 27.06.2011. Further argued that the appellant was performing his duties as Radiographer R.H.C Kheshgi, District Nowshera and the Executive District Officer Health Nowshera/respondent No.1 relieved him from duties vide order dated 24.01.2011. Further argued that vide office letter dated 11.02.2011 the DG Health Services requested the respondent No.1

Zia Ullah

to withdraw the relieving order. Further argued that vide letter dated 28.03.2011 DG Health Services once again requested the respondent No.1 to avoid unnecessary correspondence and initiate disciplinary action against the appellant. Further argued that in compliance with the order of DG Health Services, the appellant resumed his duties at the office of EDO Health Nowshera on 07.04.2011. Further argued that the appellant was transferred to District Peshawar vide order 04.06.2011. Learned counsel for the appellant argued that the appellant was not paid his salaries w.e.f 01.02.2011 to 27.06.2011 rather the service of appellant for the said period was considered as extraordinary leave without pay vide impugned order dated 03.07.2012. Further argued that the appellant also filed departmental appeal. Further argued that EDO Health District Peshawar/respondent No.2 also refused to release payment of salaries for the above mentioned period vide letter dated 08.06.2015. Learned counsel for the appellant vehemently stressed that the orders vide which the appellant has been deprived from his salaries are illegal and unlawful hence liable to be set aside.

4. As against that learned DDA argued that since the appellant has not performed any duties during the period w.e.f 01.02.2011 to 27.06.2011 hence the said period was rightly treated as extraordinary leave without pay.

5. From perusal of documents available on the record it is evident that though respondent No.1 relieved the appellant from his duties vide order dated 24.01.2011, however DG Health Services/respondent No.3 has not endorsed the said relieving order

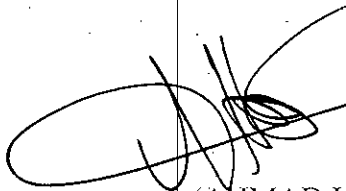
P
awin

rather asked the respondent No.1 to withdraw the same and ultimately the appellant was transferred from District Nowshera to District Peshawar but after a lapse of more than 5 months from the date of relieving order.

6. In the light of above scenario this Tribunal is of the considered view that the impugned orders depriving the appellant from his salaries for the period w.e.f 01.02.2011 to 27.06.2011 are not sustainable. Consequently the present appeal is accepted, the impugned orders are set aside and the respondent department is directed to release the salary of the appellant for the period w.e.f 01.02.2011 to 27.06.2011. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

11.04.2018



(AHMAD HASSAN)
MEMBER



(MUHAMMAD HAMID MUGHAL)
MEMBER

14.12.2017

Learned counsel for the appellant present. Mr. Usman Ghani, Learned District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 08.02.2018 before D.B


(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

08.02.2018


Counsel for the appellant and Mr. Muhammad Riaz Pinda Khel, AAG for the respondents present. Learned AAG submitted that the departmental representative is not present today and seeks adjournment. Adjourned. To come up for arguments on 11.04.2018 before the D.B.


Member


Chairman

11.04.2018

Learned counsel for the appellant present. Mr. Zia Ullah, learned Deputy District Attorney for the respondents present. Vide separate judgment of this Tribunal of today placed on file, the present appeal is accepted, the impugned orders are set aside and the respondent department is directed to release the salary of the appellant for the period w.e.f 01.02.2011 to 27.06.2011. Parties are left to bear their own costs. File be consigned to the record room.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD HAMID MUGHAL)
MEMBER

15.12.2016

Counsel for the appellant and Dr. Arshed, Litigation Officer alongwith Additional AG for the respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 27.04.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

27.04.2017

Counsel for the appellant and Mr. Muhammad Jan, Government Pleader for the respondents present. Counsel for the appellant seeks adjournment. Adjourned for final hearing to 03.08.2017 before D.B.

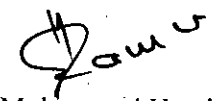

Member


Chairman

03.08.2017

Counsel for the appellant and Mr. Zia Ullah, Deputy District Attorney for the respondent present. Arguments ~~heard~~ heard. To come up for ~~orders~~ orders on 29.08.2017 before D.B.

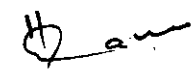

(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

0-----14 29.08.2017

Learned Deputy District Attorney for the respondents present. To come up alongwith connected appeal of the appellant for further proceeding on 04.12.2017 before D.B.


(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

24.03.2016

Counsel for the appellant present. Submitted application for interim relief. Notice of the said application be issued to the respondents for 11.4.2016 i.e the date already fixed before S.B.


Chairman

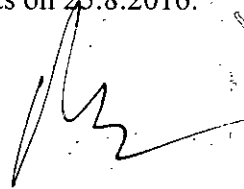
11.04.2016

Appellant with counsel and Mr. Muhammad Arshad, SO alongwith Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 16.5.2016.


Chairman

16.05.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for time to file rejoinder. Request accepted to come up for rejoinder/arguments on 25.8.2016.

Member 


Member

25.08.2016

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Appellant seeks adjournment as his counsel was stated busy before Hon'ble Peshawar High Court. To come up for ^{rejoinder &} final hearing before the D.B on 15.12.2016.

Member 


Chairman

24.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Technician and was transferred from Nowshera to the office of D.G Health which order was subsequently withdrawn but appellant was paid no salary for the period with effect from 26.6.2011 upto 1.2.2012 regarding which he submitted application followed by departmental appeal which was not responded and hence the instant service appeal on 24.7.2015.

That the appellant is entitled to receive the salary for the period commencing form 26.6.2011 upto 1.2.2012.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 11.11.2015 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

11.11.2015

Appellant with counsel, M/S Nazirullah, Supdt. for respondent No. 1 Dr. Arshed, SMO for respondent No. 2, Yar Gul, Senior Clerk and Qibaz Khan, SO alongwith Addl: A.G for all respondents present. Requested for adjournment. To come up for written reply/comments on 27.1.2016 before S.B.


Member

27.1.2016

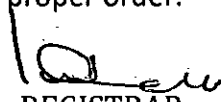


Counsel for the appellant, M/S Yar Gul, Senior Clerk, Muhammad Arshed, SO and Muhammad Irshad, SO alongwith Assistant AG for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 11.4.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 870/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.08.2015	<p>The appeal of Mr. Asifullah resubmitted today by Mr. Gohar Ali Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	10-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>11-08-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	11.08.2015	<p>Counsel for the appellant present. Seeks adjournment. Adjourned to 24.8.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Asifullah Ex-J.C.T Radiology Rural Health Centre Khesghi received to-day i.e. on 24.07.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Annexure-D (Page-20) of the appeal is illegible which may be replaced by legible one.

No. 1100 /S.T,

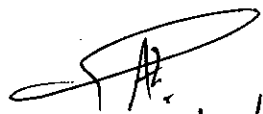
Dt. 27/7 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Gohar Ali Adv. Peshawar.

R/qw

Re-submitted after
completion.


Gohar Ali Khesghi
advocate peshawar
1/8/2015

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Appeal no. 870/2015

Asif Ullah Ex-J.C.T Radiology, Rural Health Centre
Kheshgi recently Senior Clinical Technician Radiology
Shaheed Fareed Khan Hospital Hangu.

... .. Appellant

VERSUS

**G.W.F. Province
Service Tribunal
Dary No. 875
Dated 24-7-2015**

- 1- EDO Health Services District Nowshera.
- 2- EDO Health District Peshawar
- 3- Director General Health Services Khyber Road near
Kachela Khyber Pakhtunkhwa Peshawar
- 4- Govt. of KPK through Secretary Health Deptt:
Peshawar
- 5- Secretary Finance KPK, Secretariat Peshawar.

