

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 52/2015

Date of Institution ... 01.01.2015

Date of Decision ... 06.04.2018

Dr. Farhana Nawaz D/o Muhammad Nawaz, C/o Abid Nawaz Khattak,
 UNHCR Sub Office Peshawar-I, Gul Mehar Lane, University Town Peshawar.

... (Appellant)

VERSUS

1. The Chief Secretary, Govt: of Khyber Pakhtunkhwa Civil Secretariat,
 Peshawar and 5 others.

... (Respondents)

MR. HIDAYATULLAH KHATTAK,
 Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
 Additional Advocate General

--- For respondents.

MR. AHMAD HASSAN,
 MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)

--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the
 parties heard and record perused.

FACTS

2. The brief facts are that the appellant was appointed as Medical Officer in Health Department and afterwards posted in Zanana Hospital Karak. On account of willful absence from duty, disciplinary proceedings were initiated against her and upon conclusion major penalty of removal from service was imposed vide impugned notification dated 13.08.2014. She preferred departmental appeal on 02.1.2014 which was not responded within stipulated period, hence, the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that she was appointed as Medical Officer vide notification dated 04.09.2012 and posted in Zanana Hospital Karak. On account of willful absence from duty she was removed from service vide notification dated 13.08.2014. Feeling aggrieved she preferred a departmental appeal which was not responded within the stipulated period, hence, the instant service appeal. Various codal formalities required under the rules before imposition of major penalty of removal from service were not observed by the respondents. The appellant also submitted an application on 3.02.2014 bearing diary no.3520 but the same was not processed by the respondents, hence, impugned order dated 13.08.2014 is based on malafide and ill will on the part of the respondents.

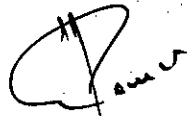
4. On the other hand learned Additional Advocate General argued that she was absent from duty a notice was served on her on 30.04.2013. It was followed by two notices published in two leading newspapers directing the appellant to resume duty but it fail to evoke any response from the appellant. The application submitted to respondent no.3 by the appellant on 03.02.2014 is not available in the record of respondents.

CONCLUSION

5. It is clear beyond doubt that the appellant was willfully absent from duty w.e.f 21.02.2013. A notice was served on her by the respondents on 30.04.2013 followed by publication in two leading newspapers but she failed to join duty. So far as application dated 03.02.2014 for transfer to Peshawar is concerned learned counsel for the appellant was unable to substantiate his claim through some solid documentary. The charge of willful absence has been proved against the appellant. All codal formalities were

observed before imposition of major penalty of removal from service vide impugned notification dated 13.08.2014.

7. In view of the foregoing, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER




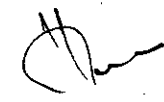
(AHMAD HASSAN)
MEMBER

ANNOUNCED
06.04.2018

08.02.2018

None present on behalf of the appellant. Mr. Riaz Paindakhel Assistant AG for the respondents present. Notice be issued to the appellant and his counsel for attendance. To come up for arguments on 06.04.2018 before D.B.


(Gul Zeh Khan)
Member


(Muhammad Hamid Mughal)
Member

Order

06.04.2018

Counsel for the appellant and Addl: AG for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
06.04.2018


(MUHAMAMD HAMID MUGHAL)
Member


(AHMAD HASSAN)
Member



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NOTE FOR CHIEF SECRETARY

Subject: DISCIPLINARY PROCEEDINGS AGAINST ABSENT DOCTORS (BS-17).

The Director General Health Services, Peshawar has intimated that absence notices were served upon the following Medical Officers (BS-17) at their home addresses and the same was also floated in the press with the direction to resume their duties within the stipulated period of 14-days. But they are still absent from Government duty and no response whatsoever has been received so far (Annex-I):

S. #	NAME OF DOCTOR/FATHER'S NAME / PLACE OF POSTING	DATE OF ABSENCE
01.	Dr. Amjad Iqbal S/O Mohammad Iqbal, Ex-Instructor (BPS-17) PIMT, Swat	01.08.2010
02.	Dr. Asghar Ali Shah S/O Ghulam Ali Shah, Ex-MO (BPS-17) HMC Peshawar	01.01.2013
03.	Dr. Atique-Ur-Rehman S/O Fazal-ur-Rehman, Ex-MO (BPS-17) BHU Mish-ti Mela Orakzai Agency (FATA)	10.02.2010
04.	Dr. Azhar Zahir Shah S/O Muhammad Zahir Shah, Ex-JR (BPS-17) KTH Peshawar	01.11.2010
05.	Dr. Azizur Rehman S/O Muhammad Azim, Ex- Demonstrator (BPS-17) SMC Swat	00.01.2011
06.	Dr. Danish Manzoor D/O Ghulam Sarwar, Ex-WMO (BPS-17) BHU Shewa District Swabi	05.12.2010
07.	Dr. Ejaz Ahmad S/O Muhammad Iqbal, MO (BPS-17) Health Department	19.05.2013
08.	Dr. Farhana Nawaz D/O Muhammad Nawaz Khan, Ex-WMO (BPS-17) DHQH Karak	21.02.2013
09.	Dr. Fawad Irshad S/O Muhammad Saleem Khan, Ex-MO (BPS-17) DHQH Haripur	04.11.2008
10.	Dr. Fayyaz Shah S/O Syed Sanowar Shah, Ex-MO (BPS-17) BHU Salam Khand District Haripur	15.06.2010
11.	Dr. Fazal Rahim S/O Shah Bali Jan, Ex-MO (BPS-17) CH Kabal District Swat	08.10.2011
12.	Dr. Ghulam Muhammad S/O Jan Muhammad, Ex-Junior Registrar (BPS-17) KTH Peshawar	01.01.2013
13.	Dr. Hamida Begum D/O Shereen Wali, Ex-WMO (BPS-17) IKD Hayatabad Peshawar	00.00.2010
14.	Dr. Hina Ejaz D/O Mohammad Ejaz Hussain, Ex-WMO (BPS-17) attached to DHO Abbottabad	01.01.2008
15.	Dr. Hussan Zeb Khan S/O Sar Buland Khan, Ex-TMO (BPS-17) PGMi Peshawar	01.01.2005
16.	Dr. Imtiaz Khan Afridi S/O Raza Khan, Ex-MO (BPS-17) Govt. LRH Peshawar	01.05.2010
17.	Dr. Irfan Shaukat S/O Shaukat Hayat Khan, MO (BPS-17) Health Department	24.09.2010
18.	Dr. Javed Iqbal S/O Noor Muhammad, Ex-MO (BPS-17) CH Doosali N.W Miranshah	00.12.2010
19.	Dr. Kalscom Bakhtiar D/O Fazle Subhani, Ex-WMO (BPS-17) DHQH Timergara	20.09.2004
20.	Dr. Khalid Mehmood Khan S/O Misal Khan Bethni, Ex-MO (BPS-17) BHU Dengi District Haripur	31.08.2010

21.	Dr. Khalid Zaman S/O Sakhi Jan, Ex-MO (BPS-17) DHQH Abbottabad	16.07.2007
22.	Dr. Liaqat Ali S/O Qudrat Ali, MO (BPS-17) Health Department (Absented himself after submitting arrival report in DGHS Office)	14.04.2011
23.	Dr. Loreena Gul D/O Akhtar Gul, Ex-WMO (BPS-17) LRH Peshawar	02.02.2011
24.	Dr. Mansoor Ahmad Qureshi S/O Mehfooz Ahmad Qureshi, Ex-MO (BPS-17) attached to DHO Nowshera	15.08.2011
25.	Dr. Mehboob Raziq Khan S/O Shams-ur-Raziq Khan, Ex-MO (BPS-17) BHU Kair Dara, Upper Dir	28.02.2005
26.	Dr. Muhammad Aftab S/O Syed Qamar Shah, Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Swabi)	17.09.2009
27.	Dr. Muhammad Ajmal Khan S/O Anwar ul Islam, Ex-Lecturer (BPS-17) SMC Swat	01.10.2011
28.	Dr. Muhammad Fahim S/O Muhammad Qasim, Ex-MO (BPS-17) CH Shakar Dara District Kohat	12.03.2008
29.	Dr. Muhammad Ijaz S/O Shuja Khan, Ex-MO (B-17) Attached to DHO Charsadda	00.09.2011
30.	Dr. Muhammad Jalil S/O Muhammad Khalil, Ex-MO (BPS-17) BHU Kadda Orakzai Agency	07.07.2010
31.	Dr. Muhammad Nasir Khan S/O Muhammad Nazir Khan, Ex-MO (BPS-17) HMC Peshawar	20.10.2005
32.	Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid, Ex-TMO (BPS-17) PGMI Peshawar	00.12.2012
33.	Dr. Muhammad Saeed S/O Muhammad Akram, Ex-MO (BPS-17) BHU Qasim District Mardan	30.11.2010
34.	Dr. Muhammad Zia Khattak S/O Azmat Khan, Ex-MO (BPS-17) KTH Peshawar	05.08.2011
35.	Dr. Naeem Khan S/O Sikandar Ali Khan, Ex-MO (BPS-17) Under transfer to DHQ Hospital Bannu	29.02.2007
36.	Dr. Nigar Akhtar D/O Akhtar Nawaz Khan, Ex-WMO (BPS-17) Type C Hospital Takhti Nasrati District Karak	03.10.2012
37.	Dr. Rafiullah S/O Sad-ud-Din Khan, Ex-TMO (BPS-17) PGMI HMC Peshawar	20.07.2010
38.	Dr. Sajjad Hussain S/O Hussain Ali Bangash, Ex-MO (BPS-17) Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar	06.08.2011
39.	Dr. Sakhawat Khan S/O Gulber Khan, Ex-MO (BPS-17) DHQH Battagram	17.01.2011
40.	Dr. Samina D/O Jan Muhammad, Ex-WMO (BPS-17) KTH Peshawar	01.07.2013
41.	Dr. Satwat Qadir D/O Abdul Qadir Khan, Ex-WMO (B-17) Maternity Hospital Peshawar	00.08.2007
42.	Dr. Shumaila Hadi D/O Abdul Hadi, Ex-TMO (BPS-17) PGMI Peshawar under transfer to at the disposal of DHO Swabi	05.03.2008
43.	Dr. Syed Abdullah Shah S/O Syed Ghafoor Shah, Ex-TMO (BPS-17) PGMI LRH Peshawar	05.11.2010
44.	Dr. Syed Muhammad Shahab S/O Syed Muhammad Ayaz, Ex-TMO (BPS-17) PGMI Peshawar	09.07.2008
45.	Dr. Tauqir Ahmad S/O Muhammad Haroon, Ex-TMO PGMI Peshawar (Under transfer to DHQH Battagram)	05.08.2011
46.	Dr. Umar Zia Khan Mahsud S/O Umar Farooq Khan Mahsud, Ex-TMO (BPS-17) PGMI LRH Peshawar	09.06.2011
47.	Dr. Wajid Akram Shah S/O Syed Fazle Akram, Ex-MO (BPS-17) BHU Babi Khel Mohmand Agency	00.00.2006
48.	Dr. Wasia Azhar D/O Muhammad Shakeeb, Ex-WMO (BPS-17) KTH Peshawar	01.11.2010
49.	Dr. Zahid Khan S/O Mohammad Nawaz Khan, Ex-MO (Anesthesia) (BPS-17) KTH Peshawar	01.09.2005
50.	Dr. Zia-ur-Rahman S/O Habib-ur-Rahman, Ex-MO (BPS-17) Govt: LRH Peshawar	13.10.2012

2. The following doctors instead of resuming duties, submitted replies to the absence notices. They also failed to resume their duties:

S. #	NAME OF DOCTOR/FATHER'S NAME / PLACE OF POSTING	DATE OF ABSENCE	REMARKS
51.	Dr. Amjad Hussain S/O Said Lal Khan, Ex-TMO (BPS-17) PGMI LRH Peshawar.	00.06.2011	He has submitted resignation from the post of MO on 28.05.2014 (Annex-II).
52.	Dr. Athar Mahmood Ahmad Khan Safi S/O Shams-o-Qamar Safi, Ex-MO (BPS-17) KTH Peshawar	14.08.2011	He has submitted resignation from the post of MO on 28.05.2014 (Annex-III).
53.	Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan, Ex-WMO (BPS-17) CH Khanispor District Abbottabad	28.11.2011	She has submitted her resignation (Annex-IV).
54.	Dr. Rashid Hameed S/O Fazli Hameed, Ex-MO (B-17) BHU Regi District Peshawar	01.07.2009	He has submitted his resignation (Annex-V).
55.	Dr. Saeed Anwar S/O Sher Afzal Khan, MO (BPS-17) Health Department	26.02.2012	He has given reply of the notice and requested either to grant him premature retirement or accept resignation (Annex-VI).
56.	Dr. Shahid Abdullah S/O Abdullah Khan, Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Karak)	22.02.2011	He has submitted his resignation (Annex-VII).

