

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Service appeal No1908/2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. **5983**

Dated **14/6/2023**

**Aftab Khan**

-----Appellant

**Versus**

**Govt of Khyber Pakhtunkhwa & Others**

-----Respondents

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Deponent

Next date of hearing  
15-06-2023  
in  
Peshawar

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

**Service Appeal No.1908/2022.**

Aftab Ahmad

Vs Govt: of KP (Health )

-----Petitioner

**AFFIDAVIT**

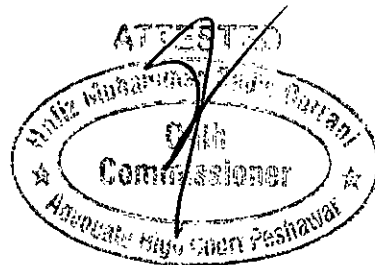
I Dr, Mubarak Zeb khan S/O Mr, Alam Zeb Khan Litigation Officer ,Office of DHO Peshawar, do hereby solemnly affirm and declare on oath that content of the instant replay are true and correct to the best of my knowledge & belief and nothing has been concealed from this honorable Court.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off.

  
**DEPONENT**

Dr, Mubark Zeb  
Litigation Officer  
Office of DHO Peshawar  
NIC No: 17101-6493994-5

14 JUN 2023



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

***Service Appeal No. 1908 /2022.***

Aftab Ahmad S/O Kachkol Khan R/o Sher Khan Khel Jamrud District Khyber

-----Appellant

**Versus**

- 1: Govt of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
- 2: Director General Health Services Peshawar .
- 3: District Health Officer, Peshawar.
- 4: SHO Police station Jamrud District Khyber .
- 5: Political Tehsildar Jamrud .

-----Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No. 01 to 03.**

Respectfully Sheweth:- That the respondents submits as under.

**Preliminary Objections:-**

1. The appellant has neither cause of action nor locus standi to file the instant appeal.
2. The appellant has not come to the Tribunal with clean hands.
3. The appeal is bad for mis joinder of unnecessary and non joinder of the necessary and proper parties.
4. That the instant appeal is barred by law and limitation.

**On facts;**

Para No.1 Pertaining to reard .

Para No.2 Incorrect .There is no proper F.I.R on record and the application to the political Tehsildar which the appellant has attached is having no Diary number and date which also seems not authentic.

Para No.3 Incorrect, No proof has been annexed by the appellant in support of his claim .

Para No.4 In correct , no authentic record of appellant illness is available .

Para No. 5 Incorrect .The appellant was willfully absent from his official duty in 2017 and the Respondent Department have fulfilled all the codal formalities (i-e) The Respondents have called explanation from the appellant for his long absentees but no response from the appellant side (**Annexure-A**)

After that, the Respondents send letter through registered mail, but no response received (**Annexure-B**)

Furthermore it is stated that the respondent ,has completed all the necessary codal formalities (i-e) explanation, charge sheet under sealed Registry bearing No.1056, show cause notice published in Newspaper dated 29-12-2017 etc has been completed according to E&D Rules 2011. (**Annexure-C&D**).

The appellant never appeared before the inquiry Committee and finally as per Rules he was Removed from service (**Annexure-E&F**).

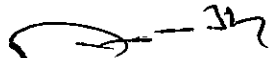
● ParaNo.6 Incorrect , the Respondents have fulfilled their all codal formalities as already explained .

Para No. 7 That the respondents also seek permission to raise further points at the time of arguments.

**Reply on Grounds:-**

- A: - Incorrect ,the respondents acted as per Law Rules and principals of nature justice .
- B: - Incorrect, as explained in the above paras.
- C: - Incorrect, the instant Appeal as well as Departmental appeal is badly time bared .
- D: - Incorrect, the appellant never presented before the inquiry committee (**Annexure-G**)
- E: - Incorrect, as explained in the above paras.
- F: - Incorrect, already replied on para 5 of the facts .
- G: - That the respondents also seeks permission to raise further points at the time of argument .

It is therefore requested that on acceptance of the instant parawise comments the appeal of the appellant may kindly be dismissed with cost.



**Respondent No-01**

Secretary Health Khyber Pakhtunkhwa  
Peshawar



**Respondent No-02**

Director General Health Services  
Khyber Pakhtunkhwa Peshawar



**Respondent No-03**

District Health Officer,  
Peshawar



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Annexure - B

To

Registered D.P.S.S.

~~Mr Aftab Ahmad S/O  
Kachkol Khan -  
Mohallah Sher Khan Khel  
Post office Khaas Jamrud  
Khyber Agency  
کھل خان شہر کھل~~

1/1056

POSTAL OFFICE  
JAMRUD

POST OFFICE  
JAMRUD

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Handwritten signature or stamp

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Annexure - C

**OFFICE OF THE DISTRICT HEALTH OFFICER,  
PESHAWAR.**

Phone No. 091 9225387  
Fax No. 091 9225388

0

No. 3889 /DHO/P.F

Dated Peshawar the 01-03- /2018

To: -

The Director General Health Services  
Khyber Pakhtoonkhwa Peshawar.