... .. Respondents

**APPEAL UNDER SECTION 4 OF SERVICE
TRIBUNAL ACT 1974 AGAINST THE
IMPUGNED ORDER OF RESPONDENT
NO.3 WHO REFUSED TO PAY / RELEASE
THE SALARY OF THE APPELLANT W.E.F (26⁶/₁₁ 2012) TO 27/06/2011 AS ANNEXURE
"K&M" 03/07/2012 IN CENTIATION UPTO
DATE LAST ONE AS ANNEXURE "B"
DATED 09/06/2015 FOR RELEASE OF PAY
TO THE APPELLANT.**

24/7/15

re-submitted to-
ud filed;

3/8/15

Respectfully Sheweth:

The appellant submits as under:

- 1- That appellant was relieved from Nowshera and
posted into the office of DG Health under Letter

No.408-11 EDO Health NSR dated 24/01/2011 as already on duty Under Respondent No.1 at RHC Kheshgi as Annexure "A".

- 2- That the appellant submitted arrival report with Dairy No2161/Est dated 24/01/2011 as Annexure "A" then on the following day the appellant filed a complaint to respondent No.3 against respondent No.1 as Annexure "B".
- 3- That Director General Health /Respondent No.3 ordered to withdraw the reliving order and to conduct inquiry as Annexure "C".
- 4- That the appellant submitted arrival report to the previous place of duty as Annexure "D" but respondent No.1 again relived the appellant as Annexure "E".
- 5- That upon the correspondence respondent No.3 once again directed the respondent No.1 to withdraw the impugned order as Annexure "F".
- 6- That appellant again submitted arrival before respondent No.1 as Annexure "G".

- 7- That again a letter was issued by respondent No.1 to respondent No.3 regarding his previous decision as appellant was already relieved as Annexure "H".
- 8- That respondent No.3 ordered to respondent No.2 for adjustment of the appellant who started duty as Annexure "I"
- 9- That the salary was paid since arrival to respondent No.2 but he refused the previous one for which the appellant filed an application before the respondent No.3 as Annexure "J" that respondent No.3 refused to pay and ordered leave without pay as Annexure "K" impugned order.
- 10- That appellant filed an appeal before the respondent No.3 which is continued as Annexure "L".
- 11- That respondent No.2 refused the pay to the appellant for the previous period with reference to letter to respondent No.3 who remained silent over it. As Annexure "M" impugned.
- 12- That the appellant is constrained to approach this Hon'ble Tribunal for redressal of his grievances as under.


4


GROUND:

- A) That the order of the respondents is not a speaking order.
- B) That the order of refusal of pay is not tenable in the eye of law needs to be set aside.
- C) That the impugned order of refusal of pay amounts to cutting throat of the employee.
- D) That the refusal of salary is without any reason and based on malafide intention of the respondents.
- E) That salary is the basic right of the employee who is not a fault.
- F) That appellant may also be allowed to rely on additional ground at time of arguments.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order of the respondents may please be set aside and the appellant grievances may please redressed as prayed.

Dated 23/07/2015


Appellant
Through


Gohar Ali
Advocate High Court,
Peshawar

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. _____ of 2015

Asif Ullah Appellant

VERSUS

EDO Health Services District Nowshera.
..... Respondents

AFFIDAVIT

I, Asif Ullah Ex-J.C.T Radiology, Rural Health Centre Ksheshgi recently Senior Clinical Technician Radiology Shaheed Fareed Khan Hospital Hangu do hereby solemnly affirm and declare on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

ATTESTED



BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. _____ of 2015

Asif Ullah Appellant

VERSUS

EDO Health Services District Nowshera and others
 Respondents

ADDRESSES OF THE PARTIES

Appellant

Asif Ullah Ex-J.C.T Radiology, Rural Health Centre
 Kheshgi recently Senior Clinical Technician Radiology
 Shaheed Fareed Khan Hospital Hangu

Respondents


- 1- EDO Health Services District Nowshera.
- 2- EDO Health District Peshawar
- 3- Director General Health Services Khyber Road near
 Kachehi Khyber Pakhtunkhwa Peshawar
- 4- Govt of KPK through Secretary Health Deptt:
 Peshawar
- 5- Secretary Finance KPK, Secretariat Peshawar.

... .. Respondents

Dated 23/07/2015


 Appellant

Through


 Gohar Ali
 Advocate High Court,
 Peshawar

B.

Answer A
P-7

OFFICE OF THE EXECUTIVE
 DISTRICT OFFICER HEALTH
 NOWSHERA.
 Phone & Fax No. 0925 280759
 E-mail: edohnowsheera@gmail.com
 No. 408-11 / EDO (H) NSR
 Dated. 24/1/2011

To

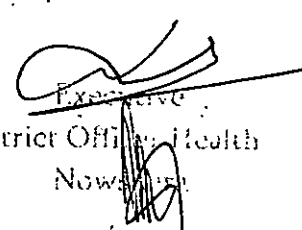
Mr. Asif Ullah,
Radio Grapher, RHC, Kheslgi.

Subject: RELIEVING ORDER.

Reference MO Incharge RHC Kheslgi letter No. 7 RHC, dated 17-01-2011, where in, you have been relieved from your duty on account of observing chronic absenteeism.

The undersigned has also noted you as absent on the day of visit of Honourable Minister for Excise & Taxation Khyber Pukhtunkhwa on 17-01-2011 and the Honourable Minister Khyber Pukhtunkhwa had desired to post you out on Administration grounds.

Thus you are directed to report to Director General Health Services Khyber Pukhtunkhwa Peshawar for your further posting as the Department of Health Nowshera is no need of your services which has created problems for the administration as well public with immediate effect.

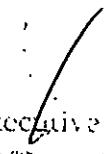

 Executive
 District Officer Health
 Nowshera

Even No. & Date.

Copy forwarded to the:

1. PA to Director General Health Services Khyber Pukhtunkhwa Peshawar for information to please honour the above reference as there will be no need for disciplinary action against him, as it will be wastage of time and resources. *of his chronic habits of absenteeism.*
2. Senior District Accounts Officer Nowshera with request to stop his pay.
3. MO Incharge RHC Kheslgi for information with reference to his letter No. referred above.

2161/8211
24/1/11


 Executive
 District Officer Health
 Nowshera

NO: 6046 / EDO(H)NSR

Dated Nsr the: 13-07 / 2011.

From: The Executive District Officer,
(Health) Nowshera.

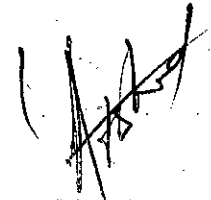
To : The Executive District Officer,
Health, Peshawar.

SUBJECT: - SERVICE DOCUMENTS.

Memo:

With reference to Director General Health Services, Khyber Pakhtunkhwa Peshawar Office Order No: 14663-66/E-V, dated 4.6.2011. Enclosed please find herewith the following service documents in respect of Mr. Asif Ullah X-Ray Technician for your further necessary action.

1. Service Book.
2. L.F.C.


Executive Distt: Officer,
(Health) Nowshera.

Reseroid.
Dny No. 3046
3047. Dated. 13/7/2011.

LAST PAY CERTIFICATE

1. Last Pay Certificate of Mr. Asifullah JCT Radiology BPS-09
 of the EDO (Health) Nowshera.
 proceeding to EDO (Health) Peshawar.

2. He has been paid upto 31-01-2011 ✓

as the following rates:—

Particulars:

Substantive Pay:—

Officiating Pay:—

Exchange Compensation Allowance:—

2/2011

0001	B. Pay	=	7730/2
1000	HR	=	1146/2
1300	M.A	=	1000/2
1770	S.A.A	=	360/2
1830	S.R.A	=	615/2
1831	A.R	=	615/2
1864	D/A	=	737/2
1908	AR 2009	=	1546/2
1948	Ad. Mt. 2010	=	3865/2

Deductions:—

Total = 77614/2

3. He made over charge of the Office of his duties
 on the After noon of 31-01-2011.

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

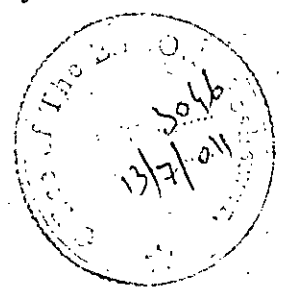
5. He has ben paid leave salary as detailed below. Deductions have been made as noted on the reverse.

