

S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	17.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u></p> <p style="text-align: center;"><u>CAMP COURT ABBOTTABAD</u></p> <p>1. Service Appeal No 1265/2015, Mehboobullah Khattak,  2. Service Appeal No. 1266/2015, Mufti Salah-ud-Din,  3. Service Appeal No. 1267/2015, Muhammad Amjad, and  4. Service Appeal No. 1268/2015, Amjid Khan &amp;  Versus the Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar and 3 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellants and Mr. Muhammad Siddique, Senior Government Pleader alongwith M/S Amjad Ali, Assistant, Dr. Muhammad Irshad, Mst. Sobia L.H.V and Dr. Muhammad Daud, M.S for respondents present.</p> <p>2. This judgment shall dispose of the instant service appeal No. 1265/2015 titled "Mehboobullah Khattak Versus the Government of Khyber Pakhtunkhwa through Secretary Health Department Peshawar and 3 others" as well as service appeal No. 1266/2015 titled "Mufti Salah-ud-Din Versus the Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar and 3 others", service appeal No. 1267/2015 titled "Muhammad Amjad Versus the Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar and 3 others" and service appeal No. 1268/2015 titled "Amjid Khan versus the Government of Khyber</p>

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Pakhtunkhwa through Secretary Health Department, Peshawar and 2 others", as identical questions of facts and law are involved therein.

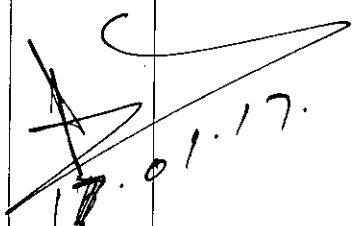
3. Appellants have impugned order dated 23.07.2015 vide which they were removed from service on the allegations of misconduct as their appointments were allegedly made in violation of rules.

4. Learned counsel for the appellants has argued that the appellants have committed no misconduct as they were not civil servants at the time of process of their appointments. That the impugned orders were not issued by the competent authority as the Executive District Officer (Health) now replaced by District Health Officer is the competent authority of the appellants while the impugned orders have been passed by Medical Superintendent, DHQ Hospital Batagram. That even the mode and manner prescribed for conducting the departmental enquiry were not followed.

5. Learned Senior Government Pleader has argued that the appointments of the appellants were not made in accordance with the prescribed procedure and as such their services were rightly terminated by the relevant authority as the appellants were beneficiaries of the appointment orders and were therefore proceeded against under the Government Servants (E&D) Rules, 2011.

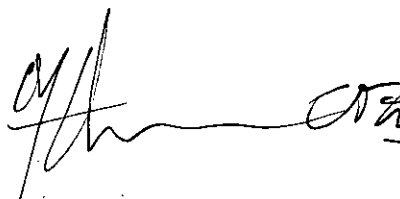
6. We have heard arguments of learned counsel for the parties and perused the record.

7. Appointment orders of the appellants dated 28.03.2012, 28.03.2012, 31.12.2012 and 28.12.2012 would reveal that the competent authority for appointment of the appellants was E.D.O (Health) Batagram while the

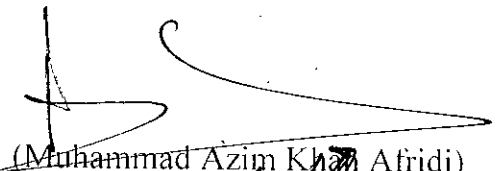
  
17.01.17.

impugned orders were issued vide order dated 23.07.2015 by the Medical Superintendent District Head Quarter Hospital, Batagram who was not competent to proceed against the appellants. The appellants were not civil servants when their appointment process was in progress and as such they cannot be therefore proceeded against for "misconduct" within the meaning of Rule 2 (i) of Government Servants (E&D) Rules, 2011. Such process is to be adopted against those civil servants who had participated and facilitated in the irregular appointments.

8. For the above mentioned reasons we are left with no option but to accept the present appeals, set aside the impugned order dated 23.07.2015 and reinstate the appellants in service by placing the respondents at liberty to proceed against the appellants in accordance with law and subject to affording them opportunity of hearing which process shall be conducted and concluded within a period of 2 months from the date of receipt of this judgment. In case the respondents fail to conduct and conclude the process of enquiry within the specified period then it shall be deemed that the appellants have been reinstated in service with all back benefits however the intervening period with effect from the date of impugned order dated 23.07.2015 till date shall then be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Aamir Nazir)

Member

  
(Muhammad Azim Khan Afridi)  
17 Chairman  
Camp Court, Abbottabad

ANNOUNCED

17.01.2017

23.11.2016

Appellant in person, M/S Muhammad Tufail, SO, Shah Rahman, Assistant, Mst. Sobia, LHV and Amjad Ali, Assistant alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Due to incomplete bench, case is adjourned to 17.01.2017 for final hearing before D.B at camp court, Abbottabad. Any appointment against the subject post shall be subject to final decision of the appeal by this Tribunal.

  
Chairman  
Camp court, A/Abad

20.06.2016

Counsel for the appellant present. Case-file has been requisitioned on application for early hearing submitted by learned counsel for the appellant. File has been requisitioned.

Application for restraining the respondents from filling the advertised post till disposal of the appeal has also been submitted. Notice of application be issued to the respondents for the date fixed i.e 19.09.2016 before D.B at camp court Abbottabad. Any appointment against the subject post by the respondents shall be subject to final decision of the appeal by this Tribunal.



Member

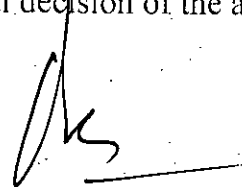


Chairman

Camp Court, A/Abad.

19.09.2016

Agent of counsel for the appellant and Mr. Shah Rahman, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Counsel for the appellant has not turned up from Peshawar. seeks adjournment. To come up for final hearing on 23.11.2016 before the D.B at camp court, Abbottabad. Any appointment against the subject post by the respondents shall be subject to final decision of the appeal by this Tribunal.



Member



Chairman

Camp court. A/Abad

24.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Junior Clinical Technician (Physiotherapy) vide appointment order dated 28.3.2012 and was regularly performing his duty when vide impugned order dated 23.7.2015 he was removed from service on the allegations of presenting fake documents for appointment where against appellant preferred departmental appeal on 6.8.2015 which was not responded and hence the instant service appeal on 11.11.2015.

That the appellant was neither subjected to inquiry nor any opportunity of hearing was afforded to him.

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 17.2.2016 before S.B at Camp Court Abbottabad as the matter pertains to the territorial limits of Hazara Division.

  
Chairman

17.02.2016

Appellant in person, M/S Muhammad Arshad, S.O and Shah Rehman, Assistant alongwith Mr. Muhammad Saddique, Sr.G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.9.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad




Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

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

Case No. 1265/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.11.2015	<p>The appeal of Mr. Mehboob Ullah Khattak presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench. for preliminary hearing to be put up thereon <u>24-11-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

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

APPEAL NO. 1265 /2015

**MEHBOOB ULLAH KHATTAK VS HEALTH DEPTT:**

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**APPELLANT**

**THROUGH:**

  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**



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

APPEAL NO. 1265 /2015

**M.W.P. Province  
Service Tribunal**  
Diary No. 1350  
Dated 11-11-2015

Mr. Mehboob Ullah Khattak, JCT (Physiotherapy),  
DHQ Hospital Battagram ..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
  - 2- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
  - 3- The District Health Officer Battagram, District Battagram.
  - 4- The Medical Superintendent DHQ Hospital, Battagram.
- ..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 23.7.2015 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT UNDER MISCONCEPTION OF LAW AND WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STAUTORY PERIOD OF NINETY DAYS**

**PRAYER:** That on acceptance of this appeal the impugned order dated 23.7.2015 may very kindly be set aside and the appellant may kindly be re-instated with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R.SHEWETH:**  
**ON FACTS:**

- 1- That the respondent No.3 advertised various posts including the post of junior clinical technician (physiotherapy) on 5.11.2011. That appellant having the requisite qualification and experience applied for the post of JCT (Physiotherapy) and after participated in the test and interview the appellant was declared successful. Copies of the advertisement and educational & professional testimonials are attached as annexure ..... **A and B.**

*Filed to App  
11/11/15*

- 2- That vide Notification dated 28.3.2012 the appellant was appointed as JCT (Physiotherapy) on the proper recommendation of Departmental selection committee. That in response the appellant submitted his charge report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the appointment order, charge report and service book are attached as annexure ..... **C, D and E.**
- 3- That after appointment the appellant served the respondent Department with all zeal and zest at District Battagram and as such no complaint whatsoever has been received against the appellant. That it is very pertinent to mention that after proper verification of the documents of the appellant the salary of the appellant was released.
- 4- That appellant has successfully completed his probationary period and was regularized on the post of junior Clinical Technician (Physiotherapy).
- 5- That appellant while serving as JCT (Physiotherapy) in DHQ Hospital Battagram an order dated 23.7.2015 was issued against the appellant whereby major penalty of removal from service was imposed on the appellant on the baseless allegation that appellant has been appointed in violation of the rules and standard criteria of the Government. Copy of the removal order is attached as annexure ..... **F.**
- 6- That appellant feeling aggrieved from the impugned order dated 23.7.2015 filed Departmental appeal on 6.8.2015 before the respondent No.2 but no reply has been received so far. Copies of the Departmental appeal and other connected documents are attached as annexure ..... **G and H.**
- 7- That having no other appellant preferred this appeal inter alia on the following grounds.

**GROUND:**

- A- That the impugned order dated 23.7.2015 issued by the respondent No.3 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That so far verification of Diploma/Certificate as concerned the same has already been verified by the concerned quarter. The salary of the appellant has been initiated/granted on this score para No. 14 of the appointment order dated 28.03.2012, wherein it has been laid down that salaries of newly appointed employees could be released only upon the verification of his certificates/diplomas.
- D- That appellant's Diploma in the discipline of Physiotherapy is genuine and not bogus; the same can be verified again from the concerned authority/quarter.
- E- That no show cause notice has been served on the appellant before issuing the impugned order dated 23.7.2015.
- F- That no regular inquiry has been conducted before issuing the impugned order dated 23.7.2015 against the appellant. That as per Supreme Court judgments regular inquiry is must in each and every service case.
- G- That the punishment awarded by the respondent No.3 is not attributed to the appellant because the appellant has not committed any misconduct within the definition of section-3 of the E&D Rules 2011 rather it is the fault on the part of authority for which the said authority be punished and not the appellant.
- H- That no fact finding inquiry has been conducted by the respondent Department and as such the impugned order dated 23.7.2015 is not tenable and liable to be set aside.
- I- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 23.7.2015 against the appellant.
- J- That the impugned order has been issued by the wrong authority, therefore, the impugned order is void ab anition in the eyes of law.
- K- That appellant seeks permission to advance other grounds and roofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed far.