Subject: -

SHOW CAUSE NOTICE.

R/Sir,

Refer to your office letter bearing No. 15028/AE-Vi, dated 06/02/2018, I have the honor to submit herewith an office order issued vide this office bearing No. 1530-38/DHO/P.F. dated 26/01/2018, for your information and further necessary action please.

District Health Officer,  
Peshawar.

*[Handwritten Signature]*  
28/2/18

District Health  
Officer Peshawar

Also available on [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk)

**OFFICE OF THE DISTRICT  
HEALTH OFFICER, PESHAWAR.**

Phone No. 091-9225387, Fax No. 091-9225388

**SHOW CAUSE NOTICE**

You, Mr. Aftab Ahmad S/O Kachkol Khan, PHC Tech:/Malaria Supervisor, BPS- 12, attached to Basic Health Unit, Sarband, District Peshawar, resident of Mohallah, Sher Khan Khel, Post Office Khaas Jamrud, Khyber Agency, has rendered yourself liable to proceed against you under Rule-3 (a)(b) (d) of the Gove: of KP, E & Rules, 2011; as you are willful absent from your duty since long without any information of any competent authority. An explanation was called from you vide this office letter No. 17710/DHO/Exp, dated 22/11/2017, in which you were called upon to report for duty and also explain the reason of your willful absence but you failed to reply. A charge sheet letter No. 18406-12/DHO/PF, dated 30/11/2017 was also issued on your home address to appear before the inquiry committee and explain your position but once again you failed to comply. Now according to E&D Rule-9 of KP, 2011, you are hereby informed through this notice to join your duty station within fifteen days of the publication of this notice otherwise in light of E & D Rule 4 (b) (iii), major penalty will be served upon you which may lead to termination of your services.

**Dr, Gul Muhammad  
District Health Officer,  
Peshawar.**

INF(P) 7312 Also available on  
[www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk)



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District Health  
Officer Peshawar

CS CamScanner





OFFICE OF THE DISTRICT HEALTH OFFICER,  
PESHAWAR.

Phone No.091 9225387  
Fax No. 091 9225388

Annexure - ① E

⑤

OFFICE ORDER.

I Dr. Gul Mohammad District Health Officer Peshawar being competent authority, am of the opinion that you, Mr. Aftab Ahmad S/O Kachkol Khan, Malaria Supervisor, BPS-12, attached to Basic Health Unit, Sarband, Peshawar, resident of Mohallah, Sher Khan Khel, Post Office, Khaas Jamrud, Khyber Agency, has rendered yourself liable to be proceed against as you committed the following act/omissions within the meaning of Rule-3(b) (d) of the Khyber Pakhtunkhwa Government Servant (E&D) Rules 2011:

*You are willfully absent since long, an explanation was issued vide this office explanation No.17710/DHO/Exp, dated 22/11/2017 to explain the reason of your willful absence. You didn't reply within stipulated period so far.*

2. You were charge sheeted vide this office letter No.18406-12/DHO/P.F, dated 30/11/2017 and an inquiry committee consisting of the following officers were constituted under Rule 10 (1) (a) of the (Ibid) rules and gave you the opportunity to attend the office for personal hearing and show the cause of your willful absence within 15 days in normal circumstances but you failed to comply.

*i. Dr. Ikhtiar Ali, Additional DHO, Peshawar.*

*ii. Dr. Mohammad Asif, Additional, DHO, Peshawar.*

3. According to E&D Rules 2011 Section No.9 a show cause notice was published in the leading newspapers, (floated in "Daily Mashriq" dated 29<sup>th</sup> December, 2017) upon which you once again failed to report for duty, so the competent authority is pleased to impose upon you the major penalty in light of E & D Rules 2011, Section 4 (b) (iii) i.e. **REMOVAL FROM SERVICE** with effect from the date of your absence.

Sd/XXXXXX  
District Health Officer,  
Peshawar.

No. 1530-38 /DHO/P.F

Dated Peshawar the 28-07 /2018

Copy forwarded to the: -

1. Deputy Commissioner Peshawar.
2. PA to Director General Health Services Khyber Pakhtunkhwa Peshawar .
3. District Nazim, City District Govt: Peshawar.
4. Deputy District Health Officer, Peshawar.
5. Medical Officer Incharge, Basic Health Unit, Sarband, Peshawar.
6. Account Section of this office.
7. Litigation office DHO Office Peshawar.
8. Account Section of this office.
9. Mr. Aftab Ahmad S/O Kachkol Khan, resident of Mohallah, Sher Khan Khel, Post Office, Khaas Jamrud, Khyber Agency.(To be sent on registered Dak).  
For information & necessary action.

