

8

29.06.2015

Mr. Muhammad Zafar Tahir Kheli, Advocate on behalf of appellant present. Informed the Tribunal that the appellant is not in contact with him. Requested for withdrawal of his power of attorney which stood withdrawn. Notice to appellant be issued for 30.7.2015 before S.B.


Chairman

9


30.07.2015

None present for appellant. Notice to appellant be issued for 27.10.2015 before S.B.


Chairman

27.10.2015

None present for appellant despite issuance of notice to appellant. The Court time is about to over. Dismissed for want of prosecution. File be consigned to the record room.


Chairman

ANNOUNCED
27.10.2015

27-10-15

4

30.04.2015

Appellant in person present. Requested for adjournment as his counsel is not in attendance. Adjourned for preliminary hearing to 13.5.2015 before S.B.


Chairman

13.05.2015

None for the appellant present. Notice to counsel for the appellant be issued for 27.05.2015 for preliminary hearing before S.B.


Chairman

6

27.05.2015

None present for appellant. Notice to appellant and her counsel be repeated for preliminary hearing for 10.6.2015 before S.B.


Chairman

7

10.06.2015




Appellant with counsel present. Submitted Wakalat Nama. Requested for adjournment. Adjourned for preliminary hearing to 29.6.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 308/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10.04.2015	<p>The appeal of Mst. Maryia presented today by Mr. Muhammad Akbar Hoti 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	13-4-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>16-4-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	16.04.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 30.4.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Appeal no. 308/2015

Mrs. Mariya
(Appellant)

Versus

The Director General Health etc.
(Respondents).

SERVICE APPEAL

I N D E X

S.No.	DESCRIPTION OF DOCUMENTS	ANNEXURES	P A G E S	
			FROM	TO
1.	Grounds of appeal with affidavit.	-	1	03
2.	Copy of appointment order	"A"	4	05
3.	Copy of removal order	"B"	7	
4.	Copies of application/appeal and order dated 12.3.2015	"C" & "C/1"	8	09
5.	Wakalatnama		10	

Total Pages: 10

Dated: 08/04/2015.

Mrs. Mariya appellant

through:

(MUHAMMAD AKBAR HOTI)
Advocate District Courts, Mardan.

-:-

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Appeal no. 308/15

N.W.F. Province
Service Tribunal
Diary No. 328
Dated 10-4-2015

Mrs. Mariya daughters of Shah Pasand Khan R/O
Sector-B Street No.5 House No.218 Shah Pasand Khan,
Sheikh Maltoon Town, Mardan.... Appellant.

Versus

1. The Director General Health Services, Government
of Khyber Pakhtunkhwa Peshawar,
Chief
2. The/Executive Mardan Medical Complex, Mardan,
..... Respondents.

4/5-4 of KPK Service Tribunal Act 1974
APPEAL AGAINST THE IMPUGNED ORDER
OF RESPONDENT No.2 BEARING NO. 3394-97/
MMC DATED 25/09/2009, VIDE WHICH THE
APPELLANT HAS BEEN REMOVED FROM SERVICE
W.E.F. 30/07/2009, WHICH ORDER WAS MAINTAINED
BY THE RESPONDENT No.1.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED
ORDERS OF BOTH THE RESPONDENTS MAY PLEASE
BE SET ASIDE AND THE APPELLANT BE RE INSTATED
INTO SERVICE WITH BACK BENEFITS.

RESPECTFULLY SHEWETH:

1. That the appellant has been recruited
as Charge Nurse in BPS-16 vide Office
order of the competent authority, copy
of which is Annexure-"A").
2. That the appellant applied for one year
leave without pay w.e.f. 30/07/2009 to the
Chief Executive MMC, Mardan, who has not
forwarded my application to the ~~BE~~ DGHS,
Khyber Pakhtunkhwa for sanction and

10/4/15

declared the appellant absent w.e.f. 30/07/2009 and thus the appellant has been removed from service without any justification from the said date. (Copy of removal order is Annexure-"B").

3. That the appellant filed an appeal before the learned Director General Health /Respondent No.1, but the same has been dismissed, vide order bearing No.2211 dated 12/03/2015. (Copies of application and that of the order are attached as Annexures-"C" and "C/1" respectively).
4. That the impugned order of removal from service of the appellant is wrong, illegal, against the law & facts and is liable to be set aside on the following amongst other grounds:

G R O U N D S

- A: That the appellant has not been given any opportunity of explanation her leave, applied for.
- B: That no show cause notice has been served upon the appellant, which was required under the law of the land.
- C: That the respondent No.1 is not the competent authority to remove/dismissal of the appellant from service; hence the impugned order is liable to be set aside.

- D: That according to law, no one could be condemned un-heard.
- E: That during the service, the appellant has not absented from her duties without prior permission of the competent authority.

It is, therefore, humbly prayed that the impugned order of removal of the appellant may please be set aside by counting her alleged absence in earned/leave without pay, and the appellant be re-instated into service with back service benefit.

Dated: 08/04/2015.


Miss. Mariya appellant

through:


(MUHAMMAD AKBAR HOTI)
Advocate Distt: Courts, Mardan.

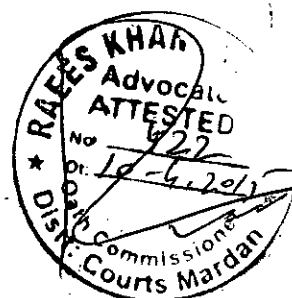
AFFIDAVIT

I, Miss. Mariya daughter of Shah Pasand .
the appellant, do hereby state on solemn affirmation that
the contents of the appeal in hand are true and correct
to the best of my knowledge and belief. Moreover, nothing
has been concealed therein.

Deponent


MISS. MARIYA

ATTESTED



DIRECTORATE GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

OFFICE ORDER.

On the recommendation of NWFP Public Service Commission, the following Nurses are hereby appointed as Charge Nurses in BPS-16 @ Rs.6060- 470- 20160. plus usual allowances as admissible under the rules, on regular basis and Posted against the vacant post in the Hospitals mentioned against their names with immediate effect :-

S.No.	Name with Father's Name	Place of posting
1.	Mst.Hameeda Gul d/o Gulab Khan	Charge Nurse DHQ. Hospital Swabi
2.	Mst.Falak Naz d/o Hazrat Kamal	Charge Nurse DHQ. Hospital Mardan
3.	Mst.Khulida Begum d/o Duran Gul	Charge Nurse DHQ. Hospital Charsadda
4.	Mst.Imtiaz Bibi d/o Islam Shah	Charge Nurse DHQ. Hospital Nowshera
5.	Mst.Bibi Somia Nawab d/o Mian Amir Nawab Kaka Khel	Charge Nurse DHQ. Hospital Charsadda
6.	Mst. Farzana Qadir d/o Ghulam Qadir	Charge Nurse DHQ. Hospital Nowshera
7.	Mst.Almairze d/o Zamin	Charge Nurse DHQ. Hospital Swabi
8.	Mst.Gulnaz Wazir d/o Wazir Muhammad	Charge Nurse DHQ. Hospital Mardan
9.	Mst.Anjuman d/o Abdul Wadood	Charge Nurse DHQ. Hospital Swabi
10.	Mst.Fozia d/o Muhammad Sohrab	Charge Nurse DHQ. Hospital Swabi
11.	Mst.Kalsoom Sawar d/o Sawar Khan	Charge Nurse DHQ. Hospital Swabi
12.	Mst.Fauscef d/o Taj Muhammad	Charge Nurse DHQ. Hospital Mardan
13.	Mst.Asia Fatima d/o Miskeen	Charge Nurse DHQ. Hospital Swabi
14.	Mst.Gulzara Begum d/o Sardar Wali	Charge Nurse DHQ. Hospital Swabi
15.	Mst.Nadia Muzaffar d/o Muzaffar Khan	Charge Nurse ESC Pabbi Nowshera
16.	Mst.Bibi Javcria d/o Haji Lal Khan	Charge Nurse DHQ. Hospital Swabi
17.	Mst.Shabana Liaqat d/o Liaqat Ali	Charge Nurse DHQ. Hospital Charsadda
18.	Mst.Baitul Haram d/o Wali Muhammad	Charge Nurse DHQ. Hospital Mardan
19.	Mst.Mujahida Bibi d/o Momin Khan	Charge Nurse DHQ. Hospital Mardan
20.	Mst.Shahnaz d/o Fazal Karim	Charge Nurse DHQ. Hospital Charsadda
21.	Mst.Maryam Bibi d/o Fazli Rehman	Charge Nurse DHQ. Hospital Swabi
22.	Mst.Faiza Sattar d/o Sattar Muhammad	Charge Nurse DHQ. Hospital Swabi
23.	Mst.Mehnaz d/o Saif Rehman	Charge Nurse DHQ. Hospital Mardan
24.	Mst.Haleema Bibi d/o Shamsur Rehman	Charge Nurse DHQ. Hospital Charsadda
25.	Mst.Aliya Bibi d/o Abdul Shakoor	Charge Nurse DHQ. Hospital Swabi
26.	Mst.Shahi Haram d/o Wali Muhammad	Charge Nurse DHQ. Hospital Mardan
27.	Mst.Aalia d/o Jehanzeb	Charge Nurse DHQ. Hospital Nowshera
28.	Mst.Nazli d/o Shingara Masih	Charge Nurse DHQ. Hospital Swabi
29.	Mst.Ishrat Begum d/o Sadiq Shah	Charge Nurse DHQ. Hospital Swabi

