

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.1011/2015

Date of Institution ... 8.9.2015

Date of Decision ... 29.08.2017

Muhammad Taarish S/O Haji Eid Gul R/O Regi Darsamand, District Hangu
... (Appellant)

VERSUS

1. Secretary, Health Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Hangu.
4. Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
... (Respondents)


MR. Mukhtiar Ali,
Advocate

For appellant.

MR. Muhammad Jan,
Deputy District Attorney

...

For respondents.

 MR. GUL ZEB KHAN

...

MEMBER

MR. MUHAMMAD HAMID MUGHAL

...

MEMBER

JUDGMENT

GUL ZEB KHAN, MEMBER. The aforesaid appeal dated 8/9/2015 has been lodged by Muhammad Taarish hereinafter referred to as appellant, under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, wherein he has impugned the order dated 22/5/2015 of respondent No. 3 vide which the appellant was awarded major penalty of Removal from Service. The appellant filed departmental appeal against the impugned order on 4/6/2015 which was not disposed of within the statutory period of ninety days, hence this appeal.

2. Brief facts of the case giving rise to the instant appeal are that the appellant was appointed as Junior Primary Health Care Multi Purpose (Medical Technician) BPS-9 in the Health Department vide order No. 1063-66/PF dated 29/3/2011 in District Hangu,

against which he took charge of the post on 1/4/2011. Later, he was removed from service by imposing major penalty vide of order dated 22/5/2015 by District Health Officer District Hangu on receipt of some complaints to the C.M Secretariat regarding submitting fake and bogus diploma at the time of his recruitment.

3. Learned counsel for the appellant argued at the bar that mandatory provisions of law and rules have been violated by the respondents and the appellant has not been treated according to law and rules. That the impugned order dated 22/5/2015 is illegal without lawful authority, against law facts and material on record. That the appellant has been condemned unheard during the inquiry. Neither any charge sheet/show cause notice has been served on the appellant, nor his statement has been record, Which is violation of Article 10-A of the Constitution as well as Principles of natural justice Audi-Alterum Patrum. In this respect, the learned counsel for the appellant relied on 2007 SCMR 1860 titled "Executive Engineer, Qadirabad Barrage Division Qadirabad and others Versus Ejaz Ahmad". He further contended that the appellant has been removed from service by imposing major penalty on the basis of an anonymous email containing charges of fake and bogus certificate. That neither the appellant was examined nor has he appeared before the inquiry officer. That since the impugned order is illegal and without any justification, hence the same be set-aside.

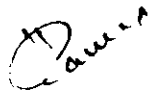
4. On the other side the learned Deputy District Attorney argued before the court that the appellant was rightly removed from service due to possessing fake Technician Diploma. He contended that before removal of the appellant all the codal formalities with respect to enquiry/show cause were fulfilled in accordance with the relevant law and rules. He relied on the judgment contained in 2009 SCMR 1492 titled "Anwar Ali and other versus Chief Executive Hesco (Wapda), Hyderabad and other" and observed that the appellant was rightly proceeded and therefore the appeal of the appellant may be dismissed with costs.

5. We have heard arguments of learned counsel for the appellant and learned Government Pleader for the respondents and have gone through the record available on file.

6. Perusal of the record would reveal that appellant got his appointment on the basis a diploma obtained from the Medical Faculty of Khyber Pakhtunkhwa Peshawar and not on the basis of diploma obtained from the Skill Development Council, Peshawar. The record further reveal that the official respondents sent the said diploma for verification to the Secretary of the Medical Faculty Khyber Pakhtunkhwa Peshawar vide letter dated 8/4/2015, which was found to be fake/bogus as informed vide letter No. 1371/MF dated 15/4/2015. A fact finding inquiry was also conducted by the respondents in which the appellant was recommended for major penalty of removal from service, In this process the appellant was duly provided with the opportunities of personal hearing/self defence. Under these circumstances, no case for the indulgence of this Tribunal is made out. Hence the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

28.08.2017



(Muhammad Hamid Mughal)
MEMBER


(Gul Zeb Khan)
MEMBER

29/8/2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed on file. It is concluded that in the instant appeal no case for the indulgence of this Tribunal is made out. Hence the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

29.08.2017



(Muhammad Hamid Mughal)
MEMBER


(Gul Zeb Khan)
MEMBER

11. 04.08.2017

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney. for the respondent present. Arguments heard. To come up for final order on 29.08.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Hamid Mughal)
Member

22.12.2016

Appellant in person and Assistant AG for the respondents present. Appellant requested for adjournment due to non-availability of his counsel. Adjourned. To come up for arguments on 08.05.2017 before D.B.


(ASHFAQUE TAJI)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

08.05.2017

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not available today. Adjourned for arguments to 24.05.2017 before D.B.

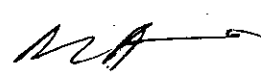

(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

24.05.2017

Clerk of the counsel for appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 04.08.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

30.03.2016

Appellant in person, M/S Muhammad Arshed, SO and Yar Gul, Senior Clerk alongwith Addl: A.G for respondents present. Written statement by respondents No. 1, 2 and 3 submitted. Respondent No. 4 is also impleaded as respondent No. 1 as such there is no need to ask for separate written statement. The appeal is assigned to D.B for rejoinder and final hearing for 19.7.2016.


Chairman

19.07.2016

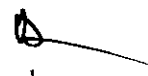
Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Learned counsel for the appellant submitted rejoinder, copy whereof handed over to learned GP. To come up for arguments on ~~16-9-16~~ before D.B.


MEMBER


MEMBER

16.09.2016

Appellant in person, Amjad Ali, Assistant and Yar Gul, Senior Clerk alongwith Addl. AG for respondents present. Appellant requested for adjournment. Request accepted. To come up for arguments on 22.12.2016.


Member


Member



23.09.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Medical Technician (BPS-9) when subjected to inquiry on the allegations of securing fake degree and removed from service vide impugned order dated 22.5.2015 regarding which he preferred departmental appeal on 4.6.2015 which was not answered and hence the instant service appeal on 8.9.2015.

Appellant Deposited
Security & Process Fee



That neither any show cause notice was issued nor appellant charge sheeted and condemned unheard. That the inquiry proceedings are violative of Rule-3 of E & D Rules, 2011.

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 1.12.2015 before S.B.

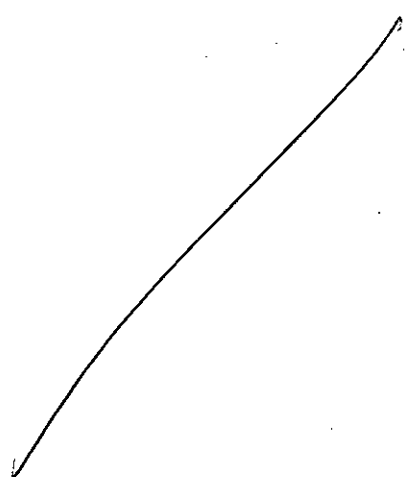
21-9-15


Chairman

01.12.2015

Appellant in person and Mr. Yar Gul, Senior Clerk alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 30.3.2016 before S.B.


Chairman





FORM-A

FORM OF ORDER SHEET

Court _____

Case No. 1011/2015

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	11.09.2015	<p>The appeal of Mr. Muhammad Taarish resubmitted to-day Mr. Mukhtiar Ali, Advocate may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case be put up before the S.Bench for preliminary hearing on <u>23-9-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

ADI


Muhammad Taarish.....(Appellant)

V E R S U S

Secretary Health KPK and others.....(Respondents)

Resubmitted with request that there be no charge sheet given to the Appellant neither any inquiry report and show cause notice given to the Appellant, which clearly mentioned in the grounds of appeal (F). However, Email complaint copy has been filed, as Annex 'I'.

Dated: -11-09-2015



(MUKHTIAR ALI)
Advocate,
High Court, Peshawar
Cell # 0333-9156551

The appeal of Mr. Muhammad Taarish S/O Haji Eid Gul, R/O Regi Darsamand, Hangu received to-day i.e. on 8.09.2015, is incomplete on the following scores, which is returned to him for completion and resubmission within 15 days:-

1. Copies of charge sheet, enquiry report and show cause notice etc. have not been attached with the appeal, which may be placed on file.
2. Copy of complaint may be placed on file.

No. 138 /ST,

Dated 10/9/2015


REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.