District Health Officer,  
Peshawar.

District Health  
Officer Peshawar



0. **OF THE DISTRICT HEALTH OFFICER,  
PESHAWAR.**

Phone No. 091 9225387  
Fax No. 091 9225388

Annexure (9) F

**CHARGE SHEET**

1. Dr. Gul Mohammad District Health Officer Peshawar being competent authority, am of the opinion that you, Mr. Aftab Ahmad S/O Kachkol Khan, Malaria Supervisor, BPS-12, attached to Basic Health Unit, Sarband, Peshawar, resident of Mohallah, Sher Khan Khel, Post Office, Khaas Jamrud, Khyber Agency, has rendered yourself liable to be proceed against as you committed the following act/omissions within the meaning of Rule-3(a) (b) (d) of the Khyber Pakhtunkhwa Government Servant (E&D) Rules 2011:

*Reported as willful absent since long by the undersigned and an explanation was issued vide this office explanation No.17710/DHO/Exp, dated 22/11/2017 to explain the reason of your willful absence. You didn't reply within stipulated period so far.*

2. For the purpose of the inquiry the said accused with reference to the above allegations, an inquiry committee consisting of the following officers is constituted under Rule 10 (1) (a) of the (Ibid) rules.

- i. Dr. Ikhtiar Ali, Additional DHO, Peshawar.
- ii. Dr. Mohammad Asif, Additional, DHO, Peshawar.

3. The inquiry committee shall, in accordance with the provisions of the rules, provide reasonable opportunity of hearing to the accused, record its findings and to submit report with recommendation within 15 days of the receipt of this order.

4. The accused and a well conversant representative shall join the proceeding on the date, time and place fixed by the inquiry committee

Sd/XXXXX  
District Health Officer,  
Peshawar.

No. 18406-12 /DHO/P.F

Dated Peshawar the 30-11/2017

Copy forwarded to the:-

1. Deputy Commissioner Peshawar.
  2. PA to Director General Health Services Khyber Pakhtunkhwa Peshawar.
  3. District Nazim, City District Govt. Peshawar.
  4. Deputy District Health Officer, Peshawar.
  5. Medical Officer Incharge, Basic Health Unit, Sarband, Peshawar.
  6. Account Section of this office.
  7. Mr. Aftab Ahmad S/O Kachkol Khan, resident of Mohallah, Sher Khan Khel, Post Office, Khaas Jamrud, Khyber Agency. (To be sent on registered Dak).
- For information & necessary action.

District Health Officer,  
Peshawar.

District Health  
Officer Peshawar

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To,

The District Health Officer,  
Peshawar.

Annexure -

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Subject; Inquiry

Sir,


Reference to your office charge sheet No. 18406-12/DHO/P-F dated 30-11-2017, wherein we the undersign have been appointed as inquiry officer to probe in to the prolong willful absence from duty without any sanctioning leave or prior information of Mr. Aftab Khan S/O Kachkol Khan Malaria Supervisor, BHU Sarband, we submit report as under;

**Back ground;**


1. Explanation was called vide this office letter No. 17711-14/DHO/Exp dated 22-11-2017 but no reply. **(Annexure-1)**
2. Mr. Khushid was personally sent to the BHU Sarband to find the where about of Mr. Aftab Khan Malaria supervisor, his report is attached **(Annexure-2)**.
3. Mr. Aftab Khan Malaria Supervisor charge sheeted by DHO Peshawar vide letter No. 18406-12/DHO/P-F dated 20-11-2017, sent through registered mail on 2-12-2017 but did not complied with **(Annexure-3)**.
4. Mr. Aftab Khan was personally contacted by the inquiry Committee through his cell No. 0300-5766155 time and again but his cell no. was not responding.

**Recommendation;**

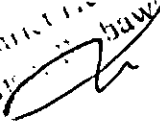
1. The case may be proceeded further according to rules.

  
 Dr. Hektar Ali  
 (Inquiry Officer)  
 Addll. DHO, (BPS-19)  
 Peshawar.

Issue  
 18-12-2017  
 7499  
 18-12-2017  
 21-12-17

  
 Dr. Mohammad Asif  
 (Inquiry Officer)  
 MS, ESH Nahaqi, (BPS-20)  
 Peshawar.

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District Health  
 Officer Peshawar  




**OFFICE OF THE DISTRICT HEALTH OFFICER  
PESHAWAR  
Phone No. 091-9225387**

**AUTHORITY LETTER**

Dr, Mubarak Zeb khan S/O Mr, Alam Zeb Khan Litigation Officer (BPS-19) ,Office of DHO Peshawar, NIC No: 17101-6493994-5 is authorized to submit parawise comments reply in the case Service Appeal NO.1908/2022 titled Aftab Khan Vs Govt of KP in Service Appeal Khyber Pakhtunkhwa Peshawar .

*District Health Officer,  
Peshawar*

District Health Officer  
Peshawar