Dated: 3.11.2015

**APPELLANT**

*Mehboob Ullah*

**MEHBOOB ULLAH KHATTAK**

**THROUGH:**

*Noor Mohammad*

**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

# درخواستیں منظور کرنے کے لئے

ذیل درجہ کی کوریج اور اس کے لئے مطلوبہ ایسے وارڈوں سے درخواستیں منظور کی جائیں گی جن کی تاریخوں کی مدت 2011 تک ہے۔

رد نمبر	پہاڑی کوریج / سکین	مرکب	تعداد	مقام	نوعیت	رد نمبر
1	BPS-09	518	30	ایضاً	Jr. Clinical Technician (Dentistry)	1
2	BPS-09	ایضاً	ایضاً	ایضاً	Jr. Clinical Technician (Surgery)	2
3	BPS-09	ایضاً	ایضاً	ایضاً	Jr. Clinical Technician (Ophthalmology)	3
4	BPS-09	ایضاً	ایضاً	ایضاً	Jr. Clinical Technician (Anesthesia)	4
5	BPS-09	ایضاً	ایضاً	ایضاً	Jr. Clinical Technician (Cardiology)	5
6	BPS-09	ایضاً	ایضاً	ایضاً	Jr. Clinical Technician (Hematology)	6
7	BPS-09	ایضاً	ایضاً	ایضاً	Jr. Clinical Technician (Sterilization)	7
8	BPS-09	ایضاً	ایضاً	ایضاً	Jr. Clinical Technician (Physiotherapy)	8
9	BPS-09	ایضاً	ایضاً	ایضاً	Female Jr. Clinical Tech: (Dental)	9
10	BPS-09	ایضاً	ایضاً	ایضاً	Female Jr. Clinical Tech: (Pharmacy)	10
11	BPS-09	ایضاً	ایضاً	ایضاً	Female Jr. Clinical Tech: (Pathology)	11
12	BPS-09	ایضاً	ایضاً	ایضاً	Female Jr. Clinical Tech: (Anesthesia)	12
13	BPS-09	ایضاً	ایضاً	ایضاً	Female Jr. Clinical Tech: (Cardiology)	13
14	BPS-09	ایضاً	ایضاً	ایضاً	Female Jr. Clinical Tech: (Surgical)	14
15	BPS-06	ایضاً	ایضاً	ایضاً	Electrician	15
16	BPS-06	ایضاً	ایضاً	ایضاً	Storekeeper	16
17	BPS-07	ایضاً	ایضاً	ایضاً	Junior Clerk	17
18	BPS-05	ایضاً	ایضاً	ایضاً	Plumber	18

شرائط و ضوابط: - 1۔ کوئی درخواست مطلوبہ تاریخ کے بعد وصول نہیں کی جائے گی۔ 2۔ سرکاری ملازمین اسے منکر کے توسط سے درخواستیں ارسال کر سکتے ہیں۔ 3۔ درخواست دہندہ کو یوقت اہل و عیال کے اہلی اسناد پیش کرنے ہوتے ہیں۔ 4۔ صرف شارٹ لسٹ امیدواروں کو اہلیت دینے کا اختیار ہے۔ 5۔ انٹرویو کیلئے کوئی ای سی ڈی ایس نہیں دیا جائے گا۔ 6۔ سلیکشن کمیٹی کو ایک یا تمام درخواستیں منتخب یا مسترد کرنے کا اختیار حاصل ہوگا جو کسی فورم یا عدالت میں ناقابل چیلنج ہوگا۔ 7۔ طے شدہ گرام کے امیدواروں کو ترجیح دی جائے گی۔ 8۔ درخواستیں سادہ کاغذ پر لکھی ہونی چاہیے۔ 9۔ درخواست کے اوپر متعلقہ آسامی کا نام اور رابطہ نمبر ضرور درج ہونا چاہیے۔ 10۔ انٹرویو پورے وقت کے ذریعے ہونے کیلئے شارٹ لسٹ امیدواروں کو کال لینے جاری کیا جائے گا۔

(دستخط اور مہتمم کے لئے)

Also available on [www.khyber\\_pakhtunkhwa.gov.pk](http://www.khyber_pakhtunkhwa.gov.pk) (INE/P/3321)

5-11-2011

ATTESTED

*(Handwritten Signature)*

A: (5)

S.No.KB 17727

Roll No. 15572

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

B-6

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION**



**KOHAT**

**(N.W.F.P. Pakistan)**

**Secondary School Certificate Examination**

**SESSION 2003 (Supplementary)**

THIS IS TO CERTIFY THAT MAHBOOB ULLAH  
Son/Daughter of RAI GUL and a  
student of DISTRICT KARAK has passed  
the *Secondary School Certificate Examination* of the Board of Intermediate and  
Secondary Education, Kohat held in SEPTEMBER, 2003 as a PRIVATE  
candidate. He/She obtained 403 Marks out of 850 and has been placed in  
Grade D Representing Fair

The Candidate passed in the following subjects:

- |                |                   |                     |                   |
|----------------|-------------------|---------------------|-------------------|
| 1. English     | 2. Urdu           | 3. Islamiyat        | 4. Pak. Studies   |
| 5. Mathematics | 6. <u>PHYSICS</u> | 7. <u>CHEMISTRY</u> | 8. <u>BIOLOGY</u> |

Date of birth according to admission form is 10-Apr-1987

  
Asstt. Secretary

**ATTESTED**

  
Secretary

*This certificate is issued without alteration or erasure*

S.No. KB 45233

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 52539 (7)

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION**



**MARKS  
IMPROVED**

**KOHAT**

**(N.W.F.P. Pakistan)**

**INTERMEDIATE EXAMINATION**

**HUMANITIES GROUP**

**Session 2007 (Annual)**

This is to Certify that Mehboob Ullah

Son/Daughter of Rai Gul

and a student of District Karak

Registered No 2630-BK/P-2005 has passed the *Intermediate Examination* of the Board of Intermediate & Secondary Education, Kohat held in May, 2007 as a Private candidate. He/She obtained 608 marks out of 1100 and has been placed in C Grade Representing Good.

The Examination was taken as a whole / in parts.

  
Asst. Secretary

  
Secretary

This certificate is issued without alteration or erasure.  
Issued in lieu of Roll No. 51007 Inter Annual Exam 2006.

**ATTESTED**



# ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Serial No. 132016

## PROVISIONAL RESULT CARD

Name: MEHBOOB ULLAH  
 Father's Name: RAI GUL  
 Address: VILL SPINA BANDA P. O JANNIDRAI

Roll No: W466837  
 Registration No: GGK1740  
 Final Semester: AUT- 2008

8

Tehsil: KARAK  
 District: KARAK  
 has successfully completed: BACHELOR OF ARTS  
 GROUP-GENERAL

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 06	0436	SEERAT-E-TAYYABA	100	78
AUT- 06	0417	PAKISTAN STUDIES(C)	100	66
AUT- 06	0416	ISLAMIAT (C)	100	68
AUT- 07	0435	ENGLISH	100	65
SPR- 08	0407	HISTORY OF MODERN MUSLIM WORLD	100	57
SPR- 08	0437	ISLAMIC STUDIES(E)	100	66
SPR- 08	0404	URDU	100	65
AUT- 08	0419	EDUCATION	100	72
AUT- 08	0464	ISLAMIC FIQH	100	65

CREDITS: 8

Total Marks / Obtained 900 / 604

Result Declared on AUGUST 27, 2009

Percentage / Grade 67 B

Date of issue SEPTEMBER 03, 2009

**Controller of Examinations**

ATTESTED

**Disclaimer:**  
 This result card is issued provisionally, error and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be based under the rules/regulations on the basis of the original record of the university student.



Reg No: SDCL/KIEMS/PESH-07901

Roll No: 7982

Serial No. 5536

Session: 2010-2011



# Skill Development Council Punjab, Lahore

National Training Bureau, Ministry of Federal Education & Professional Training  
Government of Pakistan  
www.sdclahore.gov.pk



# DIPLOMA



THIS IS TO ACKNOWLEDGE THAT

**MEHBOOB ULLAH S/O RAI GUL**

has successfully completed the prescribed course of study in

**HOSPITAL TECHNICIAN  
PHYSIOTHERAPY TECHNICIAN (PART-I)**  
Grade 'B' / Percentage: 343/500 = 69%

**KHYBER INSTITUTE OF EDUCATIONAL & MEDICAL SCIENCES,  
PESHAWAR**

Duration: The candidate has completed the prescribed course of study in Two Modules,  
Consisting of six months each

**ATTESTED**

CONTROLLER (EXAMS)



SDC, PUNJAB, LAHORE

Reg No: SDCL/KIEMS/PESH-07901

Serial No. 5537

10

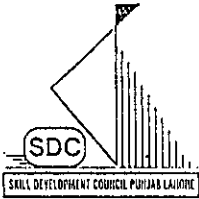
Roll No: 7982



Session: 2011-2012

# Skill Development Council Punjab, Lahore

National Training Bureau, Ministry of Federal Education & Professional Training  
Government of Pakistan  
www.sdclahore.gov.pk



# DIPLOMA



THIS IS TO ACKNOWLEDGE THAT

MEHBOOB ULLAH S/O RAI GUL

has successfully completed the prescribed course of study in

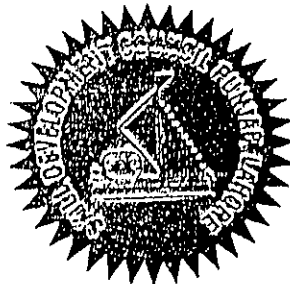
HOSPITAL TECHNICIAN  
**PHYSIOTHERAPY TECHNICIAN (PART-II)**

Grade 'B+' / Percentage: 361/500 = 72%

**KHYBER INSTITUTE OF EDUCATIONAL & MEDICAL SCIENCES,  
PESHAWAR**

Duration: The candidate has completed the prescribed course of study in Two Modules,  
Consisting of six months each

CONTROLLER (EXAMS)



SDC, PUNJAB, LAHORE

ATTESTED

1735

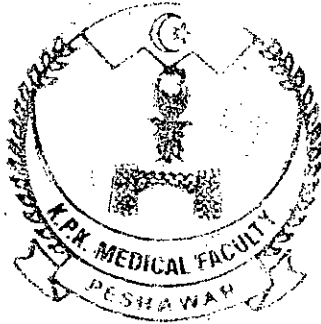
Serial No

Roll No

5096

11

**KHYBER PAKHTUNKHWA MEDICAL FACULTY PESHAWAR PAKISTAN**



Diploma In PATHOLOGY Technology

SESSION 6/2013

This is to certify that Mr. Miss. Mrs. MEHBOOB ULLAH Son / Daughter of

Mr. RAI GUL Of Batch No. 7th Bearing

Registration No MF/139/JIMS Has passed the examination of Two years diploma

In the year 6/2013 He / She obtained 737 Marks out of 1400

He / She has been Placed in B Grade.

