

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	06.09.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 1072/2015</p> <p>Date of Institution 02.10.2015 Date of Decision 06.09.2019</p> <p>Tufail Ahmad S/o Qaisar Ahmad R/o Malak Cham Village, Village Jalsay, Tehsil Lahore, District Swabi.</p> <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> 1. District Health Officer, District Swabi. 2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar. 3. I.M.O./Incharge Tehsil Head Quarter Hospital/Category-C Hospital Lahore, Swabi. 4. Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar. 5. District Account Officer, Account Office, Near Police Lines, Shah Mansoor, District Swabi. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p align="center"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General present.</p> <p>2. The appellant, Jr. PHC Technician (MP) has filed the present service appeal against the order dated 03.07.2015 whereby he was terminated from his service. The appellant has also assailed the</p>

6.9.2019

order dated 12.08.2015 through which his departmental appeal was regretted.

3. The appellant was appointed as Jr: PHC Technician (MP) vide order dated 17.10.2014. The appellant was issued Show Cause Notice on the ground that since he was appointed as Jr: PHC Technician (MP) in the light of Diploma issued by Skill Development Council which diploma was sent to the Khyber Pakhtunkhwa Medical Faculty for verification but the same was returned with the remarks that Skill Development council was banned therefore why he should not be terminated. The appellant filed reply to the Show Cause Notice. Vide order dated 03.07.2015, the appellant was terminated from service for the above mentioned reason.

4. Learned counsel for the appellant mainly argued that now in the year 2019, the appellant has acquired the requisite diploma from the recognized institution i.e. Institution affiliated with Khyber Pakhtunkhwa Medical Faculty Peshawar, hence he is also entitled to the same relief granted by this Tribunal to the similarly placed person Abid Ullah in Service Appeal No.1074/2015 vide judgment dated 12.12.2018.

5. Learned AAG showed his no objection on the acceptance of the present service appeal in terms of judgment passed in Service Appeal No.1074/2015 ibid.

6. In view of the judgment dated 12.12.2018 passed in Service Appeal No.1074/2015, plea taken by the learned counsel for the

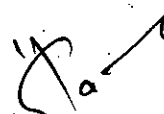
6/07/19

appellant is found genuine. Consequently, the present service appeal is partially accepted in terms of judgment dated 12.12.2018 passed in Service Appeal No.1074/2015 filed by Abid Ullah and as such the respondent department is directed to appoint the appellant afresh as Junior Primary Health Care Technician (MP), without back benefits, against the next first available vacancy when so ever accrues, provided the appellant is found eligible for the said post. Parties are left to bear their own costs.

File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

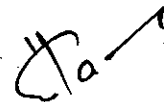
ANNOUNCED
06.09.2019

06.09.2019

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General present. Vide separate judgment of today of this Tribunal placed on file, the present service appeal is partially accepted in terms of judgment dated 12.12.2018 passed in Service Appeal No.1074/2015 filed by Abid Ullah and as such the respondent department is directed to appoint the appellant afresh as Junior Primary Health Care Technician (MP), without back benefits, against the next first available vacancy when so ever accrues, provided the appellant is found eligible for the said post. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
06.09.2019

22.04.2019

Junior to counsel for the appellant and Addl. AG
for the respondents present.

Request for adjournment is made due to
engagement of learned senior counsel for the appellant
before the Honourable High Court today.

Adjourned to 09.07.2019 before the D.B.



Member


Chairman

09.07.2019


Learned counsel for the appellant and Mr. Zia Ullah
learned Deputy District Attorney present. Learned counsel for the
appellant seeks adjournment. The present case pertains to the
year 2015 hence last opportunity is granted. Adjourn. To come
up for arguments on 06.09.2019 before D.B

~~Member~~


Member

05.12.2018


Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 12.12.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

12.12.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned DDA alongwith Dr. Niaz Muhammad Deputy DHO present. learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 04.02.2019 before D.B.



Member


Member

04.02.2019

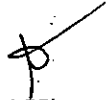
Clerk of counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjourned to 22.04.2019 for arguments before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

13.07.2018


Learned counsel for the appellant and Mr. Sardar Shaukat Hayat learned Additional Advocate General present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 06.09.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

06.09.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 23.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

23.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 05.12.2018.


Reader

11.01.2018

Counsel for the appellant present and Mr. Zia Ullah, DDA for the respondents present. Counsel for the appellant seeks adjournment. Granted . To come up for arguments on 14.03.2018 before D.B.



Member


Chairman

14.03.2018


Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents also present. Identical nature appeals are fixed on 22.03.2018 therefore, the present appeal is also adjourned for the same date. To come up for arguments on 22.03.2018 before D.B alongwith identical appeals.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

22.03.2018

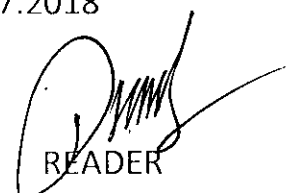
Learned counsel for the appellant present. Mr. Zia Ullah, learned Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted ~~additional documents~~ placed on file and seeks adjournment. Adjourn. To come up for arguments on 30.04.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

30.04.2018

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 13.07.2018


READER

25.04.2017


Counsel for the appellant and Mr. Ziaullah, Government Pleader for the respondents present. Counsel for the appellant seeks adjournment. To come up for final hearing before the D.B on 09.08.2017.



Member


Chairman

09.08.2017

Clerk of the counsel for appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 09.11.2017 before D.B.

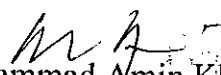

(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

09.11.2017

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 11.01.2018 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

09.02.2016

None present for appellant. M/S Muhammad Arshed, SO and Misre Khan, Senior Auditor alongwith Addl: A.G for respondents present. Written statements by respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 18.5.2016.

Chairman

18.5.2016

Agent to counsel for the appellant and Addl. AG for respondents present. Rejoinder submitted copy of which is placed on file to come up for arguments on 4.10.2016.

Member

Member

04.10.2016

Counsel for the appellant and Additional AG for respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 26.12.16 before D.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

(PIR BAKHSH SHAH)
MEMBER

26.12.2016

Appellant in person and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 25.04.2017 for arguments before D.B.

Chairman

28.10.2015

Counsel for the appellant present. During the course of preliminary hearing learned counsel for the appellant requested for adjournment as he intends to secure documents in respect of recognition of the Institute i.e. Skill Development Council, Lahore where from the appellant has obtained his professional qualification. To come up for preliminary hearing on 12.11.2015 before S.B.


Chairman

12.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Junior PHC Technician (BPS-9) vide appointment order dated 17.10.2014 subject to verification of his credentials. That vide impugned order dated 3.7.2015 the services of the appellant were terminated on the allegations of non-verification of documents regarding which he preferred departmental appeal on 24.7.2015 which was rejected on 12.8.2015 but communicated to appellant on 21.9.2015 and hence the instant service appeal on 2.10.2015.

That the appellant has secured his qualification from Skill Development Council Lahore, an approved institution under the National Training Ordinance, 1980. Places reliance on Section-2 (fb) read with Section-4 Clause-II of the said ordinance.

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 9.2.2016 before S.B. Notice of stay application be also issued for the date fixed.


Chairman

Appellant Deposited
Security & Process Fee






FORM-A

FORM OF ORDER SHEET

Court _____

Case No. 1072/2015

1	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	2.10.2015	<p>The appeal of Mr. Tufail Ahmad presented to-day by Mr. Abdullah Qazi. 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.B for preliminary hearing on <u>15-10-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>15.10.2015</p> <p>Since 15.10.2015 has been declared as public holiday on account of 1st Muharram-ul-Haram, therefore, case is adjourned to <u>28-10-15</u> for the same.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1072 of 2015

Tufail Ahmed Appellant

VERSUS

District Health Officer & others Respondents

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6.	Copy of appointment Letter	"C"	14
7.	Copy of Show Cause Notice	"D"	15
8.	Copy of reply to Show Cause Notice.	"E"	16
9.	Copy of impugned order dated 03/07/2015	"F"	17
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Dated 30/09/2015

Through

Tufail
Appellant

AW
Abdullah Qazi
Advocate High Court,
Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

K. P. PROVINCE
Service Tribunal
Diary No. 1137
dated 2-10-2015

Service Appeal No. 1072 /2015

Tufail Ahmad S/o Qaisar Ahmad R/o Malak Cham Village,
Village Jalsay, Tehsil Lahor, District Swabi.....(Appellant)

VERSUS

1. District Health Officer, District Swabi.
2. Director General Health Services, Civil Secretariat, Peshawar.
3. I.M.O/ Incharge Tehsil Head Quarter Hospital/ Category-C Hospital, Lahor, Swabi.
4. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat Peshawar.
5. District Account Officer, Account Office, Near Police Line, Shah Mansoor, District Swabi.....(Respondents)

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974, AGAINST THE ORDER DATED
03/07/2015 WHEREBY THE APPELLANT WAS
TERMINATED FROM SERVICE, ORDER DATED
12/08/2015 (RECEIVED ON 21/09/2015)
WHEREBY DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REGRETTEED AND ORDER
DATED 21/09/2015 THROUGH WHICH THE
APPELLANT CAME TO KNOW ABOUT THE
FATE OF HIS DEPARTMENTAL APPEAL.

Also
to-day
10/10/15

Prayer in appeal:

On acceptance of instant appeal the impugned orders dated 03/07/2015, 12/08/2015 and 21/09/2015 may kindly be cancelled, set aside and the appellant may graciously be reinstated in service with all back benefits.

Respectfully Sheweth:

The appellant respectfully submits as under:

1. That the respondent No. 1 advertised various posts of different categories i.e. Junior Primary Care Technician, Junior Clinical Technician etc through publication in daily "THE MASHRIQ" dated 26/08/2013 and subsequently a corrigendum was also published in the same newspaper on 27/08/2013. (Copies of advertisement and corrigendum are annexed as annexure "A" and "B").
2. That the appellant applied for one of the posts and was appointed as Junior Primary Health Technician (MP) in BPS-09 after fulfilling all the codal formalities and was posted at Tehsil Headquarter Hospital/ Category-C Hospital, Lahor District Swabi. (Copy of appointment letter is attached as annexure "C").