3. Dr. Emma Mumtaz, WMO (BS-17), KMC Peshawar has not responded since 25.05.2012; however, in PAC meeting it has been pointed out that she has overdrawn amount in lieu of her salary and still the same is outstanding against her (Annex-VIII).

4. Dr. Muhammad Munir Noor S/O Noor-ur-Rehman, Ex-MO (BPS-17) attached to DHO Battagram, has not joined duty since first appointment. In terms of their appointment, a doctor after appointment, not reporting for duty within the period of 30-days, his appointment order stands automatically with effect from the date of the order. The services of the doctor concerned may be terminated.

5. In terms of Rule 9 of the Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011, "in case of willful absence from duty, a notice shall be published in at least two leading news papers against the Government Servant with the direction to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision will be taken against him. On the expiry of stipulated period given in the notice, the authorized officer shall recommend the case to the authority for imposition of major penalty of removal from service" (Annex: IX).

6. In view of the above, the Health Department recommends that the doctors mentioned in para 1 to 3 above, who have failed to resume their duties, may be awarded with major penalty of Removal from Service.

7. Orders of the Chief Secretary, Khyber Pakhtunkhwa, being competent authority, are solicited on the recommendation contained in para-5, please.

Aftab Akbar Khan
(Aftab Akbar Khan) 10/7/11
Secretary Health

Chief Secretary,
Khyber Pakhtunkhwa

NRP

Handwritten notes on the left margin:
C.A.C. Khyber Pakhtunkhwa
No. 3762
Date: 25-7-11

9. Note has been examined. In light of facts mentioned in paras-3-4 of the note, proposal contained in para-6 of the note is endorsed for approval of the Chief Secretary, Khyber Pakhtunkhwa.

(Signature)
(Dr. Akhtar Nazir)
Secretary Establishment
August 6, 2014

Chief Secretary, Khyber Pakhtunkhwa.

10. Para. 6 approved.

(Signature)
7/8/2014
Chief Secretary
Govt. of Khyber Pakhtunkhwa

SECRETARY HEALTH

CC/CS (B) E & AD
Date: 08/03/14
Dated: 08/03/14
No. 3762
Date: 7-8-14

BEFORE THE WORTHY CHAIRMAN,
KPK, SERVICE TRIBUNAL, PESHAWAR

W.P. PROVINCE
Service Tribunal
Diary No. 429
Dated 28-5-15

MISC. application no. 56/2015

In Re: Service Appeal No.52 of 2015

Dr. Farhana Nawaz

Vs

Chief Secretary and others

**Application for the restoration of the
titled service appeal, dismissed for
non-prosecution on 13.05.2015.**

Respectfully Sheweth:

1. That the above captioned service appeal was pending adjudication before this Honourable Court and on 30.04.2015, the clerk of the applicant/ counsel requested for adjourned and the case was adjourned to 13.05.2015, but inadvertently the clerk noted the next of hearing as 26.05.2015.
2. That on 26.05.2015, when the clerk checked the appeal, in the cause list, the titled appeal was not listed/ mentioned cause list and when inquired

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 52/2015

Date of Institution ... 01.01.2015
Date of Decision ... 06.04.2018

Dr. Farhana Nawaz D/o Muhammad Nawaz, C/o Abid Nawaz Khattak,
UNHCR Sub Office Peshawar-1, Gul Mehar Lane, University Town Peshawar.
... (Appellant).

VERSUS

1. The Chief Secretary, Govt: of Khyber Pakhtunkhwa Civil Secretariat,
Peshawar and 5 others.

... (Respondents)

MR. HIDAYATULLAH KHATTAK,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the
parties heard and record perused.

FACTS

2. The brief facts are that the appellant was appointed as Medical Officer in Health Department and afterwards posted in Zanana Hospital Karak. On account of willful absence from duty, disciplinary proceedings were initiated against her and upon conclusion major penalty of removal from service was imposed vide impugned notification dated 13.08.2014. She preferred departmental appeal on 02.1.2014 which was not responded within stipulated period, hence, the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that she was appointed as Medical Officer vide notification dated 04.09.2012 and posted in Zamana Hospital Karak. On account of willful absence from duty she was removed from service vide notification dated 13.08.2014. Feeling aggrieved she preferred a departmental appeal which was not responded within the stipulated period, hence, the instant service appeal. Various codal formalities required under the rules before imposition of major penalty of removal from service were not observed by the respondents. The appellant also submitted an application on 3.02.2014 bearing diary no.3520 but the same was not processed by the respondents, hence, impugned order dated 13.08.2014 is based on malafide and ill will on the part of the respondents.

4. On the other hand learned Additional Advocate General argued that she was absent from duty a notice was served on her on 30.04.2013. It was followed by two notices published in two leading newspapers directing the appellant to resume duty but it fail to evoke any response from the appellant. The application submitted to respondent no.3 by the appellant on 03.02.2014 is not available in the record of respondents.

CONCLUSION

5. It is clear beyond doubt that the appellant was willfully absent from duty w.e.f 21.02.2013. A notice was served on her by the respondents on 30.04.2013 followed by publication in two leading newspapers but she failed to join duty. So far as application dated 03.02.2014 for transfer to Peshawar is concerned learned counsel for the appellant was unable to substantiate his claim through some solid documentary. The charge of willful absence has been proved against the appellant. All codal formalities were

observed before imposition of major penalty of removal from service vide impugned notification dated 13.08.2014.

7. In view of the foregoing, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room:

REGISTERED.

26
SUPERINTENDENT
HOSPITAL KARAK

DIRECTORATE GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR. 109/2015

No. 11355 /E.I, Dated 30/04/2013.

To

Dr. Farhana Nawaz D/O Muhammad Nawaz WMO
(BPS-17) C/O Abid Nawaz Khattak, UNHCR Sub-Office
Peshawar 1 Gul Mehar Lane University Town
Peshawar.

Subject:- ABSENCE FROM DUTY.

Memo:-

You have absented yourself from DHQ Hospital Karak since 21.02.2013 un-authorizedly.

You are hereby directed to resume your duty immediately and explain the reasons for absence from duty.

In case of failure, disciplinary action will be taken against you under the relevant rules.

ASSISTANT DIRECTOR (P-I)
DGHS KPK, PESHAWAR.

No. 11356-59 /E.I,

Copy to the :-

01. Secretary Health Khyber Pakhtunkhwa Peshawar.
02. MS DHQ Hospital Karak w/r to his letter No.474/Admn: dated 18.04.2013.
03. DAO, Karak.
04. AE-II, DGHS Office Peshawar.

For information and n/a action.

29/4/13
ASSISTANT DIRECTOR (P-I)
DGHS KPK, PESHAWAR.
29/4

Seen

MS 14/5/13



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 (091-9210126) Exchange 091-9210147, 091-9210196 Fax: 091-9210230

FINAL LISTING OF DOCTORS

The following Medical Officers (BPS-17) are placed on duty as of the dates noted against each. Absence notices were served upon them at their home addresses through registered letters with the directions to resume duty but they failed to comply with the directions.
Now through this press notice they are being directed to report for duty within 14 days of the publication of this notice and explain reasons for their absence from duty. In case of failure to comply action will be taken against them under E.O. 19/2011 which may lead to their removal from service. This notice is issued with the approval of the competent authority.

Sl No	NAME OF DOCTOR/FATHER'S NAME	PLACE OF POSTING/PS	DATE OF ABSENCE
1	Dr. Asjad Hussain S/O Sait Lat Khan	Ex-TMO (BPS-17) PGM I, DRII Peshawar	06.06.2011
2	Dr. Asjad Iqbal S/O Muhammad Iqbal	Ex-Instructor (BPS-17) PIAT, Swat	01.03.2011
3	Dr. Azhar Ali Shah S/O Ghulam Ali Shah	Ex-MO (BPS-17) HMC, Peshawar	01.01.2013
4	Dr. Athar Mahmood Ahmad Khan S/O Sidiq Sidiq Qamar S/O Sidiq	Ex-MO (BPS-17) KTII Peshawar	14.04.2011
5	Dr. Atique-ur-Rehman S/O Fazal-ur-Rahman	Ex-MO (BPS-17) BHO, Mithankot, Orakzai Agency (ATA)	10.02.2010
6	Dr. Atiya Elahi S/O Awar Juman	Ex-WMO (BPS-17) DHO, Karakoram	10.11.2012
7	Dr. Achar Zameer Shah S/O Muhammad Zahir Shah	Ex-AR (BPS-17) KTII Peshawar	01.11.2010
8	Dr. Azizur Rahman S/O Muhammad Azim	Ex-Demonstrator (BPS-17) SAIG Swat	00.01.2011
9	Dr. Dawood Muztar D/O Ghulam Sarwar	Ex-WMO (BPS-17) BHO Shewa District Swat	05.12.2010
10	Dr. Ahmad S/O Muhammad Iqbal	MO (BPS-17) Health Department	19.05.2013
11	Dr. Juma Mumtaz D/O Mumtaz Iqbal	Ex-WMO (BPS-17) Forensic Medicine Department KMC, Peshawar	25.05.2012
12	Dr. Farhana Nawaz D/O Muhammad Nawaz Khan	Ex-WMO (BPS-17) DHO, Karakoram	21.02.2013
13	Dr. Fawad Ishaq S/O Muhammad Saleem Khan	Ex-MO (BPS-17) DHO, Haripur	04.11.2008
14	Dr. Fayyaz Shah S/O Syed Saqib Shah	Ex-MO (BPS-17) DHO, Salam, Khand District Haripur	15.06.2010
15	Dr. Fazal Rabih S/O Shah Rafi Jan	Ex-MO (BPS-17) CH, Kabal District Swat	02/10/2012
16	Dr. Ghulam Muhammad S/O Jan Muhammad	Ex-Junior Registrar (BPS-17) KTII Peshawar	05/01/2011
17	Dr. Hamida Begum D/O Shereen Wali	Ex-WMO (BPS-17) IAD, Hayatabad Peshawar	00.06.2010
18	Dr. Hina Ejaz D/O Muhammad Ejaz Hussain	Ex-WMO (BPS-17) attached to DHO Abbottabad	11.01.2008
19	Dr. Hassan Zeb Khan S/O Sarfraz Khan	Ex-TMO (BPS-17) PGM I Peshawar	01.01.2005
20	Dr. Imtiaz Khan S/O Ghulam Razza Khan	Ex-MO (BPS-17) Govt. LRI Peshawar	01.06.2010
21	Dr. Iftakhar S/O Shaikat Hayat Khan	MO (BPS-17) Health Department	23.09.2010
22	Dr. Javed Iqbal S/O Noor Muhammad	Ex-MO (BPS-17) CH, Dostkh N. W. Miankhal	00.12.2010
23	Dr. Kalsoom Akhtar D/O Fazal Subhan	Ex-WMO (BPS-17) DHO, Timergara	20.05.2012
24	Dr. Khalid Mehmood Khan S/O Mirza Khan Behral	Ex-MO (BPS-17) BHO Deeg District, Haripur	31.08.2010
25	Dr. Khalid Zaman S/O Saleh Jau	Ex-MO (BPS-17) DHO, Abbottabad	16.07.2007
26	Dr. Liaqat Ali S/O Qudrat Ali	MO (BPS-17) Health Department (Absentent himself after submitting arrival report to DGHS Office)	14.04.2011
27	Dr. Lucrecia Gul D/O Akhtar Gul	Ex-WMO (BPS-17) LRI, Peshawar	15.02.2013
28	Dr. Mamour Ahmad Qureshi S/O Mehboob Ahmad Qureshi	Ex-MO (BPS-17) Attached to DHO Nowshera	05.08.2013
29	Dr. Mehboob Razvi Khan S/O Shams-ur-Razi Khan	Ex-MO (BPS-17) CH, Kala, Dera, Upper Dir	13.02.2013
30	Dr. Muhammad Atiq S/O Syed Qamar Shah	Ex-TMO (BPS-17) PGM I Peshawar (Under transfer to DHO Swabi)	17.09.2009
31	Dr. Muhammad Ajmal Khan S/O Anwar ul Islam	Ex-Lecturer (BPS-17) SAIG Swat	01.02.2011
32	Dr. Muhammad Farhan S/O Muhammad Qasim	Ex-MO (BPS-17) CH, Shalwar, Bure District, Kohat	12.01.2008
33	Dr. Muhammad Ijaz S/O Shuja Khan	Ex-TMO (BPS-17) Attached to DHO Charsadda	02.07.2011
34	Dr. Muhammad Idrees S/O Khanzaid	Ex-MO (BPS-17) DHO, Sarak, Karakoram Agency (Under transfer to DHO WAN)	00.04.2010
35	Dr. Muhammad Jaleel S/O Muhammad Khalid	Ex-MO (BPS-17) BHO, Kumbal Orakzai Agency	07.07.2010
36	Dr. Muhammad Muhsin Noor S/O Noor ur Rehman	Ex-MO (BPS-17) attached to DHO Battagram	02.11.2009
37	Dr. Muhammad Nazir Khan S/O Muhammad Nazir Khan	Ex-MO (BPS-17) HMC Peshawar	20.10.2005
38	Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid	Ex-TMO (BPS-17) PGM I Peshawar	00.12.2012
39	Dr. Muhammad Saad S/O Muhammad Akram	Ex-MO (BPS-17) DHO, Qaidu District, Mardan	30.11.2010
40	Dr. Muhammad Za Khattak S/O Anam Khan	Ex-MO (BPS-17) KTII Peshawar	01.04.2013
41	Dr. Naeem Khan S/O Sikandar Ali Khan	Ex-MO (BPS-17) Under transfer to DHO Hospital, Daman	19.07.2002
42	Dr. Nigar Akhtar D/O Akhtar Nawaz Khan	Ex-WMO (BPS-17) Type C Hospital, Khalid Nasrullah District, Karakoram	03.10.2012
43	Dr. Noor-ul-Ain Aley D/O Muhammad Ibrahim Khan	Ex-WMO (BPS-17) CH, Khaspura District, Abbottabad	28.11.2011
44	Dr. Raufullah S/O Saad-U-Din Khan	Ex-TMO (BPS-17) PGM I HMC Peshawar	20.07.2010
45	Dr. Rashid Hameed S/O Fazil Hameed	Ex-MO (BPS-17) BHO, Dera, District Peshawar	01.07.2009
46	Dr. Saad Anwar S/O Sher Azhar Khan	MO (BPS-17) Health Department	26.02.2011
47	Dr. Sajjad Hussain S/O Hussain Ali Bangash	Ex-MO (BPS-17) Nazirabad, Khan, Bales, Members Hospital, Kofar Khadir, Peshawar	06.05.2010
48	Dr. Sakhat Khan S/O Guller Khan	Ex-MO (BPS-17) DHO, Natangai	17.01.2011
49	Dr. Saqib D/O Jan Muhammad	Ex-WMO (BPS-17) KTII Peshawar	01.07.2013
50	Dr. Saqib Khalil S/O Khalid-ur-Rahman	Ex-MO (BPS-17) Health Department (Absentent himself after submitting arrival report to DGHS Office)	11.12.2011
51	Dr. Saqib Qadir D/O Asad Qadir Khan	Ex-WMO (BPS-17) District Hospital Peshawar	02.09.2011
52	Dr. Shahid Muzaffar S/O Abdulfah Khan	Ex-TMO (BPS-17) PGM I Peshawar (Under transfer to DHO Kalam)	22.02.2011
53	Dr. Shamama Hani D/O Abdul Hadi	Ex-TMO (BPS-17) PGM I Peshawar (Under transfer to DHO Swat)	02.11.2009
54	Dr. Syed Abdullah Shah S/O Syed Chahar Shah	Ex-TMO (BPS-17) PGM I DRII Peshawar	23.12.2010
55	Dr. Syed Muhammad Shahab S/O Syed Muhammad Ayaz	Ex-TMO (BPS-17) PGM I Peshawar	03.07.2010
56	Dr. Saad Asad D/O Khawaja Ghulam Mubayyid	Ex-WMO (BPS-17) DHO, T. D. Swat Control Office Peshawar	03.01.2011
57	Dr. Tanvir Ahmad S/O Muhammad Haroon	Ex-TMO (BPS-17) PGM I Peshawar (Under transfer to DHO Haripur)	19.03.2009
58	Dr. Umar Zia Khan Mahsud S/O Umar Parang Khan Mahsud	Ex-TMO (BPS-17) PGM I DRII Peshawar	00.05.2011
59	Dr. Waqif Akram Shah S/O Syed Fazal Akram	Ex-MO (BPS-17) BHO, Orakzai Agency	00.02.2010
60	Dr. Wasir Achar D/O Muhammad Shakib	Ex-WMO (BPS-17) KTII Peshawar	01.12.2010
61	Dr. Zahid Khan S/O Muhammad Nawaz Khan	Ex-MO (BPS-17) KTII Peshawar	01.09.2008
62	Dr. Zia-ur-Rahman S/O Hafiz-ur-Rahman	Ex-MO (BPS-17) Govt. DHO Peshawar	13.10.2012