Prepared by: [Signature]

Checked by: [Signature]

Verified by: \_\_\_\_\_



[Signature]  
Secretary,  
Khyber Pakhtunkhwa Medical Faculty  
Peshawar Pakistan

**ATTESTED**

[Signature]

1791

Serial No \_\_\_\_\_

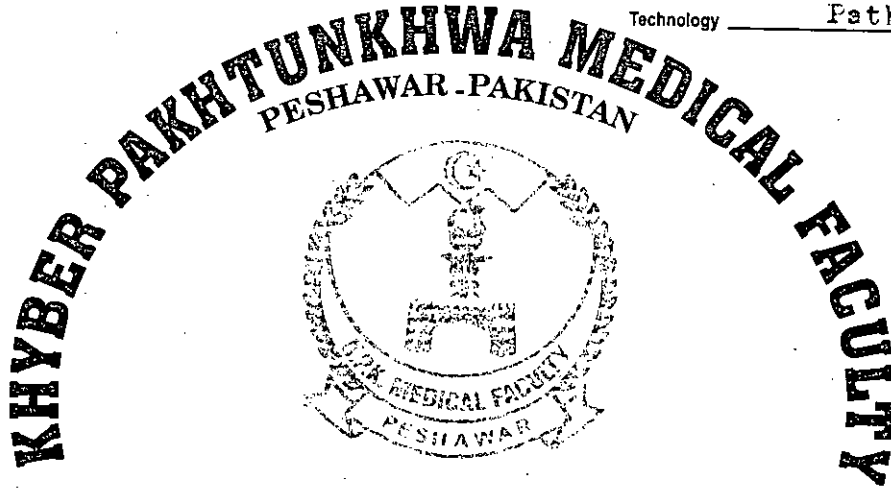
Batch No 7c h

Roll No 5996

Examination Session 6/2013

Technology Pathology

(12)



## Renewal Of Diploma

REGISTRATION / ENROLMENT


*Valid for five years*


The Diploma registration of Mr / Miss / Mrs. MEHBOOB ULJAH Son / Daughter of

RAI GUL bearing Registration No. MF/139/JIMS Enrolment / Provisional

Diploma Serial No. 1755 Dated 7/11/2013 is hereby renewed

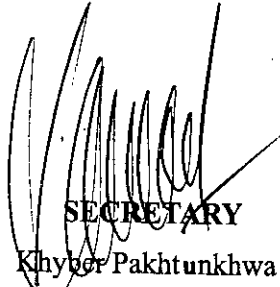
from 7/11/2013 to 7/10/2018


Prepared by: 

Checked by: 

Verified by: \_\_\_\_\_



  
**SECRETARY**  
 Khyber Pakhtunkhwa  
 Medical Faculty Peshawar

**ATTESTED**  


(13)

DISTRICT HEADQUARTER HOSPITAL KARAK

EXPERIENCE CERTIFICATE

NO. 923/PF  
Dated 24/7/2008

It is to certify that Mr. Mahboobullah S/o Mr. Rai Gul R/o Karak has worked as Lab Tech: in this Hospital w.e.f 1<sup>st</sup> July 2007 till date as Social Worker.

During his stay he is found hard worker, inefficient, obedient and punctual. He has good moral character.

*Major*  
Medical Superintendent,  
DHQ Hospital Karak  
Medical Superintendent  
DHQ Hospital Karak

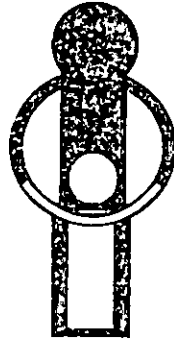
ATTESTED

*mg*

**EXPANDED PROGRAMME ON IMMUNIZATION**  
**NWFP, PESHAWAR.**

No. 995

Date: 2.6.2008. (14)



**DEPARTMENT OF HEALTH**  
**Government of NWFP (Pakistan)**

Roll No. 203  
Marks. 50

**EPI TRAINING CERTIFICATE**

This is to Certify that Mr./ Mrs. Montceballal S/o, D/o, W/o Raj wal  
resident of Spina anda

P.O. Wandrai Tehsil Karak District Karak.

Has successfully completed EPI Training, From 2/2007. to 2/2008.  
at EPI Centre BHO Chundi Mir Khan Khet. at his own cost and risk.

Prepared by:

**ATTESTED**

*[Signature]*  
**DEPUTY DIRECTOR**  
**EXPANDED PROGRAMME ON IMMUNIZATION**  
**NWFP, PESHAWAR.**



OFFICE OF THE EXECUTIVE DISTRICT  
OFFICER (HEALTH) BATTAGRAM

No. 655 /PF Dated: 28 /03/2012

To:

Mr. Mehboob ullah S/o Rai Gul

R/o Village Speena Banda P.O Jandri Tehsil & District Kark.

Subject:

APPOINTMENT ORDER

Memo:

On the recommendation of Departmental Selection Committee (DSB). You are hereby appointed as JPCHT (Physiotherapy) in BPS-09 (Rs. 6200-380-17600) plus usual allowances as admissible under the rule on regular basis against the vacant post of JPCHT (Physiotherapy) BPS-09 (Rs. 6200-380-17600) at District Head Quarter Hospital Battagram with immediate effect:- the following terms and conditions:-

TERMS & CONDITION.

1. Initially you will be on probation for a period of one year extendable for a further period of not exceeding 6 months.
2. Your services can be dispensed with during the probation period if your work and conduct is found unsatisfactory.
3. The appointment will be subject to provide a Medical Fitness Certificate (Health & Age) From Medical Superintendent DHQ Hospital Battagram and verification of character and Antecedents/Educational Qualification etc.
4. No TA/DA will be allowed for joining the duty or obtaining the Medical fitness certificate
5. You will be governed by such rule and orders as may be issued by the Govt: from time to time for the category of Govt: Servant to which they belong.
6. You shall for all intents and purposes be Civil Servants except for the purpose of pension and gratuity. In lieu of the same you will be entitle contributory provident fund as per Govt: rules/instructions.
7. You will submit undertaking on judicial stamp paper stating that the documents submitted with application form are genuine and not fake, moreover they have not been dismissed from service by any Govt: or semi Govt: organization.
8. Where you remains absent with out leave for a period of Seven (07) days you shall be deemed to have Violated the relevant rules provisions and shall be terminated from service.

ATTESTED

- 9. If you wish to resign from service, two month advance notice or to deposit two month salary in lieu thereof. However you will continue to serve to the Govt: till the resignation is accepted by the competent authority.
- 10. The appointee shall be responsible for all utility bills and other charges of the residential Accommodation as is applicable to the category of staff.
- 11. The appointees shall subject to all rules of Govt; pertaining to a civil servant in respect to Efficiency and Discipline, conduct, Liability to criminal proceeding etc, and any special rules, Instruction issued by the Health Department specified to employee for breach of discipline or unsatisfactory service, The Health Department shall be competent to terminate the services of culprit without notice or compensation.
- 12. No employee shall indulge in any trades, business or occupation or any activity, which is Prohibited for a regular Govt; servants.
- 13. Spouse policy shall not be applicable to the appointee.
- 14. Your pay will be release after verification of your documents.
- 15. If you accept the offer of appointment on above terms and conditions, you should report to Incharge Medical Superintendent DHQ Hospital Battagram with in 15 days of the issuance of this order. The offer will be cancelled, if you fail to report for duty with in the above mentioned period.

Executive District Officer (Health)  
Health Battagram.

28/3/2012

No. BSSB-60 / PF Dated Battagram the,

- 1. Director General Health Services KPK Peshawar for information please.
- 2. District Coordination Officer Battagram for information please.
- 3. Medical Superintendent DHQ Hospital Battagram for information and necessary action.
- 4. District Accounts Officer Battagram for information and necessary action
- 5. District Accounts Section office of the undersigned

Executive District Officer (Health)  
Health Battagram.

**ATTESTED**



D-17

بخدمت جناب میڈیکل سپرنٹنڈنٹ ڈسٹرکٹ ہیڈ کوارٹر ہسپتال بنگرام

مضمون: ارایوں رپورٹ از عیون کھراچی سینسٹریسٹ ڈسٹرکٹ ہیڈ کوارٹر ہسپتال بنگرام

جناب عالی:-

گذارش ہمیکہ سائل بحوالہ جناب ایگزیکٹو ڈسٹرکٹ آفیسر صاحب محکمہ صحت ضلع بنگرام آرڈر نمبر 655 مورخہ 28.03.2012 کے تحت آئی فزیو لوجی پوسٹ پرنٹیفیکاتی ہوئی ہے، سائل آج مورخہ 28.03.2012 کو قبل از دوپہر ڈسٹرکٹ ہیڈ کوارٹر ہسپتال بنگرام میں آئی فزیو لوجی پوسٹ پر آئی حاضری رپورٹ پیش کرتا ہے۔ جناب اس استدعا ہمیکہ منظور فرمایا جائے۔ عین نوازش ہوگی۔

ندارش  
محمد اسحاق

مورخہ 28/03/2012

نام: محبوب اللہ ولد زکریا  
عہدہ: جوئر سنٹریل سینسٹریسٹ فزیو لوجی  
مقام ڈیوٹی: ڈسٹرکٹ ہیڈ کوارٹر ہسپتال بنگرام

Noted & communicated to  
auditing concerned

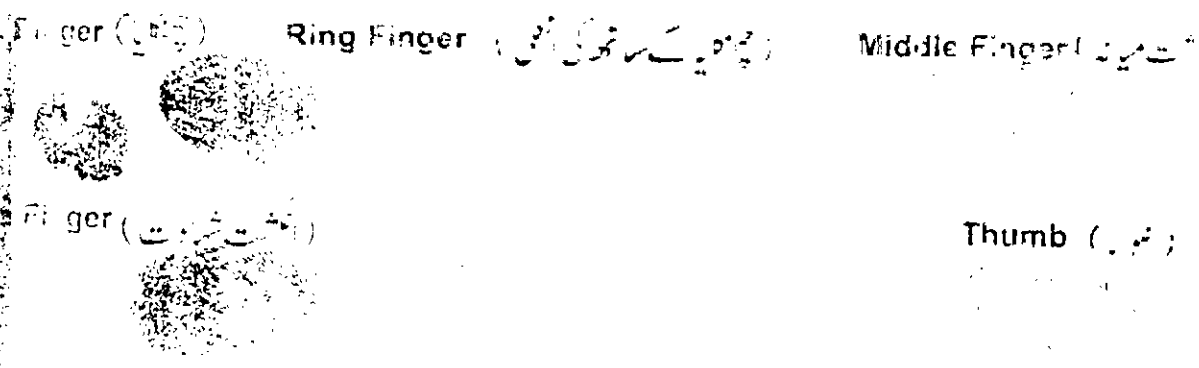
Free  
28/3/2012

ATTESTED

6/

1. Name: M. Habibullah
2. Nationality and Religion: Khatok
3. Residence: village Sarsang Pranda, P.O. Jandhari  
Tehsil + District Kerk.
4. Father's Name and Residence: Rai Gul
5. Date of birth Christian era as nearly as can be ascertained: 5/10-4-1987 (Ten April - nineteen eighty seven)
6. Exact height by measurement: 5-6  
(قد و قامت)
7. Personal mark of identification: marks on nose  
(نشان شرافت)

Left hand/right hand thumb and finger impressions of (Non-gazetted officer)  
(مراٹن سورت میں پائیر، عورت ڈا سورت میں اکھیں ہاتھوں کی انگلیوں کے نشانات)



Signature of Govt. Servant (حکومتی ملازم کے دستخط) M. Habibullah

Signature and designation of the Head of the Officer or other Attesting Officer

(تصدیق کنندہ دفتر کے دستخط و نام)

[Signature]  
Medical Officer  
D.H.O.  
BATAWALI

The entries in this page should be renewed or re-aggested at least every five years. Signatures in lines 9 and 10 should be dated. Finger prints need not be taken afresh every five years under this rule.