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

6. He is entitled to draw the following:—

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

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



Executive District officer
(Health) Nowshera

Signature: [Signature]
 Executive District officer
(Health) Nowshera

Designation: [Signature]

at _____ 19

عنوان: درخواست برائے الٹو انٹری

صاحب عالی

گزارش پورے بندہ اور ڈو ایس آر (H) NSR 1168 - II EDO (H) NSR

24/01/2011 کو ڈسٹرکٹ ٹیچرز سے Reliev. کرنے ڈائری نمبر 1161

Date: 24/01/2011 ڈائری جنرل محلہ تعلیمہ سروس Arrival

کیا دوران ڈیوٹی چند ستارہٹی عناصر کے ذاتی مفادات سے راضی ہیں

روکاؤٹ بنا رہا جس کی وجہ سے بندہ کو ذہنی طور پر پریشان اور

معاشرتی طور پر مفلوج ہونے کا سامنا کرنا پڑا۔

یہ وہ لوگ ہیں جو بے تر فاریس ٹیلنٹ لیکن مڈ رینج انٹری کر سکتے ہیں

تو آٹھ پراڈکٹ مریض کو بلین اور مڈ رینج کے لیے ٹارگٹ ہوا
کرنائین کا کاروبار ہو۔

اس لیے عرض ہو کہ ایڈمنسٹریٹو جاننے والے الٹو انٹری انٹری کے لیے تیار
لائی جائے۔

Allah
FA

امین اللہ

انٹری ٹیلنٹ

(0346 9113991)

دو عالمی

DG Diny No. 2292/28/11/2011

RC

P. 11



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

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

Office Phone: 991-9210187, 9210186 Exchange: 991-9210187, 9210186 Fax: 991-9210187

NO. 4063 /11-1

Dated. 11/2/2011

To,

The Executive District Officer,
(Health) Nowshera.

Subject:-
Dear Sir,

RELIEVING ORDER

I am directed to refer to your letter No. 408-II/EDO (H) NSR dated 24.01.2011, on the subject noted above with the request to please withdraw the relieving order in respect of Mr. Asifullah JCT (Radiology) and hold an Enquiry in to the matter by taking disciplinary action against him as this Directorate has got no surplus pool for such workers of the District Government.

[Signature]
ASSISTANT-DIRECTOR (P-11) (7)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

[Signature]
SAI

To

~~D~~ D
P 12

The Incharge
RHC Kheski

Subject: Arrival Report

Sir

In compliance with letter
No 4063/E-V dated 11-2-2011 issued by
the Director General Health Services Khyber
Pakhtun Khwa, Peshawar - I hereby submit my
arrival Report for duty R-H-C. Kheski -
to day on 14-2-2011

Submitted for information please

~~Addressed~~

yours obediently

The Applicant
is not a staff
member at RHC Kheski
please consult staff
of RHC Kheski
2-14-2011
M D LHC Kheski

~~Asifullah~~ 14/2/2011
Asifullah Jct
Radiology - RHC
Kheski

P-13

OFFICE OF THE EXECUTIVE
DISTRICT OFFICER HEALTH
NOWSHERA.

Phone & Fax No. 0924-580759

E-Mail: edohnowshera@gmail.com

No. 112-20 / EDO (II) NSR

Dated. 04 / 03 / 2011.

(23)

To

The Director General,
Health Services Khyber Pukhtunkhwa,
Peshawar.

Subject: RELIEVING ORDER.

Dear Sir,

With reference letter No. 4063/E-V, dated 11-02-2011 on the subject noted above. I have the honour to inform your good self that all efforts and actions have been taken against him, but in vain. He is chronic problem creator with have no interest in the official duty.

He has also been recommended by local MPA and Honourable Minister for Excise & Taxation Khyber Pukhtunkhwa during his visit to RHC Kheshgi on 16-01-2011 on account of complaint lodged against the above named official.

The DoH Nowshera is also fed up from him and his services are no more required to this District.

Executive
District Officer Health
Nowshera

Even No. & Date.

Copy forwarded to the:

1. PS to Honourable Minister for Excise & Taxation Khyber Pukhtunkhwa. (being the local MPA) for information with reference his directions during his visit to RHC Kheshgi on 16-01-2011.
2. Record section.

Abbas
AS

Executive
District Officer Health
Nowshera



Amo F
P-14

24

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

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

Telephone: 091-9210137, 9210195 Fax: 091-9210137, 9210195

No. 7393 /E-V

Dated 28/3 /2011

The Executive District Officer,
(Health) Nowshera.

Subject: - RELIEVING ORDER

Dear Sir,

I am directed to refer to your letter No. 1418-20/EDO(II)NS dated 04.03.2011, on the subject noted above and once again requested to avoid unnecessary correspondence and initiate disciplinary action against Mr. Asifullah JCT (Radiology) under the RSO-2000.

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

No. 7394-95 /E-V

Copy forwarded to the:-

- 01. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
- 02. PA to Director Administration Khyber Pakhtunkhwa Peshawar.

Asifullah
SA

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

28/3/11

~~AG~~
P-15

~~25~~

To

The Executive,
District Officer Health,
Noshehra.

Subject: Arrival Report

Sir,

In compliance with letter No. 7393 E-V Dated 28-03-2011 issued by the Director General Health Services Khyber Pakhtunkhwa Peshawa (copy attached). I here by submit my arrival report for duty at the office of EDOH Noshehra today. 07-04-2011
Submitted for information please.

~~AG~~
Yours obediently,
Asif Ullah
JCT Radeology.

NO. 1088.
10-4-2011.
JCT Radeology
7/4/2011

Asif Ullah
JCT Radeology

P-16
H

OFFICE OF THE EXECUTIVE
DISTRICT OFFICER HEALTH
NOWSHERA.

Phone & Fax No. 0923-580759

E-Mail: edohinowsheera@gmail.com

No. 4507 / EDO (H) NSR

Dated: 19 / 05 / 2011

To:

Director General Health Services,
Khyber Pukhtunkhwa Peshawar

Subject: ENQUIRY.

Dear Sir,

With reference to letter No. 11071/E-V, dated 11-05-2011 on the subject noted above. I have the honour to invite your kind attenuation to this office letter No. 2591/EDO (H) NSR, dated 12-04-2011, wherein the case has already been elucidated.

It is once again requested that he may be posted out of District Nowshera, as his services are not required to this District, being irregular and chronic problem creator.

Further added that this matter has also been discussed with your good self in the interest of public and department.

Attested
SAC

Executive
District Officer Health
Nowshera

D.G. Health
D.No. 2783
6/6/2011

P-17 I



DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR.

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
E-Mail Address: nw/pgdghs@yahoo.com Office Ph# 091-9210269 Exchangell 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

As approved by the competent authority, Mr. Asifullah JCT (Radiology) attached to EDO (Health) Nowshera is hereby transferred to District Peshawar against the vacant post vacated due to transfer of Mr. Gul Alam Khan JCT (Radiology) to Sarhad Hospital for Psychiatric Diseases Peshawar on Administrative Grounds with immediate effect.

Sd/xxxxxx
DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR

No. 14563-66 IE-V

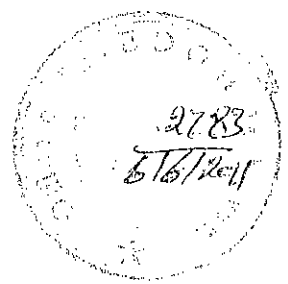
Dated 4/16/2011

Copy forwarded to the:-

- 01. EDO (Health) Nowshera.
- 02. EDO (Health) Peshawar.
- 03. DA Concerned.
- 04. Master file.

For information and necessary action.

[Handwritten signature]
EDO COA



[Handwritten signature]
ASSISTANT DIRECTOR (P-II)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR
11/04/06

High Kamran Khan

File of the EDO CH Peshawar

No. _____ (EDO CH) dated _____
Copy forwarded to the:-

[Handwritten signature]
Alleshad SAH

- 01. SMO I/c RHC, Takhtalad
- 02. Account section EDO (H) Peshawar
- 03. Official concerned. He should report to SMO I/c RHC T. abad.

For information and necessary action.

EDO (H) Peshawar

OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH PESHAWAR.