22/5/14
The following Medical Officers (BPS-17) are placed on duty as of the dates noted against each. Absence notices were served upon them at their home addresses through registered letters with the directions to resume duty but they failed to comply with the directions.
Now through this press notice they are being directed to report for duty within 14 days of the publication of this notice and explain reasons for their absence from duty. In case of failure to comply action will be taken against them under E.O. 19/2011 which may lead to their removal from service. This notice is issued with the approval of the competent authority.

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17-5-16


The following Medical Officers (BPS-17) are absent from duty w.e.f the dates noted against each. Absence notices were served upon them at their home addresses through registered letters with the directions to resume duty but they failed to comply with the directions. Now through this press notice they are finally directed to report for duty within 14 days of the publication of this notice and explain reasons for wilful absence from duties. In case of failure expiry action will be taken against them under E&D rules 2011 which may lead to their removal from service. This notice is issued with the approval of the competent authority.

S. #	NAME OF DOCTOR/FATHER'S NAME	PLACE OF POSTING/BPS	DATE OF ABSENCE
1	Dr. Arif Hussain S/O Saif Lal Khan	Ex-TMO (BPS-17) PGH/ LRH Peshawar	00.06.2011
2	Dr. Anjad Iqbal S/O Mohammad Iqbal	Ex-Instructor (BPS-17) PIMT, Swat	01.03.2011
3	Dr. Asghar Ali Shah S/O Ghulam Ali Shah	Ex-MO (BPS-17) HMC Peshawar	01.01.2013
4	Dr. Ahsan Mahmood Ahmad Khan S/O Shams-ud-Din Khan	Ex-MO (BPS-17) KTH Peshawar	14.08.2011
5	Dr. Adique-ur-Rehman S/O Fazl-ur-Rehman	Ex-MO (BPS-17) BHU Lishki Mela Orakzai Agency (FATA)	10.02.2010
6	Dr. Adya Dahi D/O Awal Janani	Ex-MO (BPS-17) DHQH Karak	10.11.2012
7	Dr. Azhar Zahir Shah S/O Muhammad Zahir Shah	Ex-JR (BPS-17) KTH Peshawar	01.11.2010
8	Dr. Azhar Rehman S/O Muhammad Azam	Ex-Demonstrator (BPS-17) SMC Swat	00.01.2011
9	Dr. Danish Masroor D/O Ghulam Sarwar	Ex-MO (BPS-17) BHU Shikra District Swabi	05.12.2010
10	Dr. Ejaz Ahmad S/O Muhammad Iqbal	MO (BPS-17) Health Department	19.05.2013
11	Dr. Emma Mumtaz D/O Mumtaz Mehmood	Ex-VMO (BPS-17) Forensic Medicine Department KMC Peshawar	25.05.2012
12	Dr. Farhana Nawaz D/O Muhammad Nawaz Khan	Ex-MO (BPS-17) DHQH Karak	21.02.2013
13	Dr. Farid Iqbal S/O Muhammad Saleem Khan	Ex-MO (BPS-17) DHQH Hanpur	04.11.2008
14	Dr. Fayyaz Shah S/O Syed Saad-ur-Shah	Ex-MO (BPS-17) BHU Salam Khan District Haripur	15.06.2010
15	Dr. Fazal Rahim S/O Shah Bah Jan	Ex-MO (BPS-17) CH Kabal District Swat	08.10.2012
16	Dr. Ghulam Muhammad S/O Jan Muhammad	Ex-Junior Registrar (BPS-17) KTH Peshawar	05.01.2011
17	Dr. Hamida Begum D/O Shergun Wali	Ex-MO (BPS-17) SCD Hayatabad Peshawar	00.00.2010
18	Dr. Hina Ejaz D/O Mohammad Hussain	Ex-VMO (BPS-17) attached to DHO Abbottabad	01.01.2008
19	Dr. Hassan Zeb Khan S/O Saif Uddin Khan	Ex-TMO (BPS-17) PGH Peshawar	01.01.2005
20	Dr. Imtiaz Khan A/K/S/O Raza Khan	Ex-MO (BPS-17) Govt. LRH Peshawar	01.06.2010
21	Dr. Iqbal Shaukat S/O Shaukat Hidayat Khan	MO (BPS-17) Health Department	24.08.2010
22	Dr. Javed Iqbal S/O Noor Muhammad	Ex-MO (BPS-17) CH Doodal NW Manshera	00.12.2010
23	Dr. Kalsoom Badshah D/O Fazle Sitchani	Ex-VMO (BPS-17) DHQH Timergara	20.09.2004
24	Dr. Khalid Mehmood Khan S/O Masai Khan Beshri	Ex-MO (BPS-17) BHU Dergal District Haidpur	31.05.2010
25	Dr. Khalid Zaman S/O Sakhi Jan	Ex-MO (BPS-17) DHQH Abbottabad	16.07.2007
26	Dr. Liaqat Ali S/O Ghulam Ali	MO (BPS-17) Health Department (Absented himself after submitting annual report in DGHS Office)	14.04.2011
27	Dr. Leroza Gul D/O Akhtar Gul	Ex-VMO (BPS-17) LRH Peshawar	15.02.2013
28	Dr. Mansoor Ahmad Qureshi S/O Mehboob Ahmad Qureshi	Ex-MO (BPS-17) attached to DHO Nowshera	05.08.2013
29	Dr. Mehboob Raziq Khan S/O Shams-ur-Raziq Khan	Ex-MO (BPS-17) BHU Kar Dam, Upper Dir	23.02.2005
30	Dr. Muhammad Anis S/O Syed Qasim Shah	Ex-TMO (BPS-17) PGH Peshawar (Under transfer to DHQH Swabi)	17.09.2009
31	Dr. Muhammad Ajmal Khan S/O Anwar-ud-Din	Ex-Lecturer (BPS-17) SMC Swat	01.10.2011
32	Dr. Muhammad Fahim S/O Muhammad Qasim	Ex-MO (BPS-17) CH Shikra District Kher	12.03.2008
33	Dr. Muhammad Ijaz S/O Shuja Khan	Ex-MO (B-17) Attached to DHO Charsadda	00.09.2011
34	Dr. Muhammad Iqbal S/O Khanzada	Ex-MO (BPS-17) BHU Sak Kanda S.W Agency (Under transfer to DHQH WANA)	00.04.2010
35	Dr. Muhammad Jaleel S/O Muhammad Khalil	Ex-MO (BPS-17) BHU Kadda Orakzai Agency	07.07.2010
36	Dr. Muhammad Iqbal Noor S/O Noor-ur-Rehman	Ex-MO (BPS-17) attached to DHO Batagram	02.11.2009
37	Dr. Muhammad Nasir Khan S/O Muhammad Nazir Khan	Ex-MO (BPS-17) HMC Peshawar	20.10.2005
38	Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid	Ex-TMO (BPS-17) PGH Peshawar	00.12.2012
39	Dr. Muhammad Saeed S/O Muhammad Akram	Ex-MO (BPS-17) BHU Qasim District Mardan	30.11.2010
40	Dr. Muhammad Za Khan S/O Azmat Khan	Ex-MO (BPS-17) KTH Peshawar	01.04.2013
41	Dr. Nadeem Khan S/O S. Kandar Ali Khan	Ex-MO (BPS-17) Under transfer to DHQ Hospital Bannu	29.07.2002
42	Dr. Nigar Akhtar D/O Anwar Nawaz Khan	Ex-MO (BPS-17) Type C Hospital Takht Nusrat District Karak	03.10.2012
43	Dr. Noor-ud-Din Ali D/O Muhammad Iqbal Khan	Ex-MO (BPS-17) CH Khanispor District Abbottabad	20.11.2011
44	Dr. Rafiq S/O Saad-ud-Din Khan	Ex-TMO (BPS-17) PGH HMC Peshawar	20.07.2010
45	Dr. Rashid Hamood S/O Fazl Hamood	Ex-MO (B-17) BHU Registrar Peshawar	01.07.2009
46	Dr. Saeed Anwar S/O Sher Aziz	MO (BPS-17) Health Department	28.02.2012
47	Dr. Sajad Hussain S/O Hussain Ali Bangash	Ex-MO (BPS-17) Naseemullah Khan Babar Memorial Hospital Kohat Road Peshawar	08.06.2011
48	Dr. Saleem Khan S/O Gufran Khan	Ex-MO (BPS-17) DHQH Batagram	17.01.2011
49	Dr. Samina D/O Jan Muhammad	Ex-MO (BPS-17) KTH Peshawar	01.07.2013
50	Dr. Saqib Khalil S/O Khalil-ur-Rehman	Ex-MO (BPS-17) Health Department (Absented himself after submitting annual report in DGHS Office)	11.12.2011
51	Dr. Sarwat Qadir D/O Abdul Qadir Khan	Ex-MO (B-17) Makenay Hospital Peshawar	08.2007
52	Dr. Shahid Abdullah S/O Abdullah Khan	Ex-TMO (BPS-17) PGH Peshawar (Under transfer to DHQH Karak)	22.02.2011
53	Dr. Shumaila Haq D/O Abdul Haq	Ex-TMO (B-17) PGH Peshawar under transfer to at the disposal of DHO Swabi	05.03.2008
54	Dr. Syed Abdullah Shah S/O Syed Ghaffar Shah	Ex-TMO (BPS-17) PGH LRH Peshawar	05.11.2010
55	Dr. Syed Muhammad Shahab S/O Syed Muhammad Araz	Ex-TMO (BPS-17) PGH Peshawar	00.07.2003
56	Dr. Sabana Asad D/O Khawaja Ghulam Mohyuddin	Ex-VMO (BPS-17) District TB Control Officer Peshawar	30.01.2013
57	Dr. Tahir Ahmad S/O Muhammad Haroon	Ex-TMO PGH Peshawar (Under transfer to DHQH Batagram)	19.03.2009
			01.05.2011