اس صفحہ پر درج شدہ ملازم کے دستخط اور نام ہر پانچ سال بعد تازگی سے دوبارہ لکھنے چاہئے اور 9 اور 10 میں درج شدہ دستخط اور نام ہر پانچ سال کے بعد تازگی سے دوبارہ لکھنے چاہئے۔

1 Name of Post	2 Whether Substantive of officiating any whether permanent or temporary	3 It officiating state. (1) subatative appointment of (ii) whether service counts for pension under rule 3-20 C.S.R. (Pb) Volume ii	4 Pay in substantive position		5 Additional pay for officiating		6 Other emoluments falling under the term pay	7 Date of appointment	8 Signature of government servant	9 Signature and designation of the Head of the office or other authority
			Rs.	Pg.	Rs.	Pg.				
درجہ ملازمت	عارضی مستقل قائم مقام	اگر عارضی ہے۔ وہ کے مطابق نہیں ہے۔	تنخواہ و بطور عارضی ملازمت		زائد تنخواہ بطور قائم مقام		ماسوائے تنخواہ دیگر الا انش	تاریخ تقرری	تقرری دستخط	افسر عارضی ملازم
6200-380-17600			Pay Rs-6200/-					28/3/2012	[Signature]	[Signature]
J.C.T. (Physiotherapy)										
11					6580/-			01/12/2012	[Signature]	[Signature]
11					6980/-			01/12/2013	[Signature]	[Signature]

8	9	10	11	12	13	13	14	15
Signature and designation of the Head of the Government Servants		Date of termination or appointment	Reason of termination (such as promotion, transfer, discharge, etc.)	Signature of the head of the officer or other Attesting Officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office other attesting officer	Reference to any recorded punishment of censure, or reward, or praised to the Government servants
						<p>پارہ ماہ کی رخصت کے لئے اوسط تنخواہ کا قسمن</p> <p>Period: _____ Government to which debtable: _____</p>		<p>سزایا جازیا غیر مناسب کارکردگی کا ریکارڈ</p>
		<p>Appointed as a T.C.T. (Physiotherapy) vide E.D.O. (Health) Battagram order No- 655-1/F dated 28-3-2012.</p>						
				<p><i>[Signature]</i> Medical Superintendent D.H.Q. Hospital, BATTAGRAM.</p>			<p><i>[Signature]</i> Medical Superintendent D.H.Q. Hospital, BATTAGRAM.</p>	
					<p>Annual Increment Allowed</p>		<p>Service Verified from 28-3-2012 to 30-11-2012</p>	
				<p><i>[Signature]</i> Medical Superintendent D.H.Q. Hospital, BATTAGRAM.</p>			<p><i>[Signature]</i> Medical Superintendent D.H.Q. Hospital, BATTAGRAM.</p>	
					<p>Annual Increment Allowed</p>		<p>Service Verified from 01-12-2012 to 30-11-2013</p>	
				<p><i>[Signature]</i> Medical Superintendent D.H.Q. Hospital, BATTAGRAM.</p>			<p><i>[Signature]</i> Medical Superintendent D.H.Q. Hospital, BATTAGRAM.</p>	

ATTACHED

*[Signature]*

F-(21)



**OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM**

MS Office Phone No. 0997-311518 Email Address; dhqbtg518@yahoo.com  
Casualty Dept Phone No. 0997-310018 Fax No. 0997-311518

No. 2530-33/100 dated 23/07/2015

**OFFICE ORDER**

WHEREAS, Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS-09 attached to DHQ Hospital Battagram was proceeded against under the E&D Rules 2011 for the charges mentioned below:-

1. YOU HAVE BEEN APPOINTED IN VIOLATION OF THE RULES /STANDERED CRITERIA OF THE GOVT: AND THERE FORE GUILTY OF MISCONDUCT AS PROVIDED UNDER RULE-2 SUB PARA K (VI) OF THE E&D RULE 2011.

AND WHEREAS, a show cause notice was served upon him vide this office letter No. 2219-21/ Dated 07.07.2015 wherein major penalty of Removal from service was proposed to be imposed upon him.

AND WHEREAS he did not respond to submit the reply of show cause notice nor he presented himself for personal hearing.

His disinterest in replying the show cause notice has shown that he has nothing in his defence and he could not prove himself as innocent.

NOW WHEREAS, I, the undersigned being the competent authority in exercise of powers conferred under the Khyber Pakhtunkhwa Peshawar E&D Rules 2011, am pleased to impose major penalty of removal from service upon Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS-09 with immediate effect..

Sd/xx xx xx


**Medical Superintendent  
DHQ Hospital Battagram**

No. & date even above:-

Copy forwarded to the:-

1. Director General Health Service Khyber Pakhtunkhwa Peshawar
2. DAO Battagram.
3. Accountant DHO Office Battagram.
4. Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS-09 DHO Hospital Battagram  
For information and necessary action.

**ATTESTED**

  
**Medical Superintendent  
DHQ Hospital Battagram**



THROUGH PROPER CHANNEL

G-22

To

THE DIRECTOR GENERAL HEALTH SERVICES  
GOVT OF KHYBER PAKHTUNKHWA,  
CIVIL SECRETARIAT PESHAWAR.

D.N.O.  
23/68/ETD  
06/08/15

Subject: DEPARTMENTAL APPEAL

RESPECTFULLY SHEWETH,

With due respect, it is humbly submitted as follows:

1. That appellant is highly educated. He has got B.A degree from Allama Iqbal open University Islamabad. He has got Two year diploma in the discipline of Pathology from Khyber Pakhtunkhwa Medical faculty Peshawar .He has also got one year EPI course Certificate and has also got two years diploma in the discipline of Physiotherapy from skill development council, Pakistan
2. That vide advertisement ,the Executive District officer, Health, Battagram invited application for different post of different categories including the post of JCT Physiotherapy.
3. That appellant being qualified under the term and criteria as laid down and the advertisement for the post JCT Physiotherapy, applied for the same and after successfully going through the prescribed procedure was appointed as JST Physiotherapy vide order No. 655/PF dated 28.03.2012.

ATTESTED



4. That in pursuance of the appointment order appellant took over charge of his assignment and started the performance of his duties.
5. That all the relevant document were verified by the district office and their upon his salaries were released.
6. That Appellant has received his salaries upto December of 2014.
7. That appellant has performed his duty to the entire satisfaction of his superior till the date and no complaint what so ever has ever been lodged against him.
8. That appellant has successfully completed his period of probation.
9. That appellant has now got about three years serves at his credit.
10. That all of sudden an enquiry was convened allegedly on the ground of illegal appointment.
11. That the so called enquiry has been conducted in the absence and at the back of appellant. Appellant has not been associated with enquiry proceedings. The prescribed procedure has not been adopted.
12. That the spirit and promotion of section 16 of Khyber Pakhtunkhwa Civil Servant, Act 1973 has been violated.
13. That appellant has been condemned unheard.

ATTESTED



- 14. That Enquiry Officer vide his enquiry report has recommended and proposed as to the following;
- 15. Appellant may be allowed to continue his service subject to the producing of advertisement / Notice by the DHO Battagram and verification of certificate/ Diploma.
- 16. If found bogus, must be served upon with show cause notice for removal from service. Till than his salary must be stopped.
- 17. That in pursuance of the recommendation of the enquiry report, the salary of the appellant has been attached since December 2014 till the date.
- 18. That so far verification of Diploma/ Certificate as concerned, the same has already been verified by the concerned quarter. The salary of the appellant has been initiated/ granted on this score Para No. 14 of the appointment order dated 28.03.2012, wherein it has been laid down that salaries of newly appointed employees could be released only upon the verification of his certificates/ diplomas.
- 19. That appellant's Diploma in the discipline of physiotherapy as genuine and not bogus, the same can be verified again from the concerned authority/quarter.
- 20. That it has been categorically mentioned in the enquiry report that appellant shall be allowed to continue his service, but the authority in violation of the recommendation of the enquiry officer has issued in order No. 1652-53, dated 14.05.2015, wherein District Officer Health Battagram has prohibited/ restrained the appellant from the performance of his duty.

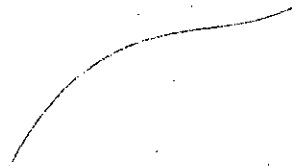
**ATTESTED**





21. That the Prohibition order of the district health officer Battagram is illegal, unlawful and without lawful authority.
22. That Appellant could not be prevented from the performance of his lawful duty and in absence of removal / dismissal order and that too after conducting regular enquiry on the charge of misconduct.
23. That being aggrieved from act and action of the authority for not allowing the appellant to perform his duties and to receive his salaries; appellant filed departmental appeal, which is still pending without disposal.
24. That now vide Office Order No.2530-33/oo dated 23-07-2015, appellant has been removed from his lawful service.
25. That it has been laid down in the impugned removal order that appellant has been served with show cause notice.
26. That this statement is wrong and has no factual and legal backing; appellant has never been served with any show cause notice and therefore, the question of reply and personal hearing is out of context.
27. That appellant has not been treated in accordance with law rules and policy governing the subject and thus the authority has acted in violation of article 4, 10-A, 12, 13, 25 and 27 of the constitution of Pakistan 1973.
28. That appellant has been deprived of his lawful service without any legal justification. Appellant is petty employ with high financial burden of

ATTESTED



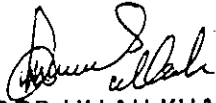
dependants, ailing parents and the impugned order has snatched the livelihood of the appellant.

25

In view of the above, it is humbly requested that on the acceptance of the instant departmental appeal, Your Honor may graciously be please to set aside the impugned order dated 23-07-2015 of the Medical Superintendent DHQ Hospital Batagram and re-instate the appellant with all back benefits and also release his out standing salaries.

Dated : 06/08/2015

Yours faithfully

  
MEHBOOB-ULLAH KHATTAK.

JCT Physiotherapy,

DHQ, Hospital Battagram

ATTESTED



## درخواستیں مطلوب ہیں

ذیل درجہ ذیل کورسز میں طلبہ کی درخواستیں منظور کرنے کے لیے درخواستیں مطلوب ہیں جو کہ درج ذیل کے  
 فٹرز میں سے کسی ایک کے ذریعے کی جانے والی ہیں۔ درخواست نامہ فٹرز کے ذریعے ارسال کیا جائے گا۔  
 تاریخ کے بعد کسی بھی درخواست قبول نہیں کی جائے گی۔ پہلے سے سرکاری اداروں کے طلبہ کے لیے  
 ایف ڈی اے کے ذریعے درخواستیں ارسال کریں۔ درخواستیں کے ساتھ ساتھ طلبہ کے پاس پاس پورے تمام  
 درخواستوں کے ساتھ ساتھ طلبہ کے پاس پاس پورے تمام درخواستوں کے ساتھ ساتھ طلبہ کے پاس پاس پورے تمام  
 حکومت کے ذریعے ارسال کیے جانے والے ہیں۔ درخواست نامہ فٹرز کے ذریعے ارسال کیا جائے گا۔ درخواست نامہ فٹرز کے ذریعے  
 ارسال کیے جانے والے ہیں۔ درخواست نامہ فٹرز کے ذریعے ارسال کیا جائے گا۔ درخواست نامہ فٹرز کے ذریعے ارسال کیا جائے گا۔

H - 26

نمبر	نام سہ ماہی	B.P.S.	بزرگی	درجہ
1	JCT (Dental)	09	30	بزرگی
2	JCT (Anesthesia)	09	30	بزرگی
3	JCT (Pathology)	09	30	بزرگی
4	JCT (Surgical)	09	30	بزرگی
5	JCT (Radiology)	09	30	بزرگی
6	JCT (MCII) LHV	09	30	بزرگی
7	JCT (MP) Health tech	09	30	بزرگی
8	JCT (MP) EPI tech	09	30	بزرگی

**انجمنہ: ڈاکٹر عقیل بیگم**  
**ڈسٹرکٹ ہیلتھ انسپریٹنگرام**

Toll Free (P) 1613 Also Available on www.bepakhtunkhwa.gov.pk

21-5-2013

**ATTESTED**

[Handwritten Signature]

To,

The District Health Officer Battagram

28

Through

Medical Superintendent DHQ Hospital Battagram.

