

11.04.2023

Brother of the appellant present. Mr. Asif Masood Ali Shah,

DDA for the respondents present.

Former requested for adjournment on the ground that learned

counsel for the appellant is indisposed today. Last opportunity

granted. To come up for arguments on 12.05.2023 before the D.B.

Parcha Peshi given to the parties.

(FARREHA PAUL)  
Member(E)



(ROZINA REHMAN)  
Member (J)



SCANNED  
KPST  
Peshawar


13.12.2022

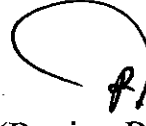
Counsel for the appellant present.

Muhammad Jan learned District Attorney for the respondents present.

Former made a request for adjournment in order to further prepare the brief. Last chance is given. To come up for arguments on 10.01.2023 before D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

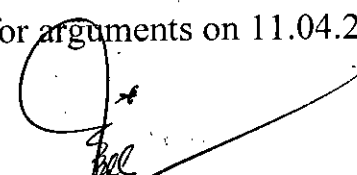
  
(Rozina Rehman)  
Member (J)

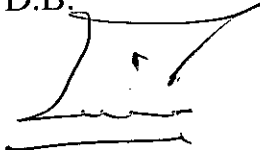
10.01.2023

Clerk of learned counsel for the appellant present.  
Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 11.04.2023 before the D.B.

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KPST  
Peshawar

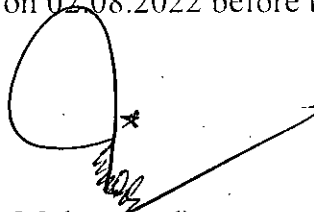
  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

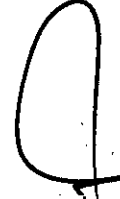
31<sup>th</sup> May, 2022

Mr. Munfat Ali Yousafzai, Advocate present and submitted Wakalatnama on behalf of the appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has been newly engaged in the instant appeal and will argue the case on the next date. Last chance is given for arguments failing which the case will be decided on the available record without arguments. To come up for arguments on 02.08.2022 before the D.B.



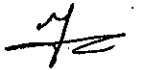
(Mian Muhammad)  
Member(E)



(Kalim Arshad Khan)  
Chairman

2-8-2022

Proper DB not available the case is adjourned to 31-10-2022

  
Reader

31<sup>st</sup> Oct., 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 13.13.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

10.08.2021

Since, 1<sup>st</sup> Moharram has been declared as public holiday, therefore, case is adjourned to 30/12/2021 for the same as before.

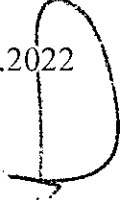
  
Reader


30.12.2021

Due to winter vacation, the case is adjourned. To come up on 17/3/2022

  
Reader

17.03.2022


 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.03.2022 for the same as before.

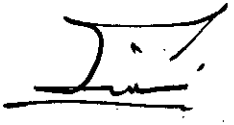
  
Reader.

25.03.2022

Mr. Jan Muhammad, Advocate (junior of learned counsel for the appellant) present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant has proceeded for *Tableegh*. Adjourned. To come up for arguments on 31.05.2022 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-ud-Din)  
Member (J)

02.11.2020

Junior to counsel for the appellant and Usman Ghani, District Attorney for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 12.01.2021 for hearing before the D.B.

(Mian Muhammad)  
Member

Chairman

12.01.2021

Counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment in order further prepare the brief. Adjourned to 16.04.2021 for hearing before the D.B.

~~Chairman~~  
~~Member (E)~~  
~~adjoined~~

16.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 10.08.2021 for the same as before.

Reader

26.02.2020

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for arguments on 01.04.2020 before D.B.

  
Member

  
Member

01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.

  
Reader

24.06.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 26.08.2020 before D.B.

  
Reader

26.08.2020

Due to summer vacation case to come up for the same on 02.11.2020 before D.B.

Reader


26.12.2019

Learned counsel for the petitioner present. Mr. Muhammad Jan learned Deputy District Attorney present.

Arguments heard. File perused.

Learned counsel for the petitioner/appellant raised the plea that the instant application for restoration of service appeal No.1427/2017 was filed within time and in the interest of justice, the same may be allowed, to which learned DDA showed his no objection.

In view of above the present application for restoration of Service Appeal No. 1427/2017 is allowed and the main service appeal is restored. To come up for arguments on main service appeal on 26.02.2020 before D.B. No order as to costs. File of the instant application be consigned to the record room.

  
Member

  
Member

01.11.2019

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Khan Askar Medical Officer present. Representative of the respondents requested for time to furnish reply. Granted. To come up for reply and arguments on ~~10~~ 12.2019 before D.B.