16. 24.07.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondent present. The appellant is directed to produce complete record on the next date of hearing. To come up for such record and arguments on 16.11.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

16.11.2017


Clerk of counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for record and arguments on 11.01.2018 before the D.B.



Member


Chairman

11.01.2018


Learned counsel for the appellant present.. Learned Addl: AG along with Muhammad Irshad Section Officer, for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 08.02.2018 before D.B.



(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member (J)

13.4.2017.

Agent to Counsel for the appellant and Mr. Dr. Khalid Zameen, DMS, and Dr. Siddique Ullah alongwith Ziaullah, GP for the respondents present. Representative of respondent department submitted annexure of the reply. Copy handed over to the appellant. To come up for rejoinder and arguments on 24.07.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member
Scale

14.4.2016

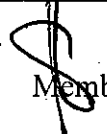
Agent of counsel for the appellant and Mr. Muhammad Arshad, SO alongwith Addl: A.G for respondents present. Written reply by respondents No. 2 to 6 submitted while learned Addl. AG relies on the same on behalf of respondent No. 1. The appeal is assigned to D.B for rejoinder and final hearing for 10.08.2016.


Chairman

10.08.2016

Agent to counsel for the appellant and Addl. AG for respondents present. To come up for rejoinder and arguments on 9-12-16.


Member


Member

09.12.2016

Counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Mr. Ziaullah, GP for respondents present. Respondents are directed to produce annexure of the reply which is mentioned in the index of the reply be provide to the counsel for the appellant before the next date. To come up for rejoinder/arguments on 13.4.17.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

01.12.2015

Agent of counsel for the appellant and Mr. Siddiquallah, Junior Clerk for respondent No. 6 alongwith Assistant AG for respondents present. Counsel for the appellant is stated busy at Bunnu Bench. Adjourned for preliminary hearing to 29.12.2015 before S.B.


Chairman

29.12.2015

Clerk to counsel for the appellant and Dr. Khalid Hameed, SMO alongwith Assistant AG for respondents present. Clerk to counsel for the appellant requested for adjournment. Adjourned to 9.2.2016 for further proceedings before S.B.




Member

09.02.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Medical Officer when subjected to inquiry on the allegations of wilful absence and removed from service vide impugned order dated 13.8.2014 issued on 25.8.2014 where-against she preferred departmental representation on 2.10.2014 which was not responded and hence the instant service appeal on 1.1.2015.

That the appellant has applied for leave so as to upgrade her qualification and was entitled to the same and that the departmental proceedings are not conducted in accordance with the mandate of rules.

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 14.4.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

09.06.2015

Counsel for the petitioner present. Notice to the respondents be issued for 27.08.2015. Record be also requisitioned for the date fixed.


Chairman

27.08.2015

None present for petitioner. Mr. Khalid Zamir, DMS alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for reply and arguments on application on 23.9.2015 before S.B.


Chairman

23.09.2015

71-3-7
71-3-20
Agent of counsel for the petitioner and Mr. Khalid Zamir, DMS alongwith Assistant AG for respondents present. Reply not submitted. Requested for adjournment. To come up for reply and arguments on application on 12.11.2015 before S.B.


Chairman

12.11.2015



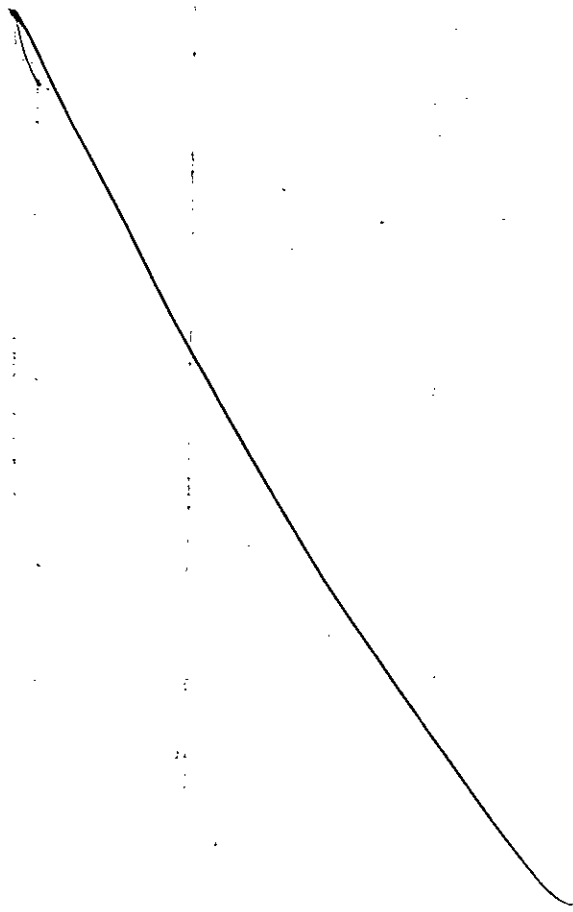
Agent of counsel for the petitioner and Mr. Yar Gul, Senior Clerk alongwith Addl: A.G for respondents present. Reply not submitted. Record perused. The appeal was dismissed in default at the stage of preliminary hearing on 13.5.2015 as such it deemed appropriate to restore the same. Orders accordingly. The appellant is directed to vigorously pursue her appeal in future. To come up for preliminary hearing on 1.12.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Misc. Application No. 56/2015

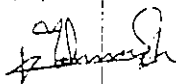
S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/05/2015 5-6-15	<p>The application for restoration of appeal No. 52/2015 submitted by Dr. Farhana Nawaz through Mr. Hidayatullah Khattak Advocate, may be entered in the relevant register and put up to the Court for further order pleases.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This Misc. application be put up before S. Bench on- <u>09-6-15</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

32


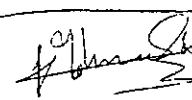
It is therefore very humbly & earnestly, requested that keeping in view my genuine request, my future career/promotion prospects and as per the Establishment & Admn: Deptt: letter No.SOR.VI (E&AD)5-1/2005 dated 15.2.2006, my application for compensation may please be considered on merit and humanitarian grounds, I deserve your favour to safeguard my legitimate service interest and future career please.

Hope for your kind, favourable and sympathetic consider please.

Yours Obedient Servant


(KHAN MUHAMMAD)
Stenographer (BPS-12)
Home & T.As Department

Dated 12.8.2006.

BEFORE THE WORTHY CHAIRMAN,
KPK, SERVICE TRIBUNAL, PESHAWAR

W.P. Province
Service Tribunal

Diary No. 429
Dated 28-3-15

Misc. application no. 56/2015

In Re: Service Appeal No.52 of 2015

Dr. Farhana Nawaz

Vs

Chief Secretary and others

**Application for the restoration of the
titled service appeal, dismissed for
non-prosecution on 13.05.2015.**

Respectfully Sheweth:

1. That the above captioned service appeal was pending adjudication before this Honourable Court and on 30.04.2015, the clerk of the applicant/ counsel requested for adjourned and the case was adjourned to 13.05.2015, but inadvertently the clerk noted the next of hearing as 26.05.2015.
2. That on 26.05.2015, when the clerk checked the appeal, in the cause list, the titled appeal was not listed/ mentioned cause list and when inquired

from the concerned staff, he was told that the titled service had been dismissed on 13.05.2015 for non-prosecution.

3. That the applicant seeks the restoration of titled service appeal, on the following grounds, inter alia:

G R O U N D S:

- A. That the clerk of the applicant/ counsel inadvertently noted the next date of hearing as 26.05.2015 instead of 13.05.2015.
- B. That on 13.05.2015, the applicant assisted the august, Peshawar High Court, Peshawar in writ petition No.1359/15 titled "Waqar Shah Vs Amna Bibi" and had the clerk noted the service appeal on 13.05.2015, the applicant would have definitely assisted this Honourable Tribunal in captioned appeal.
- C. That the non-attendance of his applicant on 13.05.2015 is neither willful rather due to reason mentioned in the application.
- D. That the restoration application is well within time.

E. That there is no legal impediment in the way of the restoration of the service appeal in hand.

It is, therefore, most humbly prayed that on acceptance of this application, the service appeal in hand may please be restored.

Applicant

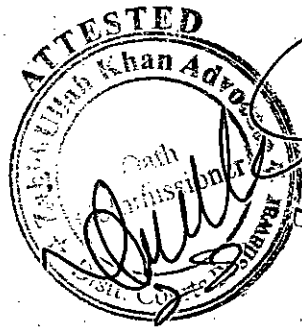
Through


Hidayatullah Khattak
Advocate, Peshawar

Date: 18/08/2015

AFFIDAVIT

I, Hidayatullah Khattak Advocate, (counsel for applicant) do hereby solemnly affirm and declare that as per instructions of my client, the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

(1)

BEFORE THE WORTHY CHAIRMAN SERVICE
TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 52 /2015

Dr. Farhana Nawaz D/o Muhammad Nawaz
C/o Abid Nawaz Khattak,
UNHCR Sub Office Peshawar-I
Gul Mehar Lane, University Town Peshawar... **Appellate**

c3
01/11/2015

V E R S U S

1. Chief Secretary,
Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar
2. Government of Khyber Pakhtunkhwa through
Secretary Health, Civil Secretariat, Peshawar
3. Director General Health Services
Khyber Pakhtunkhwa, Peshawar
4. Assistant Director (P-I),
Directorate General Health Service Peshawar
5. District Health Officer, Civil Hospital Karak
6. Medial Superintendent, DHQ, Karak

..... **Respondents**

Service Appeal U/s 4 of Service Tribunal
Act 1974 Civil Servant Act,
against the impugned order dated
13.08.2014 Notification whereby the
services of the appellant were
terminated.

[Signature]
11/11/15

Re-submitted to
and filed,
[Signature]
19/11/2015

[Signature]
PESHAWAR

PRAYER IN APPEAL

On acceptance of this Service Appeal, the impugned termination order /notification dated 13.08.2014 of the appellant may please be set aside and the appellant be reinstated into service with al back benefits.

13.05.2015

None present for appellant despite repeated calls. The court time is over. Dismissed for want of prosecution. File be consigned to the record.

Sd/-
Chairman

Announced
13.05.2015

[Handwritten signature and stamp]

26.5.2015
800
6—
2—
8—
7—
26.5.2015
26.5.2015

BEFORE THE WORTHY CHAIRMAN,
KPK, SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No.52 of 2015

Dr. Farhana Nawaz

Vs

Chief Secretary and others

**Application for the restoration of the
titled service appeal, dismissed for
non-prosecution on 13.05.2015.**

Respectfully Sheweth:

1. That the above captioned service appeal was pending adjudication before this Honourable Court and on 30.04.2015, the clerk of the applicant/ counsel requested for adjourned and the case was adjourned to 13.05.2015, but inadvertently the clerk noted the next of hearing as 26.05.2015.
2. That on 26.05.2015, when the clerk checked the appeal, in the cause list, the titled appeal was not listed/ mentioned cause list and when inquired

from the concerned staff, he was told that the titled service had been dismissed on 13.05.2015 for non-prosecution.