Subject:- APPLICATION FOR THE POST OF (JCT PATHOLOGY)

Respected Sir,

It has been come into my notice through newspaper date 20/05/2013 that the some posts of JCT Pathology is lying vacant under your kind control.


I am serving as JCT Physiotherapy DHQ Hospital Battagram. Sir , I also qualified in Pathology from Medical Faculty KPK Peshawar.

Sir,

I offer my services with the following bio data.

1. Name Mehboob Ullah
2. F/ Name Rai Gul
3. NIC NO. 14202-8713629-5
4. Date of Birth 10/04/1987
5. Qualification B.A
6. P. Qualification Diploma in Pathology and Physiotherapy
7. Experience 28/3/2012 years as JCT Physiotherapy at DHQ Hospital Battagram.

Mehboob Ullah S/O Rai Gul

  
JCT Physiotherapy

DHQ Hospital Battagram

Dated. 1.06.2013

**ATTESTED**



To,

The District Health Officer Battagram

29

Through

Medical Superintendent DHQ Hospital Battagram.

Subject:- APPLICATION FOR THE POST OF (JCT MP EPI TECHNICIAN)

Respected Sir,

It has been come into my notice through newspaper date 20/05/2013 that the some posts of JCT Pathology is lying vacant under your kind control.

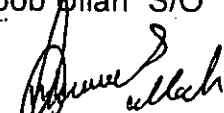
I am serving as JCT Physiotherapy DHQ Hospital Battagram. Sir, I also qualified in Pathology from Medical Faculty KPK Peshawar.

Sir,

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1. Name Mehboob Ullah
2. F/ Name Rai Gul
3. NIC NO. 14202-8713629-5
4. Date of Birth 10/04/1987
5. Qualification B.A
6. P. Qualification Certificate in EPI and Physiotherapy
7. Experience 28/3/2012 years as JCT Physiotherapy at DHQ Hospital Battagram.

Mehboob Ullah S/O Rai Gul

  
JCT Physiotherapy

DHQ Hospital Battagram

Dated. 1.06.2013

**ATTESTED**



VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Mehboob Ullah Khattak

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Health Dept.

(RESPONDENT)  
(DEFENDANT)

I/We Mehboob Ullah Khattak

Do hereby appoint and constitute NOOR MOHAMMAD KHATTAK, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/2015

Mehboob Ullah

CLIENT

N.M.

ACCEPTED

NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**CAMP COURT ABBOTTABAD.**

**Appeal NO. 1265/ 2015**

**Mehboob ullah Khattak**

**Appellant**

**VERSUS**

1. Secretary Govt Of KPK Peshawar (Respondent No.1)
2. Director General Health Services Khyber Pakhtunkhwa Peshawar. (Respondent No.2)
3. District Health Officer Battagram. (Respondent No.3)
4. Medical Superintendant DHQ Hospital Battagram (Respondent No.4)

**JOINT COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 4 DISTRICT HEALTH OFFICER BATTAGRAM**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

1. That the appellant did not come to this Service Tribunal with clean hands.
2. That the appellant has no cause of action/ locus standi to file the instant appeal.
3. That the instant appeal is hit by laches and barred by law of limitation.
4. That the appeal has been filed to pressurize the respondents.
5. That the appellant has suppressed the original fact from this honorable tribunal have not entitled for any relief and appeal is liable to be dismissed.

**FACTUAL OBJECTIONS:-**

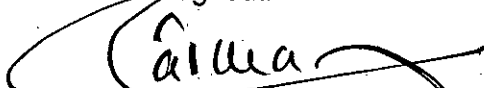
1. Correct to extend of advertised remaining para is subject.
2. Correct to extend of Notification but after enquiry conducted to prove.
3. Correct by the authority the appellant as removal from services vide order No. 2530-33 Dated 23/07/2015 (copy attached for ready reference) to the extend of salary remaining para as incorrect.
4. Incorrect.
5. In inquiry conducted by the Director General Health Services KPK Peshawar, the appellant was directed to produced original Physiotherapy Diploma but the appellant failed to produce to documents till date.


6. Relates to record.
7. Incorrect and denied.

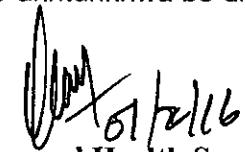
**GROUNDS:-**


- a. Incorrect hence denied infect all processed made in the light of inquiry committee conducted by the Director General Health Services KPK Peshawar under the Rules and Law framed for appointment and termination.
- b. Incorrect hence denied same as Para (a) above.
- c. The appellatant was directed that provide the verified Diploma by the concerned Medical Faculty but he failed.
- d. The appellatant was directed to inquiry committee to provide original diploma of physiotherapy for verification but he did not provide original diploma.
- e. The appellatant was directed through official letter to produced the original documents but he failed and did not provided till date.
- f. The regular inquiry was conducted by the Director General Health Services KPK Peshawar vide a copy attached.
- g. Incorrect hence denied all the process made by the responded No. 03 in the light of recommendation of Inquiry committee copy attached.
- h. Incorrect standard inquiry has been carried out.
- i. Incorrect hence denied.
- j. Incorrect hence denied order issued to the appellatant by the responded No. 03 under direction of inquiry committee which is competent.
- k. Responded seeks permission to advance other grounds at the time of hearing.

It is therefore in the light of above stated facts very humbly prayed that the appeal in hand being against the law/rules and policy of the Govt of Khyber Pakhtunkhwa be dismissed with cost throughout.

  
Secretary to Govt of Health KPK  
Peshawar Respondent No. 01

  
District Health Officer  
Battagram  
Respondent No. 03

  
Director General Health Services  
KPK Peshawar Respondent No. 02

  
Medical Superintendent  
DHQ Hospital Battagram  
Respondent No.04



**BEFORE THE HONORABLE COURT KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR ABBOTTABAD BENCH.**

SUBJECT:-

WRIT PETITION NO.1265/2015

Mehboob Ullah Khattak

Appellant

**VERSUS.**

GOVERNMENT OF KHYBER PKHTUNKHWA

Respondent.

**AFFIDAVIT.**

I Dr. Saifullah Khalid District Health Officer Battagram do hereby affirm and declare that the comments of para wise writ petition are true and correct as per my knowledge and available record that nothing material has been suppressed this honorable court.



RESPONDENT NO. 3

*SK*



OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM  
MS Office Phone No. 0997-311518 Email Address; dhqbeg518@yahoo.com  
Casualty Dept Phone No. 0997-310018 Fax No, 0997-311513

F-(21)

No, 2530-33 100 dated 23/07/2015

OFFICE ORDER

WHEREAS, Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS-09 attached to DHQ Hospital Battagram was proceeded against under the E&D Rules 2011 for the charges mentioned below:-

1. YOU HAVE BEEN APPOINTED IN VIOLATION OF THE RULES /STANDERED CRITERIA OF THE GOVT: AND THERE FORE GUILTY OF MISCONDUCT AS PROVIDED UNDER RULE-2 SUB PARA K (VI) OF THE E&D RULE 2011.

AND WHEREAS, a show cause notice was served upon him vide this office letter No. 2219-21/ Dated 07.07.2015 wherein major penalty of Removal from service was proposed to be imposed upon him.

AND WHEREAS he did not respond to submit the reply of show cause notice nor he presented himself for personal hearing.

His disinterest in replying the show cause notice has shown that he has nothing in his defence and he could not prove himself as innocent.


NOW WHEREAS, I, the undersigned being the competent authority in exercise of powers conferred under the Khyber Pakhtunkhwa Peshawar E&D Rules 2011, am pleased to impose major penalty of removal from service upon Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS-09 with immediate effect.

Sd/xx xx xx  
Medical Superintendent  
DHQ Hospital Battagram

No. & date even above:-  
Copy forwarded to the:-

1. Director General Health Service Khyber Pakhtunkhwa Peshawar
2. DAO Battagram.
3. Accountant DHO Office Battagram.
4. Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS 09 DHQ Hospital Battagram  
For information and necessary action.

ATTESTED

  
Medical Superintendent  
DHQ Hospital Battagram





**DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBERR PAKHTUNKHWA, PESHAWAR**

*All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.*  
Exchange # 091-9210187, ☎ Tele # 9210196 Fax # 091-9210230

No. **3247** /CC/2514/2014

Dated **14** /11/2014

To,

The District Health Officer,  
Battagram.

Subject: **ENQUIRY OF IRREGULAR APPOINTMENTS.**

In continuation, of this Directorate letter No.2717-20/cc/2511/2014 dated 08/09/2014, I am directed to forward an enquiry report conducted by Dr.Niaz Muhammad SMO Civil Hospital Battal Mansehra and Mr. Muhammad Jamil Assistant Director(P-II) DGHS Office Khyber Pakhtunkhwa Peshawar for implementation and necessary action with the following remarks.

- I. After going through the enquiry report it is observed that the said recruitment has been made against the Esta Code of the Govt. almost against the merit and rules regulation of the Govt have been violated.
- II. All those recruited against the merit may be terminated w.e.f the date of recruitment. salaries made so far be recovered from the wrong selectees/ those officers/ officials who are responsible for this illegal appointments immediately.
- III. Disciplinary action may be initiated against the culprits (Responsible for this illegal appointment).
- IV. Fresh procedure as per Esta Code recruitment policy may be initiated for new recruitments.

*Mr. Mohammad Hassan &  
Shah Faisal P.S. Inhibit document  
Class III employees only.*

**DIRECTOR GENERAL HEALTH  
SERVICES, KHYBER PAKHTUNKHWA  
PESHAWAR.**

*Stop the pay  
of Class III  
DHO  
14/11/14*

*13/11/14*



**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.  
Office Ph (091 - 9210269; Exchange ☎ 091 - 9210187, 091 - 9210196 Fax: 091 - 9210230

No 2717-20 /CC/2511/2014

Dated 2 /09/2014


MOST IMMEDIATE

To,

1. Dr. Niaz Muhammad SMO,  
Civil Hospital Battal District Manshera.
2. Mr. Muhammad Jamil  
Assistant Director (P-II), DGHS Office Peshawar.

SUBJECT: OFFICE ORDER.

I am directed to refer of this DGHS office Order bearing endorsement No.647-53/CC/2511/2014 dated 14-04-2014 on the subject noted above with the remarks to proceed to Battagram for examination /Scrutiny of the remaining documents of the candidates appointed by DH Battagram prior to 01/07/2013.

  
Director (Admin)  
DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

Cc:

Copy forwarded to the:

1. District Health Officer Battagram for information and to make available all the relevant record to the enquiry committee.
2. Medical Superintendent DHQ Hospital Battagram for information and necessary action w/r to DHO Battagram letter No.8756-58 dated 01/09/2014, he is directed to provide the relevant record to DHO Battagram within 5 days without fail.

519/14

ENQUIRY REPORT INTO THE ALLEGED IRREGULARITIES IN THE RECRUITMENT  
PROCESS OF PARAMEDICS/OTHER CLASS-III STAFF AND CLASS-IV EMPLOYEES IN  
THE OFFICE OF THE DISTRICT HEALTH OFFICER BATTAGRAM.

BACK GROUND.