  
Member

  
Member

10.12.2019

Saleem Javid Litigation Officer representative of the respondent department present and seeks time to furnish reply. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 26.12.2019 before D.B.

  
Member




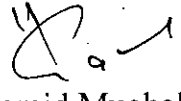
  
Member



**Form-A**  
**FORM OF ORDER SHEET**

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

Appeal's Restoration Application No. 266/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.07.2019	<p>The application for restoration of appeal No. 1427/2017 submitted by Mr. Abdullah Qazi Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/12/19</p>
2	16-9-19	<p>This restoration application is entrusted to D. Bench to be put up there on <u>06-09-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.09.2019	<p>Learned counsel for the appellant present. Notice be issued to the respondent for reply on 01.11.2019 before D.B. Original record be requisitioned for the date fixed.</p> <p style="text-align: center;">               (Ahmed Hassan)              Member         </p> <p style="text-align: center;">               (M Hamid Mughal)              Member         </p>

09.04.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 25.06.2019 before D.B

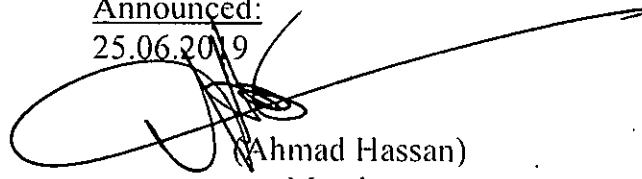
  
Member

  
Member

25.06.2019

None for the appellant present. Addl. AG alongwith Mr. Hazrat Shah, Supdt for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.

Announced:  
25.06.2019

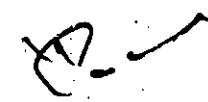
  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

26.12.2019

Vide order of today i.e. 26.12.2019 passed in restoration application bearing No.266/2019, the present service appeal has been restored. To come up for further proceedings/arguments on 26.02.2020 before D.B

Member

  
Member


24.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 11.12.2018.

  
Reader

11.12.2018

Counsel for the appellant and Addl. AG for the respondents present. The Worthy Chairman is on leave, therefore, case is adjourned to 30.01.2019 for arguments before the D.B.

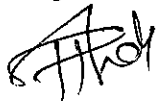
  
Member


30.1.2019

Clerk of counsel for the appellant and Addl. AG for the respondents present.

A request for adjournment is made on the ground of engagement of learned counsel for the appellant before the Honourable High Court today.

Adjourned to 09.04.2019 before D.B.


  
Member

  
Chairman

Service Appeal No. 1427/2017

23.05.2018

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply not submitted. Learned Additional AG seeks adjournment. Adjourned. To come up for written reply/comments on 10.07.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

10.07.2018

Neither appellant nor his counsel present. None is present as representative on behalf of the respondents. However, Mr. Usman Ghani, District put appearance on their behalf and requested for adjournment. Granted. To come up for written reply/comments on 27.08.2018 before S.B.

  
Chairman

27.08.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Jaffar Ali, Assistant for the respondents present and submitted written reply. To come up for rejoinder and arguments on 24.10.2018 before D:B.

  
(Ahmad Hassan)  
Member

16.02.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Health Department as Doctor. It was further contended that the competent authority has removed her from service vide impugned order dated 03.04.2008 on the allegation of her absence from duty. It was further contended that the appellant also filed departmental appeal but the same was also rejected hence, the present service appeal. It was further contended that neither any notice was served upon the appellant nor any proclamation in this regard was published in the newspaper nor proper inquiry was conducted against the appellant therefore, the impugned order is illegal and liable to be set-aside. It was also contended that the service of the appellant is more than twenty years therefore, the major penalty of removal from service on the allegation of absence is very harsh. It was further contended that though there is some delay in appeal but the appellant has also filed application for condonation of delay.


The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 02.04.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

02.04.2018

None present on behalf of appellant. Mr. Kabir Ullah Khattak, Additional AG for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven(7) days, thereafter notices be issued to the respondents for written reply/comments on 23.05.2018 before S.B

Appellant Deposited  
Security & Process Fee

  
(Ahmad Hassan)  
Member

Form-A  
FORM OF ORDERSHEET

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

Case No. 1427/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	29/12/2017	The appeal of Dr. Robina Javed Khattak presented today by Mr. Abdullah Qazi Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.  <p style="text-align: right;">REGISTRAR 29/12/17</p>
2-	04/01/18.	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/01/18.</u>  <p style="text-align: right;">CHAIRMAN</p>
	19.01.2018	Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 16.02.2018 before S.B.  <p style="text-align: right;">(Gul Zeb Khan) Member (F)</p>

SCANNED  
KPST  
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 1427 /2017

**ROBINA JAVED KHATTAK**

**VS**

**HEALTH DEPTT:**

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7.	Rejection order	D	8-9
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*Robina Javed Khattak*

**APPELLANT**

**THROUGH:**

*Abdullah Qazi*  
**ABDULLAH QAZI  
ADVOCATE**

*Jani Muhammad*  
**JANI MUHAMMAD  
Advr;**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. \_\_\_\_\_/2017**

Dr. Robina Javed Khattak,  
Ex-Gynecologist, DHQ Hospital Hangu, district Hangu.