3. That the appellant submitted his arrival report for duty and performed his duties to the entire satisfaction of the authorities.
4. That the appellant was performing his duties at his place of posting, that in the meanwhile the respondent No. 1 issued a show cause notice to the appellant. (Copy of the show cause notice is attached as annexure "D").
5. That the appellant submitted detailed reply to Show Cause Notice. (Copy of reply to Show Cause Notice is annexed as annexure "E").
6. That the respondent No. 1 terminated services of the appellant vide order dated 03/07/2015 impugned herein, without any cogent reason. (Copy of impugned order dated 03/07/2015 is annexed as annexure "F").
7. That aggrieved from the order dated 03/07/2015 issued by respondent No. 1, the appellant submitted departmental appeal / representation before the respondent No. 2. (Copy of departmental appeal/ representation is attached as annexure "G").
8. That the appellant pursued followed his case at the appellate stage and whenever the appellant contacted/visited the office of respondent No. 2, the appellant was told that the result of the appeal will

be communicated to him, That on 09/09/2015 when the appellant visited the office of respondent No. 2 came to know that his appeal has been regretted vide order dated 12/08/2015 and the same has been sent to his place of duty. The appellant was directed to obtain a copy of the order from the office of respondent No. 3. The appellant visited the office of respondent No. 3, but they refused to give a copy of the letter mentioned above stating that as the appellant is no more an employee of the Health Department, he cannot be provide with a copy.

9. That the appellant submitted a written application to the respondent No. 2 and after along struggle and requests a copy of letter dated 21/09/2015 along with copy of order dated 12/08/2015 was handed over to the appellant on 21/09/2015. (Copy of orders dated 12/08/2015 and 21/09/2015 are attached as annexure "H" & "H-1").
10. That aggrieved form the impugned orders, the appellant is approaching this Hon'ble Tribunal on the following grounds amongst other:

GROUND:

- A. That the impugned orders are against law, rules and regulations and based on malafide, hence liable to be cancelled/ set aside/ varied.

- B. That the appellant has properly been appointed on the recommendations/ approval of the Selection Committee, constituted for the purpose.
- C. That the appellant has been appointed on the criteria of advertisement published in the newspapers.
- D. That the appellant is having the requisite qualification of Junior Primary Health Technical and his termination is against the law, rules and regulations applicable thereto.
- E. That the candidates having diploma from the Skill Development Council have been held qualified and entitle to be appointed as Junior Clinical Technician in their relevant field by the Hon'ble Peshawar High Court, Peshawar vide judgment/order dated 22/05/2014 passed in W.P. No. 1111/2010, wherein it has clearly been held that a candidate cannot be refused appointment on the ground that he is not having his diploma from K.P. Medical Faculty. (Copy of the judgment dated 22/05/2014 is annexed as annexure "I").
- F. That the appellant has obtained/passed diploma of JPHC from Skill Development Council, Lahore, a registered and recognized institute, but strange enough that the diploma was sent to K.P. Medical Faculty for verification, instead it should have been

sent to the institution wherefrom the appellant has passed it.

G. That the appellant has been appointed through proper procedure and according to the criteria laid down and advertisement published in the newspaper.

H. That both the impugned order have been passed against the settled principles of holding proper inquiry.

I. That it is pertinent to mention here that many of the employees/ Junior Primary Health Technician who are having their diplomas from the Skill Development Council (S.D.C) are working in the Health Department particularly in Gaju Khan Medical College, Swabi, but the services of the appellant have been done away with, without any cogent and plausible reason, rather the impugned order dated 03/07/2015 is the result of malafide and ill will.

J. That it is also worth mentioning that the impugned order of termination of the appellant has been passed in a slipshod manner and in hurry.

K. That any other ground will be argued at the time of arguments with the prior permission of this Hon'ble Tribunal.


7

It is, therefore, humbly prayed that on acceptance of the instant appeal, both the impugned orders dated 03/07/2015, 12/08/2015 and 21/09/2015 may kindly be cancelled/ set aside and the appellant may graciously be reinstated in service with all back benefits.

Any other remedy which this Hon'ble Tribunal deems proper, may very graciously be granted in favour of appellant.


Appellant

Through


Abdullah Qazi
Advocate High Court,
Peshawar.

Dated: 30/09/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

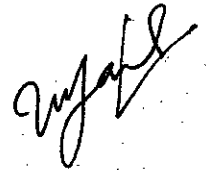
Tufail Ahmad(Appellant)

VERSUS

District Health Officer, District Swabi and
others.....(Respondents)

AFFIDAVIT

I, Tufail Ahmad S/o Qaisar Ahmad R/o Malak Cham
Village, Village Jalsay, Tehsil Lahor, District Swabi, do hereby
solemnly affirm and declare on oath, that the contents of the
Service Appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed from
this Hon'ble Tribunal.



DEPONENT

9

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

Service Appeal No. _____/2015

Tufail Ahmad(Appellant)

VERSUS

District Health Officer, District Swabi and
others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Tufail Ahmad S/o Qaisar Ahmad R/o Malak Cham Village,
Village Jalsay, Tehsil Lahor, District Swabi.

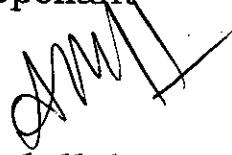
RESPONDENTS:

6. District Health Officer, District Swabi.
7. Director General Health Services, Civil Secretariat,
Peshawar.
8. T.M.O/ Incharge Tehsil Head Quarter Hospital/
Category-C Hospital, Lahor, Swabi.
9. Government of Khyber Pakhtunkhwa through Secretary
Health, Civil Secretariat Peshawar.
10. District Account Officer, Account Office, Near Police Line,
Shah Mansoor, District Swabi.

Appellant

Through

Dated: 21/09/2015


Abdullah Qazi
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2015

In

Service Appeal No. _____/2015

Tufail Ahmad(Appellant)

VERSUS

District Health Officer, District Swabi and
others.....(Respondents)

APPLICATION FOR SUSPENSION OF THE
IMPUGNED ORDERS DATED 03/07/2015,
12/08/2015 AND 21/09/2015, TILL THE
FINAL DISPOSAL OF THE INSTANT
APPEAL.

Respectfully Sheweth:

1. That the captioned appeal is pending before this Hon'ble Tribunal, which is no date of hearing has yet been fixed.
2. That on the fact of it, the applicant/ appellant has got a strong arguable case and is sanguine about its success.

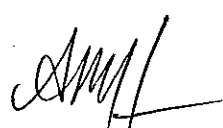
- 3. That the balance of in convenience tilts in favour of appellant/ applicant.
- 4. That if the impugned office orders dated 03/07/2015, 12/08/2015 and 21/09/2015 are not suspended, the applicant/ appellant would sustain an irreparable loss.

It is, therefore prayed that on acceptance of this Application the relief as prayed for in the heading of the application may be granted to the appellant/ applicant till the final disposal of the case.



Appellant/Applicant

Through



Abdullah Qazi

Dated: 30/09/2015

&
Jan Muhammad
 Advocates High Court,
 Peshawar.

آسامیاں خالی ہیں

12

محکمہ صحت خلیج صوبائی میں مندرجہ ذیل آسامیوں کو پر کرنے کیلئے خلیج صوبائی کے مستقل باشندوں اور مطلوبہ تعلیمی قابلیت کے حامل موزوں امیدواروں سے درخواستیں مطلوب ہیں درخواست فارم دفتر ہڈا سے اوقات کار میں بلا معاوضہ (مفت) حاصل کی جاسکتی ہیں۔ خلیج صوبائی کے اہل امیدواروں کی عدم دستیابی کی صورت میں دوسرے اضلاع کے امیدواروں کی درخواستوں پر غور کیا جاسکتا ہے۔ درخواست فارم کے ساتھ مصدقہ تعلیمی نقول دستاویزات اشاعتی کارڈ اور ڈویسائل سٹیکٹ امتحانہ شعبہ میں تجربے کی سند اور ایک حدو پاسپورٹ تصویر کے ہمراہ دفتر ڈی ایچ او خلیج صوبائی کو اس اشتہار کے دن (10) دن کے اندر اندر پہنچ جانی چاہئیں۔ نامکمل اور دیر سے موصول ہونی والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر شمار	نام آسامی	BPS	عمر کی حد	مطلوبہ تعلیمی قابلیت / تجربہ
1	جوئیر میڈیکل سائنس (ریڈیالوجی)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
2	جوئیر میڈیکل سائنس (انسٹیٹیوٹ)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
3	جوئیر میڈیکل سائنس (پتھالوجی)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
4	جوئیر پرائمری کیئر سائنس (MP)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
5	جوئیر میڈیکل سائنس (سرجیکل)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
6	جوئیر میڈیکل سائنس (ای ای جی)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
7	جوئیر میڈیکل سائنس (فارمی)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
8	جوئیر میڈیکل سائنس (ڈینٹلس)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
9	جوئیر میڈیکل سائنس (پھونالوجی)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ
10	جوئیر میڈیکل سائنس (کارڈیالوجی)	09	30 سال	سیکٹری سکول سرٹیفکیٹ بمعہ سائنس کی تسلیم شدہ بورڈ اور متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ

attested

تصیح

روزنامہ مشرق مورخہ 26-8-2013 میں مختلف کیٹیگریز جو نیئر پرائمری کیٹریگری میں متعلقہ شعبہ میں کسی تسلیم شدہ ادارے سے ڈپلومہ لکھا گیا ہے۔ لہذا ڈپلومہ کی بجائے سرٹیفکیٹ پڑھا جائے۔

المشتر: ڈاکٹر احسان الاکبر ڈسٹرکٹ ہیلتھ آفیسر صوابی

INF (P) 2336 Also available on www.khyberpakhtunkhwa.gov.pk

attested
[Signature]

Office of The District Health Officer Swabi

Email ID: sdchoedl@swabi@yahoo.com

Office Tel & Fax: 0930-810008

No. _____ Dated _____



Amir (C)

74

Office Order

Consequent upon the recommendations of District Selection Committee in its meetings held on 29.10.2013 and 15.10.2014 respectively as well as in compliance of Honorable Peshawar High Court decision in writ petition No. 2789 - P/2014. Announced on 03/09/2014 duly communicated vide Additional Registrar Peshawar High Court letter No. 16035/wt dated 15/09/2014. Mr. Tufail Ahmed S/O Qaiser Ahmed VPO Jalsai Tehsil Lahore Distt : Swabi is hereby appointed as Jr: PHC Technician (MP) in BPS-09 (6200-380-17600) plus usual allowances as admissible to him under the Rules.