MR. Mukhtiar Ali Advocate, Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Appeal No. 10K/2015

Muhammad Taarish.....(Appellant)

V E R S U S

Secretary Health KPK and others.....(Respondents)

I N D E X

S NO	DESCRIPTION	ANNEX	PAGE
1.	Grounds of Appeal	-	01 - 04
2.	Affidavit	-	05
3.	Addresses of the parties		06
4.	Copy of the appointment order dated 29 th March, 2011	'A'	07
5.	Copy of the charge and medical	'B'	08 - 09
6.	Copy of the academic certificates	'C'	10 - 13
7.	Copy of the service book alongwith pay slip	'D'	14 - 17
8.	Copy of the impugned order dated 22 nd May, 2015	'E'	18
9.	Copy of the departmental appeal	'F'	19
10.	Copy of the letter dated 21-5-2015	'G'	20
11.	Copy of the letter dated 16-3-2015	'H'	21
12.	Copy of the compliant alongwith better copy	'I'	22
13.	Wakalat Nama	-	-

TARISH
Appellant

Through:

M *Ali*
(MUKHTIAR ALI)
Advocate,
High Court, Peshawar
Cell # 0333-9156551

dated: -08-09-2015

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR

Service Appeal No 104 2015

K.P. Province
Service Tribunal
Diary No 1052
Dated 8-9-15

Muhammad Taarish S/O Haji Eid Gul R/O Regi Darsamand District
Hangu.....(Appellant)

VERSUS

1. Secretary, Health Khyber Pakhtunkhwa, Peshawar
2. Director General Health, Khyber Pakhtunkhwa, Peshawar
- ✓3. District Health Officer, Hangu
4. Government of Khyber Pakhtunkhwa through Secretary
Healthy, Peshawar.....(Respondents)

Appeal under Section 4 of the Khyber
Pakhtunkhwa Services Tribunal Act, 1974 against
the office order No 3297-3301-PP dated 22nd
May, 2015 of the Respondent No 3, whereby the
Appellant was removed from service and
departmental appeal of the Appellant was not
responded within statutory period of 90 days

PRAYER-IN-APPEAL:-

On acceptance of this appeal, the impugned order dated
22nd May, 2015 may kindly be set aside and Appellant be
restored with all back benefits or other remedy not
specifically asked for may also be granted.

Filed to-day
10/9/15

Re-submitted
to-day
11/9/15



Respectfully Sheweth:-

Brief facts of the case are as under:-

- 1) That the Appellant was appointed as JPHC MP (MT) BPS-9 in the Health Department Hangu vide order No 1063-66/PF dated 29-03-2011 in District Hangu. (Copy of the order is attached as Annex 'A').
- 2) That the Appellant took charge of his post on 01-04-2011 in this respect. (Copy of charge and medical is attached Annex 'B').
- 3) That the Appellant passed SSC and FSc from Kohat and got Diploma of patient Care Technician/Dispenser (DPCT) from Skill Development Council in the year 2007-2008. (Copies of Academic Certificates are attached Annex 'C').
- 4) That the Appellant has more than 04 years service at his credit with good record and results. (Copy of service book is attached as Annex 'D').
- 5) That astonishingly Appellant was removed from service by imposing major penalty vide order dated 22-05-2015 by District Health Officer District Hangu on anonymous tribunal complaint to C.M Secretary. (Copy of the order is attached as Annex 'E').
- 6) That being aggrieved Appellant filed departmental appeal to the Respondent No 1 vide diary No 6418 dated 04th June,

2015 which was not responded within 90 days. (Copy of the department appeal is attached as Annex 'F').

- 7) That being aggrieved, now the Appellant approaches to this Honourable Tribunal on the following grounds inter-alia:-

GROUND:-

- A) That the impugned order dated 22-05-2015 is illegal, without lawful authority, against law facts and material on record, hence liable to be set aside.
- B) That the Appellant has been condemned unheard during inquiry neither his statement has been record nor any show cause notice was given to him, which is violative of Article 10-A of the Constitution as well as principles of natural justice Audi-Alterum Partum.
- C) That the Appellant has more than 04 years service to his credit without any complaint; thus vested right has been accrued in his favour.
- D) That the Appellant has obtained Diploma of Patient Care Technical Dispenser (DPCT) from Skill Development Council, which is duly verified by the Skill Development Council vide letter dated 04-06-2015.
- E) That the Appellant has been removed from service by imposing major penalty on anonymous Email regarding fake, bogus certificate neither he was examined nor appeared before Inquiry Officer.

- F) That the Appellant has not been charge sheeted nor any show cause notice was issued to the Appellant and no inquiry report was submitted by Inquiry Officer and the Respondents only issued a letter on 21-5-2015 to the Appellant to appear before the Inquiry Officer, while the impugned order was passed on the next day i.e. 22-5-2015. Thus the impugned order is liable to be set aside on this score alone. (Copy of the letter dated 21-5-2015 and copy of the letter dated 16-3-2015, while copy of the compliant is attached as Annex 'G' 'H' & 'I' respectively).
- G) That the impugned order is based upon mala-fide and victimization, which is not supported by any documentary evidence.
- H) That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned order dated 22nd May, 2015 may kindly be set aside and Appellant be restored with all back benefits or other remedy not specifically asked for may also be granted.

Through:

IARISH
Appellant

M. Ali'
(MUKHTIAR ALI)
Advocate,
High Court Peshawar

Dated: -09-09-2015

Note:-

No such like appeal for the same Appellant has earlier been filed by me, prior to the instant one.

M. Ali'
Advocate

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Muhammad Taarish.....(Appellant)

V E R S U S

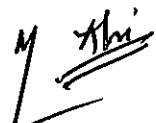
Secretary Health KPK and others.....(Respondents)

AFFIDAVIT

I, Muhammad Taarish S/O Haji Eid Gul R/O Regi Darsamand District Hangu, do hereby solemnly affirm and declare on Oath that all the contents of Departmental Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Tribunal.


DEPONENT

Identified by:-


(MUKHTIAR ALI)
Advocate,
High Court, Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Muhammad Taarish.....(Appellant)

VERSUS

Secretary Health KPK and others.....(Respondents)

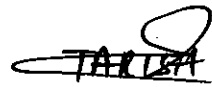
ADDRESSES OF THE PARTIES

APPELLANT

Muhammad Taarish S/O Haji Eid Gul R/O Regi Darsamand District
Hangu

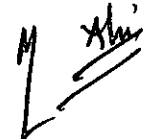
RESPONDENT

1. Secretary, Health Khyber Pakhtunkhwa, Peshawar
2. Director General Health, Khyber Pakhtunkhwa, Peshawar
3. District Health Officer, Hangu
4. Government of Khyber Pakhtunkhwa through Secretary Healthy,
Peshawar



Appellant

Through:



(MUKHTIAR ALI)

Advocate,

High Court Peshawar

Dated: -08-09-2015

7

Amex-A²²

HEALTH DEPARTMENT	
OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH	
HANGU	
NO _____	Dated Hangu the _____ / _____ / _____
Phone #0925-623034-Fax#0925-623773 E-mail: edohealthhangu@yahoo.com	

OFFICE ORDER

As approved by the Department selection committee Mr. Mohammad Tarish S/O Eid Gul resident of vill: Darsdmand Teh: District Hangu is hereby offered the post of JPHC Tech: M.P.C.M.T. BPS-09 plus usual allowances sanctioned by the Government from time to time.

1. He is domiciled in District Hangu/NWFP
2. He is medically fit for Government service
3. He will be governed by such rules and regulations as may be issued by the Govt: for category of post to which he belongs.
4. His appointment will be purely on temporary basis and can be terminated at any time without any notice, but in case he wishes to resign from the post, he will serve the health Department with 30 days notice or deposit/forfeit 30 days pay in lieu of 30 days notice period.
5. He will serve anywhere in District Hangu/NWFP
6. He will be on probation period for one year (extendable) from the date of his resuming the charge of post.
7. TA/DA will not be allowed to resume duty on his first appointment.

If he accepts the offer on the above terms and conditions, He is directed to report for duty to E.D.O. CHD Hangu _____ days from the issue of the order being which this order will be treated as cancelled.

SD x x x
EXECUTIVE DISTRICT OFFICER,
HEALTH HANGU

No 1063-661 Dated Hangu the 29 / 3 / 2011

Copy forwarded to the:-

1. District Account Office Hangu
2. Incharge Establishment Section.
3. Accounts section local office
4. Mr. Mohammad Tarish s/o Eid Gul, Distt: Hangu.