NO 3268-70 /EDO (H) dated 24 / 6 /2011.

Copy forwarded to the:-

1. Senior Medical Officer Incharge RHC Takhtabad.
2. Accounts Section EDO (H) Peshawar.
3. Officers Concerned. He should report to Senior Medical Officer Incharge RHC Takhtabad for duty.

For information and necessary action.


EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT PESHAWAR

47
بخدمت جناب ڈائریکٹر جنرل ہیلتھ سروسز خیبر پختونخوا
P-18 P-J

عنوان: ایریا آف پے

جناب عالی!

گزارش ہے کہ بندہ آراچی سی خوشگلی میں بطور ایکسٹینشن ڈیوٹی سرانجام دے رہا تھا جو کہ انڈر کنٹرول ای ڈی او ہیلتھ ڈسٹرکٹ نوشہرہ ہے
آرڈر نمبر ED0H NSR 408-11 مورخہ 24-01-2011 ڈسٹرکٹ نوشہرہ سے ریلیو کر دیا گیا اور اسی دن ڈائریکٹر جنرل ہیلتھ سروسز کو ایرائیول
کیا لیکن چند دن بعد میرا ریلیونگ آرڈر (With Drawl) کر کے مجھے واپس ڈسٹرکٹ نوشہرہ رپورٹ کرنے کی ہدایت کی گئی۔ آرڈر
نمبر EV-4063 مورخہ 11-02-2011 لیکن ED0 ہیلتھ نوشہرہ نے ایرائیول لینے سے انکار کیا اور پھر آرڈر نمبر ED0H 1418-20
NSR مورخہ 04-03-2011 کے ذریعے واپس ڈی جی ہیلتھ سروسز ایرائیول کرنے کو کہا لیکن ڈی جی ہیلتھ خیبر پختونخوا نے مجھے ایک بار پھر آرڈر
نمبر EV-7393 مورخہ 28-03-2011 جاری کیا۔ جس کی روشنی میں دوبارہ ای ڈی او اراچی نوشہرہ ایرائیول کیا لیکن اس بار پھر ایرائیول لینے سے انکار
کیا اور ساتھ آرڈر نمبر NSR ED0H 2591 مورخہ 12-04-2011 کے حوالے سے کہہ دیا کہ آپ ڈی جی ہیلتھ دوبارہ ایرائیول کرے اس کے
بعد ڈی جی ہیلتھ سروسز سے آرڈر نمبر EV-14363-66 مورخہ 04-06-2011 جاری ہوا جس کی روشنی میں ای ڈی او اراچی ڈسٹرکٹ پشاور ایرائیول کیا
اور آرڈر نمبر 3268-70 مورخہ 24-06-2011 کو انڈوس کیا گیا۔ اس لئے 24-06-2011 سے تنخواہ جاری کی گئی۔ لیکن باقی ماندہ پریڈ بریک
(2011-02-01 تا 2011-06-27) ہے جس کی تنخواہ ابھی تک نہیں ملی مہربانی کر کے فردی کا ایریر پریڈ ریگولر کر کے اجازت نامہ جاری کر کے مشکور
فرمائیں۔

آپ کا مخلص

آصف اللہ

آصف اللہ

آصف اللہ

آصف اللہ

آصف اللہ

Forwarded to
E.D.O. (H)
for further info

M.O Incharge R.I.C
Reg. District Peshawar
5-1-12

121
9/1/12

P-195 K



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

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

OFFICE ORDER

The Intervening period w.e from 01.02.2011 to 27.06.2011 in r/o Mr. Asifullah JCI Radiology attached to EDO (Health) Peshawar is hereby considered as L.O.L without pay.

Sd/xxxxx
DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA

PESHAWAR
Dated 3/17/2012

No. 19104-06 /E-V

Copy forwarded to the:

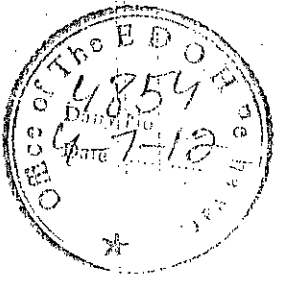
- 1. EDO (Health) Peshawar w/r to his letter No. 2058-60 dated 16.03.2012.
- 2. EDO (Health) Nowshera w/r to his letter No. 2294 dated 15.05.2012.
- 3. Master file.

For information and necessary action.

ASSISTANT DIRECTOR (PLIO)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

[Handwritten signature]
3/17/12

Abdul SA
Assistant Secy



Academy
2012
EDO

(20)
Better Copy of Annexure - 1

To,

The Secretary Services
Khyber Pakhtunkhwa
At Peshawar

Subject: Release of my Pay during the period (1-2-2012 to 26-6-2011).

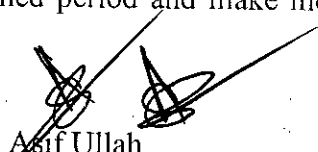
Through: Proper Channel

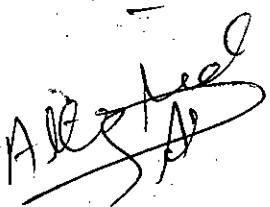
Sir,

With due veneration I beg to submit the following a few lines for your kind and sympathetic consideration please.

- 1- That I was working as X-Ray Tech in RHC Khweashki which is under the control of EDO Health Dist, Nowshera (Annexure A)
- 2- I was relieved vide EDO Health Nowshera order No.408-11 dated 24/02/2011 and directed to report to DG Health and I submitted my arrival to DG Health for further necessary action (Annexure B).
- 3- After some days my relieving order was withdrawn vide order No.4063EV dated 11/02/2011 and I was directed to report again to EDO Health Nowshera (Annexure C) and I submitted my arrival for duty, but the EDO Nowshera refused to report DG Health (Annexure D).
- 4- Once again the DG Health re-directed me to report to EDOH Nowshera Order No.7393 EV dated 28/03/2011 (Annexure E&F)
- 5- Once again I reported my arrival to EDOH Nowshera for duty but once again EDOH Nowshera vide his order No.2591 EDOH Dated 12/04/2011 re-directed me to report to DG Health at Peshawar and I re-submitted my arrival to DG Health for duty (Annexure G).
- 6- After the DG Health vide his order No.14662 EV dated 04/06/2011 DG Health (Annexure H) I was transferred to EDO Health Peshawar and started my duty there they drawn my pay from the date on which I submitted my arrival to EOHD Peshawar and refused for the period in which I was running and struggling for duty in between the two offices DG Health and EDOH Nowshera for the release of said pay for the period 26-06-2011 to 01-02-2012. I applied to DG Health Peshawar but he vide his impugned order 19104-06EV dated 13/07/2012 turned his period leave without pay (Annexure I) while I was not on leave and was struggling for duty between the two Health Offices DG and EDO Nowshera in these crucial period in which I was struggling and running between the two Offices DG Health and EDO Health Nowshera I remained in very crucial and strained circumstances with many expenses to be incurred I became penniless and borrowed some amount from a relative for survival. Now the said relative is demanding and pressing for recovery and I have nothing to pay him so therefore, I request in your honor to release my pending pay for the mentioned period and make me able to pay him honestly and graciously.

I shall be very highly thankful


Asif Ullah
Jct Radiology RHC
Badaber Peshawar



P-20 L

To

The Secretary Health Services
Khyber Pakhtunkhwa
At Peshawar

Subject: Release of my Pay during the period (1-2-2012 to 26-6-2011)

Through: proper channel
Sir,

With due Veneration I beg to Submit the following a few Lines for your kind and Sympathetic Consideration Please.