His appointment will be subject to the following terms and conditions.

1. That he will be allowed minimum of the pay scale.
2. That he will be on usual probation for a period of 01 year.
3. That his services can be dispensed with, without any notice during the probation period if his work and conduct found unsatisfactory.
4. That he will be entitled to gratuity and pension etc as per Rules.
5. That his appointment will be subject to production of medical fitness certificate from the Medical Superintendent.
6. That he will be governed by such Rules and orders as may be issued by the Govt of KPK from time to time for the category of Govt: servants to which he belongs.
7. That if he wish to resign at any time, he will resign in written within 30 days notice or forfeit one month pay in lieu thereof and will continue to serve the government till the acceptance of his resignation by the competent Authority.
8. That he will not be entitled to claim any TA/DA for the medical examination and joining of his 1st appointment.
9. That his appointment will be subject to the verification of his documents from the concerned Institution.
10. That he will produce an Affidavit on Stamp Paper of Rs. 50 to the effect that he will be bound to perform all the duties / activities of MTs, Malaria Supervisor and EPI respectively.

If he accepts the above terms and conditions, he should report to the undersigned within 15 days after the issuance of this order failing which the order will be considered as withdrawn & cancelled.

sd
District Health Officer
Swabi

No. 3853-56/ Dated: 17-10-2014

Copy forwarded for information and necessary action to:

1. The DGHS Khyber Pakhtunkhwa Peshawar.
2. The DAO Swabi.

For information.

3. Accounts Section DHO Office Swabi
4. Mr Tufail Ahmed S/O Qaiser Ahmed VPO Jalsai Tehsil Lahore Distt Swabi for information and necessary action.

sd
District Health Officer
Swabi

Handwritten signatures and initials



Office Of The District Health Officer Swabi

Email ID: edohealthswabi@yahoo.com

Office Tel & Fax: 0938-221606, 224604

Amir (D)

15

SHOW CAUSE NOTICE

I Dr. Niaz Mohammad DHO Swabi, being competent authority do hereby serve upon you Mr. Tufail Ahmad Junior JPHC Technician (MP) attached to Category-C / THQ Hospital Lahor District Swabi this show cause notice as follow:-

You have been recently appointed as JPHC Technician (MP) in light of diploma for JPHC Tech (MP) issued by Skill Development which was sent to Khyber Pakhtunkhwa Medical Faculty for verification, but the same is returned to this office un-verified vide Secretary Medical Faculty KPK letter No 1528 dated 18-5-2015 with the remarks that the Skill Development is banned by Peshawar High Court Peshawar vide W.P petition # 865 of 2010.

According to the terms & condition of S # 9 & of your appointment & by reasons of above facts, your services will be terminated within 10 days.

You are, therefore, directed to Show Cause as to why the aforesaid termination should not be imposed upon you and whether you wish to be heard in person.

You are therefore, directed to submit your reply to the Show Cause Notice within 07 days under normal circumstances otherwise it shall be presumed that you have no defense to put in and in that case Ex-party action will be taken against you under the E&D rules 2011.

Sd/-
District Health Officer
Swabi

No. 572/17/11 /DHO Swabi

Dated 17 /06/2015

Copy forwarded for information & necessary action to:

- 1- Director General Health Services, Khyber Pakhtunkhwa, Peshawar for information please.
- 2- Mr. Tufail Ahmad Junior PHC Technician (MP) attached to Category-C / THQ Hospital Lahor District Swabi
- 3- Accounts Section DHO office Swabi to stop his pay till further order.

District Health Officer
Swabi

Amir
AMH

Amu - E

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To,

THE DISTRICT HEALTH OFFICER SWABI

Subject: reply to show cause Notice:

Respected Sir,

Reference your letter no: 5722-24/PF/DHO/Swabi Date 17-06-2015 at is submitted that I have obtained Diploma of JPHC from Skill development council Lahore, a register and Recognized institute, but ironically my diploma was sent to KP medical Faculty for verification, instead it should have been sent to the institution where I have passed it

Further, that candidate having diploma from the Skill development council have been held qualified and entitled to be appointee for appointment as ICT in their relevant field.

That as for "reference of decision of Peshawar High court in W.P.No 865/2010 is concerned the honorable Peshawar High Court Peshawar has validated the diploma of skill development council through its recent judgment passed in W.P.No 1111/2010 Dated 22-05-2014" and in case of any discrepancy majority and latest view of the superior court always prevail, hence adverse action cannot be taken against me in light of the afore said judgment copy attached.

It has also been clearly held in the above said judgment that a candidate cannot be refused appointment on the ground that he is not having his diploma from KP medical facility.

Last but not the least, I have been recommended /approval by the selection committee for appointment as JPHC (MP) as accordance with the criteria of the advertisement where there was no mention of KP medical facility diploma/certificate.

If the movement the show cause notice is uncalled for, and against the terms and condition of my appointment.

It is therefore, prayed that the show cause notice stand on mollified and is the result of instigation of some ones vested intent may please be withdrawn, and my pay may please be released.

I wish to be heard in person.

Tufail Ahmad
Yours faithfully
Tufail Ahmad

JPHC (MP) THQ Hospital Lahor Swabi

Attested
Amu



Office Of The District Health Officer Swabi

Email ID: edohealthswabi@yahoo.com

Office Tel & Fax: 0938-221606, 224604

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Amir (P)

OFFICE ORDER

Mr. Tufail Ahmad S/O Qaiser Ahmad Junior Primary Health Technician (MP) attached to Category-C Hospital Lahor that your appointment subject to the verification of professional documents from Government Faculty Khyber Pakhtunkhwa, but your document received back to this office from the Faculty un-verified.

Keeping in view of the above, I Dr. Niaz Mohammad DHO Swabi, being competent authority do hereby terminate Mr. Tufail Ahmad S/O Qaiser Ahmad Junior Primary Health Technician (MP) attached to Category-C Hospital Lahor from service with immediate effect.

No. 6133-36/P.P. /DHO Swabi


Sd/
District Health Officer
Swabi

Dated 03-11-2014

Copy forwarded for information & necessary action to:-

- 1- District Accounts Officer Swabi
- 2- DDHO Swabi
- 3- PMO I/C THQ/Category-C Hospital Lahor
- 4- Account Section DHO office Swabi.

Mr. Tufail Ahmad S/O Qaiser Ahmad Junior Primary Health Technician (MP) Village & PO Jalsai Tehsil Lahor District Swabi


District Health Officer
Swabi

alter
AMH

D. NO. - 2182-L/

Dated. 24/7/2015

(18)

Amr - 9

To,

The Director General,
Health Services,
Khyber Pakhtunkhwa Peshawar

Subject: DEPARTMENTAL APPEAL / REPRESENTATION
AGAINST THE ORDER DATED 03/07/2015.

Respected Sir,

I have the honour to submit the following few lines for your Hon'ble consideration:

- That I was appointed as JPHC (MP) vide order dated 17/10/2014.
- That I performed my duties with clear record and to the satisfaction of the Health Authorities.
- That vide order No.6133-36/PF/DHO Swabi dated 03/07/2015, I was terminated without ~~any~~^{any} reasons. (Copy of the order is attached herewith).
- That my termination order dated 03/07/2015 is unjust based on malafide intention, unlawful, against the law rules and regulation and is liable to be cancelled.
- That I have passed my diploma from Skill Development Council but the same was sent to the KP Medical Faculty for verification instead it should have been sent to the institution wherefrom I have passed it.
- That the diploma of the Skill Development Council has been validated by the Peshawar High Court vide judgment dated 22/05/2015 passed in W.P No.1111/2010 copy attached.

Attested
[Signature]

- That I have been recommended / approved by the selection committee for appointment as JPHC (MP) in accordance with the criteria of the advertisement, where there was no mention of the KP Medical Faculty's Diploma / Certificate. So my service cannot be terminated on the ground that I am not having my diploma / certificate from KP Medical Faculty.
- That the order dated 03/07/2015 is based on malafide and is the result of instigation of someone's vested interest.
- That the institution wherefrom I have passed my diploma is a registered and recognized institute and I am qualified and entitled to the appointed / perform my duties as JPHC (MP) on the basis of the same diploma, and the criteria laid down in the advertisement.
- That I am a poor fellow and the order dated 03/07/2015 is nothing but to deprive me of my job which the good conscious and law does not permit.

It is, therefore, prayed that my termination order dated 03/07/2015 may please be cancelled and I may kindly be reinstated in service with all back benefits,

Yours Obediently

Tufail Ahmad 03/07/2015

Tufail Ahmad
 JPHC Tech (MP) Category-C
 Hospital Lahor Swabi

Attested
[Signature]



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

No 9884 /AE-VI

Dated 21/09/2015

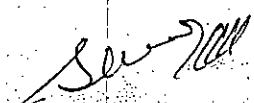
(21)

To
The District Health Officer,
Swabi.