3. That the applicant seeks the restoration of titled service appeal, on the following grounds, inter alia:

GROUND S:

- A. That the clerk of the applicant/ counsel inadvertently noted the next date of hearing as 26.05.2015 instead of 13.05.2015.
- B. That on 13.05.2015, the applicant assisted the august, Peshawar High Court, Peshawar in writ petition No.1359/15 titled "Waqar Shah Vs Amna Bibi" and had the clerk noted the service appeal on 13.05.2015, the applicant would have definitely assisted this Honourable Tribunal in captioned appeal.
- C. That the non-attendance of his applicant on 13.05.2015 is neither willful rather due to reason mentioned in the application.
- D. That the restoration application is well within time.

E. That there is no legal impediment in the way of the restoration of the service appeal in hand.

It is, therefore, most humbly prayed that on acceptance of this application, the service appeal in hand may please be restored.

Applicant

Through


Hidayatullah Khattak
Advocate, Peshawar

Date: 18/05/2015

AFFIDAVIT

I, Hidayatullah Khattak Advocate, (counsel for applicant) do hereby solemnly affirm and declare that as per instructions of my client, the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

(1)

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

Service Appeal No. 52 /2015

Dr. Farhana Nawaz D/o Muhammad Nawaz
C/o Abid Nawaz Khattak,
UNHCR Sub Office Peshawar-I
Gul Mehar Lane, University Town Peshawar... **Appellate**

c3
21-1-2015

V E R S U S

1. Chief Secretary,
Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar
2. Government of Khyber Pakhtunkhwa through
Secretary Health, Civil Secretariat, Peshawar
3. Director General Health Services
Khyber Pakhtunkhwa, Peshawar
4. Assistant Director (P-I),
Directorate General Health Service Peshawar
5. District Health Officer, Civil Hospital Karak
6. Medial Superintendent, DHQ, Karak

.....**Respondents**

Service Appeal U/s 4 of Service Tribunal
Act 1974 Civil Servant Act,
against the impugned order dated
13.08.2014 Notification whereby the
services of the appellant were
terminated.

Andy
11/1/15

Submitted to
Registrar
19/1/2015

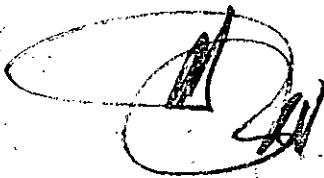
PRAYER IN APPEAL

On acceptance of this Service Appeal, the impugned termination order /notification dated 13.08.2014 of the appellant may please be set aside and the appellant be reinstated into service with al back benefits.

13.05.2015: None present for appellant despite repeated calls. The court time is over. Dismissed for want of prosecution: File be consigned to the record.

Announced
13.05.2015

SAY
Chairman



26.5.2015

800

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—————

26.5.2015

26.5.2015

30.04.2015

Agent of counsel for the appellant present. Learned counsel for the appellant is not in attendance due to death of his relative. Adjourned for preliminary hearing to 13.05.2015 before S.B


Chairman

13.05.2015

None present for appellant despite repeated calls. The court time is over. Dismissed for want of prosecution. File be consigned to the record.

Announced
13.05.2015


Chairman

13.05.15

4 10.02.2015

Agent of counsel for the appellant present. Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned for preliminary hearing before S.B to 24.02.2015.

5 24.02.2015

Chairman.
Counsel for the appellant present. Learned counsel for the appellant requested for adjournment as he is not in contact with the appellant. Adjourned for preliminary hearing before S.B to 24.03.2015.

Chairman

6. 24.03.2015

Counsel for the appellant is stated busy before august High Court, Bannu Bench. Adjourned to 16.04.2015 before S.B for preliminary hearing.

Chairman

7 16.04.2015


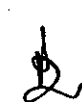

Agent of counsel for the appellant present. Seeks adjournment as counsel for the appellant is stated ill. Adjourned for preliminary hearing to 30.4.2015 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 52/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19.01.2015	<p>The appeal of Dr. Farhana Nawaz resubmitted today by Mr. Hidayat Ullah Khan 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 Bench <u>I</u> for preliminary hearing to be put up there on <u>30-1-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	30.01.2015	<p>None present. Notice be issued to the counsel for the appellant for preliminary hearing before this Bench for 10.02.2015.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Dr. Farhana Nawaz D/O Muhammad Nawaz received to-day i.e. on 01.01.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Law under which appeal is filed is wrong.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Annexures of the appeal may be attested.
- 4- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 04 /S.T,

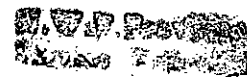
Dt. 01/01 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hidayatullah Khan Khattak Adv. Pesh.

Resubmitted after due compliance

*Hidayatullah
Advocate*



39

19/1/2015

BEFORE THE WORTHY CHAIRMAN SERVICE
TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 52 /2015

Dr. Farhana Nawaz **Appellate**

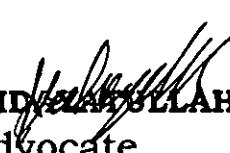
V E R S U S

Chief Secretary,
Government of KPK & others..... **Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-4
2.	Copy of the impugned order dated 13.08.2014	"A"	5-9
3.	Copy of representation	"B"	10-11
4.	Application for transfer		12
5.	Wakalatnama		13

Appellant
Through


HIDAYATULLAH KHATTAK
Advocate,
High Court Peshawar

Dated 01/01/2015

(1)

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

Service Appeal No. 52 /2015

K.W.P. Province
Number
File No. 03
01-1-2015

Dr. Farhana Nawaz D/o Muhammad Nawaz
C/o Abid Nawaz Khattak,
UNHCR Sub Office Peshawar-I
Gul Mehar Lane, University Town Peshawar... **Appellate**

V E R S U S

1. Chief Secretary,
Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar
2. Government of Khyber Pakhtunkhwa through
Secretary Health, Civil Secretariat, Peshawar
3. Director General Health Services
Khyber Pakhtunkhwa, Peshawar
4. Assistant Director (P-I),
Directorate General Health Service Peshawar
5. District Health Officer, Civil Hospital Karak
6. Medial Superintendent, DHQ, Karak

..... **Respondents**

**Service Appeal U/s 4 of Service Tribunal
Act 1974 Civil Servant Act,**
against the impugned order dated
13.08.2014 Notification whereby the
services of the appellant were
terminated.

re-submitted to
and filed,

19/11/2015

PRAYER IN APPEAL

On acceptance of this Service Appeal, the impugned termination order /notification dated 13.08.2014 of the appellant may please be set aside and the appellant be reinstated into service with al back benefits.

Respectfully Sheweth:-

1. That appellant was appointed as Woman Medical Officer vide office order No.SO(E)H-II/3/18/2012 dated 04.09.2012 and was posted at Zanana Hospital Karak.
2. That the appellant was removed from service vide impugned Notification No.SOE(H-II/10-25/2010) /order dated 13.08.2014 on account of alleged absence from duty. (Copy of the impugned order dated 13.08.2014 is attached as annexure "A").
3. That appellant submitted representation (Annex-B) before the Hon'ble Chief Secretary (respondent No.1) but without any response.
4. That now, the appellant approaches this Hon'ble Tribunal, inter alia, on the following grounds amongst other:-

GROUND S:-

- A. That the impugned Notification dated 13.08.2014, whereby appellant was removed from service is malafidely against the law and facts on record, therefore, not maintainable in the eyes of law.
- B. That no departmental inquiry, whatsoever was conducted against the appellant to prove the allegation of absence from duty.
- C. That neither any show cause notice nor statement of allegation was given to the appellant to explain her position regarding alleged absence from duty.
- D. That major penalty i.e. removal from service has been imposed upon the appellant and that too without affording her an opportunity of hearing, which renders the impugned order nullity in the eyes of law.
- E. That no notice was served upon the appellant and even the prescribed procedure i.e. publication in the newspaper was not followed, therefore, the impugned order is liable to be set aside.

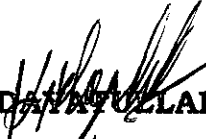
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It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned Notification No. SOE(H-II/10-25/2010)/order dated 13.08.2014 be laid to rest and appellant be reinstated in service with all back benefits.

Farhana

Appellant

Through


HIDAYATULLAH KHATTAK
Advocate,
High Court Peshawar

Dated 01/01/2015



GOVERNMENT OF KHYBER PAKHTUNKHWA.
HEALTH DEPARTMENT

5

Ameeruz

"A"

Dated Peshawar, the 13th August, 2014

NOTIFICATION

No. SOE (H-II/10-25/2014): WHEREAS, disciplinary proceedings were initiated against the following doctors for their continuous willful absence from duty:

S. #	NAME OF DOCTOR/FATHER'S NAME/PLACE OF POSTING	DATE OF ABSENCE
1.	Dr. Anjad Iqbal S/O Mohammad Iqbal Ex-Instructor (BPS-17) PIMT, Swat	01.03.2011
2.	Dr. Asghar Ali Shah S/O Ghulam Ali Shah Ex-MO (BPS-17) HMC Peshawar	01.01.2013
3.	Dr. Atique-Ur-Rehman S/O Fazal-ur-Rehman Ex-MO (BPS-17) BHU Mishti Mela Orakzai Agency (FATA)	10.02.2010
4.	Dr. Azhar Zahir Shah S/O Muhammad Zahir Shah Ex-JR (BPS-17) KTH Peshawar	01.11.2010
5.	Dr. Aziz-ur-Rehman S/O Muhammad Azim Ex- Demonstrator (BPS-17) SMC Swat	00.01.2011
6.	Dr. Danish Manzoor D/O Ghulam Sarwar Ex-WMO (BPS-17) BHU Shewa District Swabi	05.12.2010
7.	Dr. Ejaz Ahmad S/O Muhammad Iqbal MO (BPS-17) Health Department	19.05.2013
8.	Dr. Farhana Nawaz D/O Muhammad Nawaz Khan Ex-WMO (BPS-17) DHQH Karak	21.02.2013
9.	Dr. Fawad Irshad S/O Muhammad Saleem Khan Ex-MO (BPS-17) DHQH Haripur	04.11.2008
10.	Dr. Fayyaz Shah S/O Syed Sanowar Shah Ex-MO (BPS-17) BHU Salam Khand District Haripur	15.06.2009
11.	Dr. Fazal Rahim S/O Shah Bali Jan Ex-MO (BPS-17) CH Kabal District Swat	08.10.2012
12.	Dr. Ghulam Muhammad S/O Jan Muhammad Ex-Junior Registrar (BPS-17) KTH Peshawar	05.01.2011
13.	Dr. Hamida Begum D/O Shereen Wali Ex-WMO (BPS-17) IKD Hayatabad Peshawar	00.00.2010
14.	Dr. Hina Ejaz D/O Mohammad Ejaz Hussain Ex-WMO (BPS-17) attached to DHO Abbottabad	01.01.2008
15.	Dr. Hussan Zeb Khan S/O Sar Buland Khan Ex-TMO (BPS-17) PGMI Peshawar	01.01.2005
16.	Dr. Imtiaz Khan Afridi S/O Raza Khan Ex-MO (BPS-17) Govt. LRH Peshawar	01.06.2010
17.	Dr. Irfan Shaukat S/O Shaukat Hayat Khan MO (BPS-17) Health Department	24.09.2010
18.	Dr. Javed Iqbal S/O Noor Muhammad Ex-MO (BPS-17) CH Doosali N.W Miranshah	00.12.2010
19.	Dr. Kalsoom Bakhtiar D/O Fazle Subhani Ex-WMO (BPS-17) DHQH Timergara	20.09.2004
20.	Dr. Khalid Mehmood Khan S/O Misal Khan Bethni Ex-MO (BPS-17) BHU Dengi District Haripur	31.08.2010
21.	Dr. Khalid Zaman S/O Sakhi Jan Ex-MO (BPS-17) DHQH Abbottabad	16.07.2007
22.	Dr. Liaqat Ali S/O Qudrat Ali MO (BPS-17) Health Department (Absented himself after submitting his arrival report)	14.04.2011
23.	Dr. Loreena Gul D/O Akhtar Gul Ex-WMO (BPS-17) LRH Peshawar	15.02.2013
24.	Dr. Mansoor Ahmad Qureshi S/O Mehfooz Ahmad Qureshi Ex-MO (BPS-17) attached to DHO Nowshera	05.08.2013
25.	Dr. Mehboob Raziq Khan S/O Shams-ur-Raziq Khan Ex-MO (BPS-17) BHU Kair Dara, Upper Dir	23.02.2005
26.	Dr. Muhammad Aftab S/O Syed Qamar Shah Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Swabi)	17.09.2009

