FORM OF ORDER SHEET

Court of

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348/2023

	Case	e No348/ 2023
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
	2	3
	20/02/2023	The appeal of Mr. Muhammad Ikram received today by registered post through Mr. Khalid Mehmood Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on Notices be issued to appellant his counsel for the date fixed.
		By the order of Chairman REGISTRAR
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Service Appeal No. <u>344</u> of 2023

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Muhammad Ikram S/o Allah Wasaya Ward Attendant DHO Office DIKhan.

Appellant

<u>VERSUS</u>

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Govt. of Khyber Pakhtunkhwa Through Secretary Health Peshawar & Other.

Respondents

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Appellant

Through Council

Khalid Mahmood Advocate High Court Staioned at DIKHan

349_of 2023 Service Appeal No.

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Muhammad Ikram S/o Allah Wasaya Ward Attendant DHO Office DIKhan.

Appellant

VERSUS

- 1. Govt Of Khyber Pakhtunkhwa Through Secretary Health Peshawar.
- 2. Director General Health Services KPK Peshawar.
- 3. District Health Officer D.I.Khan.
- 4. District Account Officer DIKhan.

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL² ACT 1974 AGAINST NON COMPLIANCE OF ORDER NO.10645-48/PERSONAL DATED: 19-09-2022 AND NOT RELEASING THE SALARIES OF APPELLANT FROM 01-08-2022 TO TILL DATE AND FURTHER DIRECT THE RESPONDENT NO.3 TO RELEASE THE SALARIES OF APPELLANT WITH BACK BENEFITS CONTINUES THE SALARIES.

PRAYER IN APPEAL

On acceptance of instant appeal this honorable tribunal may be please to direct the respondents to compliance the order dated: 19-09-2022 and release the salaries of appellant from 01-08-2022 to till date. And further request to continue the salaries. Any other relief which this Honorable Tribunal may deem fit and proper may also be awarded to appellant in the interest of justice.

Note: that addresses of the parties given in the heading of the appeal are sufficient for the purpose of service upon them.

Respectfully sheweth,

The appellant prefers the instant appeal on the grounds hereinafter submitted apropos the following facts:

CONCISE FACTS:

1. That the appellant was initially appointed on the post of Ward Attendant on 2007 at Health Department DIKhan, and since then he has been performing his duties to the entire satisfaction of his superiors and suddenly on 05-08-2022 was repatriated to Director General Health Services Khyber Pakhtnukhwa. Copy of Order dated: 05-08-2022 is enclosed as Annexure-A.

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- That on 17-08-2022 appellant submitted arrival report to respondent No.2 at the Office of Director General Health Services Khyber Pakhtunkhwa, Copy of Arrival Report dated: 17-08-2022 is enclosed as Annexure-B
- That on 17-08-2022 appellant preferred Departmental Appeal dated: 15-08-2022 against the repatriated/ order No.8170-74 dated: 05-08-2022 before the Honourable Director General Health Services Khyber Pakhtunkhwa (Respondent No.2). Copy of Department Appeal dated: 15-08-2022 is enclosed as Annexure-C.
- 4. The Director General Health Services Khyber Pakhtunkhwa (Respondent No. 2) has placed at the disposal of DHO DIKhan, for further posting under his control against the vacant post. Vide officer order No.10645-48/personnel dated: 19-09-2022 Copy of office order dated: 19-09-2022 is enclosed as Annexure D.
- 5. That on 26-09-2022, with reference to order dated: 19-09-2022, the appellant submitted arrival report to District Health Officer DIKhan (Respondent No.3) Copy of Arrival report dated: 26-09-2022 is enclosed as **Annexure E**.
- 6. That on 05-10-2022 appellant preferred application to District Health Officer DIKhan against non payment of salaries and arrears. Copy of application dated: 05-10-2022 is enclosed as **Annexure F**.
- 7. That on 15-11-2022 appellant preferred Departmental Appeal to Director General Health appellant Khyber Pakhtunkhwa against non payment of salaried and arrears by District Health Officer DIKhan, Copy of Department appeal dated: 15-11-2022 in enclosed Annexure G.
- 8. That the representation preferred to respondent No 2 has no response till date, the appellant approaches this Honorable Tribunal for redressal of her grievances on inter alia the following grounds:

GROUNDS:

- a. That Acts and deed in the matter cited above by respondent No. 2 & 3 are mala-fide in order of create technical hurdles in way of service of appellant, in order to destroy the 15 Years undisputed public service of the appellant which is very much clear from the conduct of respondent No.2 & 3.
- b. That conduct of respondent No.03 through non releasing of the pay will lead the appellant to dead ends of career which is strictly liable to comply the rules / order made by superior office / head of Allied Department to the respondent No.1 and appellant is liable to be dealt in with accordance with law.
- c. That all the cited mala-fide acts for not releasing the salaries and arrears done by respondent No.2 & 3 are against the law, rules natural justice and are in effected upon the rights of appellant.
- d. That appellant has career of 15 years service and illegal acts against the appellant are nothing has but the to make the entire service of the appellate a waste.
- e. That the council of the appellant may also be allowed to raise additional grounds during course of hearing.

In wake of submission made above it is humbly prayed that the respondent No.3 may kindly be directed to deal with appellant in accordance with law in compliance of order No.10645-48 / personal dated: 19-09-2022 issued by respondent No.2 and arrival report submitted dated: 26-09-2022 and further to direct the responded No.3 to release the salaries of appellant with back benefits. Any other relief dean fit may also be granted to the appellant.

Appellant

Muhammad Ikram

Through Council

Khalid Mahmood Advocate High Court Stationed at DIKhan

Dated: 18/02/2023

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Service Appeal No._____ of 2023

Muhammad Ikram S/o Allah Wasaya Ward Attendant DHO Office DIKhan.

Appellant

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- 1. Govt Of Khyber Pakhtunkhwa Through Secretary Health Peshawar.
- 2. Director General Health Services KPK Peshawar.
- 3. District Health Officer D.I.Khan.
- 4. District Account Officer DIKhan.

Respondents

SERVICE APPEAL

<u>CERTIFICATE</u>

Certified that this is first appeal involving the instant subject matter and that the appellant has not filed any other appeal earlier in this Honorable Tribunal regarding the above stated controversy.

Dated: ___/__/2023

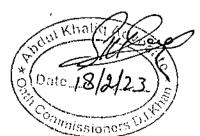
Appellant

AFFIDAVIT

I Muhammad Ikram S/o Allah Wasaya Ward Attendant District Health Office DiKhan do hereby solemnly affirm and declare on oath that all the parawise contents of above appeal are true and correct to the best of my knowledge, information and belief and that nothing has been deliberately consealed from this honorable tribunal.

1. 6

Dated: 18/02/2023



<u>Deponent</u> 12-101-5805973-5

Service Appeal No._____ of 2023

Muhammad Ikram S/o Allah Wasaya Ward Attendant DHO Office DIKhan.

Appellant 🔍

<u>VERSUS</u>

- 1. Govt Of Khyber Pakhtunkhwa Through Secretary Health Peshawar.
- 2. Director General Health Services KPK Peshawar.
- 3. District Health Officer D.I.Khan.
- 4. District Account Officer DIKhan.

Respondents

MEMO OF ADDRESSES OF THE PARTIES

APPELLANT

Muhammad Ikram S/o Allah Wasaya Ward Attendant DHO Office DIKhan.

RESPONDENTS

- 1. Govt. Of Khyber Pakhtunkhwa Through Secretary Health Peshawar Health Secretariat Khyber Road Peshawar.
- Director General Health Services KPK Peshawar Old Fata Secretariat Warsak Road Peshawar.

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- 3. District Health Officer D.I.Khan.
- 4. District Account Officer DIKhan.

Date: 18/2/2023

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Counsel for appellant

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Service Appeal No._____ of 2023

Muhammad Ikram S/o Allah Wasaya Ward Attendant DHO Office DIKhan.

VERSUS

Govt. of Khyber Pakhtunkhwa Through Secretary Health Peshawar & Other.

Respondents

Appellant

APPLICATION INTERIM RELIEF RESTRAINING THE RESPONDENT TAKING ANY ACTION DETRIMENTAL TO THE SERVICE OF APPELLANT TILL FINAL DECISION OF MAIN APPEAL.

Respectfully Sheweth:-

1. That the titled appeal if filling for adjudication before this Honourable Court.

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- 2. That the appellant has moved an appeal with this Hon'able Tribunal, contents whereof may kindly be read in conjecture with the present appeal.
- 3. That the appellant has a good, prima-facie case in his favour and is hopeful of its success on merits.
- 4. That the appellant shall be exposed to irreparable loss and his main appeal shall be rendered infructuous if the present C.M is not accepted.

In the light of above submission it is prayed that above titled CM may please be accepted.