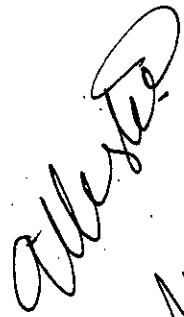
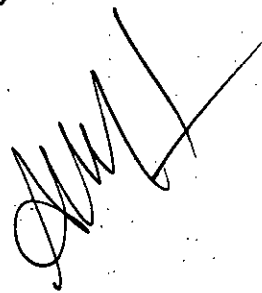
Amr-Hi

Subject: - APPLICATION.
Memo:

I am directed to refer to this Directorate letter No. 9082-83/AE-VI dated 12.08.2015 on the subject noted above and with the request to direct Mr. Tufail Ahmad Ex-Jr. PHC Technician (MP), Category "C" Hospital Lahor District Swabi, that his request for re-instatement into Govt: Service cannot it is regretted be acceded to.


ASSISTANT DIRECTOR (P-III)
DIRECTORATE GENERAL HEALTH
SERVICES KPK, PESHAWAR.

1/18/09

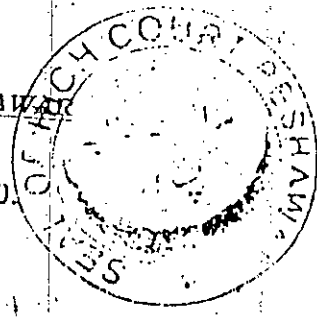



Amir 9 (22)

JUDGMENT SHEET

PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.1111 of 2010.



JUDGMENT.

Date of hearing 22-05-2014.

Appellant/Petitioner M. Khalifa by Malik Manzoor Hussain

Respondent by Mr. Rab Nawaz Khan A.A.C.

MALIK MANZOOR HUSSAIN, J.:- Through

the instant constitutional petition Muhammad Khalifa petitioner has asked for issuance of appropriate writ declaring the refusal by respondents for his selection on the ground that Diploma acquired by the petitioner is not acceptable to them.

2- Briefly stated, the facts giving rise to the instant petition are that in response to the advertisement published by the respondents, the petitioner applied for the post of Junior Clinical Technician (Sterilization) through proper channel. Interview and other test of the petitioner were held

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ATTORNEY
M. M. M.

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by the Departmental Selection Committee and the petitioner was declared successful being the sole candidate for two vacant posts but could not be appointed as an objection was made by respondent No. 1 that the Diploma of the petitioner was not of Khyber Pakhtunkhwa Medical Faculty.

3- Learned counsel for the petitioner contended that the petitioner was awarded Diploma by Skill Development Council Lahore which is registered Institute and recognised by National Training Board, Government of Pakistan. It was further averred that on the basis of same Diploma, in the past many of the candidates were held entitled to the post of Junior Clinical Technicians and are still in service. It was lastly argued with vehemence that a Division Bench of Lahore High Court as well of this Court under the similar situation held the Diploma of the Institution from which the petitioner was qualified, to be entitled to be appointed for appointment of Junior Clinical Technician in the relevant field.

4- Conversely, learned AAG appearing on behalf of the respondents contended that since the petitioner was not

ATTEST

EXAMINE

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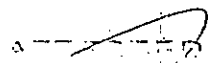
24

holding the Diploma from the recognised Institution i.e. Medical Faculty KPK, therefore, he was not considered for appointment and the post was left vacant. He further referred to the initial advertisement wherein the required qualification was that the candidate should be Matric with science and holder of Diploma from Medical Faculty KPK.

5- Arguments heard and record perused.

6- Perusal of record reveals that the petitioner was awarded Diploma in Operation Theater Assistant by Skill Development Council established under National Training Ordinance/Act 1980 (Amended Ordinance No.II of 2002) Sessions 2008-2009. Two posts were advertised for Junior Clinical Technician (Sterilization) and the petitioner was sole candidate who qualified in test and interview. We have also observed that one Abdul Basit son of Gul Muhammad Khan who was holder of similar Diploma, was selected and appointed through order dated 17/12/2008 and is still in service. Similarly Sajid son of Gul Jamal who was also holding Diploma from Skill Development Council, Lahore was also appointed vide order dated 29/05/2007 and is still in

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service. Both the above referred Diplomas of Abdul Basit and Sajid were sent by the concerned Executive District Officer for verification and both were verified by the Skill Development Council, Lahore. It has also been brought to our notice that in KPK Medical Faculty Peshawar only twenty technologies Diploma of two years courses are provided wherein the Diploma of the petitioner i.e. Operation Theater Assistant (Sterilisation) is not provided thus the stand taken by the respondents Government that the petitioner should qualify from the local Medical Faculty was without any substance and mis-conceived.

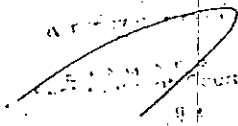
To earn livelihood and get the service, being qualified, is basic right recognised by the Constitution and no one can deny this right. It would not be out of place to mention here that the petitioner was only candidate of required qualification as advertised by the respondents. He was duly interviewed and selected in the process and could not be appointed on the observation with regard to the Diploma of the petitioner. The respondents should not have come to the Court with such allegation because the Institution from where the

ATTESTED
EXAMINER

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petitioner secured Diploma, was duly recognized by Ministry of Labour, Manpower and Overseas Pakistanis, Government of Pakistan and so for no action has taken by the Federal Government as well as by Provincial Government against the institution if they had any grievance or objections. On one hand the Provincial Government failed to provide the facility of education of Diploma in Clinical Technician (Sterilization) and on the other hand a duly qualified candidate was refused job, thus not only depriving the petitioner but the patients of the concerned area for taking benefit of health facilities. Once it was brought into the notice of the respondents that there is a consistent view of a Division Bench of Lahore High Court as well of this Court, then it was bounden duty of the respondents to honour the same. Writ Petition No.4146 of 2010 "Muslah-ud-Din and another...Vs...The Executive District Officer (E&SE) Charsadda and others" decided on 25/04/2013 by this Court and Writ Petition No.11272 of 2012 "Muhammad Akhtar etc...Vs...E.D.O.(Health)" allowed on 24/09/2012 of a Division Bench of Lahore High Court are

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more than sufficient on the is... and these decisions have attained finality.

6- For what has been observed above, this writ petition allowed and the respondents are directed to process/consider the case of the petitioner for appointment on the post left vacant through order of this Court dated 26/10/2010 and his appointment shall not be refused on the only ground that the Diploma acquired by him is not from KPK Medical Faculty.

Sd/- Nisat Hussain

ANNOUNCED

Dated: 22/05/2014. *Sd/- Malik Manzoor Hussain*



*Office
21/5*

CERTIFIED TO BE TRUE COPY
JUL 2014

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Date of presentation of Application *02/7/14*
No. of Pages *44*
Case No. *227*
227
05-7-14
05-7-14

[Faint circular stamp]

 <p>ایڈووکیٹ / دستخط بارنول ابار ایسوسی ایشن نمبر: 7733-10 رابطہ نمبر: 0333 90 38 270</p>	 <p>16288</p>
<p>پشاور بار ایسوسی ایشن، خیبر پختونخوا</p>	

بعدالت جناب: حضرتین جنم پختونخوا سروس ٹریڈنگ کمپنی

<p>منجانب: طفیل احمد ایڈوانٹ</p>	<p>دعوی:</p>
	<p>علت نمبر: مورخہ: جرم: تھانہ:</p>
<p>بابت تحریر آنکہ</p>	

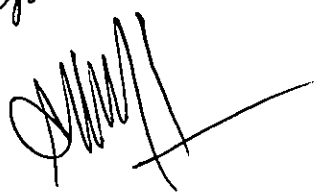
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام جنم پختونخوا سروس ٹریڈنگ کمپنی عبداللہ عاصمی حاجی محمد الدوسری کو جوکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر جانے و فیصلہ برعلت دینے جو جواب دعوی اقبال دعوی اور درخواست ازہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا تاؤ گری یا یکطرفہ یا اہیل کی برآمدگی اور منسوفی، نیز
 دائر کرنے اہیل نگرانی و نظر جانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی 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 ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا اختیار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ تیز زوی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 2015-09-18

العبد _____ واہ شد _____ العبد
 مقام () اور _____ کے لئے منظور ہے۔

نوٹ: اس عدالت کی طرف سے قابل قبول ہوگی۔

attested & accepted.



Attested

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.1072 OF 2015

Tufail Ahmad(Appellant).....

.....V E R S U S.....

.....(Respondents).....

1. The District Health Officer, District Swabi.
2. Director General Health Services, Civil Secretariate, Peshawar
3. I.M.O/Incharge Tehsil Head Quarter Hospital/ Category –C Hospital, Lahor, Swabi
4. Government of Khyber Pakhtun Khwa through Secretary Health, Civil Secretariate, Peshawar.
5. District Accounts Officer, Accounts Office, Near Police Line, Shamansoor, District Swabi.

WRITTEN REPLY ON BEHALF OF RESPONDENTS No. 05 IN THE TITLED CASE

PRELIMINARY OBJECTIONS:

- i. That the appellant has got no cause of action/locus standi to bring the present appeal.
- ii. That the instant appeal is badly time barred.
- iii. That the appellant concealed material facts from the Hon'able Tribunal hence, liable to be dismissed.
- iv. That the appellant has not approached to the Hon'ble Tribunal with clean hands.
- v. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- vi. That the present appeal is against the prevailing law and rules.
- vii. That the Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
- viii. That the instant appeal is liable to be dismissed under the prevailing laws with special cost.

- ix. That the appeal is bad in its present form hence, not maintainable and liable to be dismissed with cost.

REPLY ON FACTS:

1. Para No. 1. is correct and relates to employer/department.
2. Para No.2 .is correct and relates to employer/department.
3. Para No.3. Relates to concerned department hence, no comments.
4. Para No.4 is correct and show cause notice was issued to the
appellant in accordance with law.
5. Para No.5. Relates to concerned department hence, no comments.
6. Para No.6. Relates to concerned department hence, no comments.
7. Para No.7. Relates to concerned department hence, no comments.
8. Para No.8. Relates to concerned department hence, no comments.
9. Para No.9. Relates to concerned department hence, no comments.