EXECUTIVE DISTRICT OFFICER,
HEALTH HANGU

Noted
M. J. /
M. O. E. / C. N. W. J. B.
01/04/2011

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 OF ORIGINAL

MUKHTIAR ALI
 Advocate High Court &
 Federal Shariat Court
 of Pakistan

M. Ali
2/9/15

8

Amer "B"

To, The EDO. H.

Hangu

Sub: Joining / arrival report as
a post of JPHC Tcd.

Respected sir,

It is stated that I am joining
my duty vide your office order No -
1063-66 Dated 29.3.11 please accept

my arrival report on 1.4.11 -
to RHC Naryal.

accept arrival report Thanks

Yours faithfully

Mohamed Tarish - EDO(H) ^{M. TARISH}



GlaxoSmithKline

M.O.H.C.

RHC Naryal

JPHC Tcd.

RHC

Noted at the order
to EDO(H)

M.O.H.C.

R.H.C. Naryal

ATTESTED TO BE TRUE COPY
OF ORIGINAL

MUKHTIAR ALI
Advocate High Court &
Federal Shariat Court
of Pakistan

8/9/15

9

Name of Official... MR. Muhammad Tarish
 Caste or race... (Bangash)
 Father's name... MR. Eid Gul
 Residence... Vill: Darsanand Teh: and
 DIST: Hangu
 Date of birth... 20-02-1988
 Exact height by measurement... 5-6
 Personal mark of identification... mole at below lower lip
 Signature of the Official... M. TARISH
 Signature of head of office...

NI E No. 14101-7661834-9

Blood group AB NEGATIVE

Seal of Office

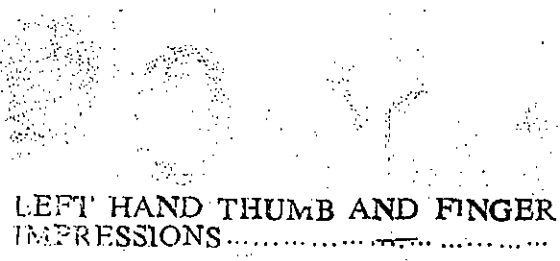
I do hereby certify that I have examined Mr. Muhammad Tarish a candidate for employment in the Office of the Health and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the Health. His age according to his own statement (23) year and by appearance about (23) years.

Vision

R 6/6
L 6/6

LEFT HAND THUMB AND FINGER IMPRESSIONS



29/03/2011
 Medical Superintendent,
 Civil Hospital,
 Hangu

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 OF ORIGINAL
 MUKHTIAR ALI
 Advocate High Court &
 Federal Shariat Court
 of Pakistan

M. Ali
 8/9/15

11



Skill Development Council

PESHAWAR (NWFP)

Ministry of Labour, Manpower & Overseas Pakistanis
(A Joint Project of National Training Bureau, Govt. of Pakistan, World Bank, ILO & EFP)



S. No. D-2228/B-1/2

Reg. NMJ07-DPCT-649

Session 2007

Duration of course six month from 2nd May 2007 to 31st October 2007

This is to certify that

MUHAMMAD TARISH S/O EID GUL

of
MODERN INSTITUTE OF INFORMATICS & MANAGEMENT (MIIM) ISLAMABAD

Has successfully passed the diploma course (1/2) in

PATIENT CARE TECHNICIAN / DISPENSER (DPCT)

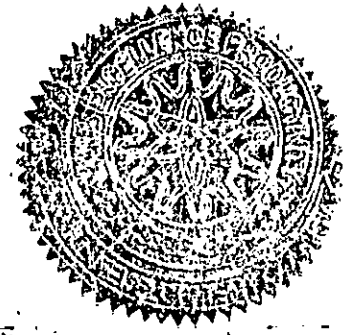
Examination held in the month of October 2007

In recognition thereof, this diploma in PATIENT CARE TECHNICIAN / DISPENSER (DPCT)

Is awarded to him/her on the 15th day of May 2008.

Competency based

MIIM



Chairman
The MIIM

ATTEST TO BE TRUE COPY
OF ORIGINAL

MUKHTIAR ALI
Advocate High Court &
Federal Shariat Court
of Pakistan
Chairman
Skill-Development Council

Riaz Hashmi

Dr. Riaz Hussain Hashmi
President MCH Care & PCPS
Affiliated Punjab Medical Faculty
Registration No 6020 Dated 16-08-2006
Chief Coordinator the MIIM
Islamabad

Verified

Riaz Hashmi

**Chairman
Skill Development Council
Peshawar.**

30 JUL 2011

Riaz Hashmi
PREPARED BY
CHECKED BY
REGISTER NO 33965

Riaz Hashmi
**Director
Skill Development Council
N.W.F.P. Peshawar.**



12

Skill Development Council

PESHAWAR (NWFP)

Ministry of Labour, Manpower & Overseas Pakistanis
(A Joint Project of National Training Bureau, Govt. of Pakistan, World Bank, ILO & EFP)



S. No. D-2228/B-2/2

Reg. NMJ07-DPCT-649

Session 2008

Duration of course six month from 1st November 2007 to 30th April 2008

This is to certify that

MUHAMMAD TARISH S/O EID GUL

of

MODERN INSTITUTE OF INFORMATICS & MANAGEMENT (MIIM) ISLAMABAD

Has successfully passed the diploma course (2/2) in

PATIENT CARE TECHNICIAN / DISPENSER (DPCT)

Examination held in the month of April 2008

In recognition thereof, this diploma in PATIENT CARE TECHNICIAN / DISPENSER (DPCT)

Is awarded to him/her on the 15th day of May-2008.



Computer based

MIIM

[Signature]
Chairman
The MIIM

ATTESTED TO BE TRUE COPY
OF ORIGINAL
MUKHTIAR
Advocate High Court &
MUKHTIAR Shariat Court
Chairman
Skill Development Council

Ali
8/9/15
[Signature]

[Handwritten Signature]

Dr Riaz Hussain Hashmi
President MCH Care & PCPS
Affiliated Punjab Medical Faculty
Registration No 6020 Dated 16-08-2006
Chief Coordinator the MIIM
Islamabad

Verified

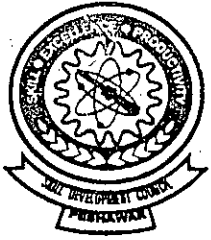
[Handwritten Signature]

Chairman
Skill Development Council
Peshawar
30 JUL 2011

[Handwritten Signature]
PREPARED BY
CHECKED BY
REGISTER NO 33266

[Handwritten Signature]
Director
Skill Development Council
N.W.F.P. Peshawar.

13



**SKILL
DEVELOPMENT
COUNCIL PESHAWAR**

Established under National Training Ordinance 1980, Amended in 2002

TO WHOM IT MAY CONCERN

This is to certify that Diploma (in two parts) issued in the trade of **PATIENT CARE
TECHNICIAN/ DISPENSER (DPCT)** in favor of **MUHAMMAD TARISH S/O EID GUL**
vide registration No. **MJ07-DPCT-649**, register book# **33265 & 33266** is genuine and has been
issued by the **SKILL DEVELOPMENT COUNCIL PESHAWAR**.

Dated: 04-06-2015

(**SYED HALIM SHAH**)

Director SDC
Director
Skill Development Council
Peshawar.

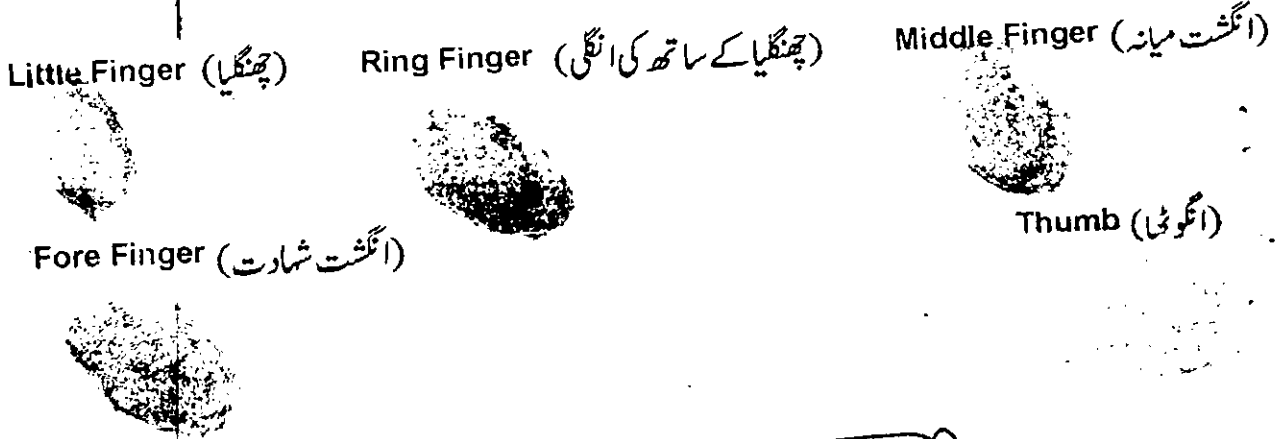
**ATTESTED TO BE TRUE COPY
OF ORIGINAL**
MUKHTIAR ALI
Advocate High Court &
Federal Shariat Court
of Pakistan

M
Am
8/9/15

1. Name (نام) Mr. Mohammad Tarisq
2. Nationality and Religion Pakistani / Islam
(قومیت اور مذہب)
3. Residence vill: Darsamand Teh: Badli
(مستقل رہائش) Hangu
4. Father's Name and residence F. id Gup
(والد کا نام اور پتہ)
5. Date of birth Christian era as nearly as can be ascertained 20-02-1988
(تاریخ پیدائش مطابق سن عیسوی)
6. Exact height by measurement 5-6
(قد و قامت)
7. Personal mark of identification mark at below
(نشان شناخت) lower lip

8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer)

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)



9. Signature of Govt. Servant (سرکاری ملازم کے دستخط) M. TARISQ

10. Signature and designatin of the Head of the Office or other Attesting officer

(تصدیق کنندہ افسر کے دستخط اور مہر)

[Signature]
Executive District Officer
Health Hangu.

Note : The entries in this page should be renewed or re-aggested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 hears under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔ انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

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[Signature]
3/9/15

1	2	3	4		5		6	7	8
Name of Post	Whether Substantive of officiating any whether permanent or temporary	If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term pay	Date of appointment	Signature of Government servant
		اگر عارضی ہے تو رول کے مطابق پیش کیا جاسکتا ہے؟	Rs.	Ps.	Rs.	Ps.	بھرتے، تنخواہ، دیگر الاؤنس		
رہنما ملازمت	عارضی مستقل تعمیرات							تعمیرات تقرری	دستخط سرکاری ملازم
JD Hc. Teed. MP (M.T.) 138509									
3820 - 230 - 10720 pay (CR) 3820/PM 1-4 FN									
2011									
Rem's of pay pps-09									
6200 - 380 - 17600 pay CR 6200/PM 1-7									
2011									
- 6580/- PM 1-12 FN									
2011									
- 6960/- PM 1-12									
2012									

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MA
8/9/15

9 Signature and designation of the Head of the office or other attesting officer in attestation of column 1 to 8 دستخط افسر مجاز	10 Date of termination or appointment تاریخ انتصاب ملازمت	11 reason of termination (such as promotion, transfer, dismissal etc.) وجہات انتقال ملازمت تبدیل چکر پرطرف	12 Signature of the head of the officer or other Attesting officer دستخط افسر مجاز	13 Nature and duration of leave taken نوعیت نوعیت دائمی	13 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government پارہ ایک کی خدمت کے لئے اوسط تنخواہ کا قسین Period Government to which debitable	14 Signature of the Head of the office other attesting Officer دستخط افسر مجاز	15 Reference to any recorded punishment of censure, or reward, or praised in the Government servants سزا یا بیرتساب تادبیر کی پہا
<p>Appointed as T.P.Hr. Teach. MPC (M.T.) B/29-09 vide This office order No. 1063-66 dated 29-3-2011.</p>							
<p>Revised pay vide Govt. of K.P.K Finance Deptt. Notification No. FDC(PRE) 1-1/2011 dt. 17/4/2011</p>							
<p>30-11-2011 Annual increment Services verified up to 30-11-2011</p>							
<p>30-11-2012 Increment allowed Services verified up to 30-11-12</p>							

[Signature]
Executive District Officer
Health Hangu.

[Signature]
Executive District Officer
Health Hangu.

[Signature]
Executive District Officer
Health Hangu.

[Signature]
Executive District Officer
Health Hangu.

[Signature]
Executive District Officer
Health Hangu.

[Signature]
Executive District Officer
Health Hangu.

[Signature]
Executive District Officer
Health Hangu.

[Signature]
Executive District Officer
Health Hangu.

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of Pakistan

Ali
8/9/15



GOVERNMENT OF PAKISTAN
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
 DISTRICT
 PAY ROLL SYSTEM

17

P Sec: 061
 HG7007 - District Health Officer (R
 Min: Health

Pers No. 00578854 Buckle:

Name: Muhammad Tarish
 Dsg.: MEDICAL TECHNICIAN
 CNIC No. 1410176618349
 GPF Interest Free

NTN:
 GPF #: 578854
 Old #:

07 - Active Temporary

P/BES AND ALLOWANCES:

DEPTT CODE

HG7007

0001-Basic Pay		7,720.00
1000-House Rent Allowance		1,146.00
1210-Convey Allowance 2005		1,932.00
1300-Medical Allowance		1,200.00
1948-Adhoc Allowance 2010@ 50%		1,910.00
1970-Adhoc Relief Allow 2011		573.00
2118-Adhoc Relief Allow (2012)		1,544.00
2148-15% Adhoc Relief All-2013		1,158.00
2174-Adhoc Relief Allow-2014		772.00
Gross Pay and Allowances		17,955.00
DEDUCTIONS:		
GPF Balance	13,090.00	
		Subrc: 595.00
Total Deductions		595.00
		NET AMOUNT PAYABLE 17,360.00

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 Federal Shariat Court
 of Pakistan

M
 8/9/15

QUALIFYING SERVICE

YRS MON
 03 Years 10 Months 00

D. O. B
 02.02.1988
 Days

LFP Quota:
 NBP, NARYAB
 1112-4

(18) Annex "E"

HEALTH DEPARTMENT



OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT HANGU

PH # +92-925-623034-35-Fax #+92-925-623773 E-mail: edohealthhangu@gmail.com

Ref: # _____ /DHIS Cell/ Dated Hangu the _____

OFFICE ORDER

WHERE AS you Mr. Muhammad Tarish S/O Eid Gul, village Darsamnad District Hangu, was appointed as JPHC Tech: MP (MT) wide this office order no 1063-66/PF dated 29-3-2011.

AND WHERE AS your diploma certificate was sent to Secretary to N.W.F.P. Medical facility Peshawar which was renewed and verified by the faculty concerned as per the office requirement.

AND WHERE AS a complaint by anonymous body was lodged to CM Secretary regarding Bogus Certificate which was sent to this office vide CM Secretary latter No.SO(C&RC) CMS/KP/1-3/2015/E.mail dated 4th March 2015. As consequence, Dr. Nawab Hussain Deputy DHO Hangu was nominated as enquiry officer vide this office letter no.570-73/PF dated 16-03-2015.

AND WHERE AS Dr. Nawab Hussain Deputy DHO Hangu recommended major penalty in view of the Medical Faculty, Khyber Pakhtunkhwa Peshawar declaration regarding your diploma which was affirmed as fake/bogus vide Medical Faculty Letter no. 1371/MF dated 15-04-2015 in response to this office letter no. 1011/PF-dated 08-04-2015.

AND WHERE AS, in view of the above, major penalty (Removal of Services) is hereby imposed upon you with immediate effect, with effect from 15-04-2015 AF and salaries as well as other benefits received by you from the date of 1st appointment till date must be deposited into Govt. treasury through proper challan and submit a copy of the same to this office for record purposes forthwith. In case of failure an action will be initiated in view of existing rules and regulation.