..... **APPELLANT**

**VERSUS**

- 1- Government of Khyber Pakhtunkhwa, through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Medical Superintendent, DHQ Hospital, Kohat.
- 4- The Medical Superintendent, DHQ Hospital, Hangu.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE IMPUGNED ORDER DATED 17-04-2008  
WHEREBY THE APPELLANT HAS BEEN REMOVED FROM  
SERVICE AND AGAINST THE APPELLATE ORDER DATED  
27-01-2011 WHEREBY THE DEPARTMENTAL APPEAL OF  
THE APPELLANT WAS REJECTED ON NO GOOD  
GROUNDS**

**PRAYER:**

**That on acceptance of this appeal the impugned orders dated 17-04-2008 and 27-01-2011 may very kindly be set aside and the appellant may kindly be re-instated in to service with all back benefits OR the removal order may kindly be converted into Compulsory Retirement. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SHWETH:**

**ON FACTS:**

- 1. That initially the appellant was appointed in the respondents department as Women Medical Officer (BPS-17). That appellant submitted her arrival report and started performing duties quite efficiently and to the entire satisfaction of her high ups. Accordingly, the appellant was promoted to the Gynecologist (BPS-18).
- 2. That during service the appellant was transferred from DHQ Hospital Kohat to DHQ Hospital Hangu vide Notification dated 12.9.2006. That in response the appellant submitted her arrival report and started performing her duty quite



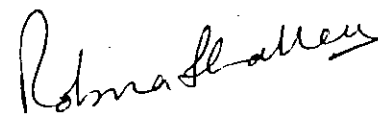
efficiently and up to the entire satisfaction of her superiors. Copy of the Notification is attached as annexure ..... **A.**

- 3. That the appellant applied for leave which was allowed and sanctioned till 31-08-2006. That, after completion of the said leave the appellant applied for further extension of 5 years in her leave. **B.**
- 4. That, after returning back from abroad, it came into the knowledge of appellant that she had been removed from service by the competent authority vide impugned order/Notification date 03-04-2008. Copy of the impugned order is attached as annexure ..... **B.**
- 5. That, the appellant feeling aggrieved preferred Departmental Appeal dated 20-01-2011 for her re-instatement, which was rejected on the grounds of limitation. Copies of the Departmental appeal and rejection order are attached as annexure ..... **C and D.**
- 6. That appellant feeling aggrieved and having no other remedy file the instant appeal on the following grounds amongst the others.
  - A- That impugned order/notification dated 03-04-2008 and 27-01-2011 issued by the respondents are against the law, facts and norms of natural justice hence not tenable and liable to be set aside.
  - B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
  - C- That all the codal formalities required for the major penalty of Removal from service was not fulfilled by the respondents while issuing the impugned order/notification dated 03-04-2008.
  - D- That, there is malafide on the part of the respondent while issuing the impugned notification dated 03-04-2008 and the appellate order dated 27-01-2011.
  - E- That, the respondents have acted in an arbitrary and hasty manner while issuing the impugned notification dated 03-04-2008.

- F- That no charge sheet and statement of allegation have been served upon the appellant while issued the impugned notification dated 03-04-2008.
- G- That no show cause nor chance of personal hearing/defense has been provided to the appellant and as such the appellant has been condemned un heard.
- H- That no regular inquiry has been conducted in the matter which is as per Supreme Court judgments is necessary in punitive actions.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for, please.

Dated: 28-08-2017



**APPELLANT**

**ROBINA JAVED KHATTAK**

**THROUGH:**



**ABDULLAH QAZI  
ADVOCATE**

④

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Misc Application No. \_\_\_\_\_ of 2017

In

Appeal No. \_\_\_\_\_ of 2017

Dr. Robina Javed Khattak VERSUS Health Deptt:

APPLICATION FOR CONDONATION OF  
DELAY IF ANY

Respectfully Sheweth:

1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.

2- That the appellant / applicant prays for the condonation of delay in filing the above noted appeal inter-alia on the following grounds:

GROUND:

A- That valuable rights of the applicant / appellant are involved in the case, hence the appeal deserve to decide on merit.

B- That the petitioner has served the department for more than 20 years with clean record and if the delay is not condoned, the applicant/applicant will suffer great loss.