Reply on Grounds:

- A. Para No.A. Relates to concerned department hence, no comments.
- B. Para No.B. Relates to concerned department hence, no comments.
- C. Para No.C. Relates to concerned department hence, no comments.
- D. Para No.D. Relates to concerned department hence, no comments.
- E. Para No.E. It is pertinent to submit that skill Development Council can impart training only in the field of Electrical, Mechanical, Civil Engineering and other vocational trainings. As regards the question of diploma in health technology is concerned it is submitted that training in the same technology falls in the ambit of health department and medical faculties for which registered organizations/institutions in the

entire Pakistan exists. Moreover, it is submitted that duration of diploma in health technology is two years and candidates/students are required to remain engaged for training for the sufficient period in civil hospitals. Therefore, diploma if issued by the skill development council is not supposed to be valid. And at last the exam is conducted by medical faculties on semester basis and the final results is declared by medical faculty. According to rules the duration of diploma in health and other relevant fields technology is half of the MBBS which cannot be issued without approval/authorization of the health department concerned.

It is therefore humbly prayed that the present appeal being meritless, baseless against facts and law may kindly be dismissed with special cost throughout.


District Accounts Officer
Swabi

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 1072/2015

Mr. Tufail Ahmad S/O Qaisar Ahmad DHQ Hospital Swabi.
R/O Malak Cham Village Jalsai Tehsil Lahor District Swabi..... (Appellant)

VERSUS

1. The District Health Officer, District Swabi
2. The Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. The PMO I/C THQ Hospital /Category C Hospital Lahor District Swabi
4. Govt: of Khyber Pakhtunkhwa, through Secretary, Health Civil Secretariat, Peshawar
5. District Accounts Officer Swabi Near Police Line Shahmansoor Swabi.

..... (Respondents)

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS.

Respectfully Sheweth:

1. That the preliminary has no cause of action/ locus stand.
2. That the appellant has deliberately concealed the material facts from this honorable court, hence liable to be dismissed.
3. That the appellant has not come to this tribunal with clean hands.
4. That the appellant has filed the instant appeal just to pressurize the respondents.
5. That appellant has filed the instant appeal on malafide motives.
6. That the instant appeal is against the prevailing Law and Rules.
7. That the appeal is not maintainable in the present form and also in the present circumstances of the issue.

FACTS:

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Correct. The show cause notice was issued because the diploma of this appellant medical technician issued by Skill Development was sent to Khyber Pakhtunkhwa Medical Faculty for verification as per Clause-09 of appointment order (Annex-A). The diploma was returned unverified by the secretary medical faculty by the remarks that the skill development diploma is banned by Peshawar High Court in writ petition No. 865/2010 (Annex-B).
5. Correct. But the reply to the show cause notice was not satisfactory as the explanation given in the reply were against the decision of medical faculty and guidance of the Director General Health Services office Peshawar.

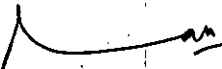
6. Incorrect. According to the Clause-09 of appointment letter the verification of the documents by the concerned authority was necessary. As the diploma was returned unverified and guidance of health directorate also supported the decision of medical faculty (Annex-C), therefore his services were terminated.
7. Pertains to record.
8. Incorrect. Correct to the extent that appeal was regretted by Health directorate as the said termination order was according to the rules. Reply to the appeal was directly addressed to appellant with copy to respondent No. 01 (Annex-D). So there is no question that the reply to the appeal was not received by the appellant.
9. Pertains to record.
10. The appellant has got no cause of action to file instant appeal.


OBJECTION TO GROUNDS:

- A. Incorrect as all the actions has been taken according to the rules.
- B. Correct. But appointment was subjected to the verification of documents by the competent authority as per Clause-09 of appointment letter.
- C. Correct.
- D. Correct to the extent that he has got diploma from Skill Development Council. But the said diploma is not verified by Khyber Pakhtunkhwa Medical Faculty which is the competent authority.
- E. Correct to the extent that said order has been issued by the Honorable High Court in case of sterilization technician where there were two posts and only one candidate qualified from Skill Development Council moreover, their diploma of said technology is not done in any institution recognized by medical faculty Khyber Pakhtunkhwa. Whereas the appellant are not of the same technology and there were multiple other candidates having diplomas recognized by medical faculty Khyber Pakhtunkhwa. Medical faculty Khyber Pakhtunkhwa has also quoted the decision of Honorable High Court in which it is mentioned that all diplomas should be issued by medical faculty. (Annex-E)
- F. Incorrect as all the diplomas must be verified by Medical Faculty Khyber Pakhtunkhwa Peshawar as mentioned in the appointment order. As per provincial health department rules all the diplomas obtained from different institutes have to be verified from medical faculty Khyber Pakhtunkhwa like any candidate passing SSC from any private or public sector school their certificates are sent to board of intermediate and secondary education for verification.
- G. Pertains to record.
- H. Incorrect. As the diploma of the appellant was sent for verification to Medical Faculty Peshawar as according to Clause-09 of the appointment order, no inquiry was required.

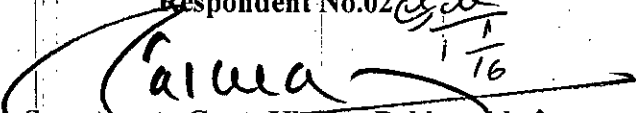
- I. Incorrect. The termination has been done as per Govt: Rules and Policy. Diplomas of all the technicians in all institutions of health department are sent for verification to Khyber Pakhtunkhwa Medical Faculty. The appellants failed to provide any documentary proof in his support.
- J. Incorrect. The orders of termination have been issued after fulfilling all the procedures as per Govt: Rules.
- K. The respondents also seek permission to raise additional grounds at the time of arguments.

Keeping in view the facts and grounds it is humbly prayed the appeal may please be demised.


District Health Officer,
District Swabi
Respondent No.01


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Respondent No.02 


~~Secretary to Govt. Khyber Pakhtunkhwa,~~
Health Department, Peshawar 11/08/16
Respondent No.04

arobi
U Zaida
BHU

No. 1528
Dated: 18-5-015

To

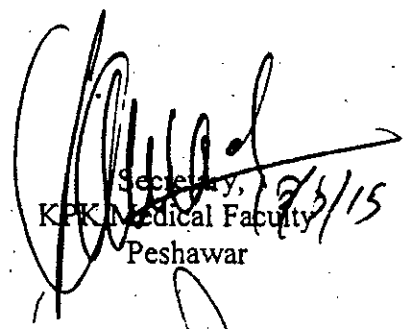
The Exective District Health Officer
Swabi

Subject: - VERIFICATION

Reference is made your office letter no.2960/P.F/DHO(H) Swabi dated 22-4-2014 on the subject cited above and to state that diploma/certificate in respect of Tufail Ahmad s/o Qaiser Ahmad and Sartaj Khan s/o Moeen Khan are issued by the Skill Development Council which is banned by the honourable Peshawar High Court.

In Writ Petition No.865/2010 Anwar Ali etc VS Government of Khyber Pakhtunkhwa, the honorable Peshawar High Court Peshawar held that "A careful reading of the above quoted rules shows that it is the domain of the Medical Faculty to issue degrees, diplomas, licenses, certificates or other documents stating or implying that the holders, grantees or recipients are qualified to practice western medical sciences, or to perform duties of the respective category. Since it is a special field and requiring a specialized training, it alone has the power to confer, grant or issue diploma etc.

(Copy of judgment attached).


Secretary,
KPK Medical Faculty
Peshawar
17/5/15

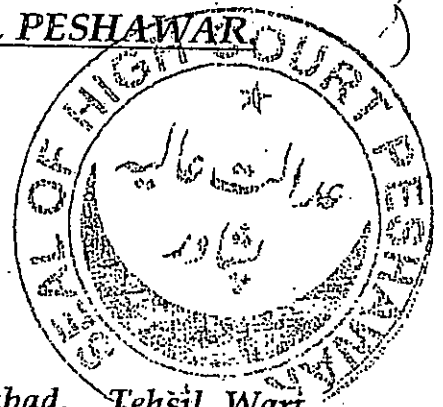
Care may be sent to

① D/Lt in charge to

Copy of Court order should be sent by Contingent & filled if joined
For Grant ② Candidate to give an affidavit that will
be confirm No salary & if not confirm no claim, if
not need to give affidavit & formally send

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 865 of 2010



Anwar Ali S/o Muhammad Sher Khan
R/o Village Mohallah Jughabanj, P.O Sahibabad, Tehsil Wari,
District Upper Dir.

..... Petitioner.

VERSUS

- 1) Govt of NWFP through Chief Secretary NWFP, Peshawar.
- 2) Secretary Health NWFP, Peshawar,
- 3) Director General Health NWFP, Peshawar,
- 4) Executive, District Officer Health, District Dir Upper.
- 5) Skill Development Board.. Respondents
Local

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

Respectfully Sheweth:

- 1) That the petitioner is permanent Resident of Village Mohallah Jughabanj, P.O Sahibabad, Tehsil Wari, District Upper Dir. (Copy of NIC and Domicile Certificate are attached herewith).
- 2) That the petitioner has passed Matriculation examination from BISE, Malakand at Chakdara NWFP, Pakistan. (Copy of DMC Certificates are attached herewith).
- 3) That the petitioner has qualified Diploma in Junior Clinical (Surgery) (Part - I) & (Part-II) and got Diploma from Skill Development Council Panjab Lahore Established Under National Training Ordinance Act 1980 (Amended Ord: No.II of 2002). (Copy of

ATTESTED
Maj
EXAMINER
Peshawar High Court

As advised by the court on 2/12/10 the following report has been attached as exhibit No. 5 to the writ petition.

7

(v) to provide for conducting and making arrangement of examinations and for preparation, results of such examinations.

12. Now it is to be seen who is competent to issue degrees diplomas, licenses, certificates or other documents stating or implying that their holders, grantees or recipients are qualified to practice or perform duties of respective categories.