Vide Director General Health Services Khyber Pakhtunkhwa office order bearing endorsement No.647-53/complaint cell-2514 dated 14/4/2014 an inquiry committee comprising Dr.Niaz Muhammad SMO CH Battal and Mr. Muhammad Jamil Assistant Director (Personnel-II) Directorate General Health Services Khyber Pakhtunkhwa Peshawar has been constituted to probe the alleged irregularities in the recruitment process of the employees in Department of Health District Battagram (F/A)

PROCEEDINGS

The Committee proceeded to Battagram on 23/04/2014 and remained there upto 26/4/2014. The Committee scrutinized the relevant record pertaining to recruitments made by Dr. Aqeel Bangash and Dr. Shehzad Ali Khan Ex-DHOs Battagram for the periods with effect from 1/7/2013 till their tenures.

This is worthwhile to mention that merit lists and documents pertaining to the recruitment issued by Dr.Aqeel Bangash Ex-DHO Battagram prior to 1-7-2013 were not produced by the DHO Office Battagram; saying that the same were taken away by the Ex-DHO Dr.Aqeel Bangash as per their written statements mentioned below. On enquiry from Dr.Aqeel Bangash, although he produced photo copies of the merit lists at F/B but showed ignorance about the documents.

While forwarding the previous Enquiry Report, the District Health Officer Battagram was asked vide DGHS letter No.1206-09/Complaint Cell/2511/2014 dated 29<sup>th</sup> May 2014 for producing the remaining documents pertaining to recruitments of Class-III and Class-IV employees made by Dr.Aqeel Bangash the then DHO for the period prior to 1-7-2013 within fifteen days. But after protracted correspondence with the District Health Officer Battagram, he

has been able to produce the documents ibid that is too in piecemeal upto 10<sup>th</sup> October 2014.

FINDINGS.

The Committee after scrutiny found various irregularities in the recruitment process which are mentioned below:-

- unfair merit list*
- Format of the merit list is not according to the standard criteria of the Government.
  - As required under the relevant criteria of the Government at Flag-C, Diploma marks not included in the merit list after the marks of prescribed qualification i.e. matric. More so the marks allotted for the prescribed qualification were not according to standard criteria, e.g. certain candidates with 2<sup>nd</sup> division were allotted the marks of first division and vice versa. In certain cases marks for higher qualification have been given to the candidates although no documentary proof was produced in this regard to the Enquiry Committee which makes selection/recruitment of some of the candidates doubtful.
  - Written test marks included in the merit list in violation of the approved Service Rules.
  - In some cases more than 8 marks allotted to the candidates in the column of interview marks, in violation of the criteria fixed by the Government.
  - *Exp* Experience marks are not given as per Government criteria and in some cases experience marks are given on the basis of experience certificates of unregistered private institutions; even in some cases marks given without experience certificate.
  - Minutes of the Departmental Selection Committees duly signed by chairman and members of the DSC, are not recorded.
  - Candidates in various categories have been recruited by Dr. Aqeel Bangash without valid certificates/diplomas.
  - Class-IV employees have been appointed by the Ex-DHO viz: Dr. Aqeel Bangash without inviting applications through employment exchange (not available in District Battagram) or press advertisement.
  - Ward Ayas (homenclature thereof not available in the sanctioned strength of District Battagram) have been appointed by Dr. Aqeel Bangash against the posts of Dais without observance of cod:

formalities which is again violation of the rules/regulations and policy of the Government. The Committee noted with concern as to how their salaries have been allowed by the DAO Battagram.

As a matter of fact the educational qualification/technical diplomas etc of paramedics are required to be verified by the concerned Board of Intermediate and Secondary Education and Khyber Pakhtunkhwa Medical Faculty Peshawar. To the utter surprise of the committee salaries of all paramedics/other employees have been activated without verification from the above institutions.

In spite of the fact, meeting of the DSC was attended and merit list signed by the Representative of DCO Battagram and representative of the DG Health Services, but none of them were able to pin point the irregularities mentioned above.

who was this fellow

CONCLUSION

Dr. Aqeel Bangash, ex-District Health Officer, District Battagram is responsible for the irregular recruitments and a warning in this regard has already been issued to him.

*only warning - what about the wrong selectees?*

RECOMMENDATIONS

In view of the foregoing the Enquiry Committee recommends action against various categories of employees as mentioned against each below:-

S.No	Nomenclature of the post	Names of employees appointed.	Observation of the Committee	Recommendation
1	Receptionist (merit list at Annex: I)	Ijaz Ali s/o Muhammad Khateeb (Battagram) Merit list at Annexure-I	a) BA marks added in the column of higher qualification but BA degree not produced. b) As per matric certificate, the Official has got 2 <sup>nd</sup> divn. but marks given of 1 <sup>st</sup> divn. c) Matric certificate not verified from the concerned	If the marks of prescribed/higher qualification irregularly added in the merit list are deleted, another candidate in the merit list would have been eligible for selection.

JCT Physiotherapy Merit list at Annex: XII	i. Mufti Salahuddin s/o Noorul Wahab (Battagram)	a) Matric with science having diploma from Medical Faculty Peshawar but the same seems suspicious. b) 6 marks for higher qualification allotted but FA certificate not produced. c) Advertisement for the post not produced.	May be allowed to continue service subject to producing of FA certificate/Advertis- ement notice by the DHO Battagram and verification of certificate/diploma and if failed to produce FA certificate or the documents found bogus, must be served upon with show cause notice for removal from service. Till then his salary must be stopped.
	ii. Mehboobulla h s/o Rai Khan (Karak)	a) Matric with science. b) Diploma of Med: Faculty produced, seems fairly bogus c) Advertisement for the post not produced.	May be allowed to continue service subject to producing of advertisement notice by the DHO Battagram and verification of certificate/diploma. If found bogus, must be served upon with show cause notice for removal from service. Till then his salary must be stopped.



			service.
Malaria Supervisors (Merit list at Annex:III)	ii. Abdul Manan Shah s/o Syed Amir Nawab Shah (Battagram)	a) No documents produced to the Enquiry Committee. b) He was already serving as Insect Collector but again applied for Malaria Supervisor and subsequently appointed in contravention of the approved S/Rules.	As per revised service structure of Paramedics notified in 2006, the post of insect collector has since been re-nomenclatured as Jr.PHC Tech:(MP), therefore, he may be allowed to continue as Jr.PHC Tech:(MP) and his irregular recruitment order as Malaria Supervisor withdrawn
Malaria Supervisors (Merit list at Annex:III)	iii. Amjed Khan s/o Babu Khan (Battagram)	Recruited in violation of the Approved S/Rules & without valid diploma from Medical Faculty Peshawar.	May be served upon show cause notice for removal from service and salary stopped.
Malaria Supervisors (Merit list at Annex:III)	iv. Muhammad Amjed s/o Muhammad Afzal (Battagram)	Recruited in violation of the Approved S/Rules & without valid diploma from Medical Faculty Peshawar.	May be served upon show cause notice for removal from service and salary stopped.
4 JCT(Physiotherapy) Merit list at Annex:IV	Sajid Ali s/o Bashir Khan (Battagram)	a) Matric with arts (science required) b) No valid diploma from Medical Faculty Peshawar.	May be served upon show cause notice for removal from service and salary stopped.
5 JCT Anaesthesia	Muhammad Rafiqullah Khan	Matric with science with valid diploma from Medical	May be allowed to continue service

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

**APPEAL No.1265/2015**

**MEHBOOBULLAH KHATTAK                      VS                      HEALTH DEPTT:**

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE**  
**TO THE REPLY SUBMITTED BY THE RESPONDENTS**

**R/SHEWETH:**

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondents hence need no comments.
- 3- Admitted correct by the respondents hence need no comments.
- 4- Incorrect and not replied accordingly. That appellant has successfully completed his probationary period and was regularized on the post of Junior Clinical Technician (Physiotherapy) and as such the respondents are duty bound to act in accordance with law and Rules and treated the appellant in lights of the Rules and regulations.
- 5- Incorrect and not replied accordingly. That appellant while serving as JCT Physiotherapy in DHQ Hospital Battagram, an order dated 23-07-2015 was issued against the appellant whereby Major Penalty of removal from service was imposed on the appellant on the baseless allegation that appellant has been appointed in violation of the rules and standard criteria of the Government. That it is very pertinent to mention that the so called enquiry has been conducted in the absence of appellant and appellant has not been associated with enquiry proceedings. Moreover the appellant has not committed any misconduct nor any illegality. Copies of the relevant record are attached as annexure ..... **R.**

- 6- Incorrect and not replied accordingly. That the appellant feeling aggrieved from the impugned order dated 23-07-2015 filed Departmental appeal on 06-08-2015 but no reply has been received so far.
- 7- Incorrect and not replied accordingly hence denied.

**GROUND:**

**(A to E):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That the impugned order dated 23-07-2015 issued by the respondent No.3 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That the Diploma in the discipline of Physiotherapy is genuine and not bogus; the same can be verified again from the concerned authority/quarter. That the same has been registered/renewed up to July,2018. That no show cause Notice has been served and no fact finding enquiry has been conducted. That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 23-07-2015 against the appellant.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

**APPELLANT**

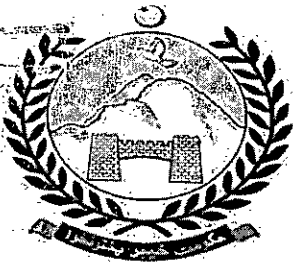
  
**MEHBOOBULLAH**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**

**&**

**SYED IMDAD HUSSAIN  
ADVOCATES**



**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

No 8162 /E-V  
Dated 17/16 /2015.

R-3


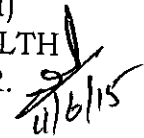
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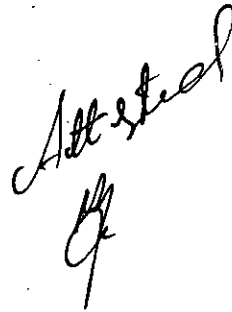
The District Health Officer,  
Battagram.

SUBJECT:  
Dear Sir,

**DEPARTMENTAL APPEAL.**

I am directed to refer to the subject noted above and to submit a copy of appeal submitted by Mr. Mehboob Ullah, Khattak Ex-JCT Physiotherapy which is self explanatory for furnishing your comments as well as a copy of enquiry report as mentioned in the appeal so as to proceed further.

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



THROUGH PROPER CHANNEL

To

THE DIRECTOR GENERAL HEALTH SERVICES  
GOVT OF KHYBER PAKHTUNKHWA,  
CIVIL SECRETARIAT PESHAWAR.

Subject: DEPARTMENTAL APPEAL

*Handwritten initials*

1611  
27/5/15  
*Stamp*

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**RESPECTFULLY SHEWETH,**

With due respect, it is humbly submitted as follows:

1. That appellant is highly educated. He has got B.A degree from Allama Iqbal open University Islamabad. He has got Two year diploma in the discipline of Pathology from PIMS Islamabad. He has also got two years Diploma in Medical Technology from World Vision Institute Charsadda. He has also got two years Diploma in Discipline of Medical Technology, from Skill Development Council, Pakistan.
2. That vide advertisement, the Executive District officer, Health, Battagram invited application for different post of different categories including the post of JPHCT (MP) Malaria Supervisor.
3. That appellant being qualified under the term and criteria as laid down and the advertisement for the post JPHCT (MP) Malaria Supervisor, applied for the same and after successfully going through the prescribed procedure was appointed as JPHCT (MP) Malaria Supervisor vide order No. 273/35 dated 28.12.2012.
4. That in pursuance of the appointment order appellant took over charge of his assignment and started the performance of his duties.
5. That all the relevant document were verified by the district office and their upon his salaries were released.
6. That Appellant has received his salaries upto December of 2014.
7. That appellant has performed his duty to the entire satisfaction of his superior till the date and no complaint what so ever has ever been lodged against him.