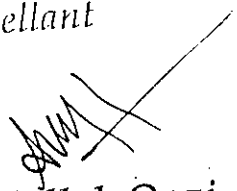
C- That it is the settled law that it has been consistent of the superior Courts that cases should be decided on merits rather on technicalities including the limitation. The same is reported in 2004 PLC CS 1014 and 2003 PLC CS 76.

It is, therefore, prayed that on acceptance of this application, the delay in filing the accompanied appeal may please condoned.

Dated /12/2017

Appellant

Through

  
Abdullah Qazi  
Advocate, Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Misc Application No. \_\_\_\_\_ of 2017

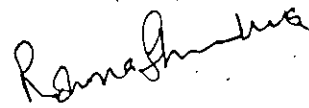
In

Appeal No. \_\_\_\_\_ of 2017

Dr. Robina Javed Khattak VERSUS Health Deptt:

AFFIDAVIT

I, Dr. Robina Javed Khattak do hereby solemnly affirm and state on oath that all contents of application for condonation of delay if any are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.



DEPONENT

GOVERNMENT OF NWFP  
HEALTH DEPARTMENT

917

Dated Peshawar the 3<sup>rd</sup> April 2008

NOTIFICATION

No. SOH-1/3-5/07 WHEREAS Dr. Robina Javed Khattak, Gynaecologist (BS-18), DHQH Hangu was found absent from duty w.e.f 1<sup>st</sup> Sept; 2006.

AND WHEREAS notices were issued to her on home address as well as in the newspapers to resume duty.

AND WHEREAS the accused doctor neither replied to the notices nor resumed the duty.

NOW THEREFORE, in exercise of powers conferred under NWFP Govt. Servants Removal from Service (Special Powers) Ordinance 2000, the Competent Authority is pleased to impose major penalty of "Removal from service" on Dr Robina Javed Khattak, Gynaecologist (BS-18) DHQH Hangu.

SECRETARY HEALTH

OFFICE OF THE DG HEALTH SERVICES, NWFP, PESHAWAR.

No. 11249-54 /E.I, Dated Pesh: the 17/04/2008.

Copy of the above is forwarded to the :-

01. MS DHQ Hospital Hangu.
02. DAO, Hangu.
03. Dr. Robina Javed Khattak D/o Muhammad Ayub Khan Gynec: Village & PS Phandu Payan Distt; and Teh: Peshawar.
04. AE-I, DGHS Office.
05. AE-II, DGHS Office.
06. AE-IV, DGHS Office.

for information and n/action.

No.

11255

/E.I.

Copy to the Secretary Health NWFP, Peshawar for information.

FOR DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

FOR DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.

921

DDP  
21-1

1790  
20/11/2011

To,

The Director General Health Services  
Khyber Pakhtunkhwa  
Peshawar

Subject: REQUEST FOR REINSTATEMENT OR COMPULSORY RETIREMENT

Sir,

It is submitted that I was on leave up to 31.8.2006. On expiry of my leave I applied for 5 years extra ordinary leave ,i.e up to 30.8.2011 while applying for the leave I was of the opinion that my leave will be consider in order to improve my qualification (MRCOG) and I remained abroad.

Now on return from abroad I came to know that the Department of Health Government of Khyber Pakhtunkhwa has removed me from service vide notification No SOH-1/3-5/07 dated 3<sup>rd</sup> April 2008.

In this context I humbly request that I have valuable service on my credit, i-e more than 20 years , It is requested that I may please be re instated and the above mentioned notification may please be withdraw or my removal may be converted to compulsory retirement on humanitarian grounds.

It is therefore once again requested that my case of termination may please be reconsidered and I may please be reinstated or compulsory relieved .

Your's obediently  
*Robina Javed Khattak*  
Robina Javed Khattak  
Gynecologist BPS-18  
17.01.11

DIRECTORATE GENERAL HEALTH  
SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.

No. 2439 /E. I, Dated 27/1/2011.

Dr. Robina Javed Khattak D/O  
Muhammad Ayub Khan, Village & PO  
Phandu, Payan District Peshawar.

Subject:-  
Memo:-

REQUEST FOR REINSTATEMENT OR COMPLESCRY REPAIRMENT.

Reference your application dated 17.01.2011  
or the above cited subject.

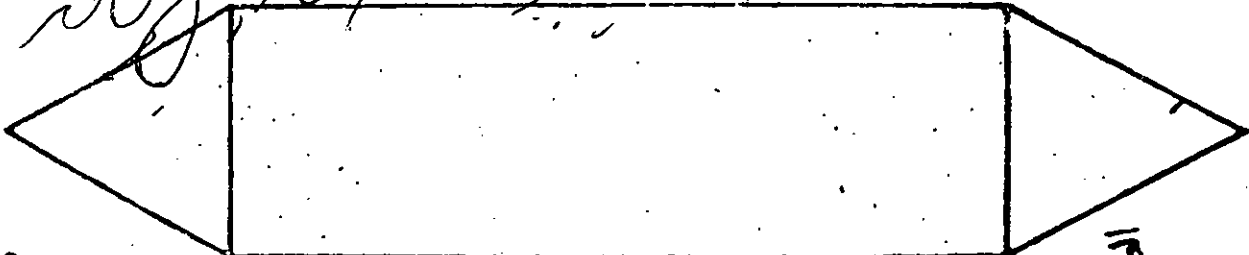
Your request for re-instatment into service is  
time barred, hence cannot be entertained and rejected.

*W. J. Khan*  
27/1/2011  
ASSISTANT DIRECTOR (P-I)  
DHS KPK, PESHAWAR.

25/1/2011



# بعدالت



اسلام آباد  
نام حکومتی سیکرٹریٹ  
پتہ: خیبر پختونخوا

ڈاکٹر ارمینہ

موضوع  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان کے بارے میں اپنی طرف سے واسطے پیروی و جواب وہی وکل  
 کارروائی متعلقہ آن مقام کے لئے  
 مقررہ کرنے کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی اس کارروائی کا کامل اختیار ہوگا نیز  
 وکیل صاحب کو کرنے راضی نامہ و تقریرات فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت دگری کرنے اجراء اور وصولی چیک زبرد پیر اور عری دعویٰ اور درخواست برہتم کی تصدیق  
 ذرا میں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دگری کیفر یا اپیل کی برآمدگی اور منوعی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی جگہ تعین اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جگہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
 پرداخت منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ دہر جائے اتوائے مقدمہ کے سب سے ہوگا۔  
 اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز تقابلاً و خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر  
 کوئی تاریخ پیشی مقام دورہ پیر یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا نکات نامہ لکھ دیا کہ سند رہے۔

المترجم 28 ماہ 8  
 ڈاکٹر ارمینہ

بنیام کے لئے منظور ہے۔  
 [Handwritten signature]

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO.1427 OF 2017**

Dr. Rubina Javed Khattak.....Appellant

**Versus**

1. Govt. of Khyber Pakhtunkhwa through Secretary, Health Department.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendent DHQ Hospital, Kohat.
4. Medical Superintendent DHQ Hospital, Hangu.....Respondents

**Respectfully Sheweth:**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**Preliminary Objections:-**

1. That the appellant has no cause of action/locus standi.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in the present form and also in the present circumstances of the issue.
5. That the appellant has filed the appeal in a non proper form and may be dismissed.
6. That the appellant has not come to the Tribunal with clean hands.
7. That the appeal is time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate the matter.

**ON FACTS:**

1. Correct.
2. Correct to the extent that she was transferred from DHQ Hospital Kohat to DHQ Hospital Hangu vide Secretary Health Notification dated 12/09/2006 (Annex-A) but she did not resume her duty in the DHQ Hospital Hangu and remained absent. She was served with absence notices at her home address vide this Directorate letter dated 18/11/2006 (Annex-B). The case was referred to the Govt.: vide this Directorate letter dated 29/11/2006 (Annex-C) recommending disciplinary action against her. She was also served with a final notice through press, daily observer and daily express dated 28/06/2007 (Annex-D/E), directing her to resume duty but she did not resume her duty and remained absent. Another final notice served upon her through press, daily Mashriq and daily Ilhaq dated 02/01/2008 (Annex-F/G). Directing her to resume duty within 15 days positively and explain reason for her absence, but she again failed to do so. Finally she was removed from service by competent authority vide Govt.: Notification dated 03/04/2008 (Annex-II).
3. She had applied for 730 days earned leave w.e.f 01/10/2005 (Annex-I) through EDO Health Kohat vide letter No. 481/E-I dated 29/08/2005 (Annex-J). Her request for 730 days earned leave was rejected vide this Directorate letter No. 39151/E-I dated 24/09/2005 (Annex-K). for her

absence from duty, she was served with a Show Cause Notice vide this office endorsement No. 9562-63/E-1 dated 04/04/2006 (Annex-L). Finally she was awarded minor penalty of withholding of annual increment of two years by the Government vide letter dated 12/09/2006 (Annex-M) and the absence period was regularized by the Govt. vide Order dated 12/09/2006 as leave without pay (Annex-N).

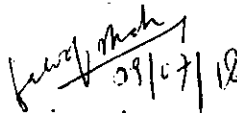
4. No need to reply, however, the appellant admittedly remained absent from lawful duty.
5. Her appeal for re-instatement into service dated 17/01/2011 received after the laps of 03 years & 07 months was rejected being time barred vide this Directorate letter dated 27/01/2011 (Annex-O).
6. No reply.