13. A careful reading of the above quoted rules shows that it is the domain of the Medical Faculty to issue degrees, diplomas licenses, certificates or other documents stating or implying that the holders, grantees or recipients are qualified to practice western medical science, or to perform duties of the respective category. Since it is a special field and requiring a specialized training, it alone has the power to confer, grant or issue diplomas etc.

14. Skill Development Council in view of the rules quoted above has the power to arrange courses for technical and professional

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TESTED
May
EXAMINER
HIGHER SECONDARY

111
9

skills and knowledge based on employment in industry and market but it under no stretch of interpretation has the power to issue diplomas, certificates, licenses etc. to enable any one to perform duties of medical technicians, health assistants and health auxiliaries, dispensers or dressers. We, therefore, do not agree with the learned counsel for the petitioners that the petitioners are eligible on the strength of diplomas issued by an Institution affiliated with the Skill Development Council to participate in the test and interviews for the appointment of junior clinical surgery technicians. The case of Muhammad Kasif-Vs-E.D.O. Health and others (Supra) is not relevant to the case in hand, firstly because it is distinguishable on facts and secondly because it is sub silentio as the entire legal spectrum of the controversy was not brought before Hon'ble Judge of the Lahore High Court. Therefore, the writ asked for cannot be issued.

Om

Maj

15. The long and short of what has been discussed is that these writ petitions being without substance are dismissed.

Dated: 14.6.2011

sd/ Ejaz Afzal Kh
Ct

sd/ Mozhar Alam
21/6

CERTIFIED TO BE TRUE COPY

Amir
24/6/2011
Peshwar High Court Peshwar
Authorised Officer for the Court

18462

Date of Presentation of Application..... 15/6/2011

No of Pages..... 137

Copying fee..... 26

Urgent Fee.....

Total..... 26

Date of Preparation of Copy..... 23-6-11

Date Given For Delivery..... 24-6-2011

Date of Delivery of Copy..... 24-6-2011

Received By..... *Vidya*

Office Of The District Health Officer Swabi

Email ID: edohealthswabi@yahoo.com

Office Tel & Fax: 0938-280008

No. 52-15/PP/DHO Swabi Dated: 26/5/15

The Director General Health Services
Khyber Pakhtunkhwa, Peshawar

GUIDANCE

I have the honour to state that the following officials have been appointed as Junior Primary Health Care Technician (MP) on the certificate / diploma of skill development.

- 1- Mr. Tufail Ahmad S/O Qaisar Ahmad
- 2- Mr. Sartaj Khan S/O Moeen Khan

Their diploma / certificates were sent to Medical Faculty Khyber Pakhtunkhwa, Peshawar for verification vide this office letter No 2960/PF/DHO dated 22-4-2015, but the same is returned un-verified vide Secretary Medical Faculty Khyber Pakhtunkhwa, Peshawar letter No 1528 dated 18-5-2015 and send a photocopy of the decision issued by Honourable High Court Peshawar (Photocopy of the letter & copy of the decision are attached for ready reference).

The above named officials has also presented a decision of the High Court Peshawar (Photocopy attached) which self explanatory.

It is, therefore, requested to kindly look into the matter and guide this office at an earliest so that to proceed further.

An early action in the matter is requested.


DISTRICT HEALTH OFFICER
SWABI

ac



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

No 8347 /AE-VI

Dated 25/6/2015

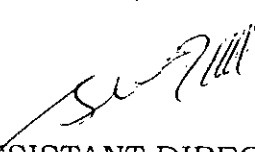
To

The District Health Officer,
Swabi.

Subject: - **GUIDANCE.**

Memo:


I am directed to refer to your letter No. 5219/ PF dated 26.05.2015, on the subject noted above and to state to act as per letter of Secretary to Khyber Pakhtunkhwa Medical Faculty Peshawar.


ASSISTANT DIRECTOR (P-III)
DIRECTORATE GENERAL HEALTH
SERVICES KPK, PESHAWAR.

25/6/2015

Ref up to Peshawar
/

1000 / P.F.
13/7/15

Al-veq Taminat *mdai*




DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

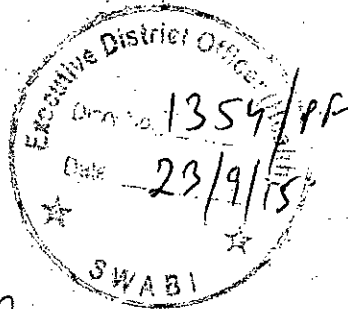
No 9884 / AE-VI

Dated 21/09/2015

To
The District Health Officer,
Swabi.

Subject: - **APPLICATION.**
Memo:

I am directed to refer to this Directorate letter No. 9082-83/AE-VI dated 12.08.2015 on the subject noted above and with the request to direct Mr. Tufail Ahmad Ex-Jr. PHC Technician (MP), Category "C" Hospital Lahor District Swabi, that his request for re-instatement into Govt: Service cannot it is regretted be acceded to.



[Signature]
ASSISTANT DIRECTOR (P-III)
DIRECTORATE GENERAL HEALTH
SERVICES KPK, PESHAWAR.
18/09

Received photocopy

[Signature]
23/09/2015

[Signature]

As photocopy of the said
letter has been received by
me and ex-JPHCT (MP)
May it file?
23/9

DHO

116
163
15

Office of The District Health Officer Swabi

Email ID: edohealthswabi@yahoo.com

Office Tel & Fax: 0938-810008

No. _____ Dated _____



Office Order

Consequent upon the recommendations of District Selection Committee in its meetings held on 29.10.2013 and 15.10.2014 respectively as well as in compliance of Honorable Peshawar High Court decision in writ petition No. 2789 - P/2014. Announced on 03/09/2014 duly communicated vide Additional Registrar Peshawar High Court letter No. 16035/Jul: dated 15/09/2014 Mr. Tufail Ahmed S/O Qaiser Ahmed VPO Jalsai Tehsil Lahore Distt : Swabi is hereby appointed as Jr: PHC Technician (MP) in BPS-09 (6200-380-17600) plus usual allowances as admissible to him under the Rules.

His appointment will be subject to the following terms and conditions.

1. That he will be allowed minimum of the pay scale.
2. That he will be on usual probation for a period of 01 year.
3. That his services can be dispensed with, without any notice during the probation period if his work and conduct found unsatisfactory.
4. That he will be entitled to gratuity and pension etc as per Rules.
5. That his appointment will be subject to production of medical fitness certificate from the Medical Superintendent.
6. That he will be governed by such Rules and orders as may be issued by the Govt of KPK from time to time for the category of Govt: servants to which he belongs.
7. That if he wish to resign at any time, he will resign in written within 30 days notice or forfeit one month pay in lieu thereof and will continue to serve the government till the acceptance of his resignation by the competent Authority.
8. That he will not be entitled to claim any TA/DA for the medical examination and joining of his 1st appointment.
9. That his appointment will be subject to the verification of his documents from the concerned Institution.
10. That he will produce an Affidavit on Stamp Paper of Rs. 50 to the effect that he will be bound to perform all the duties / activities of MTs, Malaria Supervisor and EPI respectively.
11. That he will be posted anywhere in Distt Swabi.

If he accepts the above terms and conditions, he should report to the undersigned within 15 days after the issuance of this order failing which the order will be considered as withdrawn & cancelled.

-----sd-----

District Health Officer
Swabi

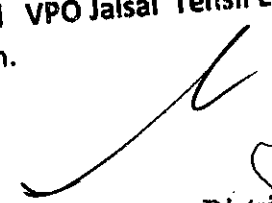
No. 3852-567 Dated: 17-10-2014

Copy forwarded for information and necessary action to:

1. The DGHS Khyber Pakhtunkhwa Peshawar.
2. The DAO Swabi.

For information.

3. Accounts Section DHO Office Swabi
4. Mr Tufail Ahmed S/O Qaiser Ahmed VPO Jalsai Tehsil Lahore Distt Swabi for information and necessary action.


District Health Officer
Swabi



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

No 9082-83/AE-VI

Dated 12/8/2015

To

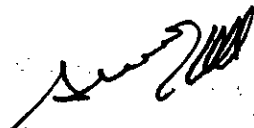
Mr. Tufail Ahmad,
Ex-Jr. PHC Technician (MP),
Category "C" Hospital, Lahor
District Swabi.

Subject: - **DEPARTMENTAL APPEAL/ REPRESENTATION AGAINST THE
ORDER DATED 03.07.2015.**

Memo,

Reference your appeal dated 23.07.2015.

Your request for re-instatement into Govt: Service cannot it is
regretted be acceded to.

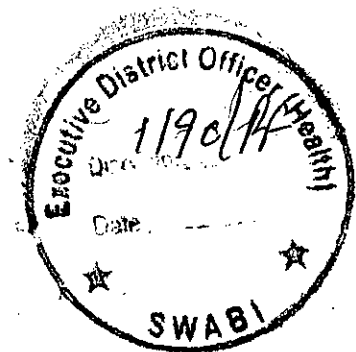

ASSISTANT DIRECTOR (P-III)
DIRECTORATE GENERAL HEALTH
SERVICES KPK, PESHAWAR

C.C

DHO Swabi for information.

11/8/2015

File in law
J



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

APPEAL NO. 1072/2015

Tufail Ahmad

Versus

DHO Swabi & Others

REJOINDER TO THE COMMENTS
FILED BY RESPONDENTS.

Preliminary Objections.

All the preliminary objections raised by the respondents in their comments are baseless and not maintainable.