AFFIDAVIT

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I Muhammad Ikram S/o Allah Wasaya Ward Attendant District Health Office DiKhan do hereby solemnly affirm and declare on oath that all the parawise contents of above appeal are true and correct to the best of my knowledge, information and belief and that nothing has been deliberately consealed from this honorable tribunal.

Dated: 18/02/2023

Appellant

DIKhan

Through Council

Khalid Mahmood Advocate High Court

<u>Deponent</u> 12101-5845973-5 ·



Aner(

2022

DATED

OFFICE OF THE HOSPITAL DIRECTOR

MEDICAL TEACHING INSTITUTION, DHQ TEACHING HOSPITAL,

<u>D.I. KHAN</u>

Phone: 0966-920201/Fax: 0966-920446

NO.HD/DHQTH/MTI/DIK

OFFICE ORDER

Civil Servant at DHQ Teaching Hospital MTI DIKhan. He is an unwilling worker, disobedient and most of the remained absent from duty without any information or sectioned of leave. His explanation has been called several time and warning issued but he did not mend his ways. His services are no more required to this institution. Therefore he is relived from DHQ Teaching Hospital MTI DIKhan on administrative grounds and directed to report to Director General Health Services Khyber Pakhtunkhwa Peshawar for his further posting outside MTI DIKhan.

HOSPITAL DIRECTOR MTI DHQ TEACHING HOSPITAL DIKHAN

Copy forwarded to the -.

- 1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
- 2. Director Finance MTI DIKhan.
- 3. Secretary BOG MTI DIKhan.
- 4. Incharge Accounts/Establishment Section of this office.
- .5. Mr.Muhammad Ikram s/o Allah Wasaya Ward Attendant.

CHOSPITAL DIRECTOR MTI DHO TEACHING HOSPITAL DIKHAN

مرحث ف در الرضر الم عمل مار الموالي المرق المراد في الم الم الم Arranul Report : 8 28069 مان بالم « ibitions MTI string 2000 Legis - E & 5/8/2 ~ 2 . 3/ Helenhy 32 16/21/21/22 just 2.1200 53201 د فسر در مر مر مر معلی مرول می مامری دری ج Maran Maran Estimation of the station of the state of the 17/8/22 200 وى في يحك وروا كالروان 03.43969 5002

الرومة عاب خار المرجس معادة محرس معاد عربي فرق المرجس من 3807 Anex (C) 1718122 - per ايسل برطلاف آرور عبر 74- 18/8 تواريك 2002 [813 اركان شرو ه الم المراج المر المر TM حرى و معلى ف ن منى تحصات فع - لمر ٩ مدد إدارة من فرسران هير جوار ردان مينان فرو معر عان (الدر من معور حارف المراب في المراج En complaint con is is is in the con of the sources 2- برکہ نوی کے سال کی معمی کی وجود ال س طرر بامی زمین این (مر الم من المولى عوا- لا متخارين يرم AHE وسال مى حبرل خونی کای سر طری دور ای روح با که - جوند عر سر من تب هی بربی ول سے تعلق ولس میں - مریس کا جائے contest Guil - by the en is in we ve حرما برفعتنا مع - قو مر مردکتی من فع دهولی در المرال بلیت میلی کرما تقے ۔ اور آبر می اس موج بر حرب تو ده خرادو در سری استالیسم نیرن بالرور بال ج - م اب بلبریات النبکی جوک کریم ادملہ میں م کر ج

المرا المست واربى المربول عا . او سرے داران ق عرف فيالى جروم أسى حس - تو م حكى مر آمراً للر تحف للاحر من ولى وكرى حتى كونعا ، فونك مس سول موند تعالمو لوكرى تى م لحتم ملى كر من تعا كو - US velived 25 Tigger 24 bei 25 pour مالاته من خروفا کردها مرتواه می این رها - ایر فحوى مكن تو مخده مس ف كم ها مر أيطرعورم (محدار) حسر مري مري الحريف في . عريم السبت المريات المحمد من والد في في في في في في L'et fiss velor p See UNIN ما يحف وسرتي فرم ، رسم كان من الحمر الم ولك 15 18/2022 2124 العار في معاندام والدور والمرالل والمراج والرواني ورون هراكل MTI de Cis 12:00-580-5973-5 OG parjoji 03439695002



DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWA



E-Mail Address <u>nwithigtowy.ibwy.com</u> office Ph# 091-9210269 🎔 Exchange# 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

As approved by the competent authority (DGHS Khyber Pakhtunkhwa) the services of Mr. Muhammad Ikram S/O Allah Wasaya Ward Attendant (waiting for posting) are hereby placed at the disposal of DHO D.I.Khan for further posting under his control against the vacant post in the interest of public service with immediate effect.

Nb: Arrival/ departure reports should be submitted to this Directorate for record.

No. 10645-48/Personnel

Copy forwarded to the:-

- 1. DHO D.I.Khan,
- 2. M.S DHQ Hospital D.I.Khan w/r to his Endst No. 2170-74 dated 04.08.2022.
- 3. DAOD:I.Khan.
- 4. Official Concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH SERVICES, K.P.K. PESHAWAR.

Dated 19/09/2022.

Sd/xxxxxxxxxx

ADDITIONAL DG (HRM) DIRECTORATE GENERAL HEALTH SERVICES, K.P PESHAWAR

5/5/2022

 $\frac{(2)}{(2)} = \frac{1}{(2)} = \frac{$ Ane; evering - a) fred ter V'Lo 5 /re White and Belin man both Ser With 6219191222 Que pobles-48/Persel2 2. 2 Jon Le Stander · W. sold the sold of the sold نوب آرورب تو دف م 26/9/2012-2/26 العارم Sissing control of the contraction of the contraction of the second of t

مرمان در معد معلو رسیر دروری کم قان . Anex () 2010 - 2010 - 2010 - 2010 - 2010 - 2010 - 2010 - 13 (3) منب عالى. 2 cis i cit, i cit, i cit o cis di) بالم أح جلاب كرز مربار كعور وارد المرابي أي دفيرس ولا الج ۳ مرکز سائل کو خبررم، 22/8/2 کو آرڈر کے محت ڈرزیک منابق کورر میں - is with (Relian) of (MTT) der 2/19/9/22 23 W 10645-48 Ressonel Jil 2/19/9/22 19/9/22 قت مالی کا لی اسک و ایک همای آ مر د ارم کا کا در ان مان (الذريح ه ١٩ ١٩ لغاع) (الذريج ه ٢٩ ١٩ لغاع) (2) 2/9/22 - 22 /9/22 20 (Arivel Report) 2/9/22-22) 0. (dojo (80) - 23) Stop an 5/8/2022 jouze (Releating Order), 130 01 jour of from O يا كا في الحي أن مارى من يو في . ليراتب مناب المراج زالى كانوان وبالجان وراك دوم سے عین عاری کی دمان اور ، نگر اور کی او میں دلی عاری کے جابی سام آپ مناب کا کامی ت دُکا کی رج کی ا 5/10/2022 - 613

G المعلمان دائر عمد حسر معدي روز خبر حسور الم (14) اسل مرائع تلخواه فارى بلوغ فيامات بور مقر اللية عدد ما المروز $- \frac{1}{2} \int \frac{$ · برك الم الجروار در المذيق تك زم الم ولازم الم - · · · 9. بركر بال كر مورد بر مدهد/0/2 - 2 برا تحد كر لا العديد كار بر تعد الر (2 in - is is a Releve a (MITI) Arival Report - 5 15 15 18 2 5 13 17/3/2022 2 2 2 1 - 8 مى جو تراكى مى - (ر في ر ترت (Trong Lavonal) اور رس الى جن) . L' 19/9/2022 Eiw 10645-48/ Revisited 13/9/9/2022 2022 - E لخت سام کالو شدال در ان هما آمن درم ورم مان کر زم سام کی ک (أركر بمبورة، 22 ac/1/1/ لف ع) ٥٠ ٥٦ ١٦، ارد الريغ مدور ١٩١٦ ٢٠ كان مالي ذار الى معدى أن من عريم. يد مد/ 1/26 كومامرى كى . (يبور منوت مامرى الورافي لى سع) 5/8/2022 in the (Releasing Oridiz) - 0 01/0 file - (8 St. Stop فى الى مارى مارى بن برا -لهذار شرعام مح کر سائل کی توزان ولوان جات جرز اگرت درور سے میں جاری کے طابق 15/11/2022 port ··· (P) (2) And بال مراكر وارد المراجع فرائد حصلي المس وى كان

KHYBER PAKHTUNKHWA BAR COUNCIL KHALID MEHMOOD Âdvocate bc-15-5415 Date of Issue: November 2022 Valid upto: November 2025 in the second P Bar Council <u> قرار (</u> بعدالت جنار دعوبی ماجرم فصيل دعوي ماجرم ماعث تحريراً نكر مقدمه مندرجه بالاعنوان میں اپنی طرف واسطے پیروی وجوابد ہی برائے پیشی یا تصفیہ مقدمہ بہقام جسر ہ 'رسم کی کرکیے سر 11 رسمیں میں اپنی طرف واسطے پیروی وجوابد ہی برائے پیشی یا تصفیہ مقدمہ بہقام جسر ہ 'رسم کی کرکیے 205-5LD-3 Jan age كوحسب ويل شرائلار وكمل مقرركمات ، كدين بركوش رخود بذر بعد تنتار خاص دوبر وعدالت حاضر بوتار بون كا-ادر بردفت فكارب جان مقدمه وكمل ماحب مهموف کواطلام دیکرمانس عدالت کردن کا «اکر بیش رمنگهرماخرندها - اددمقد مدیمری خیرماخری کی دید سے کمی طود پریمرے برخلاف ہوگیا ۔ توصا حسب موسوف است کی طرح ا حدداد ند ہوں گے ، نیز وکمل صاحب موصوف مدر مقام بجری کے علاوہ کی جکہ یا پانچیزی کے ادتات سے پہلے یا بیچیے یا پرود تعلی میں وی کرنے کے قدردارندہوں کے - نیز دکس صاحب موسوف مدرمقام پجری کے طادہ کی جگد یا پجری کے ادقات سے پہلے یا پیچے یا بردد تحطیل وردی کرنے کے ذمددارند ہوں کے اور مقدمہ صدر کچہری کے علادہ اور جکہ ساحت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے بیچیے چیش ہونے پر مظہر کوکو کی نقسان پنچ تو اس کے ذمہ - داریا اس کے داسطے کی معاوضہ کے ادا کرتے یا محانہ داہی کرتے کے بھی موصوف ذمہ دار نہ ہوں گے ۔ جھ کوکل ساختہ پردا تخلہ صاحب موصوف ش کر دہ ذات خود منطور وتحول بوگا-ادرصاحب موصوف کوم منی دمونی ، یا جواب دمونی یا درخواست اجرائ ڈکری دنظر تانی اجل بحرانی د برهم درخواست پرد سخط د تصدیق کرنے کا میں افتیار ہوگا۔اور کمی تکم یا ڈکری کرانے اور برهم کا روپ وصول کرنے اور رسید دینے اور مال کرنے اور برهم کے بیان دینے اور اُس پر تالتی یا راہنی ۲ مدد فیصل بر حلت کرنے ، اتبال دمون کا میں اعتیار ہوگا ۔ اور بسورت مقرد ہونے تاریخ ٹیش مقد مد نمکورہ ہرون از مجمر کا مدر ہی دک مقد سد نمکورہ نظر تانی دائیل دعم آن و برآ سرگ مقدمه بامنسونی ڈکری بکطرف ادد نواست بحم امّنا می یا قرتی یا کرلماری قمل از فیعله اجرائے ڈکری بھی مساحب موسوف کو بشرط ادالمنکی طبحد و مخانہ بی دی کا اختیار ہوگا ادرتمام ماخته برداخته ما حب موصوف کم ده ذات خودمنقود و تول بوگا رادربعودت خردرت صاحب موصوف کومیدیمی افترار بوکا که مقدمه فدکوده یا استکمی بزو کی کاردائی پا بصورت درخواست نظر ثانی اقتل پا تکرانی یا دیگر معامله مقدمه فدکوره کمی دوسرے وکیل یا پیرسز کواپنے بجائے یا اپنے امراد مقرد کریں۔ادرایسے مشیر قانون کو مجل ہرام میں وہ اور دیسے اعتیادات حاصل ہوں کے وجیر ماحب موسوف کو حاصل میں، اور دو دان مقدمہ میں جو کچھ ہر جا ندالتوا و پڑیکا ، دہ ماحب موصوف کاتن ہوگا ۔ مرما دب موصوف کو بودی ضمن تاری بیٹی سے پہلے ادا ندکروں کا ۔ تو صاحب موصوف کو بودا احتیار ہوگا کہ وہ مقد سد کی دی دند کر می اور المی صورت میں مراکونی مطالبہ می شم کاما حب موصوف کے برطاف بیم اوگا۔ ليذادكان نامد كمحدياب-تاكد سندرب مضمون دکالت نامدین لیا ہے۔اورا چھی طرح سمجھ لیا ہے اور منظور ہے۔ Accepter فمرامر ابسل 03364330001