1. That I was Working as X-Ray Tech in RHC Khweashid Wich is Under the Control of EDO Health Dist. Nowshara. (Annexure A)
2. I Was Relieved vide EDO Health Nowshara order No 498-11 dated 24-2-2011 and directed to report to DG Health and I Submitted my Arrival to D.G. Health for further necessary Action (Annexure B)
3. After some Days my relieving order was Withdrawn Vide (order no 4963EV Dated 11-3-2011) and I was directed to report again to EDO Health Nowshara (Annexure C) and I submitted my arrival for duty, but The EDOH Nowshara refused to accept my arrival, and vide order No 1418-20 EDOH Nowshara dated 4-3-2011 was re directed to report to DG Health (Annexure D)
4. Once again the D.G. Health re directed me to report to EDOH Nowshara Vid order no 1503 EV Dated 28-3-2011 (Annexure E&F)
5. Once again I reported my arrival to EDOH Nowshara for duty but once again EDOH Nowshara vide his order No 2591 EDOH Nowshara dated 12-4-2011 re directed me to report to D.G. Health at Peshawar and I re submitted my arrival to D.G Health for duty (Annexure G)
6. After that D.G Health vide his order No 14662-66 BY Dated 4-6-2011 DG Health (Annexure H) I was transferred to EDO Health Peshawar and started my duty there they drawn my pay from the date on which I submitted my arrival to EDOH Peshawar and refused for the period in which I was running and struggling for duty in between the two offices D.G Health and EDO Health Nowshara for the release of said pay for the period 1-2-2011 to 26-6-2011. I applied to D.G Health but he vide his an impungned order 19164-06EV dated 3-7-2011 turned this period leave with out pay (Annexure D) while I was not on leave and was struggling for duty between the two health offices (D.G & EDO Nowshara) in this crucial period in which I was struggling and running between the two offices (D.G Health & EDOH Nowshara) I remained in very crucial and strained circumstances with many expenses to be incurred there and penniless and borrowed some amount from a relative for survival. Now, the said relative is demanding and pressing for recovery and I have nothing to pay him. I respectfully request in your honour to release my pending pay for the mentioned period and make me able to pay him honestly and graciously.

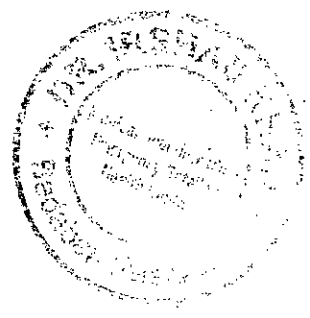
*Abdullah
SAP*

Approved for A.A.

I shall be highly Thank full

[Signature]
Asst. Dir. Health
for radiology RHC
Fardaher Peshawar.

DND 12
30-7-12



Dyalo 6095
DD. 30-7-12

P. 21²

FIRST REMINDER

To

The Director General Health Services
Khyber Pakhtoon Khwa
At Peshawar.

Subject: **Release of my Pay during the period (26-06-2011 to 01-02-2012)**

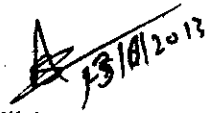
Through: Proper Channel

Sir,

With due Veneration I beg to Submit the following a few Lines for your kind and Sympathetic Consideration Please.

1. That I was Working as X-Ray Tech in RHC Khweashki which is under the control of EDO Health Dist. Nowshera (Annxure A).
2. I was Relieved vide EDO Health Nowshera order No. 408-11 dated 24-02-2011 and directed to report to DG Health and I submitted my Arrival to DG Health for further necessary action (Annxure B).
3. After some days my relieving order was withdrawn Vide order no. 4063EV dated 11-02-2011 and I was directed to report again to EDO Health Nowshera (Annxure C) and I submitted my arrival for duty, but the EDO Nowshera refused to accept my arrival, and vide order no. 1418-20-EDOH Nowshera dated 04-03-2011 was re-directed to report DG Health (Annxure D).
4. Once again the D.G Health re-directed me to report to EDOH Nowshera Order No. 7393 EV dated 28-03-2011 (Annxure E&F).
5. Once again I reported my arrival to EDOH Nowshera for duty but once again EDOH Nowshera vide his order no. 2591 EDOH Dated 12-04-2011 re-directed me to report to DG Health at Peshawar and I re-submitted my arrival to DG Health for duty (Annxure G).
6. After the DG Health vide his order no. 14662-66 EV dated 04-06-2011 DG Health (Annxure H) I was transferred to EDO Health Peshawar and started my duty there they drawn my pay from the date on which I submitted my arrival to EDOH Peshawar and refused for the period in which I was running and struggling for duty in between the two offices DG Health and EDOH Nowshera for the release of said pay for the period 26-06-2011 to 01-02-2012. I applied to DG Health Peshawar but he vide hi an impugned order 19104-06EV dated 13-07-2012 turned his period leave without pay (Annxure I) while I was not on leave and was struggling for duty between the two Health offices DG and EDO Nowshera in these crucial period in which I was struggling and running between the two offices DG Health and EDO Health Nowshera I remained in very crucial and strained circumstances with many expenses to be incurred I became penniless and borrowed some amount from a relative for survival. Now the said relative is demanding and pressing for recovery and I have nothing to pay him so therefore, I request in your honor to release my pending pay for the mentioned period and make me able to pay him honestly and graciously.

I shall be very highly thankful.


Asif Ullah
Jct Radiology RHC
Badaber Peshawar.

25/11/2013

P. 22 3

2ND-Reminder

To

The Director General Health Services
Khyber Pakhtoon Khwa
At Peshawar.

Subject: Release of my Pay during the period (26-06-2011 to 01-02-2012)

Through: Proper Channel

Sir,

With due Veneration I beg to Submit the following a few Lines for your kind and Sympathetic Consideration Please.

1. That I was Working as X-Ray Tech in RHC Khweashki which is under the control of EDO Health Dist. Nowshera (Annxure A).
2. I was Relieved vide EDO Health Nowshera order No. 408-11 dated 24-02-2011 and directed to report to DG Health and I submitted my Arrival to DG Health for further necessary action (Annxure B).
3. After some days my relieving order was withdrawn Vide order no. 4063EV dated 11-02-2011 and I was directed to report again to EDO Health Nowshera (Annxure C) and I submitted my arrival for duty, but the EDO Nowshera refused to accept my arrival, and vide order no. 1418-20-EDOH Nowshera dated 04-03-2011 was re-directed to report DG Health (Annxure D).
4. Once again the D.G Health re-directed me to report to EDOH Nowshera Order No. 7393 EV dated 28-03-2011 (Annxure E&F).
5. Once again I reported my arrival to EDOH Nowshera for duty but once again EDOH Nowshera vide his order no. 2591 EDOH Dated 12-04-2011 re-directed me to report to DG Health at Peshawar and I re-submitted my arrival to DG Health for duty (Annxure G).
6. After the DG Health vide his order no. 14662-66 EV dated 04-06-2011 DG Health (Annxure H) I was transferred to EDO Health Peshawar and started my duty there they drawn my pay from the date on which I submitted my arrival to EDOH Peshawar and refused for the period in which I was running and stuggling for duty in between the two offices DG Health and EDOH Nowshera for the release of said pay for the period 26-06-2011 to 01-02-2012. I applied to DG Health Peshawar but he vide hi an impugned order 19104-06EV dated 13-07-2012 turned his period leave without pay (Annxure I) while I was not on leave and was struggling for duty between the two Health offices DG and EDO Nowshera in these crucial period in which I was struggling and running between the two offices DG Health and EDO Health Nowshera I remained in very crucial and strained circumstances with many expenses to be incurred I became penniless and borrowed some amount from a relative for survival. Now the said relative is demanding and pressing for recovery and I have nothing to pay him so therefore, I request in your honor to release my pending pay for the mentioned period and make me able to pay him honestly and graciously.

I shall be very highly thankful.

DG.

105187

6/4/2015

Asif Ullah
SA

Asif Ullah
Jct Radiology RHC
Badaber Peshawar.

6/4/2015

To

P-23 P-4
The Director General Health Services
Khyber Pakhtoon Khwa
At Peshawar.

3RD Reminder

Subject: Release of my Pay during the period (26-06-2011 to 01-02-2012)

Through: Proper Channel

Sir,

With due Veneration I beg to Submit the following a few Lines for your kind and Sympathetic Consideration Please.