ON FACTS:

1. Need no comments.
2. Need no comments.
3. Need no comments.
4. The Contents of Para-4 have been admitted as correct. Rest of the para is ~~mis-~~leading hence not tenable.
5. The Contents of Para-5 have been admitted as correct. However, rest of the para is mis-leading, incorrect, wrong and baseless.
6. Contents of Para-6 are mis-leading. Further as an evasive reply has been given which tantamount to admission. It is to clarify that the documents might have been sent to the concerned authority who have issued the same but strange enough, the Diploma of the appellant was sent to the KP Medical Faculty instead of Skill Development Council, who issued the same.
7. Evasive reply.
8. Contents of Para-8 of the comments are wrong, false and incorrect whereas that of the appeal are true and correct.
9. Evasive reply.
10. Contents of para-10 of the comments are wrong and incorrect whereas that of the appeal are true and correct.

GROUND:


- A. Contents of para-A of the comments are wrong and incorrect whereas that of the appeal are true and correct.

- B. Para-B of the appeal has been admitted. Whereas rest of the para is mis-leading. based on mala-fide. The documents of the appellant were never sent to the concerned institution for verification.
- C. Need no comments as the contents of Para-C of the appeal has been admitted in toto in the comments filed by the respondents.
- D. Para-D of the appeal has been admitted to the extent of qualification of the appellant. Whereas rest of the para is mis-leading, based on mala-fide.
- E. Contents of para-E of the comments are wrong and incorrect whereas that of the appeal are true and correct.
- F. Contents of para-F of the comments are wrong and incorrect whereas that of the appeal are true and correct.
- G. Para-G of the comments is correct and has been admitted by the Respondents as an Evasive reply has been given.
- H. Contents of para-H of the comments are wrong and incorrect whereas that of the appeal are true and correct.
- I. Para-I of the comments is correct and has been admitted by the Respondents as an Evasive reply has been given.
- J. Contents of para-J of the comments are wrong and incorrect whereas that of the appeal are true and correct.
- K. Need no comments.

It is, therefore prayed that appeal may kindly be allowed.

Through:

Appellant


ABDULLAH QAZI
Advocate High Court
Peshawar

DATED. 16 /05/2016.

NATIONAL TRAINING ORDINANCE 1980
AMENDED
VIDE NATIONAL TRAINING AMENDMENT ORDINANCE 2002

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 20th March, 1980.

No.F.17(1)/80-Pub.-- The following Ordinance made by the President is hereby published for general information:--

ORDINANCE NO.IX OF 1980

AN

ORDINANCE

to constitute Training Boards to regulate and promote vocational training facilities in various fields

WHEREAS it is expedient to constitute Training Boards to regulate and promote vocational training facilities in various fields and to provide for the financing of training programmes and for matters ancillary or incidental thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No.1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:--

1. Short title, extent, commencement and application.—

(1) This Ordinance may be called the National Training Ordinance, 1980.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(4) It applied to all establishments and institutions engaged in imparting vocational training

2. Definitions. -- In this Ordinance, unless there is anything repugnant in the subject or context.--

a) "establishment" means any office, firm, industrial unit, undertaking, shop or premises in which workmen are employed for the purpose of carrying on any industry;

b) "industry" means any business, trade, manufacture, calling, service, employment or occupation;

c) "institution" means a school, college or institute, by whatever name called, imparting vocational training;

d) "National Board" means the National Training Board constituted under section 3;

(da) "National Trade Testing Board" means National Trade Testing Board constituted by the National Training Board under sub-section (2) of section 4;

e) "prescribed" means prescribed by regulations made under this Ordinance;

f) "Provincial Board" means a Provincial Training Boards constituted under sub-section (2) of section 5;

(fa) "Provincial Trade Testing Board" means provincial Trade Testing Board constituted by the Provincial Training Board;

(fb) "Skill Development Council" means the Skill Development Council, constituted by the National Training Board under sub-section(2) of section 4,"

(fc) "Technical Education and Vocational Training Authority" means the Technical Education and Vocational Training Authority constituted by the Provincial Government;

g) "vocational training" means training in any physical and professional skill, trade, calling or occupation.

3. **Constitution of the National Training Board.**-- (1) As soon as may be after the commencement of this Ordinance, the Federal Government shall constitute and shall by the said name sue and be sued.

(2) The National Board shall be a body corporate by the name of the National Training Board, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable or immovable, and shall by the said name sue and be sued.

(3) The National Board shall consist of the following members, namely:--

- a) the Minister for Labour and Manpower, who shall be Chairman of the National Board;
- b) the Secretary to the Government of Pakistan in the Ministry of Labour and Manpower and Overseas Pakistanis, who shall be Vice-Chairman of the National Board;
- c) a representative of the Planning Commission;
- d) a representative of the Ministry of Education;
- e) a representative of the Ministry of Finance;
- f) a representative of the Ministry of Science and Technology;
- g) four representatives from employers or Chairman Skill Development Councils, each province having one representative, to be appointed by the Chairman National Board on the recommendation of Employers' Federation of Pakistan;
- h) one women representative of employers' to be appointed by the Chairman National Board, on the recommendation of Employers' Federation of Pakistan;
- i) four representatives from workers, each province having one representative, to be appointed by the Chairman, National Board on the recommendations of National Workers' Organizations;
- j) one women representative of workers, to be appointed by the Chairman on the recommendation of the National Workers Organization;
- k) Chairman of the Provincial Training Board from each province; and
- l) Director of the office of the National Board, who shall also be the Secretary of the Board".

(4) Members of the National Board shall hold office for such term as may be prescribed.

4. Functions of the National Board.--(1) The National Board shall--

- i. collaborate with the source of labour market information as determined from a survey of establishments with a view to assessing on a continuing basis existing and future training needs, both local and foreign;
- ii. systematically study existing training programmes with respect to their relevance, duration and size and recommend such measures to be taken as seem desirable to improve the quality of training;
- iii. establish criteria for evaluating and determining training programmes and facilities;
- iv. develop training syllabi and establish and specify national training standards and trade testing rules to ensure horizontal and vertical mobility;
- v. supervise such training programmes are funded from the Federal budget;
- vi. prepare national training plan, programs and projects in view of local as well as foreign requirements and monitor their implementation;
- vii. recommend to the Federal Government means for financing training programmes;
- viii. promote and finance training of establishment based or institution-based training officials and instructor's;
- ix. organize and conduct seminars and work-shops for various types of personnel associated with training activities;
- x. collect and compile statistics related to training;
- xi. co-ordinate the working of Provincial Boards and Technical Education and Vocational Training Authority;
- xii. review existing and propose legislation on vocational training and recommend necessary legislative provisions with the concurrence of the Provincial Boards and Technical Education and Vocational Training Authority;

- xiii. issue to establishments, Provincial Boards, Technical Education and Vocational Training Authority or institutions for compliance directives within the framework of the approved plans and projects;
- xiii(a) assist and establish institutions in collaboration with private sector to promote technical, vocational and in-plant training and skill development;
- xiii(b) undertake registration and licensing of all establishment, organizations or institutions which are offering or providing vocational training;
- xiii(c) develop system and conduct trade testing and certification of skilled workers who have received vocational training through any source or acquired skills through experience or informal system;
- (xiv) do all other acts necessary for carrying out the purposes of this Ordinance.

(2) The National Board may set up such administrative and technical committees, skill development councils, authorities, trade testing boards or other such bodies for the efficient performance of its functions, and entrust to such committees, skill development councils, authorities, trade testing boards or other such bodies such functions as it may consider necessary.

5. Functions of the Provincial Board, etc. (1) Each Provincial Board shall--

- i. publish an annual forecast of provincial skilled manpower requirements;
- ii. identify and inspect vocational training schemes;
- iii. maintain a register of approved training schemes;
- iv. ensure uniformity of training standards;
- v. approve training schemes and recommend them to the National Board for funding;
- vi. supplement or provide advisory services to establishments and schemes offering vocational training;
- vii. prepare an annual provincial training plan for meeting skilled manpower requirements;

- viii. register and license all establishment, organizations or institutions which are offering vocational training; and
- ix. conduct trade tests and certify the skilled persons and trainers who may have received vocational training through any source or acquired the skill through experience or informal system.

(2) Each Provincial Government may establish a Provincial Training Board consisting of such number of members, including its Chairman, as the Provincial Government may appoint.

6. Meetings and Procedure.-- (1) The meetings of the National Board and a Provincial Board shall be held, as and when required but at least once in six months, at such time and place as Chairman of the respective Board may determine;

(2) Meetings of the National Board and the Provincial Boards shall be conducted in accordance with such procedure as may be prescribed.

(3) The powers and functions of the Chairman of the National Board shall, during the absence of the Chairman, be performed by the Vice-Chairman of the National Board and during the absence of both the Chairman and the Vice Chairman, by such member of the National Training Board as the Chairman may, by order in writing, direct and

(4) In case of a Provincial Board, the powers and functions of the Chairman shall, during the absence of the Chairman, be performed by such member of the Provincial Board as its Chairman may, by order in writing, direct.

7. Officers and servants of the Boards.-- (1) The National Board and a Provincial Board may appoint such officers and servants including advisors as it may consider necessary for the efficient performance of its functions.

(2) The terms and conditions of the officers and servants of each Board shall be such as may be prescribed.

8. Funds.-- (1) All receipts of the National Board from any source whatsoever shall be credited to a Fund to be called the National Training Board

Fund which shall vest in the National Board and from which allocations shall be made to Provincial Boards or any other organization or institution working under the board.

(2) All receipts of the Provincial Board from the National Board or any source whatsoever shall be credited to a Fund to be called the Provincial Training Board Fund of the Province concerned.

(3) A Fund under sub-section (1) or sub-section (2) shall be administered in such manner as may be prescribed and, until such manner is prescribed by the Chairman of the National Board or the Provincial Board, as the case may be, and shall be applied to meet all expenditure connected with the execution of the schemes and measures for which the Board concerned is responsible and all charges necessary for the discharge of the functions of such Board under this Ordinance.

9. Audit and account.-- (1) The National Board and the Provincial Board shall maintain their accounts of receipts and expenditure in such manner as may be prescribed by the Auditor-General.

(2) The accounts of the National Board and the Provincial Boards shall be audited by the Auditor-General or any officer authorized by him in such manner as the Auditor-General may think fit.