Attested

H. J. Ahmad
Annual

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27.	Dr. Muhammad Ajmal Khan S/O Anwar ul Islam Ex-Lecturer (BPS-17) SMC Swat	01.10.2011
28.	Dr. Muhammad Fahim S/O Muhammad Qasim Ex-MO (BPS-17) CH Shakar Dare District Kohat	12.03.2008
29.	Dr. Muhammad Ijaz S/O Shuja Khan Ex-MO (B-17) Attached to DHO Charsadda	00.09.2011
30.	Dr. Muhammad Jalil S/O Muhammad Khalil Ex-MO (BPS-17) BHU Kadda Orakzai Agency	07.07.2010
31.	Dr. Muhammad Nasir Khan S/O Muhammad Nazir Khan Ex-MO (BPS-17) HMC Peshawar	20.10.2005
32.	Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid Ex-TMO (BPS-17) PGMI Peshawar	00.12.2012
33.	Dr. Muhammad Saeed S/O Muhammad Akram Ex-MO (BPS-17) BHU Qasim District Mardan	30.11.2010
34.	Dr. Muhammad Zia Khattak S/O Azmat Khan Ex-MO (BPS-17) KTH Peshawar	01.04.2013
35.	Dr. Naeem Khan S/O Sikandar Ali Khan Ex-MO (BPS-17) Under transfer to DHQ Hospital Bannu	29.07.2002
36.	Dr. Nigar Akhtar D/O Akhtar Nawaz Khan Ex-WMO (BPS-17) Type C Hospital Takhti Nasrati District Karak	03.10.2012
37.	Dr. Rafiullah S/O Sad-ud-Din Khan Ex-TMO (BPS-17) PGMI HMC Peshawar	20.07.2010
38.	Dr. Sajjad Hussain S/O Hussain Ali Baigash Ex-MO (BPS-17) Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar	06.08.2011
39.	Dr. Sakhawat Khan S/O Gulber Khan Ex-MO (BPS-17) DHQH Battagram	17.01.2011
40.	Dr. Samina D/O Jan Muhammad Ex-WMO (BPS-17) KTH Peshawar	01.07.2013
41.	Dr. Satwat Qadir D/O Abdul Qadir Khan Ex-WMO (B-17) Maternity Hospital Peshawar.	00.08.2007
42.	Dr. Shumaila Hadi D/O Abdul Hadi Ex-TMO (B-17) PGMI Peshawar under transfer to at the disposal of DHO Swabi	05.03.2008
43.	Dr. Syed Abdullah Shah S/O Syed Ghafoor Shah Ex-TMO (BPS-17) PGMI LRH Peshawar	05.11.2010
44.	Dr. Syed Muhammad Shahab S/O Syed Muhammad Ayaz Ex-TMO (BPS-17) PGMI Peshawar	00.07.2003
45.	Dr. Tauqir Ahmad S/O Muhammad Haroon Ex-TMO PGMI Peshawar (Under transfer to DHQH Battagram)	19.03.2009
46.	Dr. Umar Zia Khan Mahsud S/O Umar Farooq Khan Mahsud Ex-TMO (BPS-17) PGMI LRH Peshawar	00.05.2011
47.	Dr. Wajid Akram Shah S/O Syed Fazle Akram Ex-MO (BPS-17) BHU Babi Khel Mohmand Agency	00.00.2006
48.	Dr. Wasia Azhar D/O Muhammad Shakeeb Ex-WMO (BPS-17) KTH Peshawar	01.11.2010
49.	Dr. Zahid Khan S/O Mohammad Nawaz Khan Ex-MO (Anesthesia) (BPS-17) KTH Peshawar	01.09.2005
50.	Dr. Zia-ur-Rahman S/O Habib-ur-Rahman Ex-MO (BPS-17) Govt: LRH Peshawar	13.10.2012
51.	Dr. Amjad Hussain S/O Said Lal Khan Ex-TMO (BPS-17) PGMI LRH Peshawar	00.06.2011
52.	Dr. Athar Mahmood Ahmad Khan Safi S/O Shams-o-Qamar Safi Ex-MO (BPS-17) KTH Peshawar	14.08.2011
53.	Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan Ex-WMO (BPS-17) CH Khanispor District Abbottabad	28.11.2011
54.	Dr. Rashid Hameed S/O Fazli Hameed Ex-MO (B-17) BHU Regi District Peshawar	01.07.2009
55.	Dr. Saeed Anwar S/O Sher Afzal Khan MO (BPS-17) Health Department	26.02.2012
56.	Dr. Shahid Abdullah S/O Abdullah Khan Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Karak)	22.02.2011
57.	Dr. Emma Mumtaz D/C Mumtaz Mehdi Ex-WMO (BPS-17) Forensic Medicine Department KMC Peshawar	25.05.2012

Attested
Habib
Anwar

AND WHEREAS, absence notice were served upon them at their home addresses and also through press with the direction to resume duty within stipulated period.

AND WHEREAS, they failed to resume duty in the stipulated period given in the notices.

NOW THEREFORE, in exercise of power conferred under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Disciplinary) Rules 2011, Competent Authority is pleased to impose the major penalty of **(REMOVAL FROM DUTY)** upon the above mentioned doctors with immediate effect. The period from the date of absence till the date of imposition of penalty in respect of the above, shall be treated as unauthorized absence from duty without pay.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA.

OFFICE OF THE DIRECTOR GENERAL HEALTH SERVICE KPK PESHAWAR

No. 15527-699/E-I Dated the Pesh: 25/8/2014

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Deans PGMI Peshawar.
3. Director Health Services FATA.
4. Director PHSA Peshawar.
5. To 11. All Chief Executives in Khyber Pakhtunkhwa.
- 12 To 14. MS Govt: LRH/KTH/HMC, Peshawar.
- 15 To 39. All District Health Officers in Khyber Pakhtunkhwa.
- 40 To 69. All Medical Superintendents of DHQ Teaching Hospitals in Khyber Pakhtunkhwa.
- 70 To 76. All Principals of Medical Colleges in Khyber Pakhtunkhwa.
77. Principal KMC Peshawar for information with the request to make arrangement for recovery from Dr. Emma Mumtaz WMO.
78. Vice Principal PIMT Swat.
79. I/C Govt: Maternity Hospital Peshawar.
80. To 11. All DAOs/AACs in Khyber Pakhtunkhwa.
112. Assistant Director Account DGHS KPK Peshawar.
113. DHIS DGHS Office.
114. AE-I, AE-II & AE-IV DGHS Office Peshawar.
For information & necessary action.

REGISTERED

115. Dr. Amjad Iqbal s/o Muhammad Iqbal Akakhel Village & PO Barikot District Swat.
116. Dr. Asghar Ali Shah s/o Ghulam Ali Shah Village & PO Pushti Khara Payan Tehsil & District Peshawar.
117. Dr. Atqi-ur-Rehman s/o Fazal-ur-Rehman C/O Younis Property Dealer Muzzafar Abad Canal Road Adjacent Danisabad University Town Peshawar.
118. Dr. Azhar Zahir Shah s/o Muhammad Zahir Shah C/O Zahir Shah House No. P-4, University Campus Peshawar University.
119. Dr. Aziz-ur-Rehman s/o Muhammad Azim Village Punjigram Tehsil Babozi District Swat.
120. Dr. Danish Manzoor D/O Ghulam Sarwar C/O Dr. Manzoor Ali Village & PO Tur Landi Tehsil & District Swabi.
121. Dr. Ejaz Ahmad s/o Muhammad Iqbal near Masjid Sarban Village PO Lachi District Kohat.
122. Dr. Farhana Nawaz D/O Muhammad Nawaz Khan Village Algadi Karak PO Tehsil & District Karak.
123. Dr. Fawad Irshad s/o Muhammad Saleem Khan Village Sikandarpur Masjid Talab Tehsil & District Haripur.
124. Dr. Fayyaz Shah s/o Syed Sanowar Shah Village Main Dehoi Tehsil Ghazi District Haripur.

Attested
Asst. Secy
Peshawar

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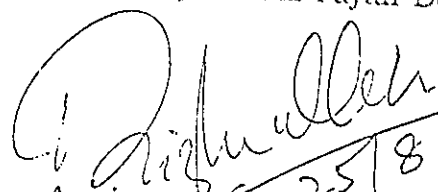
125. Dr. Fazal Rahim s/o Shah Bali Jan Village Kala Kalay Tehsil Kabal District Swat.
126. Dr. Ghulam Muhammad s/o Jan Muhammad House No. 36-A Budhla Road Chungi No. 11, Mohallah Raja Abad Multan.
127. Dr. Hamida Begum D/O Shereen Wali House No. 3, Canal Road Suphaid Dehri Near Albadar Hospital University Town Peshawar.
128. Dr. Hina Ejaz D/O Muhammad Ijaz Hussain House No. 786-B, Narian Jaboon Colony Tube Well Colony Abbottabad.
129. Dr. Hussan Zeb s/o Sarbuland Khan C/O Shafat Khan O.G-III State Bank of Pakistan, Peshawar.
130. Dr. Imtiaz Khan Afridi s/o Raza Khan Afridi House No. 22, Bilal lane Sadiq Abad New Arbab Colony Tehkal Bala Peshawar.
131. Dr. Irfan Shaukat s/o Shaukat Hayat Khan Village Sangota Bhattai, PO Manglawar Tehsil & District Swat.
132. Dr. Javed Iqbal s/o Noor Muhammad Village Muski PO & Tehsil Mirali NW Agency.
133. Dr. Kalsoom Bakhtiar D/O Fazal-e-Sobhani Mohallah Mina Khel Tehsil & district Lakki Marwat.
134. Dr. Khalid Mehmood Khan Bhattani s/o Misal Khan Bhattani Gulshan Colony near Opp: School Fort Road DIKhan.
135. Dr. Khalid Zaman s/o Sakhi Jan Village & PO Miran Shah North Waziristan Agency. (C/O DHQ: Hospital Abbottabad.).
136. Dr. Liaqat Ali s/o Qudrat Ali Village Kalish Tehsil & District Mansehra.
137. Dr. Loreena Gul D/O Akhtar Gul House No. 2478, Krishan Pura GT Road Peshawar.
138. Dr. Mansoor Ahmad Qureshi s/o Mahfuz Ahmad Qureshi House No. 118, Gul Bahar No. 2, Peshawar.
139. Dr. Mehboob Raziq Khan s/o Shams-ur-Raziq Village & PO Khal Mohalla Zoormandi District Dir.
140. Dr. Muhammad Aftab s/o Syed Qamar Shah House No. 5, Block B ASC Housing Colony Nowshera Cantt.
141. Dr. Muhammad Ajmal Khan s/o Anwar ul Islam 05-Patti Centre Street Rahim Abad District Swat.
142. Dr. Muhammad Fahim Qasim s/o Muhammad Qasim House No. 172, Street No. 04, Sector J-2, Phase-II Hayatabad Peshawar.
143. Dr. Muhammad Ijaz s/o Shuja Khan Village Kuladand PO Tehsil & District Charsadda.
144. Dr. Muhammad Jalil s/o Muhammad Khalil Village Baber Mela PO & District Hangu.
145. Dr. Muhammad Nasir Khan s/o Muhammad Nazir Khan 94-E-I Street No. 5, Phase-1, Hayatabad Peshawar.
146. Dr. Muhammad Saad Bin Zahid s/o Muhammad Zahid Village & PO Khunda Tehsil Lahore, District Swabi. (House No. 56, Street-5, Askari-V Peshawar Cantt, Peshawar).
147. Dr. Muhammad Saeed s/o Muhammad Akram Village & PO Rashakai District Nowshera.
148. Dr. Mohammad Zia Khattak s/o Azmat Khan Village & PO Dak Ismail Khel Mohallah Zafar Khel Tehsil & District Nowshera.
149. Dr. Naeem Khan s/o Sikandar Ali Khan 41-A Circular Road Opp: UTC University Town Peshawar.
150. Dr. Nigar Akhtar D/O Akhtar Nawaz Khan House No. 187, Street No. 09, F-1, Phase-VI, Hayatabad Peshawar.
151. DR. Rafi Ullah s/o Sad-ud-Din Khan Village & PO Tarkha District & Tehsil Nowshera.