SD
DISTRICT HEALTH OFFICER
HANGU

No. 3297-3301 /PF² Dated Hangu the 22/8/15
Copy forwarded to the following for information please. --

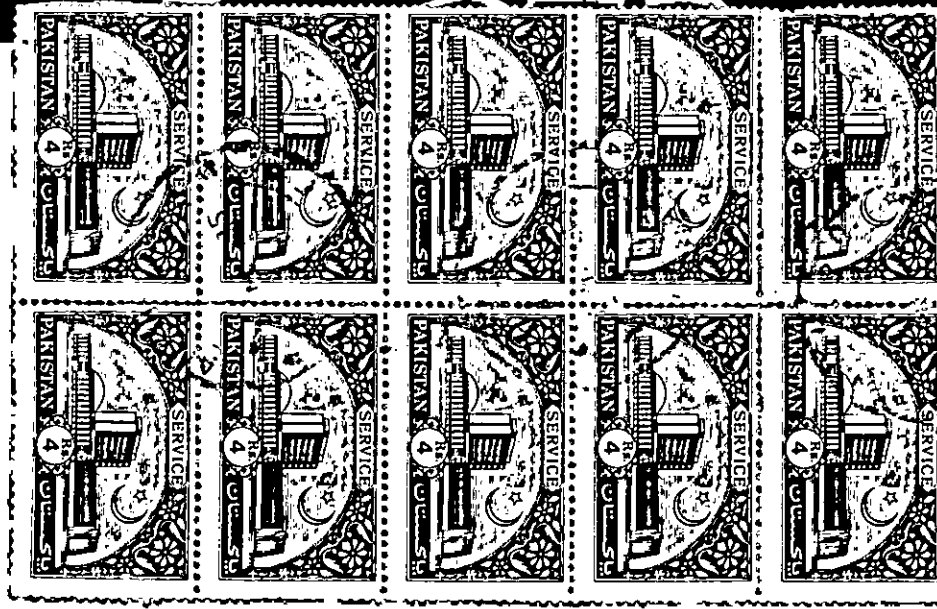
1. Section Officer-MS&RC, Chief Minister Complaint and Rederessal Cell, Chief Minister Secretariat Khyber Pakhtunkhwa Peshawar with reference to his letter no as quoted above.
2. District Account Officer Hangu for information and necessary action please.
3. MO I/C RHC Naryab for information please.
4. Mr. Muhammad Tarish s/o Eid Gul village Naryab District Hangu for information.
5. Local Account of this office for information and action.

Jehman Khali
DISTRICT HEALTH OFFICER
HANGU

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of Pakistan

M
8/9/15



1265

PSS

R



Muhammad. Farooq
101 Fird Gail Village

Norab

~~District~~ 55/112

حکومت پاکستان سیکریٹریٹ، حکومت سندھ، حکومت گلگت بلتستان

محکمہ اعلیٰ درجہ وزارت برائے تعلیم، کھلی نوزی مسائل، محکمہ اعلیٰ درجہ وزارت برائے تعلیم، حکومت سندھ
ڈپٹی سیکریٹری، تعلیم، حکومت سندھ

ص - حالی اسناد حسب ذیل سرکاری ہے۔

گزارش کی حالی ہے کہ مسائل تقریباً 4 سال پہلے پہلو ڈیڈ اگت میں
طور ڈپٹی سیکریٹری، تعلیم، حکومت سندھ، بوقت بحالی مسائل نے مسائل ڈپٹی سیکریٹری
کونسل نیشنل کے سرسید جمع کیے۔ جو کہ قابلہ طور پر Verified
ہے۔ لیکن حکومت سندھ نے کسی نہ کسی بنا پر صرف درخواست جانا۔
DHO حسب بندہ گزارا ہے جس میں کہا گیا ہے کہ صرف ڈپٹی سیکریٹری، تعلیم کے
ڈپٹی سیکریٹری، تعلیم، حکومت سندھ، اور اس کے علاوہ DHO افسر ہی کو
صرف اصل اسناد بنگال (دوسرے حالی اسناد رکھے گئے ہیں۔ جو کہ
وہ اسناد صرف سندھ کے سرسید نیشنل کے ساتھ ساتھ SD سے
ڈپٹی سیکریٹری، تعلیم، حکومت سندھ، مسائل ایک خراب فائدہ ان سے تعلق رکھتا ہے۔
اندازے فائدہ ان کا وہی کھلی ہے۔ کہ اس میں اسناد جو کہ SDC
سے ان کو Verification کے لیے بھیج کر اسے کہہ سائل کے نہ فرادہ کا وہی
ص۔ بالترقی اسناد کے اسناد حاصل کیے۔

لکھنا گزارش کی جاتی ہے کہ مسائل کا درخواست اعلیٰ درجہ
اپنی منظوری فرمائی جائے اس لئے خواہیے نوزی
کی نوزی کے احکامات صادر فرمائی جائے۔
نہر دارس جو کہ یہ صورت و حالی ہے

6418
4-6-15

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الحکومت سندھ (مسائل) محکمہ اعلیٰ درجہ وزارت برائے تعلیم، حکومت سندھ
الحکومت سندھ 04/06/2015

(20) Amet - G

HEALTH DEPARTMENT



OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT HANGU

PH # +92-925-623034-35-Fax# +92-925-623773 E-mail: edohealthhangu@gmail.com

Ref: # 3846 / / Dated Hangu the 21-5-2015

To,

Mr. Tarish Medial Technician
RHC Naryab

Subject: **ENQUIRY**

Memo:-

With reference to the recommendations of Enquiry Officer Dr. Nawab Hussain, you are hereby instructed to appear before the undersigned for personnel hearing in soonest.

Zehman Khaleel
**DISTRICT HEALTH OFFICER
HANGU**

No. _____ / _____ Dated Hangu the _____

Copy forwarded to the following for information please.

1. Dr. Nawab Hussain Enquiry Officer for information with reference to his recommendations please.

**DISTRICT HEALTH OFFICER
HANGU**

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OF ORIGINAL

M Ali
11.9.15
MUKHTIAR ALI
Advocate High Court &
Federal Shariat Court
of Pakistan

(Better copy)

(22)

Annex - 9.

21-02-2015

Better Copy

Email
Address

Complaint
Against Medical

Name
Complaint
Against Muhammad Taarish

Subject:- Medical Technician with fake documents

Message: Muhammad Taarish S/O Eid Gul from Darsamand Union Council working as Medical Technician at B.H.U Naryab Tehsil and District Hangu with fake documents his medical technician certificate is bogus or fake made from Dara Adam Khel pichle government hakomat me Muhammad Taarish nay District Health Officer Dr. Ishaq Bangesh 90 hazar ka rishwat deya ta aur us nay lagaya hai ye kaya bat hovi ka jis ky pass degree ho us ko nokri nahi milti hai aur jis kay jali degree unko sarkari norkri milti hai. Hahahahaha wa ter tu. Action le lo Aur hqdar haq pahunchana ka to am he. Plez sir g insaniat k khatir.

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Federal Shariat Court
of Pakistan

11-9-15

22

Annex "9"

Details Report

OPEN THIS LINK

Token ID: 0215-45657
Father Name: ~~XXXXXXXXXX~~
Landline Number: ~~XXXXXXXXXX~~

Email Address: ~~XXXXXXXXXX~~

SEND EMAIL

Complaint Against Name: Muhammad tarish
Complaint Against Name: Muhammad tarish

Subject: medical technician with fake documents

Message: Muhammad tarish s/o Eid gul from dersanaid union council working as medical technician at BHU naryan tahsil Thall district Bangu with fake documents. his medical technician certificate is bogus or fake made from Eura Adam khet. Pichle government hakomat me Muhammad tarish ne district health officer Dr Ishaq bangash ko 90,000 ka raswat daya ta aur oss ne lagya he. Ye Kiya baat havi jis k pas degrees ho os ko nokri Nai milti he aur jis k jali degree un ko sarikar noukri milti he.. Hahahahaha wa tere tu. Action le to. Aur haqdar haq palunchana us ka kam he. Pleas sir g insaniat k khatir

Feedback History

Date Forwarded To Remarks Date Actioned by Feedback

Action

Forward

Forward to

Remarks

[Handwritten signatures and notes, including 'E. Eid Gul', 'Muhammad Tarish', and '11/3/15']

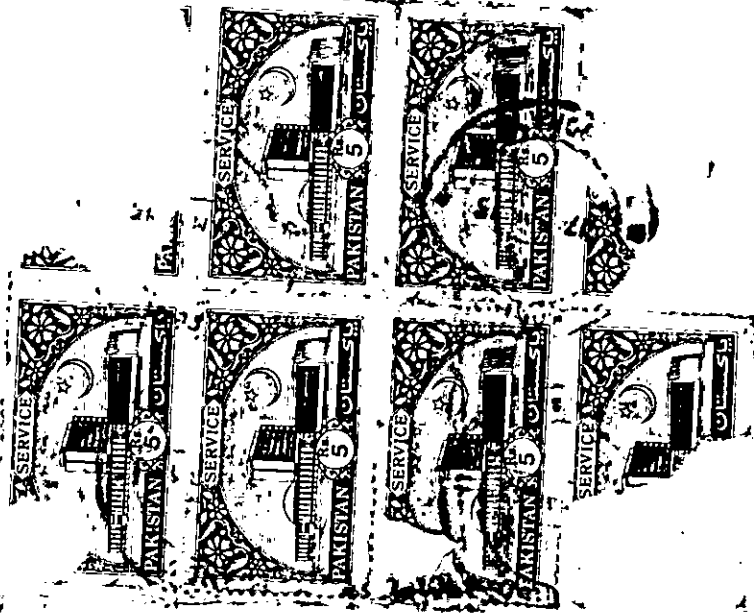
FORWARD

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Advocate High Court &
Federal Shariat Court
of Pakistan

11-9-15

11/3/15





45120!
85840089000

ofss

[Handwritten flourish]

M. Faish Medical Disp
Technician RHC
Nayab



 <p>ایڈووکیٹ / دفترا بار کونسل ابار ایسوسی ایشن رابطہ نمبر: 6333-9156551</p>	 <p>11961 پشاور بار ایسوسی ایشن، خیبر پختونخوا</p>
---	--

بعدالت جناب: سردار شریہ نواز صاحب

<p>منجانب: اپیلر انڈ</p> 	<p>دعوی: سردار شریہ نواز</p> <p>علت نمبر:</p> <p>موردہ:</p> <p>جرم:</p> <p>تھانہ:</p>
---	---

بامث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برصن دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا تاخیر یا دیگر غلطی یا تاخیر کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر حافی 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 تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ماتحتہ و ذمہ منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے کسب سے ہوگا وہ وکیل موصوف کو ہونے کا اختیار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

الم رقم: 2 ستمبر 2015

مقام سردار شریہ نواز صاحب و محسنو کھورا لیسٹا در کے لئے منظور ہے۔

پشاور بار ایسوسی ایشن

PBA

Accepted & Attested
 My
 2/9/15

محمد طارق رضا و الدکانام جابی عیدہ قلی موجودہ سیدہ دینی دوسمیر علی بیگلو
 14101-7661834-9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1011-205

Muhammad Tarish s/O Eid Gul..... Appellant

Versus

- | | | |
|---|---|--------------------|
| <ol style="list-style-type: none">1. Secretary Health Govt: of Khyber Pakhtunkhwa Peshawar2. Director General Health Services, Pakhtunkhwa Peshawar3. District Health Officer Hangu | } | Respondents |
|---|---|--------------------|

Written comments on behalf of 1 and 2 & 3

PRELIMINARY OBJECTIONS

1. That the appellant has neither cause of action nor locus standing
2. That the appeal is not maintainable in the present form
3. That the appellant has not come to the Tribunal with clean hands
4. That the appeal is bade due to non joinder and mis-joinder of an necessary party
5. That the appeal is time barred.

FACTS

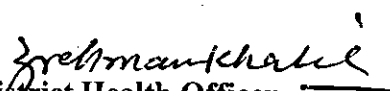
1. Correct to the extent that the appellant was the regular employee of health department District Hangu .
2. Correct
3. Correct that the appellant passed SCC and FSc examination, however, he got appointment on the bases of Diploma in Health Technology from Medical Faculty NWFP Peshawar neither appointed on Skill Development Diploma.
4. Correct, However, he got the appointment on account of bogus diploma, hence his appointment is void abinitio.
5. Incorrect, a compliant was received from C.M secretariat about the bogus certificates of appellant, an enquiry was conducted which offer verification from Medical Faculty NWFP and found the Diploma of appellant under roll no. 9084 session 2007 as bogus. Hence he was removed from his service according to law. " Copy of letter and enquiry Report is as "A" "B".
6. Pertain to record
7. Reply on the grounds are as under


GROUND

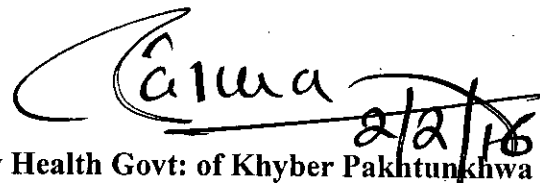
- A. Incorrect, the appellant was terminated from govt: service after fulfillment of all codal formalities in view of the existing rules.
- B. Incorrect, a complaint has been received from Chief Minister Complaint Cell Peshawar vide letter no. SO (S&RC)/C&S/KP/1-II 2015/E-mail/7573 dated 04-03-2015,"copy attached" consequently, the undersigned conducted enquiry into the

matter in light of the complaint of Chief Minister Complaint Cell as mentioned above. The appellant concerned handed over the Diploma of Health Technology on the base of which he got appointment to enquiry officer on 29-03-2015 at the time of enquiry; subsequently, the enquiry officer recommended that his Diploma may be sent to the Medical Faculty KPK Peshawar for verification (copy attached). As a consequence, the said Diploma was declared bogus/fake by Medical Faculty KPK Peshawar "copy attached". Moreover, the appellant was called for personnel hearing, wherein, he admitted that his record of diploma is misplaced in Medical Faculty KPK Peshawar "copy attached".

- C. Incorrect, any illegal act or acts cannot create a single right.
- D. Incorrect, the appellant appointed as Junior PHC Technician BPS-09 dated 29-03/2011 on the basis of Diploma in Health Technology not on Skill Development Diploma, which was found bogus.
- E. Incorrect (Detail as mentioned on B)
- F. Incorrect, the appellant present before that enquiry officer and called for personnel hearing, wherein, he admitted that his record of diploma is misplaced in Medical Faculty KPK Peshawar "
- G. Incorrect, the appellant was terminated from govt. service consequent upon accomplishment of entire codal formalities in light of existing rules and regulation, in this regards, entire process of enquiry is attached for ready reference.
- H. No comments, however, respondents also seek permission of this honorable tribunal of advance further grounds during arguments. It is therefore most humbly prayed that the appeal may very kindly be dismissed with cost.


District Health Officer
Hangu
(Respondent no.3)


Director General Health Services
Khyber Pakhtunkhwa Peshawar
(Respondent no.2)


Secretary Health Govt: of Khyber Pakhtunkhwa
Peshawar
(Respondent no.1)



(CHIEF MINISTER'S COMPLAINT AND REDRESS)
Chief Minister's Secretariat Khyber Pakhtun

Phone No. 091-9222460-64
Fax No. 091-9212237
E.Mail cms_kpk@yahoo.com
Address. S.A.Q Road Peshawar

No. SO(C&RC)/CMS/KP/1-3/2015/E.mail /7573
Dated Peshawar the 4th March 2015

To

The District Health Officer
Hangu

Subject:- COMPLAINT AGAINST BOGUS CERTIFICATE OF MEDICAL
TECHNICIAN

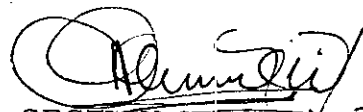
Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a self-explanatory complaint received in the Complaint and Redressal Cell of this Secretariat from anonymous person.

I am therefore directed to request that an inquiry in the matter may be conducted and report be furnished to this Secretariat for perusal of the competent authority.

Encl: as above

Endst of even.No. & date


SECTION OFFICER-I (C&RC)

Copy forwarded to

1. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa
2. PS to Chairman (C&RC) Chief Minister's Secretariat Khyber Pakhtunkhwa

SECTION OFFICER-I (C&RC)

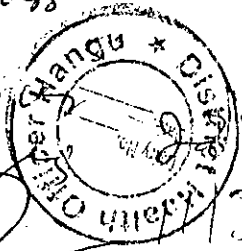
DM

Inquiry

DR Nawal Hussain

Inquiry

of Hangu



11/3/15

To

The District Health officer

HANGU

Subject : COMPLAINT AGAINST BOGUS CERTIFICATE OF MEDICAL TECHNICIAN(MR Mohammad Tarish Medical technician RHC Naryab).

Respected Sir, reference your letter No. 1249-50/pF dated Hangu 29/4/15 I was directed to submit my recommendation for the above named official.