(3) The Auditor-General shall, as soon as possible after completion of the audit, send to the National Board or the Provincial Board a report on the said accounts and the Board shall, with its comments thereon, forward it to the Federal Government or the Provincial Government, as the case may be.

10. Servants of the Boards, etc., to be public servant.-- Every servant of the National Board and the provincial Boards and every person acting or purporting to act under this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

11. Indemnity.-- No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Ordinance.

12. Delegation of powers.-- The National Board, with the approval of the Federal Government, and a Provincial Board, with the approval of the Provincial Government concerned, may delegate all or any of its powers to its Chairman, any of its committees or an officer of the Federal Government or a Provincial Government, as the case may be.

13. Penalty for non-compliance with directives.-- If an establishment or institution does not comply with any directive given by the National Board or a Provincial Board which is in accordance with its functions set out under this Ordinance the head of the establishment or the institution, as the case may be, shall be punishable with fine which may extend to ten thousand rupees and, in the case of a continuing non-compliance with the directive, with an additional fine which may extend to two hundred rupees for every day during which the non-compliance continues after conviction for the first such non-compliance.

14. Cognizance of offences.-- (1) No court shall take cognizance of any offence punishable under this Ordinance save on a complaint made by the National Board or a Provincial Board or an officer authorized on behalf of either of the Boards.

(2) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Ordinance.

15. Power to exempt.-- The Federal Government or a Provincial Government may, by Notification in the official Gazette, exempt either conditionally or unconditionally and establishment on class of establishments or any institution imparting vocational training from all or any of the provisions of this Ordinance.

16. Power to make regulations.-- The National Board, in consultation with the Federal Government, and each Provincial Government, may make regulations for carrying out the purposes of this Ordinance.

Note: The amendments in Sub-Section (2) of Section 2, Sub-Section (3) of Section-3, Sub-Section(1) and (2) of Section 4, Sub-Section(1) and (3) of Section 5, Sub-Section (1) and (3) of Section 6 and Sub-Section (1) of Section 8 are made vide National Training (Amendments) Ordinance, 2002 dated 12th January, 2002.

S. No. 002914

Faculty of Paramedical and Allied Health Sciences
Khyber Pakhtunkhwa-Pakistan

54455

Roll No. 2017-2018

Session _____

TUFAIL AHMAD

QAISAR AHMAD

This is to certify that _____ Son/ Daughter of _____

PESHAWAR INSTITUTE OF MEDICAL & MANAGEMENT SCIENCES,
PESHAWAR

2017/MF/PIMM/PEW/IT/SS/I

and a student of _____ bearing Registered. No. _____

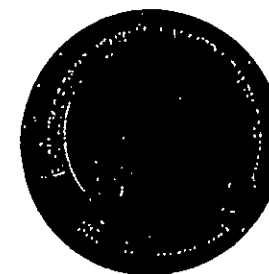
having passed the prescribed examination held in _____ MARCH.2019
is this day admitted by the Faculty
of Paramedical and Allied Health Sciences Khyber Pakhtunkhwa to the Diploma _____

B

Technology in _____ Grade.

Checked By _____

Verified By _____



10-Jul-2019

06-Aug-2019 04:04:11 PM

Result Declaration Date _____ Print Date and Time _____

Chief Executive Officer

Note:- Error(s) & omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this Diploma

S. No. 002914

Faculty of Paramedical and Allied Health Sciences
Khyber Pakhtunkhwa-Pakistan

54455

Roll No. 2017-2018

Session _____

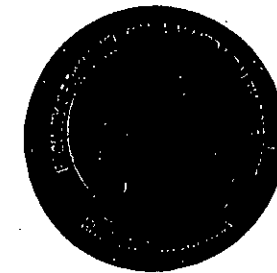
This is to certify that TUFAIL AHMAD Son/ ~~Daughter~~ of QAISAR AHMAD
PESHAWAR INSTITUTE OF MEDICAL & MANAGEMENT SCIENCES,
PESHAWAR bearing Registered. No. 2017/MF/PIMM/PEW/IT/SS/1
and a student of _____
having passed the prescribed examination held in MARCH, 2019
is this day admitted by the Faculty
of Paramedical and Allied Health Sciences Khyber Pakhtunkhwa to the Diploma

B

Technology in _____ Grade.

Checked By [Signature]

Verified By [Signature]



Result Declaration Date 10-Jul-2019 Print Date and Time 06-Aug-2019 04:04:11 PM

[Signature]
Chief Executive Officer

Note:- Error(s) & omission(s) excepted. Any mistake in above particulars must be intimated within 30 days of the issuance of this Diploma

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1074 /2015



2-1/38
2-10-2015


Abid Ullah S/o Muhammad Tariq R/o Bazar Cham, Village
Jalsay, Tehsil Lahor, District Swabi.....(Appellant)

VERSUS

1. District Health Officer, District Swabi.
2. Director General Health Services, Civil Secretariat,
Peshawar.
3. Medicinal Officer (M.O) Incharge, Rural Health Center
(R.H.C) Tordher, Swabi.
4. Government of Khyber Pakhtunkhwa through Secretary
Health, Civil Secretariat Peshawar.
5. District Account Officer, Account Office, Near Police Line,
Shah Mansoor, District Swabi.....(Respondents)

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974, AGAINST THE ORDER DATED
14/07/2015 WHEREBY THE APPELLANT WAS
TERMINATED FROM SERVICE, ORDER DATED
12/08/2015 (RECEIVED ON 23/07/2015)
WHEREBY DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REGRETED AND ORDER
DATED 23/07/2015 THROUGH WHICH THE
APPELLANT CAME TO KNOW ABOUT THE
FATE OF HIS DEPARTMENTAL APPEAL.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

File
to-day
2/10/15

Sr. No. Date of order/proceeding.

Order or other proceedings with signature of Judge or Magistrate

1

2

3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1074/2015

Date of Institution 02.10.2015

Date of Decision 12.12.2018

Abid Ullah S/o Muhammad Tariq R/o Bazar Cham, Village Jalsay,
Tehsil Lahore, District Swabi.

Appellant

Versus

1. District Health Officer, District Swabi.
2. Director General Health Services, Peshawar.
3. Medical Officer Incharge, Rural Health Center Tordher, Swabi.
4. Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
5. District Account Officer, Account Office, Near Police Line, Shah Mansoor District Swabi.

Respondents

Mr. Muhammad Hamid Mughal-----Member (J)

Mr. Ahmad Hassan-----Member (E)

JUDGMENT

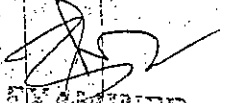
12.12.2018

MUHAMMAD HAMID MUGHAL, MEMBER: - I learned

counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present.

2. The appellant (Ex-Junior Primary Health Care/Clinical Technician M.P) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

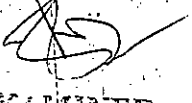
14.07.2015 whereby the appellant was terminated from service and against the order dated 23.07.2015 through which his departmental appeal was regretted.

3. Arguments of learned counsel for the appellant and learned Deputy District Attorney heard. File perused.

4. The appellant was appointed as Junior Primary Health Care/Clinical Technician (M.P) in BPS-09 vide order dated 02.04.2015, however after a few months of his appointment his services were terminated vide impugned order dated 14.07.2015 simply for the reason, that he obtained diploma from Skill Development Council Lahore which was not a recognized institution.

5. Admittedly the appellant did not possess diploma from the recognized institution when he was appointed as Junior Primary Health Care/Clinical Technician (M.P) vide order dated 02.04.2015 and there is also no dispute that the appellant obtained the requisite diploma from the recognized institution i.e. the institution affiliated with Khyber Pakhtunkhwa Medical Faculty Peshawar in the year 2016 after his termination vide impugned order. In these circumstances the appellant is not found entitled for reinstatement from the back date however while keeping in view the peculiar circumstances of the case and gaining wisdom from the judgment of august Supreme Court reported in 2016 SCMR page 1228 and common judgment dated 20.03.2018 passed in Writ Petition No.470-M of Hon'ble Peshawar High Court Peshawar, this Tribunal hereby issues direction to the respondent department to appoint and adjust


ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the appellant as Junior Primary Health Care/Clinical Technician (M.P) against the next first available vacancy when so ever accrues.

The present service appeal is partially accepted in the above terms.

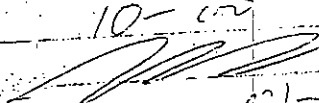
Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED filed to be true copy
12.12.2018


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Copy	13-12-18
Number of Words	16000
Copying Fee	10-00
Urgent	
Total	10-00
Name of Copyist	
Date of Completion of Copy	01-01-19
Date of Delivery of Copy	01-01-19

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

No 9082/82 /AE-VI

Dated 21/8/2015

(20)

To

Mr. Tufail Ahmad,
Ex-Jr. PHC Technician (MP),
Category "C" Hospital, Lahor
District Swabi.

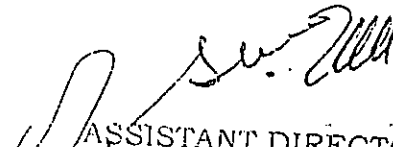
Amin - H

Subject: - DEPARTMENTAL APPEAL/ REPRESENTATION AGAINST THE
ORDER DATED 03.07.2015.

Memo,

Reference your appeal dated 23.07.2015.

Your request for re-instatement into Govt: Service cannot it is
regretted be acceded to.


ASSISTANT DIRECTOR (P-III)
DIRECTORATE GENERAL HEALTH
SERVICES KPK, PESHAWAR.

C.C

DHO Swabi for information.

21/8/2015

KHYBER-PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1748 /ST Dated 14/10 / 2019


To

The District Health Officer,
Government of Khyber Pakhtunkhwa,
Swabi.

Subject: - JUDGMENT IN APPEAL NO. 1072/2015, MR. TUFAIL AHMAD.

I am directed to forward herewith a certified copy of Judgement dated 06.09.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.