Annexure A-2
(Three Sheets)
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30.	Mst. Nizakat d/o Shingara Masih	Charge Nurse DHQ Hospital Swabi
31.	Mst. Nizia Bakhtiar d/o Bakhtiar	Charge Nurse THQ Hospital Tangi (Charsadda)
32.	Mst. Sheeba Naz d/o Nisar Muhammad	Charge Nurse DHQ Hospital Charsadda
33.	Mst. Iram d/o Khan Said	Charge Nurse DHQ Hospital Nowshera
34.	Mst. Shabana Qadir d/o Ghulam Qadir	Charge Nurse DHQ Hospital Nowshera
35.	Mst. Gulshan Ara d/o Ninnatullah	Charge Nurse DHQ Hospital Swabi
36.	Mst. Khalida d/o Azccin Gul	Charge Nurse DHQ Hospital Charsadda
37.	Mst. Shabo Gul d/o Mirajud Din	Charge Nurse DHQ Hospital Charsadda
38.	Mst. Rukhsana Aftab d/o Mir Aftab	Charge Nurse Mardan Medical Complex, Mardan ✓
39.	Mst. Sabiha d/o Mohibullah	Charge Nurse DHQ Hospital Mardan
40.	Mst. Nazli d/o Muhammad Firdaus Khan	Charge Nurse DHQ Hospital Charsadda
41.	Mst. Alhat d/o Muhammad Khalil	Charge Nurse DHQ Hospital Mardan
42.	Mst. Bibi Amina d/o Aminul Haq	Charge Nurse DHQ Hospital Swabi
43.	Mst. Zulikha d/o Said Karim	Charge Nurse DHQ Hospital Swabi
44.	Mst. Aqila Naz d/o Hamid Shah	Charge Nurse DHQ Hospital Swabi
45.	Mst. Riffat d/o Ihsanullah	Charge Nurse DHQ Hospital Charsadda
46.	Mst. Shamim Ara Begum d/o Bais Khan	Charge Nurse THQ Hospital Topi (Swabi)
47.	Mst. Kalsoom Begum d/o Saltanat Khan	Charge Nurse DHQ Hospital Swabi
48.	Mst. Iram d/o Said Aslam	Charge Nurse DHQ Hospital Mardan
49.	Mst. Nusrat Begum d/o Bais Khan	Charge Nurse THQ Hospital Topi (Swabi)
50.	Mst. Uzma d/o Abdul Sattar	Charge Nurse DHQ Hospital Mardan
51.	Mst. Maria d/o Shah Pasand	Charge Nurse Mardan Medical Complex, Mardan ✓
52.	Mst. Shaista d/o Parvez Khan	Charge Nurse DHQ Hospital Mardan ✓
53.	Mst. Naseema Shahcen d/o Said Zaman	Charge Nurse DHQ Hospital Swabi
54.	Mst. Falak Naz d/o Inayatullah	Charge Nurse THQ Hospital Tangi (Charsadda)

Their appointment in the Health Department Govt. of NWFP, will be subject to the following terms and conditions:

01. Initial they will be on probation for a period of two years extendable for a further period of not exceeding one year.
02. Their services can be dispensed with during the probation period, if their work and conduct is found unsatisfactory.
03. Their appointment will be subject to medical fitness and verification of character and antecedents/Educational qualification etc.
04. They will not be entitled to any TAVDA for medical examination and joining their first place of appointment.
05. They will be governed by such Rules and orders as may be issued by the Government from time to time for the category of Government Servants to which they belong.
06. They shall for all intents and purposes, be Civil Servants, except for the purpose of Pension and Gratuity. In lieu of the same they will be entitled to Contributory Provident Fund as per government rules/instructions.
07. They are liable to be posted/served anywhere in NWFP/FATA.

(6)

They will complete normal tenures at their places of 1st posting as per government rules.

They will submit an 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.

If they wish to resign from service, they shall resign in writing by giving prior notice of one month. OR deposit one month pay in lieu of one month's advance notice, in the Government treasury. However they will continue to serve the Govt. till their resignation is accepted by the competent authority.

If the above terms and conditions are acceptable to them, they should submit arrival report in the institutions mentioned against their names for duty within (14) days of the issuance of this order.

Sd/-
 DIRECTOR GENERAL HEALTH
 SERVICES, NWFP, PESHAWAR.

No. 30913-992 /L-1/ Dated Peshawar the 21/10/2008.

Copy forwarded to the:-

01. Secretary to Govt. of NWFP Health Department Peshawar with reference to his letter No. SOH-III/1-2/08(Nurses-II) dated 29.09.2008
02. Secretary NWFP, Public Service Commission, Peshawar for information.
03. Medical Superintendent DHQ Hospital Charsadda
04. Medical Superintendent DHQ Hospital Mardan
05. Medical Superintendent Mardan Medical Complex, Mardan
06. Medical Superintendent DHQ Hospital Swabi
07. Medical Superintendent DHQ Hospital Nowshera
08. Executive District Officer (Health) Nowshera/Charsadda/Swabi
09. District Accounts Officer, Charsadda/Mardan/Swabi/Nowshera
10. Nurse Concerned.

For information and n/action.

DR. SAJID SAKHAI
 DIRECTOR GENERAL HEALTH
 SERVICES, NWFP, PESHAWAR.

21/10
 21/10

OFFICE OF THE MEDICAL SUPERINTENDENT, MARDAN MEDICAL COMPLEX, MARDAN.

NO. 3082-2/MMC,

Dated 24/10/2008

Copy to:-

1. The Executive District Officer (H) Mardan.
2. Nursing Supdt: MMC, Mardan.
3. The District Accounts Officer, Mardan.
4. Accountant MMC, Mardan.
5. Officer concerned.

[Signature]
 Medical Superintendent,
 Mardan Medical Complex,
 Mardan.

Amazure
"B"

24585
201-10-5

**OFFICE OF THE MEDICAL SUPERINTENDENT
MARDAN MEDICAL COMPLEX, MARDAN.**

No. 2394-97 /MMC dated 27/9/2009.
OFFICE ORDER.

WHEREAS, Mst. Maria Charge Nurse, D/o Shah Rasool, resident of Shakkar Tangi, Mardan was proceeded against under the NWFP, Removal from Service(Special Powers)Ordinance 2000-2001 for the charges mentioned in the show cause notice.

AND WHEREAS, an inquiry committee was constituted to look into the matter regarding the absence from official duty of the above named official.

AND WHEREAS, she was charge sheeted wherein she was directed to resume her duty and was given a chance for personal hearing, but she failed to resume duty and explain the cause of her willful absence within the stipulated period.

AND WHEREAS, a show cause notice was issued to her through this office on her home address proposing therein major penalty of dismissal from service on account of her willful absence from her official duty, to which she failed to submit reply within the specified period.

AND WHEREAS, under section 5(4)of the NWFP RSO(amendment) Ordinance 2001, the charges of willful absence from duty w.e.from 30.7.2009 misconduct against her has been proved.

NOW THEREFORE, the undersigned being competent authority in exercise of powers conferred under the NWFP, Removal from Service(Special Powers) Ord.2000-2001 is pleased to imposed major penalty of dismissal from service on her(Mst.Maria D/o Shah Rasool, r/o Shakkar Tangi,Mardan) with effect from her absence from duty.

1. The Director General, Health Services, NWFP, Peshawar.
2. The DAO, Mardan for n/a.
3. Mst. Maria Charge Nurse D/o Shah Rasool, resident of Shakkar Tangi,, Mardan.
4. The Accountant, MMC, Mardan.

Chief Executive,
Mardan Medical Complex, Mardan

Chief Executive
Mardan Medical Complex, Mardan.

2/10
605
337
09/10

To,

The Director General Health
Services K.P.K Peshawar.

Amnesair
cc

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Sub:

Appeal for Re-instatement into service and treating A
Absence period as EOL without pay.

D/Sir,

Respectfully it is state that I was serving as Charge Nurse (BPS-16) in
The Health Department: KPK on regular basis since 23-10-2008 while
Serving in MMC Mardan. I have applied for one year leave without pay
Wef 30-07-2009, due to my domestic problems but the Chief Executive
MMC Mardan has not ~~for~~ provided my application to the competent
Authority. ie DGHS, KPK for sanctioning the same and ~~declared~~ ~~me~~
Absence from duty wef 30-07-2009.

I have not received any explanation/absence notice and I ~~pressure~~ ^{that}
My leave has been sanctioned by the competent authority.

I ~~have~~ was not aware and in the meantime disciplinary action was
Initiated against me by the Chief Executive MMC Mardan and I have
Been removed from service wef 30-07-2009 by the Chief Executive
MMC Mardan vide ~~an~~ order NO 3394-97/MMC dated 25-09-2009,

Sir the Chief Executive MMC Mardan being not appointment authority
For Charge Nurse (BPS-16) therefore my removed from service order
Issued by the Chief Executive MMC Mardan is totally illegal.

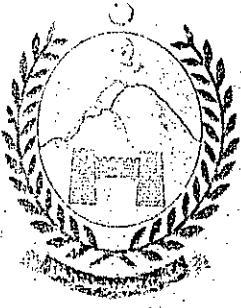
It is humbly requested ^{that} /my removed from service order issued by Chief
Executive MMC Mardan may be ~~declared~~ illegal and re instatement me
In service wef 30-07-2009 and treat the absence period as EOL without
Pay.

Your Faithfully.

MGS

Maria D/O Shah Passand khan
EX - C/N MMC Mardan

Address: Shekh Maltoon Town Mardan
Sector - B, Street No - 5
Hous No -218
Shah Passand Khan



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

No. *2211* /E.II,
Dated *12/13* /2015.

*Amman
C/12*

9

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

E-Mail Address: nwfdghs@yahoo.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196

To:-

Mrs. Maria D/O Shah Pasand Khsn
Sector-B , Street No. 05 House No.218
Shah Pasand Khan Sheikh Maltoon Town,
Mardan.

Subject:- APPEAL FOR RE-INSTATEMENT INTO SERVICE AND TREATING ABSENCE PERIOD AS EOL WITHOUT PAY

Memo:-

Reference your application dated Nil, on the subject noted above and to state that your request for re-instatement in service cannot it is regretted be acceded to being time barred.

[Signature]
For DIRECTOR GENERAL HEALTHL
SERVICES KPK PESHAWAR

بعدالت مریڈنگ ایگزیکٹو سروسز ٹرسٹ اور سٹیٹ بینک

کورٹ فیس

مورخہ:

8 اپریل

2015ء منجانب سائلہ

مقدمہ:

مارس

نام: ڈی جی سیٹ

دعویٰ:

اسپل

جرم:

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام **ایگزیکٹو سروسز ٹرسٹ** مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم


ماہ

20ء

الع بد گواہ شدہ الع بد

بمقام:

کے لئے منظور ہے۔


NOTARIAL
ANTOCARE
NOTARIAL