*Handwritten signature*

*[Handwritten mark]*

5


8. That appellant has successfully completed his period of probation.
9. That appellant has now got about three years serves at his credit.
10. That all of sudden an enquiry was convened allegedly on the ground of illegal appointment.
11. That the so called enquiry has been conducted in the absence and at the back of appellant. Appellant has not been associated with enquiry proceedings. The prescribed procedure has not been adopted.
12. That the spirit and promotion of section 16 of Khyber Pakhtunkhwa Civil Servant, Act 1973 has been violated.
13. That appellant has been condemned unheard.
14. That Enquiry Officer vide his enquiry report has recommended and proposed as to the following;
  - Appellant may be allowed to continue his service subject to the producing of advertisement / Notice by the DHO Battagram and verification of certificate/ Diploma.
  - If found bogus, must be served upon with show cause notice for removal from service. Till than his salary must be stopped.
15. That in pursuance of the recommendation of the enquiry report, the salary of the appellant has been attached since December 2014 till the date.
16. That so far verification of Diploma/ Certificate as concerned, the same has already been verified by the concerned quarter. The salary of the appellant has been initiated/ granted on this score Para No. 14 of the appointment order dated 28.03.2012, wherein it has been laid down that salaries of newly appointed employees could be released only upon the verification of his certificates/ diplomas.
17. That appellant's Diploma in the discipline of physiotherapy as genuine and not bogus, the same can be verified again from the concerned authority/quarter.

*[Handwritten signature]*

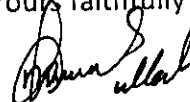
- 18. That it has been categorically mentioned in the enquiry report that appellant shall be allowed to continue his service, but the authority in violation of the recommendation of the enquiry officer has issued in order No. 1652-53, dated 14.05.2015, wherein District Officer Health Battagram has prohibited/ restrained the appellant from the performance of his duty.
- 19. That the Prohibition order of the district health officer Battagram is illegal, unlawful and without lawful authority.
- 20. That Appellant could not be prevented from the performance of his lawful duty and in absence of removal / dismissal order and that too after conducting regular enquiry on the charge of misconduct.
- 21. That appellant has not been treated in accordance with law rules and policy governing the subject and thus the authority has acted in violation of article 4, 10-A, 12, 13, 25 and 27 of the constitution of Pakistan 1973.
- 22. That appellant has been deprived of his lawful service without any legal justification. Appellant is petty employ with high financial burden of dependants, ailing parents and the impugned order has snatched the livelihood of the appellant.

In view of the above, it is humbly requested that on the acceptance of the instant departmental appeal, Your Honor may graciously be please to set aside the impugned order dated 14.05.2015 and direct the concerned authority (District Health Officer, Battagram) to allow the appellant to perform his duty and also release the outstanding salaries stopped since December 2014 till the date and onward with all other attached/ Back benefits.

Dated : 27/05/2015

*Attested by*  


Yours faithfully

  
**MEHBOOB-ULLAH KHATTAK.**  
 JCT Physiotherapy,  
 DHQ, Hospital Battagram



(7)

**OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM**

MS Office Phone No. 0997-311518 Email Address; dhqbtg518@yahoo.com  
Casualty Dept Phone No, 0997-310018 Fax No, 0997-311518

No, 2219-21 / 100 dated 07/07/2015

**SHOW CAUSE NOTICE**

1. I, Dr Muhammad Daud Medical Superintendent DHQ Hospital Battagram, as Competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve you Mr Mehboob ullah S/O Rai Khan JCT Physiotherapy BPS-09 attached to DHQ Hospital Battagram as follows:-

"You have been appointed in violation of the rules/standard criteria of the Government and therefore are guilty of misconduct as provided under Rules-2 Sub: para K (vi) of the E&D Rules 2011"

**I am satisfied that your recruitment is violation of the APT rules and punishable under the E&D Rules as specified in Rule-3 of the said rules.**


1. In terms of Rules-5 of Khyber Pakhtunkhwa Govt: servant (Efficiency and Discipline) Rules-2011, I, as Competent Authority dispense with the enquiry as the charge is proved against you beyond any doubt and serve you with a show cause notice under Rule-7 of the ibid Rules.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-
  - a. Removal from Service.
3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within Seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in, and in that case an ex-parte action shall be taken against you.

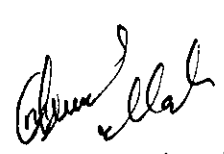
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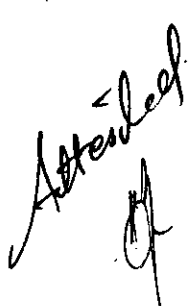
(Dr. Muhammad Daud)  
**Medical Superintendent**  
**DHQ Hospital Battagram**

Copy forwarded to the:-

1. Director General Health Services KPK Peshawar with reference to his letter No. 3247/CC/2514/2014 dated 14.11.2014 for information please.
2. District Health officer Battagram for information please.
3. Mr. Mehboob ullah S/O Rai Khan JCT Physiotherapy BPS-09 attached to DHQ Hospital Battagram for compliance.

  
**Medical Superintendent**  
**DHQ Hospital Battagram**

  
Received by 12/08/2015

  
Attested



**OFFICE OF THE DISTRICT HEALTH OFFICER  
Battagram (Khyber Pakhtunkhwa)**

8

No. 1652-53 / Dated 14/5/2015.

To

✓ The Medical Superintendent  
District Head Quarter Hospital  
Battagram.

Subject: - ENQUIRY OF IRREGULAR APPOINTMENTS

Dear Sir,

In the light of enquiry conducted by Director General Health Services Khyber Pakhtunkhwa Peshawar Vide his letter No.3247/CC/2514/2014 Dated 14/01/2014.

Reference this office letter No. 128-33 dated 23/1/2015 and 1041-42 dated 17/3/2015 wherein you were requested to direct the officials to produced their certificated/diplomas for verification, but after the lapse of approximately six months, the following officials did not produced their required certificates/diplomas for verification.

S. NO	NAME WITH FATHER NAME OF OFFICIALS	DESIGNATION	PLACE OF DUTY
①	Mufti Salahuddin S/o Noor Ul Wahab	JCT Physiotherapy	District Head Quarter Hospital Battagram
②	Mr Mehboob ullah S/o Rai Khan	JCT Physiotherapy	District Head Quarter Hospital Battagram

It is presumed that the above officials do not possess their certificates/diplomas and are punishable under E&D rules 2011 sub Rule-3. You are requested to forbid them from doing their duty in Hospital till the conclusion of proceedings.

*[Signature]*  
District Health Officer  
Battagram

Copy forwarded to the:-

- Director General Health Services Khyber Pakhtunkhwa Peshawar for information w/r to his letter referred above.

District Health Officer  
Battagram

*[Handwritten scribbles]*

- Copy for information & compliance to both the officials concerned, with immediate effect.  
- Salary stopped.  
- Names to be deleted from attendance registers.

*[Signature]*  
District Health Officer  
Battagram

No 1479-81 Date 16/5/015

9

# DOMICILE CERTIFICATE



Declare that I was born of parent who are permanently domicile in N.W.F.P., Having been born in this province

I was born at \_\_\_\_\_  
Name MEHBOOB ULLAH  
Signature Mehboob Ullah  
Resident of SINA BANDA  
Dist. KARAK  
Tehsil \_\_\_\_\_  
District Karak

Date 24/3/04

In pursuance to the declaration date 24/3/04  
By Mr. Mehboob Ullah Son of/Daughter of Rai Gul  
of Sina Banda Tehsil Karak District Karak

the effect that he/she has been born of parents who are permanently in domiciled N.W.F.P. Province.

It is hereby certified that the said Mehboob Ullah parents are permanently resident of N.W.F.P. Province having been born within it.

I have satisfied myself from my own knowledge / by verification is through Nazim

That the above declaration is true and certify.

This 24th day of March 2004

Countersigned  
[Signature]  
District Officer Revenue and Estat

[Signature]  
Depty District Officer Revenue and Estat

Attested  
[Signature]

No: 2171-DOR Date 24-3-04

تصدیق کی جاتی ہے کہ

سہمی اسماء صاحبہ اللہ ولد اختر رائی محل سکونت سپینہ ماٹروہ  
محلہ گاؤں سپینہ ماٹروہ تحصیل کراچی ضلع کراچی  
حلقہ نمبر

کا ا کی رہائشی و سکونتی باشندہ ہے۔ میں ان کو ذاتی طور پر جانتا جانتی ہوں۔

کونسلر کا نام زرین ماہ شاہ ولد رحیم شاہ سکونت سپینہ ماٹروہ  
حلقہ نمبر 40

دستخط:  
ZARREN MAHESH  
Khan Council Jundri

مہر

ناظم کا نام عالم بادشاہ ولد نور حسن سکونت غفران پورہ  
حلقہ نمبر 40

دستخط ناظم: Alam Badshah

Alam Badshah Khattak مہر

MAZID  
Union Council G.M.K Khel  
KARAK

S.No. 10492

Roll No. 1557

10

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION**

**KOHAT**  
(N.W.F.P. Pakistan)



**PROVISIONAL CERTIFICATE**  
**SECONDARY SCHOOL CERTIFICATE EXAMINATION**  
Session 2008 Annual/Supplementary

THIS IS TO CERTIFY THAT Mahboobullah  
Son/Daughter of Karim  
and a candidate of Distt. Kohat  
has passed the **Secondary School Certificate Examination** of the Board of  
Intermediate & Secondary Education, Kohat held in Sep 03  
as a **Private** candidate. He/She obtained 403 marks out of 850 marks and has  
been placed in Grade (D) Representing Fard

The candidate passed in the following subjects.

1. English 2. Urdu 3. Islamiyat 4. Pakistan Studies  
5. Maths 6. Phy 7. Chem 8. En

Internal assessment Grade by the institution concerned is ( )

Date of birth according to admission form is 10th April

One thousand nine hundred and Eighty Seven (1987)

Prepared by [Signature]

Checked by [Signature]

Date of Preparation 10/10/08

Asstt: Secretary (Certificates)

*Attested*  
*[Signature]*

S.No.KB

20715

(11)

# Board of Intermediate & Secondary Education KOHAT



## DETAILED MARKS CERTIFICATE Secondary School Certificate Examination (SCIENCE GROUP)

Session 200 3 (Annual/Supplementary)

Name

Mahboob Ullah

Father's Name

Rai Gul

Roll No.

15572

SUBJECT	Marks Allotted				Marks Obtained					REMARKS
	9 <sup>th</sup>	10 <sup>th</sup>			9 <sup>th</sup>		10 <sup>th</sup>			
		Theory	Prac- tical	Total Marks	Theory	Prac- tical	Theory	Prac- tical	Total Marks	
1. English	75	75	-	150					61	
2. Urdu	75	75	-	150					56	
3. Islamiyat	75	-	-	75					47	
4. Pakistan Studies	-	75	-	75					25	
5. Mathematics	-	100	-	100					75	
6. Physics	-	75	25	100					63	
7. Chemistry	100	-	-	100					39	
8. Biology	100	-	-	100					37	
<b>Total</b>	<b>425</b>	<b>400</b>	<b>25</b>	<b>850</b>					<b>403</b>	<b>-D</b>

Note: Errors/Omissions excepted  
F: Failed in the paper (s)

Prepared by:

[Signature]

Checked by: \_\_\_\_\_

Date

1/1/21/1/03

Controller of Examinations  
Board of Intermediate & Secondary Education  
KOHAT.