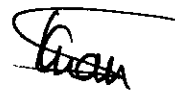
**Grounds:**


- A. Incorrect, disciplinary action for her absence from duty was initiated and a reasonable period was given to her to resume duty and explain her absence from duty but she totally failed and she given no weight to the direction of her Department and remained willfully absent from her duty.
- B. As per para-A above.
- C. She has been given full occasions to explain her position through absent notices but she did not bother even a single reply to the notices in time.
- D. Incorrect. The order for her removal from service issued by the competent authority under NWFP Government servant removal from service (special power) ordinance 2000.
- E. Incorrect. She has been given full occasions to explain her position through absent notices but she did not bother even a single reply to the notices in time.
- F. The appellant was willfully absent from her duty and was not available in the country, hence was issued Notices and publications.
- G. As in para-F
- H. She was not available in her place of duty even in the country, therefore, inquiry could not be conducted against her.
- I. No comments.

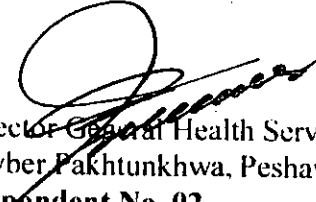
**Prayer:**

Keeping in view of the above, it is prayed that the instant appeal may kindly be dismissed with cost.

  
Medical Superintendent,  
DHQ Hospital, Kohat.  
Respondent No. 03

  
Medical Superintendent,  
DHQ Hospital, Hangu.  
Respondent No. 04

  
Secretary, Health Department,  
Khyber Pakhtunkhwa, Peshawar.  
Respondent No. 01

  
Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.  
Respondent No. 02

18  
9-2006  
6668  
15/09/06

GOVERNMENT OF NWFP  
HEALTH DEPARTMENT

A  
837

Dated Peshawar the 12<sup>th</sup> Sept, 2006.

NOTIFICATION

No. SOH-I/3-5/04

The Competent Authority is pleased to order the transfer of Dr. Robina Javed Khattak, Gynaecologist (BS-18), DHQH Kohat and to post her at DHQH Hangu with immediate effect in the public interest.

SECRETARY HEALTH

Enst NO and date even

- C.C
1. ✓ Director General, Health Services, NWFP, Peshawar.
  2. Medical Supt; DHQH Kohat/Hangu.
  3. Distt: Accounts Officer, Kohat/Hangu.
  4. P.S to Secretary Health, NWFP.
  5. Doctor concerned.
  6. Personal file of the doctor concerned.

  
(RASHID KHAN PAINDAKHEL)  
SECTION OFFICER-I

*May enst 1*

*Supdt. (C.C.)*

*22/9*

*22/9*

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... of victims of torture  
... here at a hotel.  
... Ms Xenou said the first  
... project "capacity building and re-  
... habilitation of victims of torture"  
... will be completed within 30  
... months with the financial assis-  
... tance of European Commission  
... in NWFP, adding that proposed  
... cost of the project is about  
... 740,000 Euro.  
... The other project of  
... "Strengthening of local commu-  
... nities in earthquake affected ar-  
... eas in NWFP" would be com-  
... pleted at estimated cost of  
... 400,000 Euro and will be com-  
... pleted in a year with the financial  
... support of the Greek government.  
... "We have already started contacts  
... with the Earthquake Rehabilitation  
... and Reconstruction Author-  
... ity (ERRA) in order to initiate  
... work on these projects in sus-  
... tainable and coordinated man-  
... ners," she added.  
... She said that present work-  
... shop was aimed at to include the  
... valuable suggestions and recom-  
... mendations of different stake-  
... holders and local NGOs, acade-  
... micians, media professionals

... with Speaker Bahi Khan Khan  
... in chair, Wednesday started de-  
... bate on supplementary budget  
... for the outgoing fiscal year  
... 2006-07. The assembly's pro-  
... ceedings were held in the new  
... hall recently built at an estimated  
... cost of Rs. 500 million.  
... Opposition MPs criticized  
... the government over increasing  
... amount of supplementary bud-  
... get year by year.  
... The total outlay of current  
... year's supplementary budget is  
... around Rs. 137 billion, show-  
... ing an increase of Rs. three bil-  
... lion over the previous year.  
... Muhammad Gaudapuri of PPP  
... pointed out that the term 'supplemen-  
... tary' should be altered with 'ex-  
... cess' because government make  
... excess spending against the fig-  
... ures shown in the annual budget.  
... He also disputed with fig-  
... ures shown in the supplement-  
... ary budget and criticized Finance  
... department for not preparing  
... budget document with due atten-  
... tion.  
... Bashir Bilour of ANP said  
... supplementary budget is proof  
... of weak financial management of  
... provincial government. APP