1. That I was Working as X-Ray Tech in RHC Khweashki which is under the control of EDO Health Dist. Nowshera (Annxure A).
2. I was Relieved vide EDO Health Nowshera order No. 408-11 dated 24-02-2011 and directed to report to DG Health and I submitted my Arrival to DG Health for further necessary action (Annxure B).
3. After some days my relieving order was withdrawn Vide order no. 4063EV dated 11-02-2011 and I was directed to report again to EDO Health Nowshera (Annxure C) and I submitted my arrival for duty, but the EDO Nowshera refused to accept my arrival, and vide order no. 1418-20-EDOH Nowshera dated 04-03-2011 was re-directed to report DG Health (Annxure D).
4. Once again the D.G Health re-directed me to report to EDOH Nowshera Order No. 7393 EV dated 28-03-2011 (Annxure E&F).
5. Once again I reported my arrival to EDOH Nowshera for duty but once again EDOH Nowshera vide his order no. 2591 EDOH Dated 12-04-2011 re-directed me to report to DG Health at Peshawar and I re-submitted my arrival to DG Health for duty (Annxure G).
6. After the DG Health vide his order no. 14662-66 EV dated 04-06-2011 DG Health (Annxure H) I was transferred to EDO Health Peshawar and started my duty there they drawn my pay from the date on which I submitted my arrival to EODH Peshawar and refused for the period in which I was running and stuggling for duty in between the two offices DG Health and EDOH Nowshera for the release of said pay for the period 26-06-2011 to 01-02-2012. I applied to DG Health Peshawar but he vide hi an impugned order 19104-06EV dated 13-07-2012 turned his period leave without pay (Annxure I) while I was not on leave and was struggling for duty between the two Health offices DG and EDO Nowshera in these crucial period in which I was struggling and running between the two offices DG Health and EDO Health Nowshera I remained in very crucial and strained circumstances with many expenses to be incurred I became penniless and borrowed some amount from a relative for survival. Now the said relative is demanding and pressing for recovery and I have nothing to pay him so therefore, I request in your honor to release my pending pay for the mentioned period and make me able to pay him honestly and graciously.

I shall be very highly thankful.

DG

14148 / 12/5/2015

Asif Ullah
Jct Radiology RHC
Badaber Peshawar.

L5
P.24



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

Web Address: www.dghs.gov.pk Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
NO. 33983 /E-V, Dated. 29/11 /2012

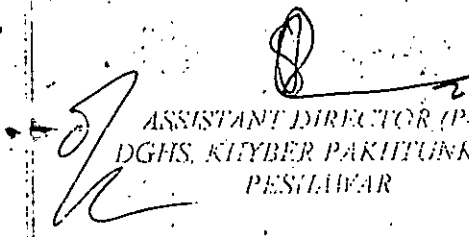
To

The Executive District Officer
(Health) Peshawar.

Subject: RELEASE OF PAY DURING THE PERIOD 01.02.2011 TO 27.06.2011

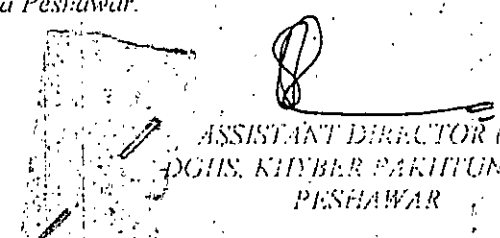
Dear Sir,

I am directed to refer to your letter No. 8278 dated 27.08.2012, on the subject noted above and to state that the intervening period w.e from 01.02.2011 to 27.06.2011 in r/o Mr. Asifullah JCT (Radiology) has already been considered as EOI without pay vide this Directorate office order bearing endst: No. 19104-06/E-V dated 05.05.2011 as per report of EDO (Health) Nowshera the official concerned has not performed his duty during the period.


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

No. 33984-85 /E-V.

Copy forwarded to the:-
01. EDO (Health) Nowshera.
02. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
For information.


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

Attested
SAR

Haji Kamran Khan

M
P-25

4915

NO. 4915 /DHO/Radio Dated Peshawar The 08/6 /2015

From: -

The District Health Officer,
Peshawar

~~AB~~

To: -

The Director General Health Services
Khyber Pakhtoonkhwa, Peshawar

Subject: -

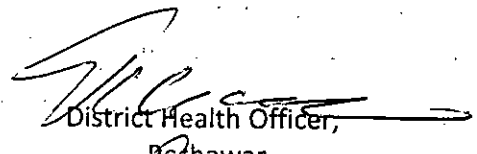
RELEASE OF PAY DURING THE PERIOD 26/06/2011 TO 01/02/2012

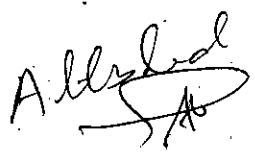
R/Sir,




Reference to your office letter No. 6683/AE-VI dated 20/05/2015 on the subject noted above and to state that the Director General Health Services Khyber Pakhtoonkhwa Peshawar office order endorsement No. 19104-06/E-V dated 03/07/2012 the above mentioned period has been declared as EOL without pay (cop attached) for ready reference please.

DGA 17143

9/6/2015


District Health Officer,
Peshawar.

Abdul


			<p>5024</p>
	<p>ایڈووکیٹ / دستخط</p> <p>بار کونسل اہلکار ایسوسی ایشن پشاور</p> <p>رابطہ نمبر: 0345 9082942</p>		<p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p>

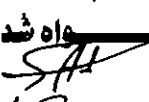
بعدالت جناب:

<p>منجانب: ایڈووکیٹ</p>  <p>آصف اللہ خان</p>	<p>دعوی:</p> <p>علت نمبر:</p> <p>موضوع:</p> <p>جرم:</p> <p>تھانہ:</p>
<p>باعت تحریر آگہ</p>	


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

آن مقام ل ر ر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر جانے و فیصلہ برطع دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں مدد متعلقہ کرنے کا اختیار ہوگا، نیز پیروی و پیروی کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر جانے و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے قرار کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا سامنے ہونا منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و قبول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی کی ضرورت نہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 22 مئی 2015



مقام ل ر ر



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 870 of 2015

Asif Ullah (JCT Radiology) - - - - - APPELLANT

VERSUS

1. EDO (Health) District Nowshera
2. EDO (Health) District Peshawar
3. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar
4. Govt of KPK through Secretary Health Department Peshawar.
5. Secretary Finance KPK Secretariat Peshawar.

..... Respondents

PARA WISE REPLY ON BEHALF OF RESPONDENT NO. 1 to 5

Appeal under section 4 of Khyber Pakhtunkhwa, Service Tribunal Act 1974, against the impugned order of respondent No. 3 who refused to pay/ release the salary of the appellant w,e,f 01.02.2011 to 27.06.2011 as annexure "K & M" 03.07.2012 in certification upto date last one as annexure "B" dated 09.06.2015 for release of pay to the appellant .

Respectfully Sheweth:-

Preliminary objections:

1. The appellant has neither cause of action nor locus standi.
2. The appellant has not come to the tribunal with clean hands.
3. That the appeal is incompetent and not maintainable in its present form.
4. That the appeal is time barred.
5. That the appellant has been estopped by his own conduct to file the appeal.
6. That the appeal is bad for nonjoinder and misjoinder of necessary parties.

PARA WISE COMMENTS ON FACTS

Para No. 1 It is correct that the appellant has been relieved from District Nowshera to Director General, Health Services office, Peshawar vide letter No. 408 – 11/EDO (H) NSR dated. 24.01.2011, but he was not performing his duties at RHC Kheweshgi to the entire satisfaction of his superiors and due to his habitual absenteeism SMO I/C RHC Kheweshgi relieved the appellant and EDO (Health) Nowshera placed his services at the disposal of DGHS with the remarks that the services of the appellant are no more required in District Nowshera. (Copy of SMO I/C RHC Kheweshgi report annexure as "A").

Para No. 2 It is incorrect that the appellant submitted arrival report to the office of the Director General Health Services Khyber Pakhtunkhwa, Peshawar. The appellant just endorsed the Diary No. 2161/Est dated. 24.01.2011 on the body of the relieving order. The appellant submitted a complaint to respondent No. 3, which is baseless and having no evidences. In his complaint he did not identify the culprits or any person against whom he is lodging complaint. However in para No. 2 it is submitted that *"the appellant filed a complaint to respondent No. 3 against respondent No. 1" which is totally wrong.* (Annexure "B & C")

- Para No. 3** Para No 3 is incorrect, respondent No. 3, requested respondent No. 1, to withdraw relieving order instead of ordering respondent No. 1. There is no need to conduct inquiry as the services of the appellant are no more required in District Nowshera as mentioned in that relieving order.
- Para No. 4** The para is correct but as per rules all the staff members should submit their arrival report to the main office of the department instead of submitting arrival reports to sub - offices.
- Para No. 5** The para is incorrect. Respondent No. 3, once again uses the word "**REQUESTED**" instead of using the word "**ORDERED**" and the order is not impugned.
- Para No. 6** The para is correct. The appellant submitted arrival to respondent No. 1, but respondent No. 1, can't accept his arrival as his services are no more required because he is a disobedient, irregular, irresponsible and chronic problem creator person.
- Para No. 7** Pertain to record.
- Para No. 8** Pertain to record, However respondent No. 3, shows his assent regarding the decision of respondent No. 1, and "**ORDERED**" respondent No. 2, to adjust the appellant who has been transferred to Peshawar on administrative grounds.
- Para No. 9** Pertain to record, However respondent No. 2, is bound to pay salary and other allowances to an employee who is working under his command since arrival to departure but not to those who are not performing duties under his control, until and unless the competent authority order to pay the salary and allowances. The competent authority (Respondent No.3) already consider^d the appellant intervening period from 01.02.2011 to 27.06.2011, as leave without pay after considering all the correspondence made by respondent No. 1 & 2, without imposing any penalty upon the appellant. Therefore the respondent No. 3, order is correct and not impugned.
- Para No. 10** Pertain to record, However the competent authority (respondent No. 3) decided that not to impose any major or minor penalty upon the appellant instead of considering the period leave without pay and not considering it as a broken period or as an absent period. Further the order dated 08.06.2015 ~~against~~ which no departmental appeal ~~filed~~ as required by section 4 of Service Tribunal Act 1974.
- Para No. 11** As per para above.
- Para No. 12** The para is incorrect. The appellant is not constrained by the respondent No. 1, 2 & 3 to approach this Honorable Tribunal for redressal of his grievances but due to his bad attitude, misbehavior and non compliance of service ethics. Further no departmental appeal has been filed by the appellant.

ON GROUNDS

- A. Incorrect, the impugned order is in accordance with Law & Rules.
- B. That an employee who is not performing his duties shall be punished under rules.
- C. That an employee who is not performing his duties shall not be entitled for his salary and other allowances, as per judgment of Supreme Court of Pakistan "No Work No Pay".
- D. Incorrect, appellant is not entitled for the relief.
- E. As per paras mentioned above.
- F. Respondent seek permission of this Honourable Tribunal to advance further grounds at the time of arguments.

On the basis of para wise reply it is humbly requested that the appeal may kindly be dismissed.

DISTRICT HEALTH OFFICER
NOWSHERA
PESHAWAR

District Health Officer Nowshera

Director General, Health Services, KP

15/16

Secretary to Govt; Health Department, KP

[Handwritten signatures and marks over horizontal lines]

[Handwritten signature]
SECRETARY
Govt: of Khyber Pakhtunkhwa
Finance Dept.
4/11/16

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 793 /ST

Dated 17 /04/2018

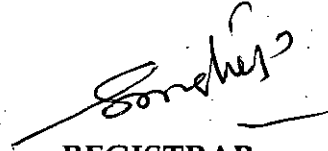
To

The Director General Health Services,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 870/2015, MR. ASIF ULLAH.**

I am directed to forward herewith a certified copy of Judgment/Order dated 11/04/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No.870/15

Asif Ullah X-Ray Technician

VERSUS

Director General Health and others

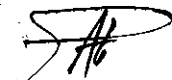
INDEX

S.No.	Description of documents	Annexure	Pages
1.	<i>Rejoinder</i>		1-4
2.	<i>Affidavit</i>		5
3.	<i>Copy of Reliving order</i>	"A"	6
5.	<i>Copy of Reliving order</i>	"B"	7
6.	<i>Copy of arrival report</i>	"C"	8
7.	<i>Copy of reliving order</i>	"D"	9
8.	<i>Copy of reliving order</i>	"E"	10
9.	<i>Copy of arrival report</i>	"F"	11
10.	<i>Copy of inquiry order</i>	"G"	12
11.	<i>Copy of inquiry order</i>	"H"	13
12.	<i>Copy of adjustment order</i>	"J"	14

Dated /12/2016


Appellant

Through


Gohar Ali
Advocate, High Court
Peshawar

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No.870/15

Asif Ullah X-Ray Technician

VERSUS

Director General Health and others

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:

Preliminary objections:

- 1- *That the appellant has neither cause of action nor locus standi.*
- 2- *That the appellant has not come to the tribunal with clean hands.*
- 3- *That the appeal is incompetent and no maintainable in its present form.*
- 4- *That the appeal is time barred.*
- 5- *That the appellant has been estopped by his own conduct to file the instant appeal.*
- 6- *That the appeal is bad for non-joinder and mis-joinder of necessary parties.*

On facts:

- 1- *That Para No.1 of the appeal is correct, while its reply is incorrect as the appellant was regular not absent when relieved attached Director General Office and after cancellation attended RHC Khesghi*

who directed the appellant to consult the EDO Peshawar who also relieved again as Annexure "ABC&D". The Director General Health again relieved as Annexure E the appellant again submitted arrival report at EDO as Annexure "F". Then as enquiry was order by Director General to the EDO as Annexure "G". That another letter was issued for enquiry as Annexure "H", the Director General finally posted appellant at Peshawar for which period the salary was claimed.

- 2- That Para No.2 of the appeal is correct which its reply is incorrect, as the appellant made a compliant for conducting enquiry to probe the facts as Annexure B of the appeal.
- 3- That Para No.3 of the appeal is correct and its reply is incorrect as to find out why the appellant is relieved no more required so the appellant case be settled.
- 4- That in Para No.4. It is stated that the appellant should submit arrival report to the main office which is done by appellant so this para of appeal is correct and its reply is incorrect.

- 5- That Para No.5 of the appeal is correct and its reply is incorrect, that actually high ups issue orders to the lower staff. So reply is denied.
- 6- That Para No.6 of the appeal is correct which its reply is incorrect as the respondent No.1 was under the law to conduct inquiry, not to push on employee with a single jerk.
- 7- That as Para No.6 of the rejoinder as admitted by the respondents so no need of reply.
- 8- That as Para No.7 of the rejoinder as admitted by the respondents.
- 9- That Para No.9 of the appeal is correct and its reply is incorrect as no action was taken by respondents against the appellant if he is at fault. So denied the allegations.
- 10- That Para No.10 of the appeal is correct while its reply is incorrect as departmental appeal is continued due to for several reminders given to the respondents by the appellant, so denied.
- 11- That as Para No.10 of the rejoinder as above, so denied.

12- That Para No.12 of the appeal is correct and its reply is incorrect as the appellant was treated with injustice manner, entitled for redressal of his grievances.


GROUND:

That all the grounds of appeal are correct while its reply are incorrect so denied.

Dated 15/12/2016


Appellant

Through


Gohar Ali
Advocate, High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Asif Ullah X-Ray Technician

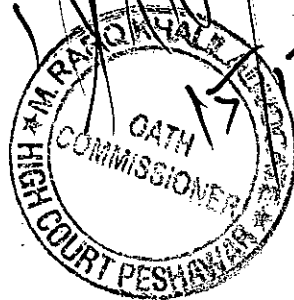
VERSUS

Director General Health and others

AFFIDAVIT

*I, Asif Ullah X-Ray Technician Son of
Abdus Samad R/o Village Sarband Tehsil &
District Peshawar do hereby solemnly affirm and
declare on oath 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.*

ATTESTED



[Signature]
DEPONENT

17301-7272101-1.

A
P-6

18

OFFICE OF THE EXECUTIVE
DISTRICT OFFICER HEALTH
NOWSHERA.
Phone No. (025) 350759
E-Mail: edohnewsheer@gmail.com
No. 608-11 / EDO (H) NSR
Dated. 24/01 2011.

To

Mr. Asif Ullaha,
Radio Grapher, RHC, Khesghi


Subject

RELIEVING ORDER.

Reference MO Incharge RHC Khesghi letter No. 7 RHC, dated 17-01-2011 where in you have been relieved from your duty on account of observing chronic absenteeism.

The undersigned has also noted you are absent on the day of visit of Honourable Minister for Excise & Taxation Khyber Pakhtunkhwa on 17-01-2011 and the Honourable Minister Khyber Pakhtunkhwa had desired to post you out on Administration grounds.

Thus you are directed to report to Director General Health Services Khyber Pakhtunkhwa Peshawar for your further posting as the Department of Health Nowshera is in need of your services which has created problems for the administration as well public with immediate effect.



Executive District Officer Health
Nowshera

Even No. & Date.

Copy forwarded to the:

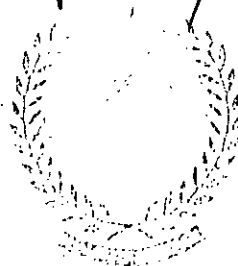
1. PA to Director General Health Services Khyber Pakhtunkhwa Peshawar for information to please honour the above reference as there will be no need for disciplinary action against him as it will be wastage of time and resources. *of his chronic habits of absenteeism.*
2. Senior District Accounts Officer Nowshera with request to stop his pay.
3. MO Incharge RHC Khesghi for information with reference to his letters as referred above.

*2161/092
24/1/11*


Executive District Officer Health
Nowshera

B P-7

21



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHW A PESHAWAR**

Correspondence should be addressed to the Director, General Health Services Peshawar and not to the Government of Punjab.

Phone: 9211137, 9211136 Fax: 9211137

No. 4063

Dated. 11/2/2011

The Executive District Officer,
(Health) Nowshera.

Subject: - RELIEVING ORDER
Dear Sir,

(I am directed to refer to your letter No. 408-II/EDO (H) NSR dated 24.01.2011, on the subject noted above with the request to please withdraw the relieving order in respect of Mr. Asifullah, JCT (Radiology) and hold an Enquiry in to the matter by taking disciplinary action against him as this Directorate has got no surplus post for such workers at the District Government.)

ASSISTANT DIRECTOR (P-I) (T)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

OFFICE OF THE EXECUTIVE
DISTRICT OFFICER HEALTH
NOWSHERA.

Phone & Fax No. 0922-570759

E-Mail: edohnowsheera@gmail.com

No. 1112-20 / EDO (II) NSR

Dated. 04 / 03 / 2011

23

The Director General,
Health Services Khyber Pukhtunkhwa,
Peshawar.

Subject: RELIEVING ORDER.

Dear Sir,

With reference letter No. 4063/E-V, dated 11-02-2011 on the subject noted above. I have the honour to inform your good self that all efforts and actions have been taken against him, but in vain. He is chronic problem creator with have no interest in the official duty.

He has also been recommended by local MPA and Honourable Minister for Excise & Taxation Khyber Pukhtunkhwa during his visit to RHC Kheshti on 16-01-2011 on account of complaint lodged against the above named official.

The DoH Nowshera is also fed up from him and his services are no more required to this District.

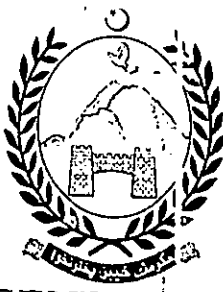
Executive
District Officer Health
Nowshera

Exec No. & Date.

Copy forwarded to the:

1. PS to Honourable Minister for Excise & Taxation Khyber Pukhtunkhwa, (being the local MPA) for information with reference his directions during his visit to RHC Kheshti on 16-01-2011.
2. Record section.

Executive
District Officer Health
Nowshera



E P-10

**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.

E-Mail Address: mgfdgbs@yahoo.com
091-9210230

Office Ph# 091-9210267 Exchange# 091-9210187, 9210196 Fax #

NO. 7393 /E-V,

Dated. 28/3 /2011

To

The Executive District Officer,
(Health) Nowshera.

Subject: - RELIEVING ORDER
Dear Sir,

I am directed to refer to your letter No. 1418-20/EDO(H)NSR, dated 04.03.2011, on the subject noted above and once again requested to avoid unnecessary correspondence and initiate disciplinary action against Mr. Asifullah JCT (Radiology) under the RSO-2000.

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

No. 7394-95 /E-V

Copy forwarded to the:-

01. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
02. PA to Director Administration Khyber Pakhtunkhwa Peshawar.

26/3/11
ASSISTANT DIRECTOR (P-II)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

F - P-11

(28)


To

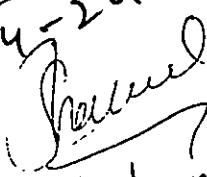
The Executive,
District Officer Health,
Noshehra.

Subject: Arrival Report

Sir,

In compliance with letter No. 7393 E-V Dated 28-03-2011 issued by the Director General Health Services Khyber Pakhtunkhwa Peshawar (copy attached). I here by submit my arrival report for duty at the office of EDOH Noshehra today. 07-04-2011
Submitted for information please.


Yours obediently,
Asif Ullah
JCT Radeology.

No. 1088.
10-4-2011.

-7/4/2011



G
P-12

(21)

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

E-Mail Address: dgis@peshawar.gov.pk Office Ph# 091-9210269 Exchange# 091-9210187, 9210195 Fax# 091-9210230

NO. 11071 /E-V,

Dated. 11/5 /2011

To

The Executive District Officer,
(Health) Nowshera.

Subject: - ENQUIRY

Dear Sir,

I am directed to refer to the subject noted above and find enclosed a copy of appeal in r/o Mr. Asifullah JCT (Radiology) RHC, Kheshki for information and furnishing comments urgently.

[Signature]
11/5/11
ASSISTANT DIRECTOR (P-II)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

H
P-13

OFFICE OF THE EXECUTIVE
DISTRICT OFFICER HEALTH
NOWSHERA.

Phone & Fax No. 0923-580759

E-Mail: edofnowshera@gmail.com

No. 4507 / EDO (H) NSR

Dated: 19 / 05 / 2011

To:

Director General Health Services,
Khyber Pukhtunkhwa Peshawar.

Subject: ENQUIRY.

Dear Sir,

With reference to letter No. 11071/E-V, dated 11-05-2011 on the subject noted above. I have the honour to invite your kind attention to this office letter No. 2591/EDO (H) NSR, dated 12-04-2011; wherein the case has already been elucidated.

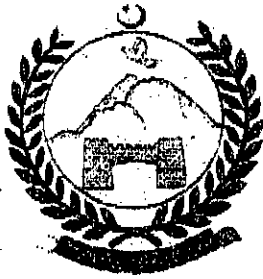
It is once again requested that he may be posted out of District Nowshera, as his services are not required to this District, being irregular and chronic problem creator.

Further added that this matter has also been discussed with your good self in the interest of public and department.

Executive
District Officer Health
Nowshera

2783
6/6/2011

I
P-14



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DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR.

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

E-Mail Address: dgshkpk@vsnl.net Office Phn: 091-0210266 Exchanges: 091-0210187, 2210195 Fax #: 091-0210270

OFFICE ORDER

As approved by the competent authority, Mr. Asifullah JCT (Radiology) attached to EDO (Health) Nowshera is hereby transferred to District Peshawar against the vacant post vacated due to transfer of Mr. Gul Alam Khan JCT (Radiology) to Sarhad Hospital for Psychiatric Diseases Peshawar on Administrative Grounds with immediate effect.

Sd/xxxxx
DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR

Dated 4/6/2011

No. 14663-66/E-V

Copy forwarded to the:-

- ✓ 01. EDO (Health) Nowshera
- 02. EDO (Health) Peshawar.
- 03. DA Concerned.
- 04. Master file.

For information and necessary action.

[Handwritten signature]
4/6/2011

[Handwritten signature]
ASSISTANT DIRECTOR (P-I)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR
4/6/11

Muz Kamran Khan