*Attested*  
[Signature]

GOVERNMENT HIGH SCHOOL JANDRA BARAK

Character Certificate

Certified that Mr. Mehboob Ullah Son of Rai gul  
Village Spina Banda Taluk Karak Dist Karak  
has remained a regular Student of this School w.e.f 11.04.2001  
To 31.03.2003 has conduct during his stay at School was Good.  
he was also a Good player of ...

Date of Issue 12.7.2004 SBT

Abdullah Ali  
18/7/2004  
PRINCIPAL  
Govt. High School  
JANDRA BARAK  
District Karak

Attested  
[Signature]

S. No. KB

57506

13

# BOARD OF INTERMEDIATE & SECONDARY EDUCATION



## KOHAT

### DETAILED MARKS CERTIFICATE Higher Secondary School Certificate Examination

#### HUMANITIES ( Part-II )

#### SESSION 2007 (ANNUAL)

Roll No: 52539

Name: MEHBOOB ULLAH Father's Name: RAJ-GUL

Institution/District: Karak

Subjects	Marks	Marks Obtained					Marks in Words
		Part-I		Part-II		Total	
		Theory	Pract.	Theory	Pract.		
English	200	37	--	47	--	84	Eighty-Four
Urdu	200	55	--	66	--	121	One Hundred Twenty-One
Islamic Education	50	28	--	--	--	28	Twenty-Eight
Pakistan Studies	50	--	--	40	--	40	Forty Only
Islamic History	200	45	--	46	--	91	Ninety-One
Civics	200	51	--	60	--	111	One Hundred Eleven
Islamic Studies	200	74	--	59	--	133	One Hundred Thirty-Three
Total: 1100						608	Six Hundred Eight Only
Note: Errors / Omissions excepted.						Remarks: M	

Date: 10-08-2007

Computer Cell BISE, Kohat  
(Jahaz)

Checked by

Controller of Examinations  
BISE Kohat

*Attested*  
*of*

S.No. 2595

# KHYBER PAKHTOONKHWA MEDICAL FACULTY

PESHAWAR - PAKISTAN



(JIMS)

Name: Mr. Mehtboob Ullah

Father Name: Mr. Rai Gul

### Pathology Technology

1<sup>st</sup> Semester

Session. 10/2010 (ROLL.NO 5096)

Subject/paper	Total Marks	Obtained Marks	Passing Marks	Result
Anatomy	100	63	50	Passed
Pathology	100	50	50	Passed
Pharmacology	100	50	50	Passed
Physiology/ Biochemistry	100	50	50	Passed
<b>Result</b>	<b>400</b>	<b>218</b>		

2<sup>nd</sup> Semester

Session. 06/2013 (ROLL.NO 5096)

Subject/paper	Total Marks	Obtained Marks	Passing Marks	Result
Paper A	100	50	50	Passed
Paper B	100	50	50	Passed
English	100	57	50	Passed
Islamiat	50	25	25	Passed
<b>Result</b>	<b>350</b>	<b>182</b>		

3<sup>rd</sup> Semester

Session. 06/2012 (ROLL.NO 5096)

Subject/paper	Total marks	Obtained Marks	Passing Marks	Result
Paper A	100	56	50	Passed
Paper B	100	55	50	Passed
Public Health	100	50	50	Passed
<b>Result</b>	<b>300</b>	<b>161</b>		

4<sup>th</sup> Semester

Session. 06/2013 (ROLL.NO 5096)

Subject/paper	Total marks	Obtained Marks	Passing Marks	Result
Paper A	100	50	50	Passed
Paper B	100	50	50	Passed
English	100	54	50	Passed
Pak-Study	50	27	25	Passed
<b>Result</b>	<b>350</b>	<b>181</b>		
<b>Grand Total</b>	<b>1400</b>	<b>737</b>		

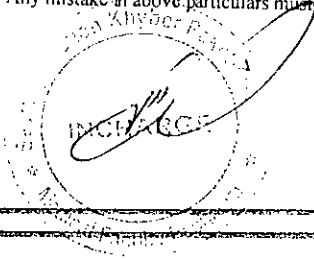
Error(s) & Omission(s) excepted Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate

07/11/2013

Date

Prepared by: *[Signature]*

Checked by: *[Signature]*



Secretary  
Khyber Pakhtoonkhwa Medical Faculty  
Peshawar

*[Signature]*  
*[Signature]*





# Skill Development Council

Ministry of Federal Education & Professional Training  
Government of Pakistan



15

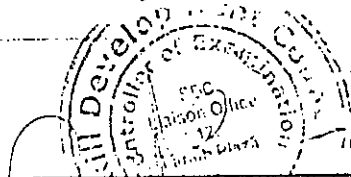
## TRANSCRIPT

### HOSPITAL TECHNICIAN PHYSIOTHERAPY TECHNICIAN (PART-II) (FINAL RESULT)

Name : MEHBOOB ULLAH S/O RAI GUL  
Roll No : 7982  
Reg No : SDCL/KIEMS/PESH-07901  
Session : 2011-2012  
Duration : The Candidate has completed the prescribed course of study in Two Modules,  
Each Module consisting of Six Months.  
Conducted at : KHYBER INSTITUTE OF EDUCATIONAL & MEDICAL SCIENCES, PESHAWAR

Sr. No	Paper	Total Marks	Marks Obtained
1	Paper - A (Anatomy & Physiology & First Aid)	100	88
2	Paper - B ( Physiotherapy Techniques )	100	79
3	Paper - C (Concern Technology)	100	66
4	Paper - D (English)	100	54
5	Practical/ Viva	100	62
	<b>Total</b>	<b>500</b>	<b>349</b>

Marks Obtained	349
Total marks	500
Percentage	70%
Grade	B+
Remarks	Pass

  
Skill Development Council  
Controller of Examinations  
PFC  
Lahore Office  
12  
Lahore  
CONTROLLER OF EXAMINATIONS  
Lahore

SKILL DEVELOPMENT COUNCIL PUNJAB, LAHORE

59-A, Street 17, Cavalry Ground (Ext), Lahore Cantt : 54810

Tel: 042-36689293 - 36670378 Fax: 36689294, E-mail: info@sdclahore.gov.pk

www.sdclahore.gov.pk

*Attached*  
*[Signature]*

Reg No: SDCL/KIEMS/PESH-07901

Roll No: 7982

Serial No. 5536

Session: 2010-2011



# Skill Development Council

Punjab, Lahore

National Training Bureau, Ministry of Federal Education & Professional Training  
Government of Pakistan  
www.sdclahore.gov.pk



# DIPLOMA



THIS IS TO ACKNOWLEDGE THAT

MEHBOOB ULLAH S/O RAI GUL

has successfully completed the prescribed course of study in

HOSPITAL TECHNICIAN  
**PHYSIOTHERAPY TECHNICIAN (PART-I)**  
Grade 'B' / Percentage: 343/500 = 69%

KHYBER INSTITUTE OF EDUCATIONAL & MEDICAL SCIENCES,  
PESHAWAR

Duration: The candidate has completed the prescribed course of study in Two Modules,  
Consisting of six months each

CONTROLLER (EXAMS)



SDC, PUNJAB, LAHORE

*Attestation*

**PROFESSIONAL ACADEMIC RECORD:**

- Diploma in Laboratory Technology (Laboratory Technician) from Jinnah Medical Collage Registered to Medical Faculty Peshawar in Session (2007-2009).
- Diploma in E.P.I (E.P.I Technician) from EPI Directorate Peshawar (2008).

**COMPUTER KNOWLADGE:**

- Ms. Office, Window XP

**PROFESSIONAL EXPERIENCE:**

- One year experience as a "Medical Lab Technician" in DHQ Hospital Karak (2007-2008)
- One year experience as a "Medical Lab Technician" in Peshawar Clinical Laboratory Karak
- One year experience as a "D.O.T" in DHQ Hospital Karak
- One year experience as a "E.P.I Technician" in BHU Ghundi Mir Khan Khel Karak

**Languages**

- English
- Urdu
- Pashto

**References:**

- Will be furnished on demand.

*Attested*  
*[Signature]*

# MEHBOOB ULLAH

18

## OBJECTIVE:

Attain a growth oriented position where abilities, education, and potential can be most productively utilized towards achievements of company and personal goals.

## PERSONAL INFORMATION:

<b>Father Name:</b>	Rai Gul
<b>Date of Birth:</b>	April 10, 1987
<b>Religion:</b>	Islam
<b>Nationality:</b>	Pakistani
<b>NIC No:</b>	14202-8713629-5
<b>Gender:</b>	Male
<b>Marital status:</b>	Single
<b>Domicile:</b>	Karak Khyber Pakhtunkhwa
<b>Blood Group:</b>	AB (Positive)
<b>Address:</b>	Village Spina Banda P/O Jandri Tehsil & District Karak (Khyber Pakhtun Khwa)
<b>Cell NO:</b>	0344-9306492, 0332-9190741,

## ACADEMIC QUALIFICATIONS:

<b>M.A</b> (Progress)	<b>University:</b>	<b>Peshawar</b>
<b>B.A</b> 2009	<b>University:</b>	<b>A.I.O.U Islamabad</b>
<b>F.A</b> 2007	<b>Board:</b>	<b>B.I.S.E Kohat</b>
<b>S.S.C</b> 2003	<b>Board:</b>	<b>B.I.S.E Kohat</b>

*Attested*  
*[Signature]*

formalities which is again violation of the rules/regulations and policy of the Government. The Committee noted with concern as to how their salaries have been allowed by the DAO Battagram.

- As a matter of fact the educational qualification/technical diplomas etc of paramedics are required to be verified by the concerned Board of Intermediate and Secondary Education and Khyber Pakhtunkhwa Medical Faculty Peshawar. To the utter surprise of the committee, salaries of all paramedics/other employees have been activated without verification from the above institutions.
- In spite of the fact, meeting of the DSC was attended and merit list signed by the Representative of DCO Battagram and representative of the DG Health Services, but none of them were able to pin point the irregularities mentioned above.

who was this fellow

CONCLUSION:

Dr. Aqeel Bangash ex-District Health Officer District Battagram is responsible for the irregular recruitments and a warning in this regard has already been issued to him.

only warning - what about the wrong selectees?

RECOMMENDATIONS

In view of the foregoing the Enquiry Committee recommends action against various categories of employees as mentioned against each below:-

S.No	Nomenclature of the post	Names of employees appointed.	Observation of the Committee	Recommendation
1	Receptionist (merit list at Annex: I)	Ijaz Ali s/o Muhammad Khateeb (Battagram) Merit list at Annexure-I	a) BA marks added in the column of higher qualification but BA degree not produced. b) As per matric certificate, the Official has got 2 <sup>nd</sup> divn: but marks given of 1 <sup>st</sup> divn. c) Matric certificate not verified from the concerned	If the marks of prescribed/higher qualification irregularly added in the merit list are deleted, another candidate in the merit list would have been eligible for selection.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 206 /ST Dated 25 /1 / 2017

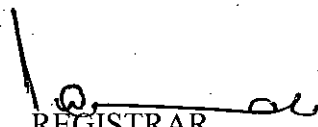
To

The Medical Superintendent, DHQ Hospital,  
Government of Khyber Pakhtunkhwa,  
Battagram.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 17.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.