Sir, I saw the letter of your good office Ref# /c// Dated Hangu the 8/4/15 to the Secretary Medical Faculty Khyber PakhtunKhawa Peshawar.(photo copy attached)with the request for verification Of the Diploma of Mr Mohammad Tarish s/o Eid Gul Roll No;9094.The feed back of this letter from Secretary of Medical Faculty Khyber Pakhtun Khawa Peshawar vide his letter No 1371/MF Dated 15-4-15 (photocopy attached) is that Diploma of Mohammad Tarish S/o Eid Gul Roll No 9094 session 11/2007 is FAKE/BOGUS.

Recommendation:

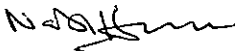
(1) Major Penalty i.e Removal from Service.

However the Authority is requested to call the official (Mr Mohammad Tarish) for personal hearing before imposing the major penalty.

Enclosure: (03)

Dated: 14-5-2015

Yours Obediently,
Dr Nawab Hussain
Enquiry Officer



pleas

HEALTH DEPARTMENT



OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT HANGU

PH # +92-925-621508-35-Fax # +92-925-623773 E-mail: edohealthhangu@gmail.com

Ref: # 1011 / PF / 1 Dated Hangu the 8/04/15

To,

The Secretary, Medical Faculty
Khyber Pakhtunkhwa Peshawar

Subject: **REQUEST FOR VERIFICATION**

Dear Sir,

With reference to the subject cited, I would like to forward herewith the Diploma in Health Technician along with Bank Drafts in respect of the following personnel for favor of verification/ authentication of the Diplomas in question under intimation to this office please.

1. Mr. Muhammad Tarish s/o Mr. Eid Gul Roll No. 9094 (Diploma along with BD vide no. 0873285 dated 03/04/2015 amounting to Rs. 500/- attached)

Zehra Khan
DISTRICT HEALTH OFFICER
HANGU

OC

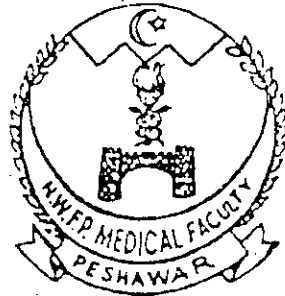
Roll No: 9094

Examination Session: 11-2007
Technology: Health Technologist

Serail No. 16825

Batch No. 4th

N.W.F.P. MEDICAL FACULTY PESHAWAR



7

RENEWAL OF DIPLOMA REGISTRATION / ENROLMENT VALID FOR FIVE YEARS 2009-2014

The Diploma registration of Mr/Miss/ Mrs Muhammad Tarish Son/Daughter of

Eid Gul

bearing Registration No. MF/2057/H.T/9094/11/2007 Enrolment/Provisional

Diploma Serail No. 177 Dated 11/2007 is hereby renewed for the period of five

years with effect from 4-2007 to 3-2014

R.B.82
4/4/08

[Handwritten signature]

[Handwritten signature]

SECRETARY
N.W.F.P. Medical Faculty
Peshawar.

granted
resigned
I Dispenis:



KHYBER PAKHTUNKHWA MEDICAL FACULTY
PESHAWAR

6

No. 1371 /MF
Dated: 15-4-015

To,

The District Health Officer,
Hangu.

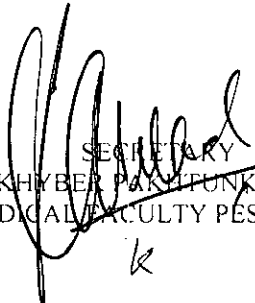
Subject: **VERIFICATION.**

Memo;

Reference your letter No. Nil dated Nil on the subject noted above.

The particulars of the following Diploma have been checked with the official record and the remarks are as under.

S.No	Name	Father Name	Category	Roll No	Session	Remarks
01	Muhammad Tarish	Eid Gul	Health	9094	11/2007	FAKE/ BOGUS


SECRETARY
KHYBER PAKHTUNKHWA
MEDICAL FACULTY PESHAWAR
k

H-c
3/5

BUNGALOW NO. 86/D-5 ABDARA ROAD UNIVERSITY TOWN PESHAWAR
Ph # 091-9216008 Fax # 091-9218630 website: www.kpmf.edu.pk Email: info@kpmf.edu.pk

HEALTH DEPARTMENT



OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT HANGU

PH # +92-925-623034-35-Fax #+92-925-623773 E-mail: edohealthhangu@gmail.com

Ref: # _____ /DHIS Cell/ Dated Hangu the _____

OFFICE ORDER

WHERE AS you Mr. Muhammad Tarish S/O Eid Gul, village Darsamnad District Hangu, was appointed as JPHC Tech: MP (MT) wide this office order no 1063-66/PF dated 29-3-2011.

AND WHERE AS your diploma certificate was sent to Secretary to N.W.F.P. Medical facility Peshawar .which was renewed and verified by the faculty concerned as per the office requirement.

AND WHERE AS a complaint by anonymous body was lodged to CM Secretary regarding Bogus Certificate which was sent to this office vide CM Secretary letter No,SO(C&RC) CMS/KP/1-3/2015/E.mail dated 4th March 2015. As consequence, Dr. Nawab Hussain Deputy DHO Hangu was nominated as enquiry officer vide this office letter no.570-73/PF dated 16-03-2015.

AND WHERE AS Dr. Nawab Hussain Deputy DHO Hangu recommended major penalty in view of the Medical Faculty, Khyber Pakhtunkhwa Peshawar declaration regarding your diploma which was affirmed as fake/bogus vide Medical Faculty Letter no. 1371/MF dated 15-04-2015 in response to this office letter no. 1011/PF-dated 08-04-2015.

AND WHERE AS, in view of the above, major penalty (Removal of Services) is hereby imposed upon you with immediate effect, with effect from 15-04-2015 AF and salaries as well as other benefits received by you from the date of 1st appointment till date must be deposited into Govt: treasury through proper challan and submit a copy of the same to this office for record purposes forthwith. In case of failure an action will be initiated in view of existing rules and regulation.

SD
DISTRICT HEALTH OFFICER
HANGU

No. 3297-33011 PF Dated Hangu the 22/5/15
Copy forwarded to the following for information please.

1. Section Officer-1/S&RC , Chief Minister Complaint and Rederessal Cell, Chief Minister Secretariat Khyber Pakhutunkhwa Peshawar with reference to his letter no as quoted above.
2. District Account Officer Hangu for information and necessary action please.
3. MO I/C RHC Naryab for information please.
4. Mr. Muhammad Tarish s/o Eid Gul village Naryab District Hangu for information.
5. Local Account of this office for information and action.

Zachman Khalid P
DISTRICT HEALTH OFFICER
HANGU

صوبہ میں جو ریٹائرمنٹ کے لیے درخواستیں جمع ہیں ان میں سے کئی کے لیے ریٹائرمنٹ کی اجازت دینی ہے۔ اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔ جو ریٹائرمنٹ کے لیے درخواستیں جمع ہیں ان میں سے کئی کے لیے ریٹائرمنٹ کی اجازت دینی ہے۔ اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔

Mohd Tarish

سوال: ریٹائرمنٹ کے لیے درخواستیں جمع ہیں ان میں سے کئی کے لیے ریٹائرمنٹ کی اجازت دینی ہے۔ اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔

جواب: میں اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔ اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔

10

سوال: ریٹائرمنٹ کے لیے درخواستیں جمع ہیں ان میں سے کئی کے لیے ریٹائرمنٹ کی اجازت دینی ہے۔ اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔

جواب: میں اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔ اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔

سوال: ریٹائرمنٹ کے لیے درخواستیں جمع ہیں ان میں سے کئی کے لیے ریٹائرمنٹ کی اجازت دینی ہے۔ اس کے بارے میں روپوش بیان دینے کو تیار ہوں۔

Mohd Tarish Ans 2 of Q2 is Regretted. Zrehman Khalil 21/5/15

Secret

(3)

محفوظ جناب انٹرنیٹ ڈائریکٹر (D.HO) صاحب صلح سنگھ

صاحب عالی

خلیفہ بیان محمد طارن صاحبہ کل سیکشن آر۔ ایچ۔ سی۔ نریاب

موجودہ نڈرائش ہے۔ کہ سائل لیونٹ لوش نریاب I میں (M.T)

لیونٹ پر ڈیوٹی دریا ہے اور نرسشہ کن سالوں سے (B.H.U)

نریاب میں تعینات ہے میں باقاعدہ دو سال (M.T) ٹریننگ لیں ہے

اور ڈیوٹی سپرے پاس موجود ہے میں اس لیونٹ پر سپرٹ کی بنیاد

پر پورا ہوں۔ اور کس کو ایک دوسرے بھی نہیں دیا ہے

میں نے امار میں اشتیاق دیکھ کر اپنی جی اور خوش قسم سے

میں اس لیونٹ کے لئے سکیٹ لے لوں

گواہ بڑا
عبدان امین

گواہ بڑا

عین نواز بھٹی

عمر صادق
19.3.15

تعلیمیہ ڈویژن 245-19/03

العارض

M. TARIQ

محمد طارن ولد عبد کل محمد کل ڈسٹرکٹ صلح سنگھ

اپنا Diploma کب تک نامہ

2011 میں صرفی ہوئے وقت Verify ہو چکی ہے

Renewal of Diploma = 30

(2)

19/3/15

2007 سے 2014 تک پچاس سال تک ہے

2/3/15

19/3/15

عشق ان اقبال

1

M. TARISTH

عمر فاروق

19-3-2015

M. TARISTH
19/3/2015

7/3/15

19.3.2015

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In Re: Service Appeal No _____ 2015

Muhammad Taarish.....(Appellant)

VERSUS

Secretary Health KPK etc.....(Respondents)

INDEX

S NO	DESCRIPTION	ANNEX	PAGE
1.	Reply rejoinder	-	01 - 03
2.	Affidavit	-	04

Appellant Muhammad Taarish
(Muhammad Taarish)

Through:

(MUKHTIAR ALI)
Advocate,
High Court, Peshawar
Office # FF-20, 5th Floor
Bilour Plaza Peshawar Cantt
Cell # 0333-9156551

Dated: -19-07-2016

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In Re: Service Appeal No _____ 2015

Muhammad Taarish.....(Appellant)

VERSUS

Secretary Health KPK etc.....(Respondents)

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

- A) All the preliminary objections taken in the reply are incorrect and maintainable, while appeal of the Appellant is maintainable.

ON FACTS:-

- 1) Para No 1 needs no comments. As admitted by the Respondents.
- 2) Para No 2 needs no comments. As admitted by the Respondents.
- 3) Para No 3 of the reply is incorrect, while that of the Appeal is correct.
- 4) Para No 4 of the reply is incorrect, while that of the appeal is correct.
- 5) Para No 5 of the reply is incorrect, while that of the appeal is correct. The Appellant was not treated in accordance with law, the appellant was not charge

sheeted nor any opportunity of hearing was provided to the Appellant. Thus the whole proceeding conducted by the Respondents are illegal and against the principles of natural justice.

- 6) Para No 6 of the reply is incorrect, while that of the appeal is correct.
- 7) Para No 7 of the reply is incorrect, while that of the appeal is correct

GROUNDS:-

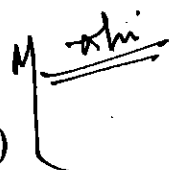
- A) Ground A of the reply is incorrect, while that of the appeal is correct. The Appellant was not treated in accordance with law, the appellant was not charge sheeted nor any opportunity of hearing was provided to the Appellant. Thus the whole proceeding conducted by the Respondents are illegal and against the principles of natural justice.
- B) Ground B of the reply is incorrect, while that of the appeal is correct. The detailed reply has already been given in the preceding para.
- C) Ground C of the reply is incorrect, while that of the appeal is correct.
- D) Ground D of the reply is incorrect, while that of the appeal is correct.
- E) Ground E of the reply is incorrect, while that of the appeal is correct.

- F) Ground F of the reply is incorrect. The Appellant was not treated in accordance with law, the appellant was not charge sheeted nor any opportunity of hearing was provided to the Appellant. Thus the whole proceeding conducted by the Respondents are illegal and against the principles of natural justice.
- G) Ground G of the reply is incorrect, while that of the appeal is correct.
- H) Ground H needs no reply.

It is, therefore, humbly prayed that on acceptance of this rejoinder, the appeal of the Appellant may be accepted.

Appellant 
(Muhammad Taarish)

Through:


(MUKHTIAR ALI)
Advocate,
High Court, Peshawar

Dated: -19-07-2016

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In Re: Service Appeal No _____ 2015

Muhammad Taarish.....(Appellant)

VERSUS

Secretary Health KPK etc.....(Respondents)

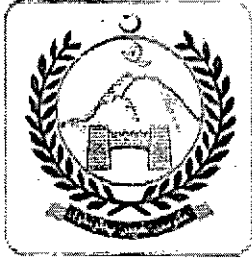
AFFIDAVIT

I, *Muhammad Taarish* S/O Haji Eid Gul R/O Regi Darsamand District Hangu, do hereby solemnly affirm that all the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

M. TAARISH

DEPONENT





KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2102 /ST Dated: 15/9 /2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To,

The Director Health Officer,
Government of Khyber Paktunkhwa,
Hangu.

Subject: - **JUDGMENT IN APPEAL NO. 1011/2015, MUHAMMAD TAARISH.**

I am directed to forward herewith a certified copy of judgment dated 29/08/2017 passed by this tribunal on the above subject for strict compliance.

Encl: as above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE KPK SERVICE TRIBUNAL PESHAWAR



A No. 1444 / 2013

Mst: Samreen Gul W/O Inam Ullah
R/O Naseem Gul Basit Khel, Bannu,
Ex-PST, GGPS, Khan Suba Mita Khel, Bannu. Appellant

1502
22/10/13

Versus

1. District Education Officer,
(Female) E&SE, Bannu.
2. Director Of Education, E&SE,
KPK, Peshawar.
3. Secretary, E&SE, KPK, Peshawar Respondents

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔

APPEAL AGAINST OFFICE ORDER NO. DATED, 23-09-2013 OF R. NO. 1 WHEREBY REPRESENTATION DATED, 11-07-2013, AGAINST OFFICE ORDER NO. 2677-78, DATED 13-06-2013 WAS REJECTED.

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Respectfully Sheweth;

1. That appellant has in her credit the educational qualification of SSC passed in the year, 2004/Annual under Roll No. 22176 by obtaining 517 marks out of 850 and was placed in Grade B, representing very good. Attested copy of the certificate as annex "A"
2. That on 18-02-2010, the department advertised posts of PTC Female for appointment as such and after taking test and interview, appellant was appointed as PST Female on the recommendation of Departmental Promotion Committee. The name of appellant was placed at Serial No. 13 of the appointment order, issued on 23-04-2012. Copy as annex "B"

22/10/13

ac-submitted to Dep
and filed.

28/10/13



Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1444/2013

Mst. Samreen Gul Versus District Education Officer (Female)
E&SE, Bannu and 2 others.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

03.05.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Assistant Advocate General for respondents present.

2. Mst. Samreen Gul W/O Inam Ullah hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 23.09.2013 vide which her representation dated 11.07.2013 against office order dated 13.06.2013 was rejected constraining her to prefer the instant service appeal on 22.10.2013.

3. Brief facts giving rise to the present appeal are that the appellant was appointed as PTC vide order dated 23.04.2012. The appellant on the strength of the said order assumed the charge. That her services were suddenly terminated on 13.03.2013 on the ground of fake/bogus SSC certificate where against her representation dated 11.07.2013 was also rejected on 23.09.2013.

4. We have heard arguments of learned counsel for the appellant as well as learned Asstt. A.G for the respondents and perused the record.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



5. The services of the appellant were terminated without affording an opportunity of hearing to the appellant. No doubt that according to condition at S.No. 7 appointment order of the appellant could be withdrawn if the certificate of the appellant is found fake/bogus but such order could only be validly passed when opportunity of hearing is extended to the appellant as the appellant has every right to question and contest the report describing her certificate as fake/bogus.

6. In view of the above we accept the present appeal and as a consequence thereof set aside the impugned orders referred to above and reinstate the appellant in service with the directions to the respondents to pass fresh order deem appropriate after affording an opportunity of hearing to her in accordance with law. The question of back benefits etc shall be subject to the decision of the respondents. Parties are left to bear their own costs. File be consigned to the record room.

M. Azim Khan
Chairman

M. Ahmad Hassan
Member

Certified to be true copy
 EX-100
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of Presentation 12-5-17
 Number of Words 1200
 Copying Fee 2/-
 Urgent 2/-
 Total 16/-
 Name of Officer
 Date of Cont. 12-5-17
 12-5-17