... 12.09.2006 SOH-13-504  
... Departure Report  
... 2006  
... Duty Join

### COURT No

IN THE COURT OF MR. J  
KHAAN JUDGE BANKING  
11-13-AQAFLA ROAD  
PAYAN PESHAWAR  
at Camp Court F  
Case No 316/1  
Date of hearing 4-07-2007  
Suit for recovery of Rs. 6  
Habib Bank Ltd Nari F  
Vs. Mustafa, K  
Notice Versus: (1) Must  
Sahib Kamal, (2) Hazrat I  
Wali, (3) Fakhar Alam S/c  
of Bari Khel Dog Nari K  
Whereas the Plaintiff  
stituted a suit for the re-  
covery of Rs. 6 (Rs. 6000/-)  
against you (Rs. 6000/-)  
of the financial re-  
covery of (Finances) Of  
You are hereby Summ-  
leave of the court to ap-  
the suit within 30 days a-  
fication of the notice, in  
failing which an expert  
passed in favor of the Pl-  
costs. Next date of hear-  
ing is fixed for the 11th  
July 2007 at 10:00 AM  
(KEFAYATUI  
Registrar, Banking Ce-  
Scal of the

Observer  
dt: 28.06.07

870

# بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان سرکاری

سٹیٹ لائسنس ہولڈنگز پرائیویٹ لمیٹڈ کے چیف ایگزیکٹو آفیسر نے کہا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔

اولمپک ڈسٹرکٹ  
 16 جون 2007ء  
 سٹیٹ لائسنس ہولڈنگز پرائیویٹ لمیٹڈ کے چیف ایگزیکٹو آفیسر نے کہا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔

## پاکستانی انٹرنیشنل سیم کی جگہ کا امکان

پاکستانی انٹرنیشنل سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔

### آئری لینڈ سیرکائی

آئری لینڈ سیرکائی کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔

28.6.07

ایئر سیم

ایئر سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔



ایئر سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔ ان کا کہنا ہے کہ بروٹیکس انٹرنیشنل سیم کی جگہ کا امکان ہے۔

اسٹاک نمبر	قیمت	تعداد	مجموعی قیمت
123456	77.00	340000	26280000
789012	80.50	340000	27570000

DAI



ایسے نظیر کا قتل ملک کی خلاف ورزی ہے حسین احمد

پشاور (عاشق شرق) ایسے نظیر کا قتل تمام حالات میں ایک سنگین جرم ہے۔ ایسے نظیر کو قتل کرنے سے پہلے اس کی شناخت اور اس کی ذمہ داری کا تعین کیا جائے۔ ایسے نظیر کو قتل کرنے سے پہلے اس کی شناخت اور اس کی ذمہ داری کا تعین کیا جائے۔

**دستور کیلئے جگہ درکار ہے**  
پشاور کی پولیس (پولیس ایڈمنسٹریشن) کے زیر نگرانی ایک ایسی جگہ درکار ہے جس کی تعمیراتی کاموں کو جلد سے جلد مکمل کیا جاسکے۔ اس جگہ کی تعمیراتی کاموں کو جلد سے جلد مکمل کیا جاسکے۔ اس جگہ کی تعمیراتی کاموں کو جلد سے جلد مکمل کیا جاسکے۔

**آخری نوٹس غیر حاضری**  
آئی ڈی ایف کے تحت خدمات میں شامل تمام افسران کی حاضری کی رپورٹیں جمع کروانی ہیں۔ اس کے ساتھ ساتھ ان کی حاضری کی رپورٹیں جمع کروانی ہیں۔ اس کے ساتھ ساتھ ان کی حاضری کی رپورٹیں جمع کروانی ہیں۔

**غیر حاضری نوٹس**  
آئی ڈی ایف کے تحت خدمات میں شامل تمام افسران کی حاضری کی رپورٹیں جمع کروانی ہیں۔ اس کے ساتھ ساتھ ان کی حاضری کی رپورٹیں جمع کروانی ہیں۔ اس کے ساتھ ساتھ ان کی حاضری کی رپورٹیں جمع کروانی ہیں۔

**اطلاع عام**  
محکمہ اشتیاق نمبر INF(P) 4227 روزنامہ شرق نمبر 109 تاریخ 28/11/07 کو جو اشتیاق برائے گلاس فرائی اور گلاس فرائی کے متعلق ہے اس کی کاپی تمام افسران کو ارسال کی جائے گی۔

**سین**  
سول کالونی بلاسٹ کی وائر  
مل کے گئے تھے کوکم  
از قین کم فروری 2008

**وسن ڈیز پائین**  
لینڈنگ کے دوران  
No. D.TEMT/Es  
اشیات کے دوران

**ادویہ**  
پشاور پولیس  
INF(P) 26  
اشیاق نمبر 109

**معدن**  
پشاور پولیس  
INF(P) 227  
اشیاق نمبر 109

پشاور پولیس ایڈمنسٹریشن  
12-01-2008  
کونسلر  
کمیونٹی

پشاور پولیس ایڈمنسٹریشن  
کمیونٹی

پشاور پولیس ایڈمنسٹریشن  
کمیونٹی

**NOTICE**  
NWFP, Peshawar  
12/2007 for the  
پشاور پولیس ایڈمنسٹریشن  
کمیونٹی





صدر کونسل خواجہ شمس الدین عظیمی راجستھان ہائی کورٹ

2022ء پنجاب  
بنام حکومت راجستھان ہائی کورٹ

ڈاکٹر روبینہ جاوید صدیقی

موردہ  
مقدمہ  
دعویٰ  
جرم

مہانب پبلسٹ

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ وکیل صاحب و راضی نامہ کرنے و تقررات و فیصلہ پر خلف دینے جواب دہی اور تہاں دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرف 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 اپنے تمام تقررات کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوا کے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حدت باہر ہو تو وکیل صاحب یا ہند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا نکالت نامہ لکھدیا کہ سندر ہے۔

2022

20  
20

المرقوم

Robina Javed  
ڈاکٹر روبینہ جاوید صدیقی

العہد گاہ العہد

کے لئے منظور ہے۔

مقام منشی قاری  
2220193  
Mob. 0345-9223239

Attested  
Accepted  
03449213

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

*Restoration Appli. no. 263/2019*

CM No. \_\_\_\_\_ of 2019

In

Appeal No. 1427 of 2017

Dr. Robina Javed Khattak- Ex-Gynecologist

... .. Appellant

**VERSUS**

Govt of Khyber Pakhtukhwa Through Secretary Health  
Department Peshawar and others

... .. Respondents

**INDEX**

S.No.	Description of documents	Annexure	Page No.
1.	Application		1
2.	Copy of order dated 25/06/2019	"A"	2

Dated 09/07/2019

Appellant  
Through  
Abdullah Qazi  
Advocates, High Court  
Peshawar  
Cell # 0333-9038270

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR.**

C.M. No. \_\_\_\_\_/2019 ,in

Appeal No.1427 of 2017

Dr. Rubina Javed Khattak. Versus Govt. of Khyber Pakhtunkhwa etc.

**APPLICATION FOR RESTORATION OF APPEAL.**

**Respectfully Sheweth:**

The applicant submits as under:

1. That the titled appeal was fixed before this honorable Tribunal for hearing on 25-06-2019.
2. That the titled appeal was dismissed in default on subject noted date due to the unavailability of the counsel.
3. That on the date fixed counsel for the applicant/appellant was available in the premises of this Honorable Tribunal and was busy before other bench, therefore could not attend the Tribunal when the case was called on for hearing.
4. That the appellant has valuable rights/interest in the appeal therefore decision on merit is necessary and according to the principles of natural justice.
5. That the alleged absence was not intentional but was due to reason mentioned above.
6. That the instant application is within time and there is no legal bar in the restoration of instant appeal.

7. *That the applicant seeks permission, to raise further point at the time of argument.*  
It is therefore most humbly prayed that on acceptance of this application, the titled appeal may graciously be restored.

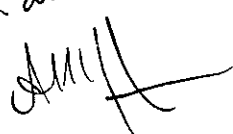
Dated:06-07-2019

Applicant/appellant

Through,

  
Abdullah Qazi

Advocate High Court Peshawar.

*Affidavit -  
It is solemnly affirmed  
and declared on oath  
that the content of  
this application is true  
and correct.*  


①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. 1427 / 2017**

Khyber Pakhtunkhwa Service Tribunal  
Peshawar  
Diary No. 1472  
Dated 29-12-2017

Dr. Robina Javed Khattak,  
Ex-Gynecologist, DHQ Hospital Hangu, district Hangu.

**APPELLANT**

**VERSUS**

- 1- Government of Khyber Pakhtunkhwa, through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Medical Superintendent, DHQ Hospital, Kohat.
- 4- The Medical Superintendent, DHQ Hospital, Hangu.

**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 17-04-2008 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 27-01-2011 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED ON NO GOOD**

25.06.2019

None for the appellant present. Addl: AG alongwith Mr. Hazrat Shah, Supdt for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.

Announced:  
25.06.2019

*(Signature)*  
(Ahmad Hassan)  
Member

*(Signature)*  
(M. Hamid Mughal)  
Member

*Certified to be true copy*  
*(Signature)*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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