Accepted
As shown
Jalal

9

152. DR. Sajjad Hussain s/o Hussain Ali Village & PO Lodhi Khel Tehsil & District Hangu.
153. Dr. Sakhawat Khan s/c Gulbar Khan Kandai Marozai Village & PO Deh Bahadar Peshawar.
154. DR. Samina D/O Jan Muhammad Afzal Abad House No. 36 Old Bara Road University Town Peshawar.
155. Dr. Satwat Qadir D/O Abdul Qadir Khan Flat 1-A, Army Housing Defence Colony Behind Gora Qabristan Peshawar Cantt Peshawar.
156. Dr. Shumila Hadi D/O Abdul Hadi Rahman Village Darmangi Warsak Road PO Terahi Payan Tehsil & District Peshawar.
157. Dr. Syed Abdullah Shah s/o Syed Ghafoor Shah Sadaat Street Guli Bagh Hoti Mardan.
158. DR. Syed Muhammad Shahab s/o Muhammad Ayaz Village and PO Dagi Tehsil & District Mardan.
159. Dr. Tauqir Ahmad s/o Muhammad Haroon Village Patheel PO Sherwan Tehsil & District Abbottabad.
160. DR. Umar Zia Khan Mahsud s/o Umar Farooq Khan Mahsud Village Ahmad Wam, Tehsil Sararogha SW Agency.
161. Dr. Wajid Akram Shah s/o Syed Fazle Akram Aasim House, Near Kausoor Masjid Canal Town Peshawar University.
162. Dr. Wasia Azhar D/O Mohammad Shakeeb Al-Zahir House No. 137, Street No. 10, H-3, Phase-2, Hayatabad Peshawar.
163. Dr. Zahid Khan s/o Muhammad Nawaz Khan House No. SD-53, Defence Officer Colony Khyber Road Peshawar.
164. Dr. Zia ur Rehman s/o Habib ur Rehman Tehsil & District Peshawar Village & PO Badaber Mohallah Sheheed Ghari.
165. DR. Amjad Hussain s/o Said Lal Khan Village Bazgarah (Maira) Kajoori Tehsil Bara, Khyber Agency.
166. DR. Athar Mehmood Khan Safi s/o Shariso Qamar Safi House No. 3, Near Bara Bridgh Mohallah Qada Kheil Village Chamkani Peshawar.
167. Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan Prof. Arif Naseem House No. E/B-81, Street 5B, Canal Town Peshawar.
168. Dr. Rashid Hameed s/o Fazli Hameed House No. R-26, University Campus University of Peshawar. (Village & PO Kangra Tehsil & District Charsadda).
169. Dr. Saeed Anwar s/o Sher Afzal Khan House No. 1476/1341, Mohallah Chah Peepal Wala District DIKhan.
170. Dr. Shahid Abdullah s/o Abdullah Khan Khattak House No. 144, Street No. 07, Sector P-1, Phase-4, Hayatabad Peshawar.
171. Dr. Emma Muntaz D/O Muntaz Mendi Model Colony Tehkal Payan Defence Twon Street No. 1, Peshawar.

For information.


25/8/14
Assistant Director (P-1)
DIRECTORATE GENERAL HEALTH
Services Khyber Pakhtunkhwa

Cc:-

Secretary to Govt. of Khyber Pakhtunkhwa Health Department for information.

*Assisted
Hobnut
Shariat*

25/8/14

"B"
Answer

10

To,

Chief Secretary,
KPK, Peshawar

Subject: Appeal from the impugned Departmental
No.SOE(H-II/1025/2010) dated 13.08.2014,
whereby the appellant was removed from service.

Compendium of facts out of which the present appeal
arises are as under:

1. That appellant was appointed as Woman Medical Officer vide office order No. SO(E)H-II/3/18/2012 dt 04/09/2012 and was posted at Zanana Hospital, Karak.
2. That the appellant was removed from service vide Notification No.SOE(H-II/1025/2010) dt.13.08.2014 on account of alleged absence from duty.
3. That feeling aggrieved from the impugned notification dated 13.08.2014, whereby the appellant was removed from service, she now approaches your goodself, inter alia, on the following grounds:

Attested
H. H. H. H.
Advised

GROUND S:

- A. That the impugned notification dated 13.08.2014, whereby appellant was removed from service is malafidely against the law and facts on record, therefore, not maintainable in the eyes of law.

- ③
- B. That no departmental inquiry, whatsoever was conducted against the appellant to prove the allegation of absence from duty.
- C. That neither the show cause notice nor statement of allegation was given to the appellant to explain her position regarding alleged absence from duty.
- D. That major penalty i.e. removal from service has been imposed upon the appellant and that too without affording her an opportunity of hearing, which renders the impugned order nullity in the eyes of law.
- E. That no notice was served upon the appellant and even the prescribed procedure i.e. publication in the newspaper was not followed, therefore, the impugned order is liable to be set aside.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned Notification No.SOE(H-II/1025/2010) dated 13.08.2014 be laid to rest and appellant be reinstated in service with all back benefits.

Appellant

Farhana
Dr. Farhana Nawaz
D/o Muhammad Nawaz
C/o Abid Nawaz Khattak
UNHCR Sub-Office Peshawar
1-Gul Mehar Lane, University Town

Date: 02/10/2014

To,
The Director General Health Services
Peshawar, Khyber Pakhtunkhwa

12

Subject: Application for Transfer

R/Sir,

I have the honor to state that I am serving in the health department in Zanana hospital Karak, Khyber Pakhtunkhwa since Feb 2014. I was posted as a woman medical officer in Zanana hospital Karak vide letter No.SO (E) H-II/3-18/2012 dated Peshawar, the 04th September, 2012. For the reasons my domicile belong to district Karak.

After the death of my father my elder brother is taking care of our family. My brother is currently working with UNHCR Sub Office Peshawar and is residing in Hayatabad with his family and I cannot live in isolation. I submitted my arrival report to the Medical Superintendent District Headquarter Hospital Karak and submitted my arrival report Woman Medical Officer (WMO) in Zanana hospital Karak on Feb 6, 2013 indorsed by Medical Superintendent DHQ Hospital Karak after completion of four year FCPS training in Khyber Teaching Hospital. I am single (unmarried) and there is no gender specific accommodation inside the hospital.

In light of the above mentioned facts I would request your kind honor to reduce my sufferings by transferring my services to Peshawar in order to be able to continue my services.

--I shall be very thankful to your this act of kindness.

Yours, Obediently,

Farhana

(Dr. Farhana Nawaz d/o Mohammad Naweaz)
WMO (BPS -17), Zanana Hospital Karak, Distt Karak.

Dated: 3rd Feb 2014

Accepted
H. Ahmad
J. Ahmad

3520 / E-4
07/02/14 / npt

وکالت نامہ
بعدالت جناب میر حسین مسیحی سہیل سہیل لکھنؤ

فرمانہ نواز

کوئٹہ کابلی و گلبرگ

بنام

عنوان مقدمہ
میر حسین مسیحی
جناب فرمانہ نواز

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں من / ہم اپنی طرف سے واسطے پیروی و جوابدہی اور دیگر کل
کارروائی آں کیلئے برائے مقام میر حسین مسیحی سہیل سہیل لکھنؤ
مسترد صدر اسٹریٹ گلبرگ کابلی

کو وکیل مقرر کر کے اختیار دیتے ہیں کہ میری / ہماری جانب سے مقدمہ مذکورہ کی پیروی
و جوابدہی کرے۔ راضی نامہ کرے۔ فیصلہ ثالثی کرے۔ کہ فیصلہ کرانے پر حلف منظور
کرے، ہر قسم کی بیان دیوے، ہر قسم کے سوال و جواب کرے۔ عرض دعویٰ کرے جواب
دعویٰ۔ جواب الجواب۔ عذرات۔ اپیل۔ نگرانی۔ نظر ثانی۔ درخواست ہائے متفرق اور دیگر
ہر قسم کے دستاویزات تحریر و تصدیق کر کے داخل کرے۔ واپس لیوے۔ دست برداری
کرنے۔ ترمیم کرے۔ ہر قسم رقوم مقدمہ۔ جرمانہ۔ ہرجانہ داخل اور وصول کرے۔ ہر قسم
دستاویز جو بعد پیروی ڈمس ہو سہل سہیل لکھنؤ۔ کارروائی۔ ڈگری یکطرفہ منسوخ کرے۔ اجرا
ڈگری کرے۔ زر ڈگری وصول کرے۔ قبضہ جائیداد لیوے دیوے۔ اپنے ہمراہ ایڈوکیٹ
پیرسٹریا مختار قانون برائے جزوی یا کل کارروائی مقرر کرے۔ علیحدہ کرے۔ دوران مقدمہ اگر
جرمانہ۔ ہرجانہ فریق مخالف سے وصول ہو۔ وہ حق وکیل صاحب ہوگا۔ اگر پیشی ایسے مقام پر ہو
جو صدر مقام سے دور ہو تو وکیل صاحب پیروی کے ذمہ دار نہ ہوں گے۔ اس سلسلے میں جملہ
ساختہ و پرداختہ وکیل صاحب موصوف منظور و قبول ہوگا۔ لہذا وکالت نامہ ہذا لکھ دیا۔ کہ سنہ

Accepted
H. N. N.

فقط مورخہ

Farhana
Dr. Farhana Nawaz
D/O Muhammad Nawaz Khan
CNIC # 14202-3054828-4

BEFORE THE HONOUABLE CHAIRMAN SERVICES TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

SERVICE APPEAL NO.52/2015

DR.FARHANA NAWAZ -----Appellant

VERSUS

CHIEF SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS-(Respondents)

INDEX

S.No	Description of Documents	Annex	Pages
1	Service appeal		1-2
2	Copy of letter No.11355/E.I dated 30.04.2015	A	3
3	Copy of Newspaper clipping published in the two leading Newspapers.	B	4-5
4	Vetted comments	C	6-7
5	Affidavit		8


Deponent

BEFORE THE HONOUABLE CHAIRMAN SERVICES TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

SERVICE APPEAL NO.52/2015

DR.FARHANA NAWAZ-----(Appellant)

VERSUS

1. Hon; Chief Secretary Govt: of Khyber Pakhtunkhwa Peshawar.
2. Secretary health Govt: of Khyber Pakhtunkhwa Peshawar.
3. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
4. Assistant Director P-I, Directorate General Health Services, Khyber Pakhtunkhwa Peshawar.
5. District Health officer.
6. Medical Superintendent DHQ Hospital Karak. (Respondents)

JOINT PARAWISE COMMENTS IN RESPECT OF THE RESPONDENTS:-

PRELIMINARY OBJECTION:

1. That the Appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is barred by law.
3. That the appellant concealed material facts from this Honorable Tribunal, hence not maintainable in the present forum.

Respectfully Sheweth:-

1. Correct as drafted.
2. Correct as drafted.
3. No comments/pertain to record.
4. No comments.

GROUNDS:-

- A. Incorrect: In this connection, It is stated that the appellant was dismissed/removed from service, after adopting proper rules & regulations.
- B. Incorrect: It is stated that proper notice through a registered courier regarding her willful absence was served upon on the appellant Home address vide Respondent department letter No. 11355/E.I dated 30.04.2013, but the appellant failed to do so. (Annex-A).

- C. Incorrect: In this connection, It is stated that final absence notice were published in the National leading Newspapers with the direction to resume duty within 14-days, but the appellant did not comply with the notice. (copy of Notice, Newspapers clipping are attached .(Annex-B).
- D. The impugned order has been passed after providing an opportunity of defense vide notice No.11355/E.I dated 30.04.2013 served through registered courier on her home address and publication of her absence from duty w.e.f 21.03.2013 till passing of impugned order through newspapers. But she did not bother to even reply the notices.

PRAYER:-

In view of the above submissions, It is humbly prayed that the appeal may graciously be dismissed having no legal footing with cost.

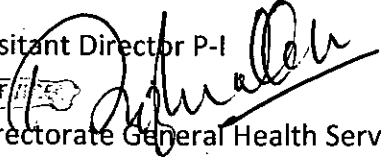
Respondent No.06


Medical Superintendent
DHQ Hospital Karak.


Respondent No.05


District Health Officer
Karak.


Respondent No.04


Assitant Director P-I
Directorate General Health Services
Peshawar.
Khyber Pakhtunkhwa Peshawar.

Respondent No.03


Director General Health
Services.
Khyber Pakhtunkhwa

Respondent No.01


Secretary Health
Govt: of Khyber Pakhtunkhwa
Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NOTE FOR CHIEF SECRETARY

Subject: DISCIPLINARY PROCEEDINGS AGAINST ABSENT DOCTORS (BS-17).

The Director General Health Services, Peshawar has intimated that absence notices were served upon the following Medical Officers (BS-17) at their home addresses and the same was also floated in the press with the direction to resume their duties within the stipulated period of 14-days. But they are still absent from Government duty and no response whatsoever has been received so far (Annex-I):

S. #	NAME OF DOCTOR/FATHER'S NAME / PLACE OF POSTING	DATE OF ABSENCE
01.	Dr. Amjad Iqbal S/O Mohammad Iqbal, Ex-Instructor (BPS-17) PIMT, Swat	01.08.2011
02.	Dr. Asghar Ali Shah S/O Ghulam Ali Shah, Ex-MO (BPS-17) HMC Peshawar	01.01.2013
03.	Dr. Atique-Ur-Rehman S/O Fazal-ur-Rehman, Ex-MO (BPS-17) BHU Mishiti Mela Orakzai Agency (FATA)	10.02.2010
04.	Dr. Azhar Zahir Shah S/O Muhammad Zahir Shah, Ex-JR (BPS-17) KTH Peshawar	01.11.2010
05.	Dr. Azizur Rehman S/O Muhammad Azim, Ex- Demonstrator (BPS-17) SMC Swat	03.01.2011
06.	Dr. Danish Manzoor D/O Ghulam Sarwar, Ex-WMO (BPS-17) BHU Shewa District Swabi	05.12.2010
07.	Dr. Ejaz Ahmad S/O Muhammad Iqbal, MO (BPS-17) Health Department	19.05.2013
08.	Dr. Farhana Nawaz D/O Muhammad Nawaz Khan, Ex-WMO (BPS-17) DHQH Karak	21.02.2013
09.	Dr. Fawad Irshad S/O Muhammad Saleem Khan, Ex-MO (BPS-17) DHQH Haripur	04.11.2008
10.	Dr. Fayyaz Shah S/O Syed Sanowar Shah, Ex-MO (BPS-17) BHU Salam Khand District Haripur	15.06.2010
11.	Dr. Fazal Rahim S/O Shah Bali Jan, Ex-MO (BPS-17) CH Kabal District Swat	08.10.2012
12.	Dr. Ghulam Muhammad S/O Jan Muhammad, Ex-Junior Registrar (BPS-17) KTH Peshawar	01.10.2010
13.	Dr. Hamida Begum D/O Shereen Wali, Ex-WMO (BPS-17) IKD Hayatabad Peshawar	00.09.2010
14.	Dr. Hina Ejaz D/O Mohammad Ejaz Hussain, Ex-WMO (BPS-17) attached to DHO Abbottabad	01.01.2008
15.	Dr. Hussan Zeb Khan S/O Sar Buland Khan, Ex-TMO (BPS-17) PGMI Peshawar	01.01.2005
16.	Dr. Imtiaz Khan Afridi S/O Raza Khan, Ex-MO (BPS-17) Govt. LRH Peshawar	01.05.2010
17.	Dr. Irfan Shaukat S/O Shaukat Hayat Khan, MO (BPS-17) Health Department	24.09.2010
18.	Dr. Javed Iqbal S/O Noor Muhammad, Ex-MO (BPS-17) CH Doosali N.W Miranshah	00.12.2010
19.	Dr. Kalsoom Bakhtiar D/O Fazle Subhani, Ex-WMO (BPS-17) DHQH Timergara	20.09.2004
20.	Dr. Khalid Mehmood Khan S/O Misal Khan Bethni, Ex-MO (BPS-17) BHU Dengi District Haripur	31.08.2010

21.	Dr. Khalid Zaman S/O Sakhi Jan, Ex-MO (BPS-17) DHQH Abbottabad	16.07.2007
22.	Dr. Liaqat Ali S/O Qudrat Ali, MO (BPS-17) Health Department (Absented himself after submitting arrival report in DGHS Office)	14.04.2011
23.	Dr. Loreena Gul D/O Akhtar Gul, Ex-WMO (BPS-17) LRH Peshawar	02.02.2007
24.	Dr. Mansoor Ahmad Qureshi S/O Mehfooz Ahmad Qureshi, Ex-MO (BPS-17) attached to DHO Nowshera	05.08.2007
25.	Dr. Mehboob Raziq Khan S/O Shams-ur-Raziq Khan, Ex-MO (BPS-17) BHU Kair Dara, Upper Dir	28.02.2005
26.	Dr. Muhammad Aftab S/O Syed Qamar Shah, Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Swabi)	17.09.2009
27.	Dr. Muhammad Ajmal Khan S/O Anwar ul Islam, Ex-Lecturer (BPS-17) SMC Swat	01.10.2011
28.	Dr. Muhammad Fahim S/O Muhammad Qasim, Ex-MO (BPS-17) CH Shakar Dara District Kohat	12.03.2008
29.	Dr. Muhammad Ijaz S/O Shuja Khan, Ex-MO (B-17) Attached to DHO Charsadda	00.09.2011
30.	Dr. Muhammad Jalil S/O Muhammad Khalil, Ex-MO (BPS-17) BHU Kadda Orakzai Agency	07.07.2010
31.	Dr. Muhammad Nasir Khan S/O Muhammad Nazir Khan, Ex-MO (BPS-17) HMC Peshawar	20.10.2005
32.	Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid, Ex-TMO (BPS-17) PGMI Peshawar	00.12.2012
33.	Dr. Muhammad Saeed S/O Muhammad Akram, Ex-MO (BPS-17) BHU Qasim District Mardan	30.11.2010
34.	Dr. Muhammad Zia Khattak S/O Azmat Khan, Ex-MO (BPS-17) KTH Peshawar	01.04.2007
35.	Dr. Naeem Khan S/O Sikandar Ali Khan, Ex-MO (BPS-17) Under transfer to DHQ Hospital Bannu	29.07.2007
36.	Dr. Nigar Akhtar D/O Akhtar Nawaz Khan, Ex-WMO (BPS-17) Type C Hospital Takhti Nasrati District Karak	03.10.2012
37.	Dr. Rafiullah S/O Sad-ud-Din Khan, Ex-TMO (BPS-17) PGMI HMC Peshawar	20.07.2010
38.	Dr. Sajjad Hussain S/O Hussain Ali Bangash, Ex-MO (BPS-17) Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar	06.08.2011
39.	Dr. Sakhawat Khan S/O Gulber Khan, Ex-MO (BPS-17) DHQH Battagram	17.01.2011
40.	Dr. Samina D/O Jan Muhammad, Ex-WMO (BPS-17) KTH Peshawar	01.07.2013
41.	Dr. Satwat Qadir D/O Abdul Qadir Khan, Ex-WMO (B-17) Maternity Hospital Peshawar	00.08.2007
42.	Dr. Shumaila Hadi D/O Abdul Hadi, Ex-TMO (BPS-17) PGMI Peshawar under transfer to at the disposal of DHO Swabi	05.03.2008
43.	Dr. Syed Abdullah Shah S/O Syed Ghafoor Shah, Ex-TMO (BPS-17) PGMI LRH Peshawar	05.11.2010
44.	Dr. Syed Muhammad Shahab S/O Syed Muhammad Ayaz, Ex-TMO (BPS-17) PGMI Peshawar	00.07.2008
45.	Dr. Tauqir Ahmad S/O Muhammad Haroon, Ex-TMO PGMI Peshawar (Under transfer to DHQH Battagram)	03.08.2007
46.	Dr. Umar Zia Khan Mahsud S/O Umar Farooq Khan Mahsud, Ex-TMO (BPS-17) PGMI LRH Peshawar	00.05.2011
47.	Dr. Wajid Akram Shah S/O Syed Fazle Akram, Ex-MO (BPS-17) BHU Babi Khel Mohmand Agency	00.00.2006
48.	Dr. Wasia Azhar D/O Muhammad Shakeeb, Ex-WMO (BPS-17) KTH Peshawar	01.11.2010
49.	Dr. Zahid Khan S/O Mohammad Nawaz Khan, Ex-MO (Anesthesia) (BPS-17) KTH Peshawar	01.09.2005
50.	Dr. Zia-ur-Rahman S/O Habib-ur-Rahman, Ex-MO (BPS-17) Govt: LRH Peshawar	13.10.2012

2. The following doctors instead of resuming duties, submitted replies to the absence notices. They also failed to resume their duties:

S. #	NAME OF DOCTOR/FATHER'S NAME / PLACE OF POSTING	DATE OF ABSENCE	REMARKS
51.	Dr. Amjad Hussain S/O Said Lal Khan, Ex-TMO (BPS-17) PGMI LRH Peshawar.	00.06.2011	He has submitted resignation from the post of MO on 28.05.2014 (Annex-II).
52.	Dr. Arhar Mahmood Ahmad Khan Safi S/O Shams-o-Qamar Safi, Ex-MO (BPS-17) KTH Peshawar	14.08.2011	He has submitted resignation from the post of MO on 28.05.2014 (Annex-III).
53.	Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan, Ex-WMO (BPS-17) CH Khanispor District Abbottabad	28.11.2011	She has submitted her resignation (Annex-IV).
54.	Dr. Rashid Hameed S/O Fazli Hameed, Ex-MO (B-17) BHU Regi District Peshawar	01.07.2009	He has submitted his resignation (Annex-V).
55.	Dr. Saeed Anwar S/O Sher Afzal Khan, MO (BPS-17) Health Department	26.02.2012	He has given reply of the notice and requested either to grant him premature retirement or accept resignation (Annex-VI).
56.	Dr. Shahid Abdullah S/O Abdullah Khan, Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Karak)	22.02.2011	He has submitted his resignation (Annex-VII).

3. Dr. Emma Mumtaz, WMO (BS-17), KMC Peshawar has not responded since 25.05.2012; however, in PAC meeting it has been pointed out that she has overdrawn amount in lieu of her salary and still the same is outstanding against her (Annex-VIII).

4. Dr. Muhammad Munir Noor S/O Noor-ur-Rehman, Ex-MO (BPS-17) attached to DHO Battagram, has not joined duty since first appointment. In terms of their appointment, a doctor after appointment, not reporting for duty for a period of 30-days, his appointment order stands automatically withdrawn and the services of the doctor concerned may be terminated.

5. In terms of Rule 9 of the Government of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011, "in case of willful absence from duty, a notice shall be published in at least two leading news papers against the Government Servant with the direction to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision will be taken against him. On the expiry of stipulated period given in the notice, the authorized officer shall recommend the case to the authority for imposition of major penalty of removal from service" (Annex: IX).

6. In view of the above, the Health Department recommends that the doctors mentioned in para 1 to 3 above, who have failed to resume their duties, may be awarded with major penalty of Removal from Service.

7. Orders of the Chief Secretary, Khyber Pakhtunkhwa, being competent authority, are solicited on the recommendation contained in para-5, please.

Aftab Akbar Khan
(Aftab Akbar Khan) 29/7/11
Secretary Health

Chief Secretary,
Khyber Pakhtunkhwa

NPP

Handwritten notes on the left margin:
CANCER No. 3762 Date: 25-7-11
S 17/11/11

9. Note has been examined. In light of facts mentioned in paras-3-4 of the note, proposal contained in para-6 of the note is endorsed for approval of the Chief Secretary, Khyber Pakhtunkhwa.

(Signature)
(Dr. Akhtar Nazir)
Secretary Establishment
August 6, 2014

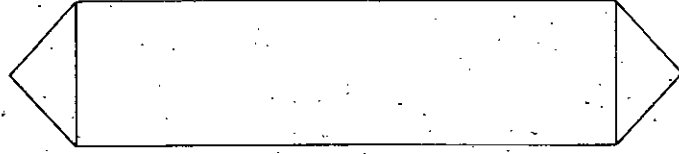
Chief Secretary, Khyber Pakhtunkhwa.

10. *para-6 approved.*

(Signature)
7/8/2014
Chief Secretary
Govt. of Khyber Pakhtunkhwa

SECRETARY HEALTH

SECRETARY (S) E & AD
Khyber Pakhtunkhwa
No. 3762
Date 7-8-14
Dated 5/8/14



Service Appeal No. 52/2015

2 ہجرت
بنام

Dr. Farhana Nawaz
VERSUS

Chief Secretary etc

موردہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

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

آن مقام **Rizwanullah Advocate Peshawar** کیلئے

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 کرنے و تقریر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

Farhan
(Appellant)

Accepted
ADW

المرقوم 9 ناہ جنوری 2018

مقام ایوان العہد کے لئے منظور ہے۔