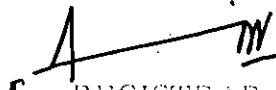


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 301/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	15.05.2023	<p>The execution petition of Mst. Robina Bibi submitted today Mr. Amjad Ali Khan-Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman</p> <p> For REGISTRAR</p>

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

In Re:

Service Appeal No.3781/2020

Robina Bibi.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through
Secretary Health, Civil Secretariat, Peshawar,....Respondents

INDEX

S.No.	Description of documents.	Annexure	Page No
1.	Application for implementation		1-3
2.	Copy of judgment dated 01.06.2022 and other documents		4-11
3.	Wakalatnama		12

Dated: 04.05.2023

Appellant *Robina Bibi*
through

Amjad Ali
Advocate
Supreme Court of Pakistan
ADVOCATE
SUPREME COURT

①

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

In Re:

Service Appeal No.3781/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5321

Dated 15-5-2023

Robina Bibi W/o Mushtaq Ali
R/o Faqir Kallay Khanjar,
Tehsil & District Mardan.....Appellant

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
- 2) Director General Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3) District Health Officer, Mardan.

...Respondents

**APPLICATION FOR IMPLEMENTATION OF
JUDGMENT DATED 01.06.2022 OF THIS
HON'BLE TRIBUNAL PASSED IN SERVICE
APPEAL NO.3781/2020.**

Sir,

Appellant humbly submits as under:-

1. That appellant filed titled Service Appeal No.3781/2020 before this hon'ble Tribunal with the prayer that

“On acceptance of this appeal, the termination order dated 28.11.2019 may please be set-aside and appellant may

(2)

please be reinstated in service with all back benefits."

2. That appeal of the appellant came up for hearing on 01.06.2022, and this Hon'ble Tribunal was pleased to allow the appeal of the appellant with the following order:-

"from perusal of the entire record, we have come to the conclusion that the service of the appellant was terminated by DEO, Mardan vide order dated 28.11.2019. The disciplinary proceedings initiated against the appellant suggest that she was not afforded proper opportunity of defense. Neither charge sheet alongwith statement of allegations nor any show cause notice was ever served upon appellant. No inquiry was conducted as nothing has produced in this regard. Proceedings so conducted are also in a hotchpotch manner, therefore, the impugned order is set-aside. Appellant is reinstated in service for the purpose of de-novo inquiry to be conducted within 60 days of the receipt of this judgment with direction to respondents to decide the case through a speaking order. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs."

(Copy of order/ judgment dated 01.06.2022 is Annex "A")

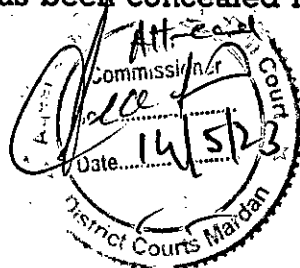
3. That after announcement of judgment dated 01.06.2022, the appellant send the attested copy of the said judgment to the respondents, furthermore, approached the respondents personally time and again for its implementation, but in vain.
4. That since announcement of judgment/ order dated 01.06.2022 the same has not yet been implemented, nor any steps whatsoever in this respect have been taken by the respondents, despite several request of the appellant, but in vain.
5. That omission of respondents to act upon the order of this Hon'ble Tribunal speaks of the fact that respondents has undermined the authority of this Hon'ble Tribunal and have not moved even an inch for implementation of the same.
6. That this omission/ act of respondents squarely falls within the ambit of contempt of court as respondents have conveniently ignored the time frame provided by this Tribunal Court.

It is therefore, humbly requested to please direct respondents to implement the judgment dated 01.06.2022 in its letter and spirit.

Appellant
 through *Robina Bibi*
Amjad Ali (Mardan)
 Advocate ADVOCATE
 Supreme Court of Pakistan SUPREME COURT

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



Deponent

Robina Bibi

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

(4)

Service Appeal No. 3781 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3114

Dated 28-4-2020

Robina Bibi W/o Mushtaq Ali
R/o Faqir Kallay Khanjar,
Tehsil & District Mardan.....



Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. District Health Officer, Mardan.

.....Respondents

**SERVICE APPEAL U/S 4 OF SERVICE
TRIBUNAL ACT, 1974 AGAINST
TERMINATION ORDER DATED 28.11.2019
PASSED BY RESPONDENT NO.3, AND
DEPARTMENTAL APPEAL DATED
11.12.2019, REMAINED UNRESPONDED,
EVEN AFTER LAPSE OF 90 DAYS, WHICH IS
ILLEGAL, AGAINST LAW AND FACTS.**

PRAYER

On acceptance of this appeal, the termination order dated 28.11.2019 may please be set-aside and appellant may please be reinstated in service with all back benefits.

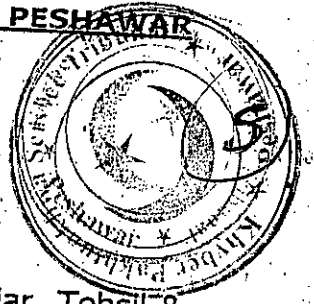
Amjad Ali
ADVOCATE
SUPREME COURT

Filed to-day
Registrar
23/4/2020

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3781/2020



Date of Institution ... 28.04.2020
Date of Decision ... 01.06.2022

Robina Bibi W/O Mushtaq Ali R/O Faqir Kalay Khanjar, Tehsil & District Mardan.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar and two others.

(Respondents)

Amjad Ali,
Advocate

For appellant.

Kabir Ullah Khattak,
Additional Advocate General

For respondents.

Rozina Rehman
Fareeha Paul

Member (J)
Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

"On acceptance of this appeal, the termination order dated 28.11.2019 may please be set aside and appellant may please be reinstated in service with all back benefits."

2. Brief facts of the case are that appellant was appointed as LHW vide appointment order dated 01.07.2004. Her services were regularized on 01.07.2012. During service, her explanation was

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Amjad Ali
ADVOCATE
SUPREME COURT

called upon and her salary was stopped, therefore, she filed writ petition for release of her salary and in the meanwhile, her termination order was passed without complying with the relevant disciplinary rules. She filed departmental appeal but fiasco, hence, the present service appeal. (6)

3. We have heard Amjad Ali Advocate learned counsel for appellant and Kabir Ullah Khattak, learned Additional Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Amjad Ali Advocate learned counsel appearing on behalf of appellant, inter-alia, submitted that the appellant was not treated in accordance with law and her rights secured and guaranteed under the Constitution of Islamic Republic of Pakistan, 1973 were badly violated. Learned counsel further argued that neither charge sheet with statement of allegations nor show cause notice was issued to the appellant and no proper inquiry was conducted in the matter. He, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned AAG submitted that appellant was not performing her duty as per her service rules and she absented from official duty without permission of the competent authority, failed to maintain record and was not performing her duty properly, therefore, proper disciplinary proceedings were conducted against appellant and after compliance of all codal formalities, she was awarded major punishment according to law.

6. From perusal of the entire record, we have come to the conclusion that the service of the appellant was terminated by District

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Amjad Ali
ADVOCATE
SUPREME COURT

To

(8)

The District Health Officer (DHO) Mardan

Subject: *Application for Implementation of Judgment dated 01/06/2022 passed by the Honorable KP Service Tribunal Peshawar in Service Appeal No 3781/2020*

Respected Sir,

Applicant humbly submits as under:


1. That the present applicant filed service appeal dated 28/04/2020 against termination order dated 28/11/2019.
2. That the Honorable KP Service Tribunal Peshawar vide judgment dated 01/06/2022 accepted the service appeal of the present applicant in the following terms: (Copy of the judgment dated 01/06/2022 is attached)

"From perusal of the entire record, we have come to the conclusion that the service of the appellant was terminated by District Health Officer, Mardan vide order dated 28.11.2019. The disciplinary proceedings initiated against the appellant suggest that she was not afforded proper opportunity of defense. Neither charge sheet alongwith statement of allegations nor any show cause notice was ever served upon appellant. No inquiry was conducted as nothing was produced in this regard. Proceedings so conducted are also in a hotchpotch manner, therefore, the impugned order is set aside. Appellant is reinstated in service for the purpose of de-novo inquiry to be conducted within 60 days of the receipt of this judgment with direction to respondents to decide the case through a speaking order. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of de-novo inquiry...."


3. That law and justice demands that the judgment the Honorable KP Service Tribunal Peshawar be implemented in true letter and spirit.

Amjad Ali
Amjad Ali
ADVOCATE
SUPREME COURT

It is therefore humbly requested that judgment dated 01/06/2022 passed by the Honorable KP Service Tribunal Peshawar in Service Appeal No 3781/2020 may please be implemented in true letter and spirit.


Applicant
Robina Bibi W/O Mushtaq Ali
R/O Faqir Kallay Khanjar,
Tehsil & District Mardan

Dated: 27/06/2022


ADVOCATE
SUPREME COURT

To

The Incharge RHC

Manga Mardan

Subject : Request for Reinstate of Service

Sir,

Respectfully it is stated with great honor that court decision had been made on 01-06-2022 regarding reinstate of my service. According to the said decision I should be reinstated within two month after the court decree. We were personally heard on 01-09-2022. So, now it is humbly requested you to issue the order of my reinstate of service.

I shall be forever thankful to you for this act of kindness.

Your's Obediently

Robina Bibi

Robina Bibi

Date : 05-09-2022

Amir
Amir Bibi
ADVOCATE
SUPREME COURT



**DISTRICT HEALTH OFFICER
MARDAN (Khyber Pakhtunkhwa)**

Ph: # (0937) 9230030 Fax: # (0937) 9230283
Email: mardandho@gmail.com

All communications should be addressed to the District Health Officer Mardan and not to any official by name

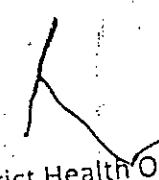
11

OFFICE ORDER:

In pursuance of Judgment passed by Honourable Service Tribunal, Khyber Pakhtunkhwa in Service Appeal No. 3781/2020 Robina Bibi W/O Mushtaq Ali vs Health Department, the following officers are hereby appointed as Inquiry Officers to conduct inquiry into the aforementioned case.

1. Dr. Fazle Rabi, SMO – RHC Manga.
2. Dr. Noor Ahmad, MO – TDH Toru.


The Inquiry Officers are directed to submit a fact-finding report along with recommendations to the undersigned within 05 days positively.

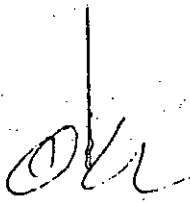

District Health Officer
Mardan

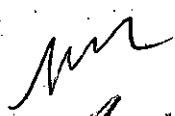
No. 13918-19/DHO dated Mardan the 16/08/2022

Copy forwarded to the:

1. Dr. Fazle Rabi, SMO RHC Manga.
2. Dr. Noor Ahmad, MO – TDH Toru.


District Health Officer
Mardan




ADVOCATE
SUPREME COURT

بعدالت صاحب سروس ٹریڈنگ کمپنی کے لئے اسٹاؤ

(18)

2023ء منجانب اسٹاؤ

14/5/23

مورخہ:

مقدمہ:

دعویٰ:

جرم:

بنام:

روبنا بی بی

حکومت پاکستان
کراچی

اجراء باجوت تحریر آف

3781/2020 SA

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

آپ 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 تقرر ثالث و فیصلہ

برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر

دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری کیلئے یا ایپیل کی برآمدگی اور منسوخی نیز دائر کرنے ایپل نگرانی و نظر ثانی و بیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار 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 پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ

التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیش مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

المرفوم:

3/5/23

14/5/23

العبد

گواہ

العبد

Amjad Ali
ADVOCATE
SUPREME COURT

مقام اسٹاؤ کے لیے منظور ہے۔

Robna Bibi

16101-3470289-3

amjadaliadvsc@com

BC 105506
0321-9882434 0321-9870175

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان