

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.
CAMP COURT D.I.KHAN

Service Appeal No. 743/2014

Date of Institution... 28.05.2014

Date of decision... 12.03.2018

Muhammad Shahid son of Sona Khan Caste Baloch R/O Basti Said Nagar,
Daraban Road, Tehsil and District D.I.Khan. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Health Department,
Civil Secretariat, Peshawar and 2 others. ... (Respondents)

Mr. Shaukat Hayat Khan Khakwani, ... For appellant.
Advocate

Mr. Ziaullah, ... For respondents.
Deputy District Attorney

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also
dispose of connected service appeals No. 744/2014 Abdur Rashid; No. 745/2014
Muhammad Ramzan, and No. 746/2014 Ammar Ali as in all the appeals common
questions of law and facts are involved.

2 Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellants were appointed on different posts on the same date i.e
04.07.2013. They were removed from service on 17.12.2013, against which they

filed departmental appeals on 01.01.2014, which were rejected on 15.05.2014.

Thereafter, they filed service appeals on 28.05.2014.

ARGUMENTS

4. Learned counsel for the appellants argued that the appellants were removed from service after show cause notice only. That no proper procedure was followed under the disciplinary rules. That the reason for removal of the appellants shown in the show cause notice was appointments by the appointing authority without adopting the proper procedure for recruitment. That no detail was given that what procedure was not adopted. That the appellants duly replied to the show cause notice and thereafter, the removal orders of the appellants were passed on 17.12.2013. That the appellant then filed departmental appeals which were rejected by the departmental appellate authority without assigning any reasons. The learned counsel for the appellants further argued that by not giving the detail reasons in the original order as well as in the order of appellate authority, the appellants could not defend their case. He further argued that if any illegality was committed by the appointing authority, then it was he to be made culpable and not the appellants as per settled law on the subject. That the mentioning the order of the Worthy Peshawar High Court in the impugned order was misplaced as the Worthy Peshawar High Court had never observed that the appointments were made in violation of the rules.


5. On the other hand the learned Deputy District Attorney argued that appointment of one of the appellant namely Muhammad Shahid was against the rules as the rules did not provide for the post of House Keeper (Male). He further argued that the appointing authority one day before his retirement issued the appointment orders of the appellants in violation of the rules. No Departmental

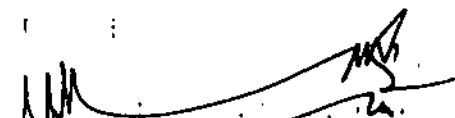
Selection Committee was constituted and in this regard, the members of the D.S.C denied their signatures on the minutes of the meeting. That the appointments were made during the ban imposed by the government. That the show cause notice was issued to the appellant and that he was heard in person.

CONCLUSION

6. The show cause notice is silent about the detail of irregularities/illegalities committed by the authority. The show cause notice only mentions of non-adoption of procedure in the recruitment in accordance with the provisions of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules. It has not been mentioned in the show cause notice that the appointing authority was not competent or the appellant lacked qualification or no advertisement was made. It was also not mentioned in the said show cause notice that no D.S.C was constituted or the signatures of the members of the DSC were fake and bogus. The purpose of a show cause notice is always to afford sufficient opportunity to a civil servant to defend himself. But when a show cause notice is given generally without details. Then show cause notice loses its utility and the concerned civil servant shall be presumed to be prejudiced by not defending himself properly. The departmental appellate authority also rejected the appeal without assigning any reasons so as to enable this Tribunal to reach at any conclusion hat how the appointment orders were against the rules. And whether the appellants were in any way instrumental in getting the said appointment letters in their favour. The arguments of the learned DDA regarding fake and bogus signatures of the members of the D.S.C is not supported by any material. When this Tribunal put a query to the learned DDA that how did the department come to know about fake and bogus signatures of the members of DSC, he replied that there is nothing on judicial record of the present appeal. However, the department has mentioned this

fact in their written replies. ^{No} (Enquiry committee was constituted nor any other _{CA} occasion is highlighted by the department before whom or on which the said members of the committee have had the occasion of denial of their signatures. And of equal importance is the fact that the appellants have not been given any chance to confront the denial of the members of the committee through due process. The factum of ban as argued by the learned DDA has also not been mentioned in the show cause notice or in the order of the departmental appellate authority. Imposing the ban and its legal outcome is left without discussion and would be discussed at the proper time. At present this Tribunal is of the view that the departmental appellate authority should be given chance to take into consideration all these issues and observations and pass a detailed order with reasons within a period of 60 days of the receipt of this judgment, Failing which the present appeals shall be deemed to have been accepted. In the meantime the posts already advertised should not be filled by the department. Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member

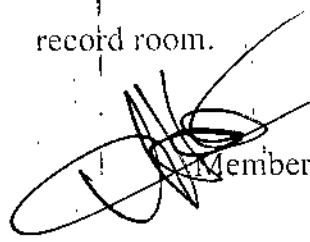

(Niaz Muhammad Khan)
Chairman
Camp Court, D.I. Khan

ANNOUNCED
12.03.2018

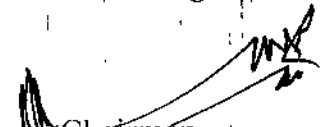
12.03.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Muhammad Jamshaid, CCT for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.



Member



Chairman
Camp Court, D.I.Khan

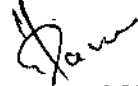
ANNOUNCED
12.03.2018

28.12.2017

Clerk to the counsel for appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Jamshid Chief Clinical Technologist for the respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.01.2018 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan




(Muhammad Hamid Mughal)
Member
Camp Court D.I.Khan

24.01.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents also present. Learned counsel for the appellant submitted application for suspension of operation of advertisement dated 06.01.2018 published in Daily Mashriq. Copy of the same is given to the learned District Attorney. Adjourned. To come up for replication and arguments on application as well as arguments on main appeal on 21.02.2018 before D.B at Camp Court D.I.Khan.



(Ahmad Hassan)
Member
Camp Court D.I.Khan



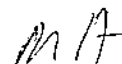
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

21.02.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Samiullah, Junior Clerk for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 12.03.2018 before D.B at Camp Court D.I.Khan.



(Ahmad Hassan)
Member
Camp Court D.I.Khan



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

22.02.2017

Appellant in person and Mr. Farhaj Sikandar, Government Pleader for respondents present. Rejoinder not submitted. Appellant seeks adjournment as his counsel is not in attendance due to strike of the Bar. Adjournment granted. To come up for rejoinder ~~on~~ on 26.04.2017 before S.B at Camp Court D.I.Khan.


(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan


26.04.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.


Reserve


23.08.2017


Appellant in person present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Appellant submitted rejoinder and copy of the same also handed over to learned District Attorney for arguments. Adjourned. To come up for arguments on 29.11.2017 before D.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

29.11.2017

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Jamshid, Chief Clinical Technologist for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 28.12.2017 before D.B at Camp Court D.I.Khan.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan


23.2.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP with Muhammad Shahid, Chief Clinical Technician for the respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on 24.5.16 at Camp Court D.I.Khan.


MEMBER
Camp Court, D.I.Khan

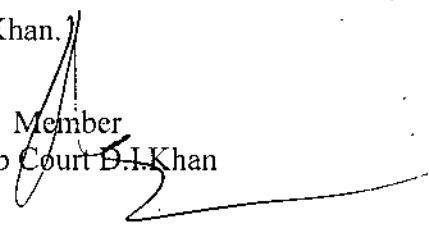
24.05.2016

Appellant in person and Mr. Muhammad Jamshaid, CTP alongwith Mr. Farkhaj Sikandar, GP for respondents present. Appellant requested for time to file rejoinder. To come up for rejoinder on 25.10.2016 at camp court D.I. Khan.


Member
Camp Court D.I.Khan

25.10.2016

Appellant in person and Mr. Farhaj Sikandar, Government Pleader for the respondents present. Rejoinder not submitted. Appellant requested for further time for filing of rejoinder. Request accepted. To come up for rejoinder on 21.02.2017 before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan

26.10.2015

Appellant with counsel and Mr. Farhaj Sikandar, GP with Muhammad Jamshed Chief Technologist for the respondents present and stated that written reply prepared and sent to head office for signature of respondents No. 1 & 2. He requested for further time. Opportunity is given to the respondents by way of another last chance. To come up for written reply at camp court, D.I.Khan on 24-11-15.


MEMBER

Camp court, D.I.Khan

24.11.2015

Appellant in person and Mr. Farhaj Sikandar, GP with Jamshed, Chief Technologist for the respondents present and requested for further time. Another last opportunity was given to the respondents but they have not filed their written reply. The learned GP is directed to contact the respondents to file written reply on the next otherwise, the matter will be brought into notice of the Secretary, Health Department. Case to come up for written reply at camp court, D.I.Khan on

29-12-2015.


MEMBER

Camp Court, D.I.Khan

29.12.2015

Since tour to D.I.Khan for the month of December, 2015 has been cancelled, therefore, case is adjourned to

23.2.16 for the same.


Reader


27.4.2015

Appellant in person and Farhaj Sikandar, GP with Samiullah, Junior Clerk and Dr. Kiramatullah, SMO for respondents present. Appellant agitated that despite elapse of one year period, the respondents have not yet submitted written reply. The appellant further stated that he is jobless and the respondents may be strongly directed to submit their written reply. The learned GP submitted that the reply has been duly vetted by him and sent to Peshawar for signature of Director General Health Services and Secretary Health Department, which may take some time. Last opportunity is given to the respondents. To come up for written reply on 25.5.2015 at camp court, D.I.Khan.


MEMBER
Camp Court, D.I.Khan


25.05.2015

Appellant in person and Mr³ Farhaj Sikandar, GP with Yar Gul, Assistant and Nughman, Senior Clerk for the respondents present and reply not submitted. To come up for written reply positively on 27.7.2015 at camp court, D.I.Khan.


MEMBER
Camp Court, D.I.Khan.

27.07.2015

Clerk of counsel for the appellant present. None is available on behalf of the respondents. Fresh notices be issued to them and case to come up for written reply by way of last chance on 26-10-2015 at camp court, D.I.Khan.


MEMBER
Camp court, D.I.Khan

29-9-14.

Appellant in person present Samiullah
J. Clerk for respondents with G.P. present. G.P.
requested for time to file reply. To come up
for written reply on 24-11-2014 at camp
Court, D.I. Khan.

6222
Registrar

24-11-2014.

Appellant in person and G.P. for
respondents present. Since the Tribunal is
incomplete, therefore, this case is adjourned
to 23-2-15 for ~~written~~ reply at camp Court
D.I. Khan.

6222
Registrar,
Camp

23-2-15.

Present as before on 24-11-14 with Samiullah,
J. Clerk for respondents. Reply not received. To come up
for reply on 27/4-2015 at camp Court, D.I. Khan.

§
Member
Camp Court, D.I. Khan.

Appeal No. 743/2014.
Mr. Muhammad Shahid

04.06.2014

Mr. Asghar Ali, Advocate and Mr. Abdul Salam, Advocate present and filed Wakalat Nama on behalf of the appellant as well as filed an application for early hearing. Case file requisitioned. Application allowed. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 17.12.2013, he filed departmental appeal on 01.01.2014, which has been rejected on 15.05.2014, hence the present appeal on 28.05.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Appellant has also filed an application for interim relief. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 28.08.2014 as well as reply/arguments on application on 18.06.2014.

3.
Appellant deposited
Process fee & Security
Rs. 180/- Bank Receipt
attached with file
of (Attm. No. 743/2014)
(Rs. 540/-)

04.06.2014

This case be put before the Final Bench II for further proceedings.

Member

Chairman

18.6.2014

Counsel for the appellant and AAG with Sheryar, Assistant and Samiullah, Senior Clerk for the respondents present and requested for further time. Counsel for the appellant submitted before the court most of the parties belong to District D.I.Khan and requested for transfer of the case to the Diary of Touring Bench D.I.Khan. Request is accepted. To come up for written reply at camp court, D.I.Khan on 29.09.2014.



MEMBER

MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 743 /2014

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 28/05/2014 | <p style="text-align: center;">The appeal of Mr. Muhammad Shahid presented today by Mr. Shaukat Hayat Khan Khakwani Advocate, may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 28-5-2014 | <p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>18-6-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p> |

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

In Re Appeal No. 743 /2014

M. Shahid

VERSUS

The Govt: K.P.K etc.


INDEX

| <u>S.NO</u> | <u>PARTICULARS</u> | <u>ANNEXURE</u> | <u>PAGE NO.</u> |
|--------------------|---|------------------------|------------------------|
| 1 | Grounds of Appeal alongwith affidavit. | -- | 1-6 |
| 2 | C.M in appeal. | | 7-8 |
| 3 | Application for condonation | | 9-21 |
| | Copy advertisement | "A" | 22-23 |
| 5 | Copy of office order dated 01/07/13. | "B" | 24 |
| 6 | Copy of minutes of meeting dated 03/07/13. | "C" | 25 |
| 7 | Copies of appointment order, arrival report, medical fitness certificates and service book etc. | "D" | 26-31 |
| 8 | Copies of advertisement, show cause notice and reply. | "E, F & G" | 32-34 |
| 9 | Copies of order of the High Court alongwith Writ Petitions. | "H, I & J" | 35-65 |
| 10 | Copies of appeal and order dated 15/05/2014. | "K & L" | 66-67 |
| 11 | Copy of the Application and cutting of Newspaper. | "M" | 68-70 |
| 12 | Wakalatnama | -- | 71 |

Your Humble Petitioner

Dated:27/05/2014


Mohammad Shahid
Through Counsel


SHAUKAT HAYAT KHAN KHAKWANI
Advocate High Court,
Dera Ismail Khan.

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

In Re Appeal No. 743 /2014

Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Said Nagar, Daraban Road, Tehsil & District Dera Ismail Khan.

.....(Appellant/Petitioner)

VERSUS

- 1). Government of Khyber Pakhtunkhwa, Through Secretary Health, Health Department Civil Secretariat, Peshawar.
- 2). Director General Health, Health Department Civil Secretariat, Peshawar.
- 3). Medical Superintendent, District Head Quarter Teaching Hospital, Dera Ismail Khan.

.....(Respondents)

**APPEAL UNDER SECTION 4 OF THE
N.W.F.P SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 15/05/2014
WHEREBY DEPARTMENTAL APPEAL BY
THE APPELLANT AGAINST HIS REMOVAL
FROM SERVICE WAS REJECTED BY
RESPONDENT NO. 2.**

Respectfully Sheweth:-

1- That respondent No. 3 had invited application for appointment against different post in District Head Quarter Teaching Hospital, Dera Ismail Khan vide advertisement dated 02/05/2013 published in Daily Newspaper "Sada-e-Haq" & "Sada-e-Dera". Copy of advertisement is enclosed as **Annexure "A"**.

2- That appellant considering himself eligible applied for the post of House Keeper to respondent No. 3.

- 3- That respondent No. 3 constituted a committee of recruitments / appointment and promotion consisting of Dr. Khalid Aziz (M.S D.H.Q Hospital) Dera Ismail Khan as its chairman, while Dr. Khan Shah District Radiologist at District Head Quarter Teaching Hospital, Dera Ismail Khan and Dr. Malik Akhtar Javed (S.M.O) District Head Quarter Teaching Hospital, Dera Ismail Khan as members. Copy of office order dated 01/07/2013 is enclosed as **Annexure "B"**.
- 4- That the selection committee in its meeting held on 03/07/2013 recommended and appointed the appellant against the post of House Keeper and some other persons were also recommended for appointment on various posts as advertised. Copy of the minutes of meeting dated 03/07/2013 is enclosed as **Annexure "C"**.
- 5- That accordingly vide office order No. 4348-51 dated 04/07/2013 the appellant was appointed as house Keeper in BPS-09, then the petitioner joined service, submitted arrival report, medical fitness certificate and was allowed to assume charge, service book was prepare and the petitioner started to discharge his official functions. The copies of appointment order, arrival report, medical fitness certificates and service book are enclosed as **Annexure "D"**,
- 6- That the appellant was working on his post for more then a month when he was verbally stopped from discharging his duty by the respondent No. 3 Dr. Hashim Khan Marwat, and payment of his salary was also stopped. Respondent No. 3 also advertised the post afresh on 15/08/2013 without any formal order of removal / termination of the appellant from service. Later on realizing their mistake after issuance of advertisement the appellant was issued a show cause notice dated 20/08/2013 albeit illegally with false and frivolous allegation that the appointment was illegal. Which was accordingly replied. Copies of advertisement, show cause notice and reply are enclosed as **Annexure "E, F & G"**.

7- That appellant challenged the aforesaid actions of respondent No. 3 before the Honourable Peshawar High Court Bench Dera Ismail Khan through Writ Petition No. 393 of 2013 which was disposed off and the respondent were directed to pay the salary of the appellant along with others. But respondents having not implemented the judgment / orders of the Honourable High Court then the appellant alongwith others filed a contempt application and also filed an other Writ Petition No. 557 of 2013. During the hearing of the Writ Petition on 19/12/2013 respondent No. 3 produce an order dated 17/12/2013 of removal from service of the appellant alongwith other petitioners of the Writ Petition, therefore the appellant counsel did not pressed the Writ Petition in order to seek his remedy before proper forum. Writ Petition was accordingly dismissed but the Honourable High Court was pleased to direct respondent No. 3 to pay the salary to the appellant including other petitioners for the period during which they worked. Copies of the orders of the High Court alongwith Writ Petitions are attached herewith marked as "H, I & J"

8- That the appellant filed his Departmental appeal against the order of dismissal, on 01/01/2014 which was rejected on 15/05/2014 by the respondent No. 2. Copies of appeal and order dated 15/05/2014 are attached as Annexure "K & L".

9- That the appellant being aggrieved of the order of dismissal from his service and also from the rejection of his departmental appeal on 15/05/2014 is constrained to assail the same through the instant appeal inter alia on the following grounds:-

GROUNDS:-

a) That the impugned order is highly illegal without lawful authority and malafide thus liable to be set aside.

- b)** That the appellant was appointed in accordance with law after observing all codal formalities and worked against the post of House Keeper satisfactorily.
- c)** That the appellant was qualified for the post on which he was appointed.
- d)** That the Medical Superintendent District Head Quarter Teaching Hospital Dera Ismail Khan (Dr. Khalid Aziz Baloch) who appointed the appellant had retired from service and the new incumbent (Dr. Hashim Khan Marwat) having rivalry with him, took the revenge from appellant and others, appointed by his predecessor. The action is therefore of personal vendetta and thus illegal.
- e)** That if there was any illegality, then the proper course would have been to have constituted a High Power Committee to look into matter and only then another recommendation of that committee if any adverse action was proposed then the competent authority may take any action, action could have been taken but that too against the appointing authority because appellant had no role in the same.
- f)** That the entire exercise is motivated by the personal vendetta and malafide of respondent No.3 thus liable to be struck down.
- g)** That Dr. Hashim Marwat who was the then Medical Superintendent at the crucial time and who had passed dismissal orders of the appellant, tried to conduct illegal interviews for appointment but failed in his attempt due to publication of the matter in local press. Which proves that the said Medical Superintendent removed the appellant from the post and to appoint his own blue eyed on extraneous considerations. Cutting of the Newspapers are enclosed as **Annexure "M"**.
- h)** That no order was passed by respondent No. 2 and his place Assistant Director has passed the order of dismissing the appeal, the order was not speaking one he was not competent to pass such order. The order is without jurisdiction,

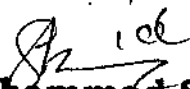
without lawful authority and is without any reason. Hence not tenable on the premises of law.

- i) That departmental appeals of four persons were decided through a single order without giving separate reasons in support of its orders is of no value.
- ii) That the counsel for the Petitioner may kindly be allowed to raise the additional grounds at the time of arguments.

In wake of the submission made above, it is humbly prayed that on acceptance of this appeal the respondents functionaries of Health Department of Khyber Pakhtunkhwa may very graciously be directed to appoint the petitioner as House Keeper against the post previously held by the petitioner / appellant with all back benefits.

Your Humble Petitioner

Dated: 27/05/2014


Mohammad Shahid
Through Counsel


SHAUKAT HAYAT KHAN KHAKWANI
Advocate High Court,
Dera Ismail Khan.

CERTIFICATE:-

I, Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Said Nagar, Daraban Road, Tehsil & District Dera Ismail Khan, that it is first Re-appeal and no such appeal has ever been preferred in this Honourable Service Tribunal by the Petitioner.

Dated: 27/05/2014

DEPONENT


Mohammad Shahid

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

In Re Appeal No. _____/2014

M. Shahid

VERSUS

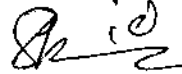
The Govt: K.P.K etc.

AFFIDAVIT

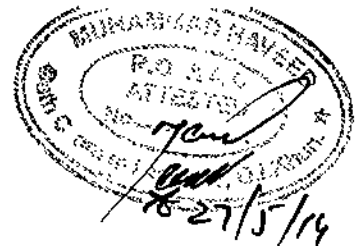
I, Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Said Nagar, Daraban Road, Tehsil & District Dera Ismail Khan, do hereby solemnly affirm and declare on oath that all the parawise contents of the appeal are true and correct and nothing has been deliberately concealed from this Honourable Service Tribunal.

Dated: 27/05/2014

DEPONENT



MOHAMMAD SHAHID



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

C.M No. _____/2014
In Re Appeal No. _____/2014

M. Shahid **VERSUS** The Govt: K.P.K etc.

**APPLICATION FOR RESTRAINING THE
RESPONDENTS FROM MAKING FRESH
APPOINTMENT ON THE POST OF HOUSE
KEEPER DISTRICT HEAD QUARTER
TEACHING HOSPITAL DERA ISMAIL KHAN
(WHICH THE APPLICANT HELD) TILL THE
SAID DECISION OF THE SERVICE APPEAL.**

Respectfully Sheweth:-

- 1-** That the applicant is filing the accompanying appeal in this Honourable tribunal.

- 2-** That for the facts and reasons stated in the accompanying appeal which may very graciously be considered as a part of this application, the applicant has got a good prima facie arguable case in his favour and is sanguine about its success.

- 3-** That balance of convenience also lie in favour of the appellant / applicant.

- 4-** That applicant would suffer irreparable loss in case the respondents are not restrained from

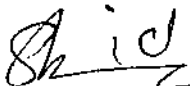
fresh appointment on the post held by the applicant.


- 5- That it would be in the interest of justice and fair play to restrain the respondent from fresh appointment and avoid multiplicity of litigation.

It is, therefore, respectfully prayed that respondents may very graciously be restrained to make fresh appointments against the post held by the appellant till the final disposal of the accompanying appeal.

Your Humble Petitioner

Dated:27/05/2014


Mohammad Shahid
Through Counsel


SHAUKAT HAYAT KHAN KHAKWANI
Advocate High Court,
Dera Ismail Khan.

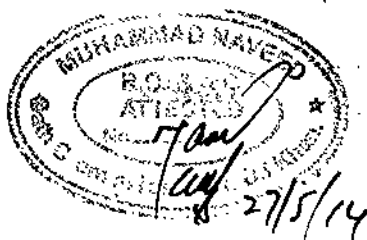
AFFIDAVIT:-

I, Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Said Nagar, Daraban Road, Tehsil & District Dera Ismail Khan, do hereby solemnly affirm and declare on oath that all the parawise contents of the application are true and correct and nothing has been deliberately concealed from this Honourable Service Tribunal.

Dated:27/05/2014

DEPONENT


MOHAMMAD SHAHID



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

C.M No. _____/2014
In Re Appeal No. _____/2014

M. Shahid **VERSUS** The Govt: K.P.K etc.

**APPLICATION FOR CONDONATION OF
DELAY IN FILING THE APPEAL.**

Respectfully Sheweth:-

- 1-** That the applicant is filing the accompanying appeal in this Honourable tribunal.
- 2-** That the departmental appeal dated 01/01/2014 of the appellant remained pending for sufficient longtime before respondent No. 2 and there had been correspondence inter se the respondent about the same. The appeal was however rejected by respondent No. 2 on 15/05/2014 through a non speaking order.
- 3-** That as submitted earlier that departmental appeal remained under consideration for sufficient long time and there had been correspondence inter se regard to the same between the respondent, the applicant was under the bonafide belief and hope, that the same would be accepted, did not file the

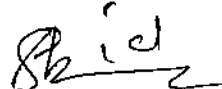
appeal before this Honourable Tribunal within the prescribed period of limitation. Copies of some of the correspondence with regard to the applicant department appeal attached herewith.


- 4- That if the time for filing the service appeal is reckoned from 15/05/2014 the date of rejection of appeal then the same is within time.
- 5- That the delay if any, in this accompanying service appeal was never intentional nor deliberate but the reason that the matter was under consideration of respondent No.2 as explained in the foregoing para.
- 6- That valuable rights of the appellant are involved in the lis and if the appeal is not decided on merits the appellant will suffer irreparable loss and his entire career would be ruined.
- 7- That the impugned order of dismissal of the appellant from the service and then rejection of his departmental appeal are highly illegal, whimsical, cursory, lacking reasons and passed without observing legal formalities, thus the same does not deserve to be left in the field for mere technical reason.
- 8- That it is a cherished principle of law that the matter / lis should be decided on merits and technicalities should be avoided.

For the aforesaid reasons it is respectfully prayed that the if this Honourable Service Tribunal comes to the conclusion that the appeal is time barred then the same may please be condoned and appeal be decided on merits.

Your Humble Petitioner

Dated:27/05/2014


Mohammad Shahid
Through Counsel


SHAUKAT HAYAT KHAN KHAKWANI
Advocate High Court,
Dera Ismail Khan.

AFFIDAVIT:-

I, Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Said Nagar, Daraban Road, Tehsil & District Dera Ismail Khan, do hereby solemnly affirm and declare on oath that all the parawise contents of the application are true and correct and nothing has been deliberately concealed from this Honourable Service Tribunal.

Dated:27/05/2014

DEPONENT


MOHAMMAD SHAHID





49
11/07/2014

12

DIRECTORATE GENERAL HEALTH
SERVICES, GOVT: OF KHYBER
PUKHTUNKHWA, PESHAWAR.
NO 435 /PERSONNEL
DATED 09 /01/2014.

To,

The Medical Superintendent ✓
DHQ Teaching Hospital
D.I Khan.

Subject: **APPEAL FOR RESTORATION OF SERVICES AND PAYMENT OF SALARIES.**

Dear Sir,

I am directed to refer to the subject noted above and find enclose
Copies of appeals in respect of Mr. Muhammad Ramzan Ward orderly, Abdur
Rasheed Ward orderly, Mr. Ammar Ali Junior Clerk and Mr. Muhammad Shahid
House Keeper attached to DHQ Hospital D.I Khan alongwith Writ petition/
Judgment of Peshawar High Court D.I Khan Bench which is self explanatory.

Please furnish your comments in this regard urgently, so as to
proceed further in the matter.

[Signature]
ASSISTANT DIRECTOR (P-II)
DGHS, Khyber Pukhtunkhwa
Peshawar

[Signature]
B-10 2514.

A T C

[Signature]

Hafiz S.M Ali Shah

[Signature]
11/07/2014

To,

The Secretary Health,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: **REMINDER FOR DECISION ON APPEALS**
SUBMITTED BY THE PETITIONERS.

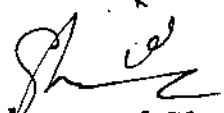
Respected Sir,

1. That the petitioners had lodged Departmental Appeal before worthy Director General Health Services Peshawar, through T.C.S / Postal Registry on 26/12/2013 and also submitted in the office D.G Health on 01/01/2014.
2. That according to law the said appeal have been decided before this month. Whereas the Director General is own short leave. Therefore, the reminder for decision of said appeal is submitted before your good-self.
3. The ground taken in appeals may be kindly considered and restoration of petitioner own service may kindly be ordered forthwith. The Photostate copies of appeals along with the relevant documents are attached herewith.

It is, therefore, requested that on acceptance of said four (4) appeals the petitioner may be allowed to continue their service. However the petitioner reserve their legal right before Service Tribunal.

Dated 24/01/2014

Your Humble Petitioners


Muhammad Shahid etc

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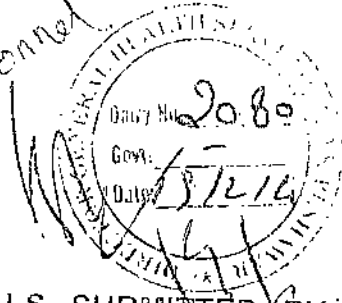
GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOH-III/8-89/2014(Muhammad Shahid etc)
Dated the Peshawar 17th February, 2014

To

The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar.

Personnel



SUBJECT: REMINDER FOR DECISION ON APPEALS SUBMITTED BY THE PETITIONERS.

I am directed to enclose herewith a copy joint appeal received from Muhammad Shahid and others regarding restoration of services and payment of salaries which is self-explanatory on the subject noted above.

It is therefore, requested that views/comments may be furnished to this department to proceed further in the matter.

Encl: As above.

(Wajid Ali Khan)
Section Officer-III

etc

Endst of even no & date.

Copy forwarded to:-

1. M.S DHQ, Hospital D.I Khan for information & similar necessary action.
2. P S to Secretary Health, Khyber Pakhtunkhwa.

Section Officer-III

*No = 236
20-02-14*

A. T. e



DIRECTORATE GENERAL HEALTH SERVICES, GOVT: OF KHYBER PUKHTUNKHWA, PESHAWAR.
NO. 1042 /PERSONNEL
DATED 17 /02/2014.

158

[Handwritten signature]

To,

Medical Superintendent,
DHQ Hospital D.I.Khan .

Subject: **APPEAL FOR RESTORATION OF SERVICES AND PAYMENT OF SALERIES.**

Dear Sir,

I am directed to refer to your letter No. 437/PF dated 21-01-2014, on the subject noted above.

You are hereby directed to implement orders of the Court in letter in spirit under intimation to this Directorate.

[Handwritten signature]
ASSISTANT DIRECTOR (P-II)
DGHS, Govt: of Khyber
Pukhtunkhwa Peshawar

Hafiz S.M Ali Shah

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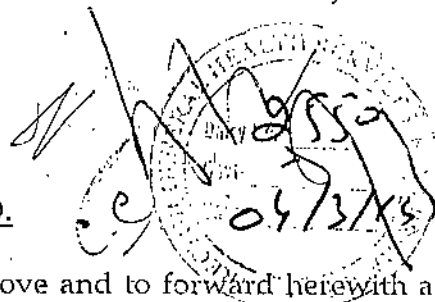
16

GOVERNMENT OF
KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SO(Secret)/HD/1-5/2014/Feb
Dated Peshawar, the 27th February, 2014.

To / The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Subject: APPLICATION OF MUHAMMAD SHAHID.



I am directed to refer to the subject noted above and to forward herewith a copy of complaint lodged by Muhammad Shahid S/o Sona Khan House Keeper DHQ Hospital Dera Ismail Khan dated 25.02.2014 along with supporting documents which is self explanatory for further necessary action and report send to this Department at earliest.

Encl: as above.

Zahir Shah
Section officer
(Secret/Comp)

Endst: No & date even.

Copy is forwarded to PS to Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.

Section officer
(Secret/Comp)

(17)



DIRECTORATE GENERAL HEALTH SERVICES, GOVT: OF KHYBER PAKHUNKHWA, PESHAWAR. NO 1796 /Personnel DATED 14 /03/2014.

To,

The Secretary to Govt: of Khyber Pukhtunkhwa Health Department Peshawar.

No. 3559

19/3/14
Health Department

Subject: **REMINDER FOR DECISION ON APPEALS SUBMITTED BY THE PETITIONERS.**

Dear Sir,

Kindly refer to your letter No. SOH-III/8-89/2014 (Muhammad Shahid etc) dated 17.02.2014, on the subject noted above.

It is stated that this Directorate has already sent a letter to M.S DHQ Hospital D.I Khan to implement orders of the Court in letter in spirit under intimation to this Directorate vide this Directorate letter No. 1042/Personnel dated 17.02.2014 (copy attached for ready reference).

Yours faithfully

DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR

No _____ /Personnel

Copy forwarded to the M.S DHQ Hospital D. I Khan for further necessary action and his comments urgently so as to proceed further in the matter.

DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR

Goll.

Hafiz S.M Ali Shah

19/3/2014

A.T.C.

DFA his added
3/4/14

DIRECTORATE GENERAL
HEALTH SERVICES
KHYBER PAKHTUNKHWA
PESHAWAR

No. SO (Secret)/HD/1-5/2014/Feb dated. 27. 2. 14 Aya 2/10/2

2 The attached comp, regarding illegal intervention/appointment in Health Department Di Khann.

3 May ask M.S DHQ: Hoshi D.P. Khan for detailed report.

4 Submitted for further order please.

5 AD (P-II) Comments of M/S Di Khan and AD (P-III/Paramedics) may be sought from

20/3/14

DFA

DFA

away

29/3/14

A.T.C

6 Director Admin: Agree with Para 5/0- m3 25/3/2014

7: DFA has added 3/4/14



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

19

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Office Ph : 091 - 9210269 Exchange : 091 - 9210187, 091 - 9210198 Fax : 091 - 9210230

No 765-68 /CC/2438/2014

Dated 16 /06 /2014

MOST IMMEDIATE

To,

The Medical Superintendent DHQ Hospital
D.I.Khan.

The Assistant Director (Paramedics) DGHS KPK
Peshawar.

SUBJECT: APPLICATION OF MUHAMMAD SHAHID.

I am directed to refer to on the subject noted above and find enclosed a copy of letter No.SO (Secret)/HD/1-5/2014/feb, Dated 27-02-2014, alongwith its enclosure received from Section Officer (Secret) Government of Khyber Pakhtunkhwa Health Department, which is self explanatory.

You are requested to submit a detailed report / comments in this regard to the Complaint Cell DGHS within 07-days.

11/4/14
Assistant Director (P-II)

DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR
5/2/14

Cc:

1. Section Officer (Secret/Comp) Government of KPK Health Department W/r to his letter No. SO(Secret)/HD/1-5/2014/Feb, dated 27-02-2014, for information.
2. Superintendent (Coord Cell) DGHS KPK Peshawar for information.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

PUC AT PAGE-107-108/C.

In response to this department letter vide at page-106/C.

DGHS has stated that Directorate has already sent a letter to Medical Superintendent DHQ, Hospital D.I Khan to implement orders of the court in letter & spirit. But reply from M.S DHQ Hospital D.I Khan is still pending.

If agreed, we may ask direct to M.S DHQ Hospital D.I Khan to expedite the case in light of DGHS letter at an early date under intimation to this department.

Para-3/N is submitted for perusal/approval please.

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DS/II
~~AS (E)~~

1115/51
30/4/14
J.P.
30.4.14

As proposed.

DS/II
S.O. III
ST/MS

Letter coded for signature please

4905
J.P.
5/5/14
1115/5/5
5/5/14

S.O-III

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21

GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
No. SOH-III/8-89/2014(Muhammad Shahid)
Dated the Peshawar 05th May, 2014

To

The Medical Superintendent,
D.I Khan.

Subject: REMINDER FOR DECISION ON APPEALS SUBMITTED BY THE
PETITIONERS.

I am directed to enclose herewith a copy of joint appeal and other enclosures received from Muhammad Shahid & Others which is self-explanatory and to state that to expedite the case in light of the Director General Health Services, Khyber Pakhtunkhwa letter addressed to your office No. 1042/Personnel dated: 17-02-2014 at an early date under intimation to this department.

Encl: As above.

cc
lc

(Wajid Ali Khan)
Section Officer-III

Endst: of even no & date.

Copy forwarded to:-

1. PS to Secretary Health, Khyber Pakhtunkhwa.
2. PA to Additional Secretary Health (E) Health, Khyber Pakhtunkhwa.
3. PA to DS-II Health, Khyber Pakhtunkhwa.

Section Officer-III

A-T-C
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URL: www.sadael

حق بات کو جھوٹ کے پردے میں ست چھپاؤ (القرآن)

ABC CERTIFIED

Registered P No DK-1

روزنامہ صدائے حق

ڈیرہ اسماعیل خان

نیبرہ محمد نورا

چیف ایڈیٹر
محمد اسرار چوہدری

ایڈیٹر ایماہ اسلم خانی

E-Mail: sadchoq dik@gmail.com

0986-717590 0986-716590

| | | |
|-------------|--|----------------|
| جلد نمبر 13 | مشکل 14 مئی 302013ء تا 30 سب ارب 1434ھ تک 7 کتابچے | شمارہ نمبر 247 |
|-------------|--|----------------|

حکومت پاکستان اور جماعت حق بالیس کے درمیان اختلافات اور مسائل

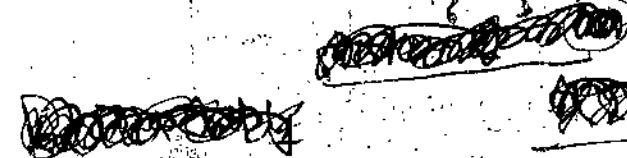
ہم نے اقدار کے بجائے نظریات کی پاسداری اور اسلامی اقدار کے تحفظ کو فوقیت دی

پس اس کے بعد اور مزید کارروائی کے سلسلے میں

اہل اہل مذاہب (مذہب روم) کے ساتھ
 ان مذاہب کی سہولت کو نظر رکھ کر کسی کو نقصان نہ پہنچانے کے لیے
 ان مذاہب کے اراکین کو ان کے حقوق اور آزادیوں کے تحفظ کے لیے

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Handwritten notes in Urdu, appearing to be a list of services or conditions.

Vertical column of handwritten Urdu text, likely a list of items or a detailed note.

| ক্রমিক নং | বিভাগ | খরচ | বিস্তারিত |
|--------------|-----------|-----|----------------------|
| 01 | কম্পিউটার | 09 | কম্পিউটার সফটওয়্যার |
| 02 | কম্পিউটার | 09 | কম্পিউটার সফটওয়্যার |
| 03 | কম্পিউটার | 09 | কম্পিউটার সফটওয়্যার |
| 04 | কম্পিউটার | 09 | কম্পিউটার সফটওয়্যার |
| 05 | কম্পিউটার | 09 | কম্পিউটার সফটওয়্যার |
| 06 | কম্পিউটার | 09 | কম্পিউটার সফটওয়্যার |
| 07 | কম্পিউটার | 07 | কম্পিউটার সফটওয়্যার |
| 08 | কম্পিউটার | 02 | কম্পিউটার সফটওয়্যার |
| 09 | কম্পিউটার | 01 | কম্পিউটার সফটওয়্যার |

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Handwritten notes in Urdu, possibly a list of services or conditions.

Handwritten text in Urdu below the table.

Handwritten signature or name in Urdu.

Janis Banu
Advocate

Handwritten signature or initials in Urdu.

ڈسٹرکٹ ہیڈ کوارٹر ٹیچنگ ڈیرہ اسماعیل خان میں مندرجہ ذیل آسامیوں پر تعیناتی کے لئے راضع ڈیرہ اسماعیل خان خیبر پختونخواہ سے تعلق رکھنے والے خواہشمند امیدواروں سے درخواستیں درج ذیل شرائط پر مطلوب ہیں جو کہ ہر کیٹیگری کے سامنے مقررہ کے معیار پر اترتے ہوں۔

| نمبر شمار | نام آسامی | بنیادی سکیل | قابلیت |
|-----------|-----------------------------------|-------------|---|
| 01 | جوئیر کلیننگ ٹیکنیشن (اسٹیریلا) | 09 | میٹرک سائنس اور متعلقہ فیلڈ میں پیرامیڈیکل انسٹیٹیوٹ آف ٹیکنالوجی میں حکومت پاکستان سے منظور شدہ ڈپلومہ |
| 02 | جوئیر کلیننگ ٹیکنیشن (E.E.G) | 09 | ایضاً |
| 03 | جوئیر کلیننگ ٹیکنیشن (فارسی) | 09 | ایضاً |
| 04 | جوئیر کلیننگ ٹیکنیشن (پھیلا لوجی) | 09 | ایضاً |
| 05 | جوئیر کلیننگ ٹیکنیشن | 09 | ایضاً |
| 06 | ہاؤس کیپر | 09 | ایف اے / ایف ایس سی ہوم سائنس یا صرف ایف اے / ایف ایس سی |
| 07 | جوئیر کلرک | 07 | FA/Fsc ہونٹا ٹیچنگ سپینڈ 30 الفاظ ٹی منٹ یا FA, FSC، کیپیور ہولڈرز کو ترجیح دی جائے گی۔ |
| 08 | وارڈ ارڈلی | 02 | کم از کم میٹرک |
| 09 | سوشل ورکر | 01 | |

شرائط:

انٹرویوز زبردستی ڈسٹرکٹ ہیڈ کوارٹر ٹیچنگ ہسپتال ڈیرہ اسماعیل خان میں ہوں گے بعد تمام۔ اسناد تصدیق شدہ مورخہ 17/05/13 تک پہنچ جانے چاہئیں۔ اور اصل اسناد انٹرویو کے دن جو کہ مورخہ 20/05/2013 بوقت 10 بجے ہوگا۔ سلیکشن کمیٹی چیک کریں گے۔ درخواستوں کی منظوری / نام منظوری امیدواروں کے چناؤ اور دیگر متعلقہ امور کے بارے میں سلیکشن کمیٹی کا فیصلہ حتمی ہوگا جس کی خلاف کوئی چارہ جوئی کسی عدالت میں چیلنج نہیں کیا جائے گا۔ مقررہ تاریخ کے بعد موصول ہونے والی درخواستوں پر عمل نہیں ہوگا۔ شیٹ اور انٹرویو کیلئے آنے والے امیدواروں کو TA, DA وغیرہ نہیں دیا جائے گا۔ درخواست دہندہ درخواست کے حلف نامہ جوڈیشل اسٹامپ پیپر مالتی۔ 100 روپے تحریر کر کے دینا ہوگا کہ امیدوار کے تمام کاغذات صحیح ہیں اور غلط کاغذات تصدیق ہونے پر تفری منسوخ کی جائے گی۔

میڈیکل سپرینٹنڈنٹ ڈسٹرکٹ ہیڈ کوارٹر
ٹیچنگ ہسپتال ڈیرہ اسماعیل خان۔

ڈاکٹر خالد عزیز بلوچ

02/05/2012

A - J - C

OFFICE OF THE MEDICAL SUPERINTENDENT D.H.Q TEACHING HOSPITAL DERA ISMAIL KHAN.

Anaeruc B.

Departmental selection committee is hereby considered for the purpose of recruitment / appointment and promotion of the staff for DHQ, Teaching Hospital D.I.Khan.

Dr. Khalid Aziz Baloch
MS, DHQT, Hospital DIK.

Chairman *[Signature]*
Medical Superintendent
DHQ, Teaching Hospital
D.I.Khan

Dr. Khan Shah
District Radiologist
DHQT, Hospital DIK.

Member *[Signature]*
Senior Medical Officer
DHQ, Teaching Hospital
D.I.Khan

Dr. Malik Akhtar Javed
SMO, DHQT, Hospital DIK.

Member *[Signature]*
Casualty Medical Officer
DHQ, Teaching Hospital
D.I.Khan

Dated: 01/07/2013

[Signature]
Dr. KHALID AZIZ BALOCH
MS. DHQ, Teaching Hospital
DIKHan.

A - T - S
[Signature]

OFFICE OF THE MEDICAL SUPERINTENDENT D.H.Q TEACHING HOSPITAL DERA ISMAIL KHAN.

Anwarul B

SUBJECT:- DEPARTMENTAL SELECTION COMMITTEE MEETING FOR CONSIDERATION OF CANDIDATES FOR APPOINTMENT / RECRUITMENT / PROMOTING / POSTING OF DIFFERENT POSTS IN TEACHING HOSPITAL, DERA ISMAIL KHAN.

Meeting of Departmental Selection committee was held in the office of M.S, District Head Quarter Teaching Hospital D.I.Khan on 02/07/2013 for filling the vacant posts of House Keeper, Junior Clerk, Ward Orderly and Sweeper, the committee considered for appointment of Muhammad Shahid for the post of House Keeper, Aamar Ali for the post of Junior Clerk, Muhammad Ramzan, Abdur Rashid, Dilbar ^{Jam} ~~Ilham~~ for the post of Word Orderly and Haroon Magh for the post of Sweeper at D.H.Q Teaching Hospital D.I.Khan being suitable candidate for the said posts.

Dr. Khalid Aziz Baloch
MS, DHQT, Hospital DIK.

Chairman Khalid Aziz Baloch

Dr. Khan Shah
District Radiologist
DHQT, Hospital DIK.

Member [Signature]
Senior Medical Officer
D.H.Q Teaching Hospital,
D.I.Khan

Dr. Malik Akhtar Javed
SMO, DHQT, Hospital DIK.

Member [Signature]
Casualty Medical Officer
D.H.Q Teaching Hospital
D.I.Khan

Dated: 03/07/2013

[Signature]
Medical Superintendent
MS. DHQ, Teaching Hospital
DIKhan.

A.T.S



26

An ekat '0'

Phone: 0966-9280201
Fax: 0966-9280446

Office of the Medical Superintendent
DHQ Teaching Hospital DIKhan

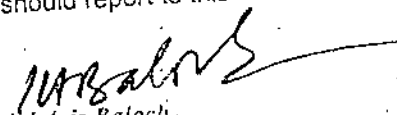
Office Order

Consequent upon approval accorded by the Departmental Selection Committee to Mr. Muhammad Shahid S/O Sona Khan, R/O Basti Syed Nagar, Daraban Road, Terail and District Dera Ismail Khan is hereby appointed as House Keeper, BPS-09 against the vacant post.

His/Her appointment in the Health Department Govt. of Khyber Pakhtunkhwa will be subject to the following terms and conditions.

1. He/ She will be on probation initially for a period of two (02) year extendible for a further period not exceeding one year.
2. His/ Her services can be dispensed with during the probation period, if his/her work and conduct is found unsatisfactory.
3. His/ Her appointment will be subject to medical fitness and verification of character and antecedents.
4. He/ She will not be entitled to any TA/DA for medical examination and joining the first appointment.
5. He/ She will governed by such rules and orders as may be issued by the Government for the category of Government Servant to which he belongs.
6. If he/ she wishes to resign from service he will have to submit resignation in writing one month in advance OR deposit one month pay in the Govt Treasury. However, he will continue to serve the Govt till his resignation is accepted by the competent authority.

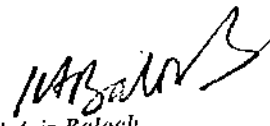
If the above terms and condition are acceptable to him, he should report to this office within fourteen (14) days of the receipt of this order.


Dr. Khalid Aziz Baloch
Medical Superintendent
DHQ Teaching Hospital DIKhan

No. 4348-51 WF dt= 4-7-03

CC:

1. The District Accounts Officer DIKhan.
2. Establishment Section MS Office.
3. Accounts Section MS Office.
4. Mr. Muhammad Shahid S/O Sona Khan.


Dr. Khalid Aziz Baloch
Medical Superintendent
DHQ Teaching Hospital DIKhan

A - T - S

127/10/05 (27)

The Medical Superintendent,
D.H.Q Dera Ismail Khan.

Attested
Sajid Baloch
Advocate

Subject: ARRIVAL REPORT.

Memo:-

It is submitted that I Mr. Muhammad Shahid s/o Sona Khan R/O Basti Soyed Nagar D.I.Khan appointed as House Keeper BPS- 09 vide your kind office order No. 4348-51 IPF dated 04/07/2013 . Therefore I join my duty today . before Noon.i.e 05/07/2013.

Submitted Please.

Muhammad Shahid s/o Sona Khan,
House Keeper D:H.Q Dera Ismail Khan.

Dated: 05/07/2013

Arrival
accepted

Medical Superintendent
D.H.Q Teaching Hospital
Dera Ismail Khan

A - T - C

MEDICAL CERTIFICATE

28

Name of Official... Mr. Muhammad Shalikh

Caste or race... Baloch

Father's Name... Sona Khan

Resident of Basti Syed Nagar P/O Dimples
Dikhan

Date of Birth... 10/02/1991 (17.101-2343570-9)

Exact height by measurement... (5'6")

Personal mark of identification... Scar on the side of forehead

Signature of Official... [Signature]

Signature of Head of Office

Seal of Office

MEDICAL SUPERINTENDENT
D.H.Q. Teaching Hospital
D.I. Khan.

I do hereby certify that I have examined Mr. Muhammad Shalikh
a candidate for employment in the office of the Health
and cannot discover that he had any disease communicable or other
constitutional affection or bodily infirmity except none

I do not consider this as disqualification for employment in the office of the
Health his age according to his own statement
22 3/4 years and by appearance about 22 9/16 years.

LEFT HAND THUMB AND FINGER IMPRESSIONS Attested
Jawid Baloch
Advocate

[Signature]
Medical Superintendent
DHQT Hospital DIKhan
MEDICAL SUPERINTENDENT
D.H.Q. Teaching Hospital
D.I. Khan.

A-T-C
[Signature]

Note:- The entries in this page should be renewed or re-attested at least every five years
The Signature in lines 9 and 10 should be dated.

29

Sarvia Boor

1. Name Mr. Muhammad Shahid
2. Race Baluch
3. Residence 2 Gate 2nd Nagar Dera Ismael Khan Road DIST. D.I. Khan
4. Father's name and residence Mr. Saad Khan
5. Date of birth by Christian era or as nearly as can be ascertained. 10-03-1991
6. Exact height by measurement 5' 6"
7. Personal marks for identification
8. Left hand thumb and finger impression of (non-gazetted Officer)

Little Finger

Ring Finger

Middle Finger

Fore Finger

A-T-S
Thumb

Signature of Government Servant [Signature]

10. Signature and Designation of the Head of the Office, or other Attesting Officer.

[Signature]
MEDICAL SUPERINTENDENT
D.H.O. Teaching Hospital
D.I. Khan.

| 10 | 11 | 12 | 13 | | 14 | 15 | |
|---|------------------------------------|---|--|--|-------|--|--|
| Signature and designation of the Head of the office or other Attesting Officer in attestation of columns 1 to 8 | Date of termination or appointment | Reason of termination such as promotion transfer dismissal etc) | Signature of the Head of the office or other Attesting Officer | LEAVE Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitible to another Government چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین Period Govt to which debitible گورنمنٹ جے تم ادا ہوگی | | Signature of the head of the office or other Attesting officer | Refer to any rule punishment centre reward praise Government service اجرایا تساب سرورگی کارڈ |
| دستخط افسر مجاز | تاریخ انتظام ملازمت | دعوت انتظام ملازمت ترقی سہا بہترین | دستخط افسر مجاز | رخصت کی قوت دیوا | مہینہ | دستخط افسر مجاز | کارڈ |
| <p>Appointed as a House Keeper BPS-09 (Pay with usual allowance Medical Superintendent D.H.O. Teaching Hospital Dikhan side of Order No-4348-51/PF dt: 04/7/12</p> <p><i>(Signature)</i></p> | | | | | | | |
| <p>MEDICAL SUPERINTENDENT D.H.O. Teaching Hospital Dikhan</p> | | | | | | | |

A-T-C

No. 4502

**OFFICE OF THE MEDICAL SUPERINTENDANT
D.H.Q TEACHING HOSPITAL
D.I.KHAN**

To,

/ The District Accounts Officer
Dera Ismail Khan.

SUBJECT: ARRIVAL REPORT.

Enclosed please find arrival reports of the new appointees listed below at D.H.Q Teaching Hospital Dera Ismail Khan along with other relevant documents for further necessary action.

| S.NO | NAME | GRADE | POST |
|------|-----------------|-------|--------------|
| 1. | Muhammad Shahid | 09 | House Keeper |
| 2. | Ammar Ali | 07 | Junior Clerk |
| 3. | Abdur Rashid | 02 | Ward Orderly |
| 4. | Mohammad Ramzan | 02 | Ward Orderly |
| 5. | Dilbar Jan | 02 | Ward Orderly |
| 6. | Haroon Maseeh | 01 | Sweeper |

Dated: 12/07/2013

WA Bator
Medical Superintendent
D.H.Q Teaching Hospital
Dera Ismail Khan.
Medical Superintendent
D.H.Q Teaching Hospital
Dera Ismail Khan

No. _____

COPY FORWARDED TO:-

1. Account Clerk D.H.Q Teaching Hospital D.I.Khan.
2. Establishment Clerk D.H.Q Teaching Hospital D.I.Khan.

A - T - C

A new page

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درجہ اولیٰ درجہ سیکرٹری

ڈسٹرکٹ ہیڈ کوارٹر پیچنگ ہسپتال ذریعہ اسپتال خان میں مندرجہ ذیل آسامیوں پر تعیناتی کیلئے پیش کردہ اسپتال خان اور
پختونخوا کے تعلق رکھنے والے فردوں کو ایسے داروں سے درخواستیں مطلوب ہیں جو کہ ہر گز بیکری کے ساتھ اور یہ معیار پر
پورے اترتے ہیں۔

| سلسلہ نمبر | آسامی نام | نمبری حد | بنیادی تہ | تہذیب |
|------------|---|-----------|-----------|--|
| 1 | جوئیر فیکٹری (اسٹریٹ) | 18-30 سال | 09 | ہجرت سائنس اور مطالعات نیشنل انسٹیٹیوٹ میں بی اے ڈی ایچ |
| 2 | جوئیر فیکٹری (ای این بی) | ایسا | 09 | ایسا |
| 3 | جوئیر فیکٹری (کاروباری) | ایسا | 09 | ایسا |
| 4 | جوئیر فیکٹری (کاروباری) | ایسا | 09 | ایسا |
| 5 | جوئیر فیکٹری (کاروباری) | ایسا | 09 | ایسا |
| 6 | جوئیر فیکٹری (ای این بی) | ایسا | 09 | ایسا |
| 7 | جوئیر فیکٹری (کاروباری) | ایسا | 09 | ایسا |
| 8 | جوئیر فیکٹری (ای این بی) Ophthalmology (Otorhinology) | ایسا | 09 | ایسا |
| 9 | ڈاکٹر کی تہذیب | ایسا | 09 | ایس ایس سی اور ایم ایس |
| 10 | آڈیو ویژول ٹیکنیشن | ایسا | 08 | By promotion on the basis of Seniority cum fitness basis from amongst the holder of the posts of photo-grapher |
| 11 | جوئیر کریکٹ | ایسا | 07 | FSC/IFA کیلئے 30 سالہ یا اس سے کم عمر اور ایس ایس سی کے ہولڈر اور ایس ایس سی کے ہولڈر |
| 12 | دارالذاتی | ایسا | 02 | خاندانہ |
| 13 | سہیل | ایسا | 01 | |

شرائط (1) درخواستیں درج ذیل اعداد (ذریعہ) ایشیائی کارڈ، ایس ایس سی انٹار پاس پورٹ ساؤتھ ویسٹ اور ڈاکٹر ڈی ایچ
مورچہ 2013-09-29 بروز منوار کو 11 بجے تک جانی چاہیے (2) نسبت انٹرویو کیلئے جہاں کے ہوا اطلاع دینا ضروری ہے
کے لیے ہونی چاہیے (3) ایس ایس سی کے ساتھ ہونے والے اصل دستاویزات ساتھ لے آئے (4) پختونخوا میں
جن کے ساتھ مطلوب دستاویزات منسلک ہوں سہل کر دینی چاہئیں (5) نسبت اور انٹرویو کیلئے آئے اس کی ایس ایس سی اور ڈاکٹر ڈی ایچ
اس کی ایس ایس سی (6) برکابین بلاتین اپنے تعلق سے اس وقت سے درخواستیں ارسال کریں (7) نسبت کے لیے کسی اور درخواست دینے کے لیے نہیں
کے لیے مندرجہ ذیل اور ہسپتال یا اس کے ساتھ ساتھ تعلق کے لیے کسی اور درخواست دینے کے لیے نہیں۔

ڈاکٹر ایم خان مروت، ایس ایس سی کے لیے درخواستیں

Available on www.khyberpakhtunkhwa.gov1 INF(P)2261

ایس ایس سی کے لیے درخواستیں

F

2

ایس ایس سی کے لیے درخواستیں (2) - 2

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(33)

Ph# 0966-9280201/ Fax # 0966-9280446/DIK

Office of the Medical Superintendent

DHQ Teaching Hospital DIKhan

No 3969 /

Dated 20 / 8 /2013

SHOW CAUSE NOTICE

Name Mr. Muhammad Shahid S/O Mr. Sona Khan R/O, Basti Syed Nagar, Daraban Road, Tehsil and District Dera Ismail Khan.

Whereas, the outgoing Medical Superintendent DHQ Teaching Hospital DIKhan just before his departure, he issued an order bearing No. 4348-51/PF dated 04.07.2013 appointing you as House Keeper BPS-09 with out adopting the procedure for recruitment in accordance with the provision of the Khyber Pakhtunkhwa Civil Servants appointment, promotion and transfer rules and had acted an exercised authority not vesting in him thus the order issued are void abinitio and thus not sustainable, you are directed to Show Cause why the order as referred to above should not be resigned.

Your reply should reach with in a period of 07 days from the issuance of the order, failing which, it should be presumed that you have no answer to reply.


Medical Superintendent/Competent Authority
DHQ Teaching Hospital DIKhan

A T C
2

~~Dear Mother~~

How you ~~are~~ ~~feeling~~ ~~at~~ ~~the~~ ~~moment~~

~~The~~ ~~hour~~ ~~is~~ ~~of~~ ~~the~~ ~~day~~ ~~do~~ ~~not~~ ~~worry~~ ~~about~~ ~~it~~

~~What~~ ~~is~~ ~~the~~ ~~matter~~



Annexure 6

34

761
26/8/13

Muhammad Shahid
S/O Sona Khan
R/O Draban Road Tehsil & District D.I.Khan

Medical Superintendent
DHQ Teaching Hospital, D.I.Khan

Subject REPLY OF SHOW CAUSE NOTICE NO. 3969 DATED 20.08.2013

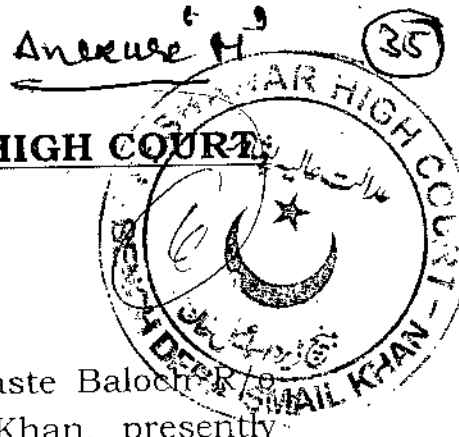
Sir,

09 The reply of show cause notice is that I was appointed as ^{House keeper} ~~word orderly~~ CPS. 62 against the vacant post in your hospital vide office order dated 14.07.2013. The said order is self-explanatory, however the allegation mentioned in said show cause notice are wrong, illegal and are unaffected on my rights. I was appointed on said vacant post according to Provision of K.P.K civil servants rules and since then I am performing my duties. However I am also filing writ petition against you and other. Especially you have obstructed for functioning my duties in hospital orally and then you have published advertisement in daily express 18.08.2013 and thirdly you had given illegal show cause notice. It is therefore, requested that said show cause notice may please be withdrawn.

Shahid
Muhammad Shahid
House Keeper
DHQ Teaching Hospital D.I.Khan

House
Keeper
26/8/13

A - T - C
g



BEFORE THE HONOURABLE PESHAWAR HIGH COURT
BENCH DERA ISMAIL KHAN.

Writ Petition No. 383 /2013

1. Mohammad Ramzan S/o Pervez Khan Caste Baloch R/o Fateh Tehsil and District Dera Ismail Khan, presently posted Ward Orderly BPS-02, District Head Quarter Teaching Hospital Dera Ismail Khan.
2. Abdur Rashid S/o Imam Baskhsh Caste Mandera R/o Village Rashid Tehsil Paroa District Dera Ismail Khan, presently posted as Ward Orderly D.H.Q Teaching Hospital Dera Ismail Khan.
3. Ammar Ali S/o Mohammad Saeed Caste Chughtai R/o Basti Ustrana South Tehsil and District Dera Ismail Khan now posted as Junior Clerk BPS-07 D.H.Q Teaching Hospital Dera Ismail Khan.
4. Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Syed Naggar Darban Road Lakki District Dera Ismail Khan, presently working as House Keeper in BPS-09, D.H.Q Teaching Hospital Dera Ismail Khan.

.....(Petitioners)

VERSUS

- 1). The Govt: of Khyber Pakhtunkhwa, through Secretary Health Department Peshawar.
- 2). The Director General Health Service, Khyber Pakhtunkhwa 2 Khyler Road Peshawar.
- 3). The Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan.
- 4). District Accounts Officer, Dera Ismail Khan.
- 5). Deputy Commissioner District Dera Ismail Khan.

.....(Respondents)

WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN 1973.

Note:-

That addresses of parties given above are correct for the purpose of service.

ATTESTEL
 EXAMINOR
 Peshawar High Court
 Dera Ismail Khan Bench

36

Respectfully Sheweth:-

- 1- That Dr. Misal Khan had previously worked on different posts in District D.I.Khan prior to his appointment as Medical Superintendent in D.H.Q Hospital Dera Ismail Khan.
- 2- That when he was assigned the Job of M.S, he also issued the appointment orders of different people in different categories in quite utter disregard of the Government Policy and service rule in vogue.
- 3- That said Dr. Misal Khan was found involve in monetary corruption and firstly he was suspended, thereafter he was removed from service on proof of capital charge of extreme fiscal corruption and malpractices. Photo copies of suspension orders are attached herewith as Annexure "A".
- 4- That firstly said Dr. Misal Khan was transferred to Chaudhwan and in his place Dr. Khalid Aziz was posted as M.S District Head Quarter Teaching Hospital D.I.Khan. Photo copy of said transfer order is attached here with as Annexure "B".
- 5- That a letter was issued on 10/11/2011 by the respondent No. 2 to all the Medical Superintendents in the province of Khyber Pakhtunkhwa with the Direction to dig out illegal adjustment of ministerial staff and to post them against their original posts. The Copy of the above said letter is enclosed as Annexure "C".
- 6- That in compliance of the above order of Respondent No.2 the investigation was carried out, Matter was scrutinized in detail and illegal adjustments were cancelled. The Copy of cancellation orders along with the list containing

33/2/13
28/8/13
AT

ATTESTED

EXAMINER

District High Court
D.I.Khan

87

the names of officials adjusted illegally is enclosed as Annexure "D".

7- That feeling aggrieved from the above cancellation order, the illegal adjusted employees filed Writ Petition No. 917/11 and newly appointed person filed Writ Petition no. 918/11 challenging the cancellation orders. Both the Writ Petitions were dismissed on 25/04/2013 in limine. Copies o Writ Petition No. 917 along with the judgment and judgment of Writ Petition No. 918 are attached herewith as Annexure "E, F & G"

8- That after the dismissal of Writ Petition along with the stay order, the order of cancellation of illegal adjustment dated 09/12/2011 stood remain intact, vide letter dated 02/05/2013 and on the same date letter was issued for advertisement for the posts of vacancies which were proposed to be filled. Photo copies of letter dated 02/05/2013 and that of proposed advertisement are attached as Annexure "H & I".

9- That on 09/05/2013 again a letter was addressed to Director Information Khyber Pakhtunkhwa for the purpose of advertisement of the posts through publication in news papers was moved. The proposed post was advertised through local news paper. The copies of said letter along with publication containing advertisement is enclosed as Annexure "J".

10- That aggrieved persons of Writ Petition No. 917 & 918 intend to impugn the order of High Court before Supreme Court of Pakistan, managed to send a notice through Advocate on record besides they attempt to restrain the M.S from discharge of

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28/8/13
9-
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TESTE
EXAMINOR
Khyber Pakhtunkhwa High Court
Ch Khan Benazir
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38

his legal duties and for this unholy design they took the refuge of Chief editor of Newspaper Mizan Adal and publicate a news item that respondent No. 3 i.e M.S should not remove them from their respective posts. The copies of Notice from Advocate on record and that of Advertisement is enclosed as Annexure "K".

11-

That on such indiscipline attitude of aggrieved persons were they served with a notice to show cause and to explain their position as it compelled to believe the respondent No. 3, that the aggrieved persons tried to deter and harass him from his lawful duties. Photo copy of explanation is attached here with as Annexure "L"

12-

That aggrieved persons also instituted a declaratory suit along with injunction application on 15/05/2013 in the Court of Senior Civil Judge Dera Ismail Khan, the same was marked to Civil Judge-IV, Dera Ismail Khan who has granted ad-interim injunction suspending the departmental process of recruitment on 17/05/2013, despite having no jurisdiction over a matter exclusively triable by service tribunal. However the said suit was dismissed as with drawn on 27/05/2013, that after dismissal of said suit a date was fixed for test and interview by the respondent No. 3 as pre-appointment formalities were complied with. Prior to this the list of candidates were also prepared, which is also available in the record of respondent No. 3. Photo copies of Civil suit along with the order sheets and that of advertisement is attached herewith as Annexure "M".

334
28/8/13

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ATTESTED

EXAMINER

Peshawar High Court
Dera Ismail Khan

26/5/14

39

13.

That after observing all the codal formalities and pre requisites. The approval was accorded by the selection committee, thereafter the appointment orders of the petitioner were duly issued, a letter for obtaining N.O.C was addressed to D.C Dera Ismail Khan by the respondent No.3. Petitioners has joined service, submitted their arrival reports, along with Medical Fitness Certificates and were allowed to assume charge, service books were pre prepared and they started their official functions. All this record is available before concerned staff of respondent No. 3. However Photostate copies of appointments order are attached herewith as Annexure "N".

14.

That the petitioners are literate and qualified persons and their Academic qualification much higher to that of required qualification. The Copies of Academic are enclosed as Annexure "O,P,Q and R".

15.

That the petitioner were abruptly stopped verbally to discharge their usual function on 15/08/2013 without any rhymes and reasons. But Petitioners gained knowledge through advertisement dated 18/08/2013 of "Daily Express" where in the posts of House Keeper, Junior Clerk and Ward Ordely were notified along with some other posts although the posts against which the Petitioners are working are not vacant. Here it is pertinent to point out that in advertisement there is mention of House Keeper female, but there is no sanctioned post of such category. Moreover no show cause was issued nor any explanation was called for or any statement of allegation was given prior to advertisement of posts against which the Petitioner are performing their

ATTESTED

EXAMINOR

Rawalpindi High Court
G.I Khan Bench

3225
18/08/13
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duties. The Copy of advertisement of Daily Express dated 15/08/2013 is enclosed as **Annexure "S"**.

16-

That the present respondent No. 3 is not a regular M.S having no power of appointing and to dismiss from service but after the retirement of former M.S, the present incumbent is deployed to look after the daily business and to draw some limited amount to meet the expenditure or to purchase of medicines etc and to disburse the same as drawing and disbursing officer. In short he has no power to exercise the power of appointment etc. The Copy of his deployment is attached here with as **Annexure "T"**.

17-

That on 20/08/2013 the respondent No.3 issued / Show cause Notice to petitioners after the advertisement of Daily Express dated 15/08/2013. The Copies of said Notification is **Annexure "U"**.

18-

That being aggrieved from the verbal orders of respondent No. 3 firstly, then secondly issuing of show cause notice dated 20/08/2013, the present petitioners having being no other alternate or efficacious remedy but to invoke constitutional jurisdiction of this Honourable Court on inter alia the following ground:-

GROUNDS:-

a)

That the appointment order of the petitioners are quite valid, legal, genuine and petitioners legitimately working against the posts, since the date of their assuming charge.

b)

That the verbal order of stopping the petitioners from their lawful duties and than publication in news paper daily express dated 18/08/2013 of

TESTEL

EXAMINOR

M. Ashwari Khan
C. Khan Bench

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41

vacancies and after that issuing of notice of show cause dated 20/08/2013 is patently illegal abinitio, without lawful authority, without jurisdiction, Coram non judice and having no legal effect upon the right of petitioners.

c) That the advertisement of the post retained by the petitioners prior to issuing any show case notice, explanation or showing any in-competence, similarly non issuance of statement of allegation is arbitrary and aggressions upon the fundamental rights of poor and pathetic petitioners.

d) That all the Acts and deals including the verbal order of restraining the petitioner and then show cause notice is the violation and flagrant disregard of the maxim " Audi Aultrum Pultrum" the principle of natural justice equity and morality.

e) That there is a vivid deviation on the part of respondent No.3 to deprive the petitioners from their legitimate functions duties and rights guaranteed by the law of the land and constitution of Islamic Republic of Pakistan 1973.

f) That the respondent No.3 has no authority to dislodge the petitioners by stopping verbally and secondly by giving show case notice, as he is not invested with the powers of competent authority to deal with suchlike administrative powers of stopping functions.

g) That the petitioners are quite eligible, deserving and possessed of higher qualification as compared to prescribed criteria published in news paper.

h) That for the sake of argument if it is presumed that the respondent No. 3 has given administration powers to appoint or to dismiss any of the public

WITNESSED

EXAMINOR

Shawar High Court
Khan Bench

3325

28/8/13

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98

servant, than the act of respondent NO.3 by firstly dislodging petitioner by stopping verbally from functioning their duties and then advertisement in news paper and after that issuing show cause notice is totally illegal one and this acts proves some ulterior motive and aggressing upon the fundamental rights of petitioners.

In wake of submissions made above the verbal orders and show cause notices given by the respondent No. 3 restraining the petitioners from their lawful duties and all the acts and deeds including the process of appointing other candidates against the post of petitioners, may very graciously be declared null and void, illegal, without lawful authority, without lawful justification, ultra vires, having no legal consequence upon the right of petitioners and petitioners may very kindly be allowed to continue their official functions without any interruption or any other relief which this Honourable Court in the given circumstances deem proper in the interest of Justice may also be granted.

Dated: 27/08/2013

Your Humble Petitioners

- 1) Mohammad Ramzan *Ramzan*
- 2) Abdur Rashid *Abdur Rashid*
- 3) Ammar Ali *Ammar Ali*
- 4) Mohammad Shahid *Shahid*

Through Counsel

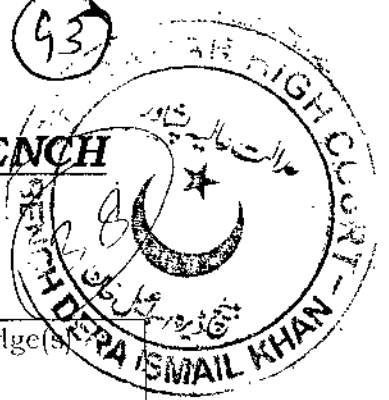
Shoukat Hayat Khakwani
SHOUKAT HAYAT KHAKWANI
Advocate High Court,
Dera Ismail Khan.

ATTESTED

[Signature]
EXAMINER OF
Peshawar High Court
Dera Ismail Khan Bench

93

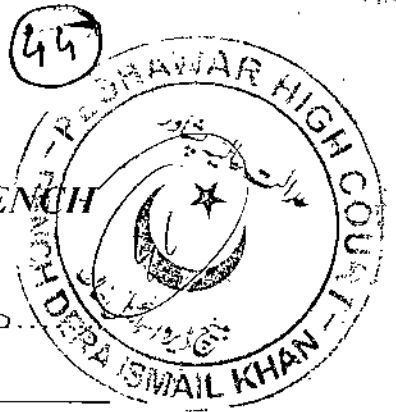
PESHAWAR HIGH COURT D.I.KHAN BENCH



FORM OF ORDER SHEET

| | |
|------------------------------------|--|
| Date of order or other proceedings | Order or other proceedings with signature of Judge(s) |
| 2.9.2013. | <p>CM No. 419/2013.</p> <p>Present: M/S Shaukat Hayat Khakwani assisted by Muhammad Khurshid Qureshi advocates for the petitioners and AAG for respondents alongwith Dr.Mehmood Jan on behalf of respondent No.3.</p> <p>-----</p> <p>The latter wants time to file reply to this petition. Adjourned to 10.9.2013. Meanwhile salaries of the petitioners should not be stopped.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: center;"><i>[Signature]</i> ATTESTE EXAMINOR Peshawar High Court D.I. Khan Bench</p> <p style="text-align: left;"><i>[Handwritten]</i> 2/9</p> |

JUDGMENT SHEET
PESHAWAR HIGH COURT D.I.KHAN BENCH
JUDICIAL DEPARTMENT



WP No. 393-D of 2013

Date of hearing 19-9-2013

Appellant / petitioner (Muhammad Raizan & Others) by

M/S Shaukat Hayat Khan Khakwani & Tanzeem Aziz Baloch
Advocates

Respondent (Govt of I.K.K. & Others) by

Mw. Samanullah Khan Shamir A.P.

LAL JAN KHATTAK J.- Our this judgment in writ petition No. 393 of 2013 shall also decide writ petition No. 397 of 2013, COC petitions Nos. 428, 429 and 433 of 2013 as all the matters in the petitions are common.

2. Petitioners in both the writ petitions were appointed as Ward Orderly, Junior Clerk, House Keeper, JCT Pharmacy, JCT Pathology and JCT, EEG, respectively at District Head Quarters Teaching Hospital D.I.Khan through their separate appointment orders issued on various dates.

3. On 20.8.2013 Medical Superintendent of the hospital, i.e. the respondent No.3, issued a show cause notice to all the petitioners as to why their appointment orders should not be withdrawn. These show cause notices have been impugned by the petitioners through the instant writ petitions.

4. Learned counsel for the petitioners contended that the petitioners were duly appointed by a

ATTESTED

EXAMINOR

Peshawar High Court
D.I. Khan
26/9/13

competent authority after a due process of law and the show cause notices issued to them by the respondent No.3 have no legal backing and are based on mala fide intention in order to terminate services of the petitioners to create posts for appointments of the beloved ones. He argued that to this effect the respondent No.3 has issued advertisement in the newspapers. The learned counsel concluded his arguments by submitting that issuance of the show cause notices be declared as null and void.

5. As against the above, learned Additional Advocate General submitted at the bar that appointments of all the petitioners were not in accordance with law and policy on the subject of the Government. However, he submitted that no action contrary to law and procedure will be taken against the petitioners.

6. We have heard learned counsels for the parties and perused the available record of the case.

7. To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be in Pakistan. No action of any nature is allowed to be taken against anyone by anyone except in accordance with law. This is the grundnorm of our Constitution. If the appointments of the petitioners are not in accordance with rules and policy of the Government then the Government or the authority

ATTESTE

EXAMINOR

Peshawar High Court
C. I. Khan Bench

46

concerned can proceed with the matter but in accordance with law and not in derogation of law.

8. On the touchstone of the above if the respondents intend to take any action against the petitioners then the proposed action must be in accordance with law and rules on the subject and not otherwise as obedience to the Constitution and law is the invioable obligation of every citizen wherever he may be.

9. In view of the above we are not in agreement with the learned counsel for the petitioners to declare the show cause notices issued to the petitioners by the respondent No.3 as illegal and unlawful. However, the respondents must perform their duties strictly in accordance with law and rules on the subject and should not act to the detriments of the petitioners while proceeding against them except in due course of law. With the above observations, the petitions are disposed of.

ANNOUNCED
19.9.2013.

JUDGE

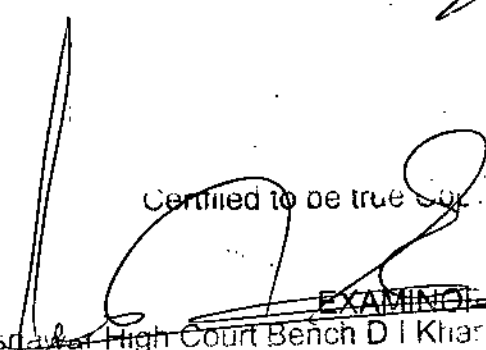
JUDGE

ATTESTED
EXAMINOR
Peshawar High Court
Khan Bench

Handwritten notes: 26/9

1501
S.R.No
Application Received on 26-5-14
Copying Fee deposited Rs
No of Papers 12/14
Copying fee
Urgent fee
Total Fee
Copy ready for delivery 26-5-14
Copy delivered on 26-5-14
Signature of Examiner
9 26/5/14

Certified to be true by


EXAMINER
Peshawar High Court Bench D I Khair
Authorised Under section 97 of
Qanoon-a-Shahadat-Act
26/5/14

Annexure 'I' (47)

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
BENCH DERA ISMAIL KHAN.**

C.O.C. No. _____/2013
In Writ Petition No. 393/2013

Mohammad Ramzan etc.....(Petitioners)

VERSUS

Dr. Mohammad Hashim Khan etc.....(Respondents)

INDEX

| S.NO | PARTICULARS | ANNEXURE | PAGE NO. |
|-------------|--|-----------------|-----------------|
| 1 | Ground of C.O.C along with affidavit | -- | 1-3 |
| 2 | Copy of Writ Petition No. 393/13. | "A" | 4-13 |
| 3 | Copy order this Honourable Court dated 02/09/2013. | "B" | 14 |
| 4 | Copy of detail order of this Honourable Court dated 10/09/2013 | "C" | 15-17 |
| 5 | Wakalatnama | | 18 |

Dated: 11/11/2013

Your Humble Petitioners

Mohammad Ramzan etc
Through Counsel

SHAUKAT HAYAT KHAN KHAKWANI
Advocate High Court,
Dera Ismail Khan.

A - T - C

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
BENCH DERA ISMAIL KHAN.**

C.O.C. No. _____/2013
In Writ Petition No. 393/2013

1. Mohammad Ramzan S/o Pervez Khan Caste Baloch R/o Fateh Tehsil and District Dera Ismail Khan, presently posted Ward Orderly BPS-02, District Head Quarter Teaching Hospital Dera Ismail Khan.
2. Abdur Rashid S/o Imam Baskhsh Caste Mandera R/o Village Rashid Tehsil Paroa District Dera Ismail Khan, presently posted as Ward Orderly D.H.Q Teaching Hospital Dera Ismail Khan.
3. Ammar Ali S/o Mohammad Saeed Caste Chughtai R/o Basti Ustrana South Tehsil and District Dera Ismail Khan now posted as Junior Clerk BPS-07 D.H.Q Teaching Hospital Dera Ismail Khan.
4. Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Syed Naggar Darban Road District Dera Ismail Khan, presently working as House Keeper in BPS-09, D.H.Q Teaching Hospital Dera Ismail Khan.

.....(Petitioners)

VERSUS

- 1). Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan.
- 2). Aman Ullah, District Accounts Officer, Dera Ismail Khan.

.....(Respondents)

PETITION TO INITIATE THE PROCEEDINGS FOR CONTEMPT OF COURT UNDER ARTICLE 204 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 RED WITH SECTION 3 & 5 OF CONTEMPT OF COURT ACT AGAINST RESPONDENT NO. 3 DR. MOHAMMAD HASHIM KHAN MARWAT WORKING AS CARE TAKER MEDICAL SUPERINTENDANT D.H.Q TEACHING HOSPITAL DERA ISMAIL KHAN & RESPONDENT NO.4 AMAN ULLAH DISTRICT ACCOUNT OFFICER, DISTRICT DERA ISMAIL KHAN, IN MENTIONED ABOVE WRIT PETITION NO. 393/2013.

Respectfully Sheweth:-

- 1- That the present petitioners had previously filed a Writ Petition No. 393/13 on 28/08/2013 alongwith C.M No. 419/13 against the respondents including the Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan and District Accounts Officer, Dera Ismail Khan.

2- That on 02/09/2013 an order was passed by this Honourable Court that the salaries of the petitioners should not be stopped and next date was fixed for 10/09/2013.

3- That the salaries of petitioners were not released by the Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan and Aman Ullah, District Accounts Officer, Dera Ismail Khan. On 12/09/2013 a letter was issued by the Caretaker Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan to District Accounts Officer, Dera Ismail Khan to feed their pay and to release the salaries of the petitioners through source form.

4- That the respondent No. 2 (Aman Ullah) District Accounts Officer, Dera Ismail Khan) has not taken trouble up-till now and no efforts were made by him to release the pay of the petitioners and similarly the respondent No. 1 Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan is also not interested to release the salaries of petitioners and the source form were taken back already sent to District Account Officer by Medical Superintendent.

5- That a shines order was passed by this Honourable Court and both the respondents namely Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan and Aman Ullah, District Accounts Officer, Dera Ismail Khan were quite aware of the order of this Honourable Court as they were regularly attending this Court on each date of hearing of the above Writ Petition.

6- That the respondent No. 1 & 2 namely Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan and Aman Ullah, District Accounts Officer, Dera Ismail Khan were having no room to deviate or to disregard but were bound to carry the order of this Court dated 02/09/2013 and of final order dated 19/09/2013.

7-

That the Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan and Aman Ullah, District Accounts Officer, Dera Ismail Khan are not inclined to release the monthly salaries of the petitioners .

and refused to comply in a very obstinate and malign manner and were bent upon to diffuse the order of this Honourable Court.

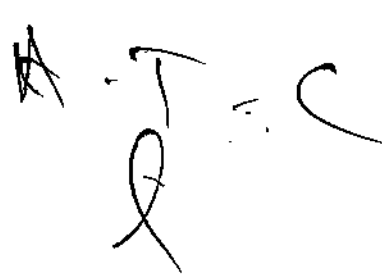
- 8- That the petitioners are working since the date of their regular appointments but are deprived of their salaries without any just cause.
- 9- That act of the respondents No. 3 & 4 (now 1 & 2) Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan and Aman Ullah, District Accounts Officer, Dera Ismail Khan refusing to implement the order of this Court is arbitrary and violative of the fundamental rights of poor and pathetic petitioners which amounts to a clear contempt of this Honourable Court order and is liable to major penalty and the acceptance of simple apology will not serve the purpose.

It is, therefore, humbly prayed that the Contempt of Court proceedings may very kindly be initiated against the respondents Dr. Mohammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan and Aman Ullah, District Accounts Officer, Dera Ismail Khan for not obeying the order of this Honourable Court and to inflict historical punishment to them so that no one should dare in future to frustrate the orders of this Court.

Dated: 10/11/2013

Your Humble Petitioners

Mohammad Ramzan etc,
Through Counsel



SHAUKAT HAYAT KHAN KHAKWANI
Advocate High Court,
Dera Ismail Khan.

AFFIDAVIT:-

I, Shaukat Hayat Khan Khakwani Advocate Counsel for the Petitioners, do hereby solemnly affirm on oath that contents of the **Application** are true and correct to the best of my clients knowledge and belief and that nothing has been concealed from this Honourable court.

Dated: 10/11/2013

Deponent

57

**Office Of the Medical Superintendent
DHQ Teaching Hospital DIKhan**

No. 6396 / 1 Pr Dated 12 / 9 / 2013

To

The District Account Officer
Dera Ismail Khan.

Subject:

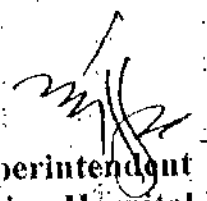
Feeding of Source -1 form in respect of Mr. Muhammad Shahid House Keeper

Inclosed please find herewith Source -1 form in respect of Mr Muhammad Shahid House Keepere of this office for feeding of his pay as ordered by the honourable Peshawar High Court Bench DIKhan vide letter dated 02-09-2013 (Copy enclosed for ready reference).

As ordered by Peshawar High Court Dera Bench

CM NO 419/2013


Medical Superintendent
DHQ Teaching Hospital DIKhan
D.H.Q.T. Hospital
Dera Ismail Khan



A - T - C


27.4.2015

Appellant in person and Farhaj Sikandar, GP with Samiullah, Junior Clerk and Dr. Kiramatullah, SMO for respondents present. Appellant agitated that despite elapse of one year period, the respondents have not yet submitted written reply. The appellant further stated that he is jobless and the respondents may be strongly directed to submit their written reply. The learned GP submitted that the reply has been duly vetted by him and sent to Peshawar for signature of Director General Health Services and Secretary Health Department, which may take some time. Last opportunity is given to the respondents. To come up for written reply on 25.5.2015 at camp court, D.I.Khan.


MEMBER
Camp Court, D.I.Khan


25.05.2015

Appellant in person and Mr. Farhaj Sikandar, GP with Yar Gul, Assistant and Nughman, Senior Clerk for the respondents present and reply not submitted. To come up for written reply positively on 27.7.2015 at camp court, D.I.Khan.


MEMBER
Camp Court, D.I.Khan.

27.07.2015

Clerk of counsel for the appellant present. None is available on behalf of the respondents. Fresh notices be issued to them and case to come up for written reply by way of last chance on 26-10-2015 at camp court, D.I.Khan.


MEMBER
Camp court, D.I.Khan

26.10.2015

Appellant with counsel and Mr. Farhaj Sikandar, GP with Muhammad Jamshed Chief Technologist for the respondents present and stated that written reply prepared and sent to head office for signature of respondents No. 1 & 2. He requested for further time. Opportunity is given to the respondents by way of another last chance. To come up for written reply at camp court, D.I.Khan on 24-11-15.



MEMBER
Camp court, D.I.Khan

24.11.2015

Appellant in person and Mr. Farhaj Sikandar, GP with Jamshed, Chief Technologist for the respondents present and requested for further time. Another last opportunity was given to the respondents but they have not filed their written reply. The learned GP is directed to contact the respondents to file written reply on the next otherwise, the matter will be brought into notice of the Secretary, Health Department. Case to come up for written reply at camp court, D.I.Khan on

29-12-2015.



MEMBER
Camp Court, D.I.Khan

29.12.2015

Since tour to D.I.Khan for the month of December, 2015 has been cancelled, therefore, case is adjourned to

23.2.16 for the same.



Reader

23.2.2016


Counsel for the appellant and Mr. Farhaj Sikandar, GP with Muhammad Shahid, Chief Clinical Technician for the respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on 24.5.16 at Camp Court D.I.Khan.


MEMBER

Camp Court, D.I.Khan

24.05.2016

Appellant in person and Mr. Muhammad Jamshaid, CTP alongwith Mr. Farkhaj Sikandar, GP for respondents present. Appellant requested for time to file rejoinder. To come up for rejoinder on 25.10.2016 at camp court D.I. Khan.


Member

Camp Court D.I.Khan


25.10.2016

Appellant in person and Mr. Farhaj Sikandar, Government Pleader for the respondents present. Rejoinder not submitted. Appellant requested for further time for filing of rejoinder. Request accepted. To come up for rejoinder on 21.02.2017 before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan

22.02.2017

Appellant in person and Mr. Farhaj Sikandar, Government Pleader for respondents present. Rejoinder not submitted. Appellant seeks adjournment as his counsel is not in attendance due to strike of the Bar. Adjournment granted. To come up for rejoinder ~~on~~ on 26.04.2017 before S.B at Camp Court D.I.Khan.


(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan


26.04.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.


Rejoinder

23.08.2017


Appellant in person present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Appellant submitted rejoinder and copy of the same also handed over to learned District Attorney for arguments. Adjourned. To come up for arguments on 29.11.2017 before D.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

29.11.2017

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Jamshid, Chief Clinical Technologist for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 28.12.2017 before D.B at Camp Court D.I.Khan.


(Gul Zeb Khan)
Member

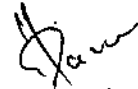

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

28.12.2017

Clerk to the counsel for appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Jamshid Chief Clinical Technologist for the respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.01.2018 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan



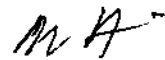
(Muhammad Hamid Mughal)
Member
Camp Court D.I.Khan

24.01.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents also present. Learned counsel for the appellant submitted application for suspension of operation of advertisement dated 06.01.2018 published in Daily Mashriq. Copy of the same is given to the learned District Attorney. Adjourned. To come up for replication and arguments on application as well as arguments on main appeal on 21.02.2018 before D.B at Camp Court D.I.Khan.



(Ahmad Hassan)
Member
Camp Court D.I.Khan



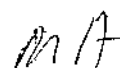
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

21.02.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Samiullah, Junior Clerk for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 12.03.2018 before D.B at Camp Court D.I.Khan.



(Ahmad Hassan)
Member
Camp Court D.I.Khan

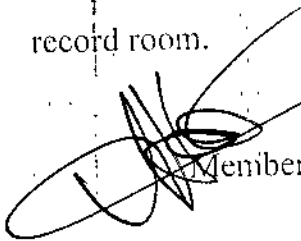


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

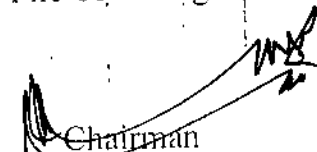
12.03.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Muhammad Jamshaid, CCT for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.



Member





Chairman
Camp Court, D.I.Khan

ANNOUNCED

12.03.2018

fact in their written replies. ^{No} (Enquiry committee was constituted nor any other occasion is highlighted by the department before whom or on which the said members of the committee have had the occasion of denial of their signatures. And of equal importance is the fact that the appellants have not been given any chance to confront the denial of the members of the committee through due process. The factum of ban as argued by the learned DDA has also not been mentioned in the show cause notice or in the order of the departmental appellate authority. Imposing the ban and its legal outcome is left without discussion and would be discussed at the proper time. At present this Tribunal is of the view that the departmental appellate authority should be given chance to take into consideration all these issues and observations and pass a detailed order with reasons within a period of 60 days of the receipt of this judgment. Failing which the present appeals shall be deemed to have been accepted. In the meantime the posts already advertised should not be filled by the department. Parties are left to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Niaz Muhammad Khan)
Chairman
Camp Court, D.I. Khan

ANNOUNCED

12.03.2018

Selection Committee was constituted and in this regard, the members of the D.S.C denied their signatures on the minutes of the meeting. That the appointments were made during the ban imposed by the government. That the show cause notice was issued to the appellant and that he was heard in person.

CONCLUSION

6. The show cause notice is silent about the detail of irregularities/illegality committed by the authority. The show cause notice only mentions of non-adoption of procedure in the recruitment in accordance with the provisions of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules. It has not been mentioned in the show cause notice that the appointing authority was not competent or the appellant lacked qualification or no advertisement was made. It was also not mentioned in the said show cause notice that no D.S.C was constituted or the signatures of the members of the DSC were fake and bogus. The purpose of a show cause notice is always to afford sufficient opportunity to a civil servant to defend himself. But when a show cause notice is given generally without details. Then show cause notice loses its utility and the concerned civil servant shall be presumed to be prejudiced by not defending himself properly. The departmental appellate authority also rejected the appeal without assigning any reasons so as to enable this Tribunal to reach at any conclusion hat how the appointment orders were against the rules. And whether the appellants were in any way instrumental in getting the said appointment letters in their favour. The arguments of the learned DDA regarding fake and bogus signatures of the members of the D.S.C is not supported by any material. When this Tribunal put a query to the learned DDA that how did the department come to know about fake and bogus signatures of the members of DSC, he replied that there is nothing on judicial record of the present appeal. However, the department has mentioned this

filed departmental appeals on 01.01.2014, which were rejected on 15.05.2014.

Thereafter, they filed service appeals on 28.05.2014.

ARGUMENTS

4. Learned counsel for the appellants argued that the appellants were removed from service after show cause notice only. That no proper procedure was followed under the disciplinary rules. That the reason for removal of the appellants shown in the show cause notice was appointments by the appointing authority without adopting the proper procedure for recruitment. That no detail was given that what procedure was not adopted. That the appellants duly replied to the show cause notice and thereafter, the removal orders of the appellants were passed on 17.12.2013. That the appellant then filed departmental appeals which were rejected by the departmental appellate authority without assigning any reasons. The learned counsel for the appellants further argued that by not giving the detail reasons in the original order as well as in the order of appellate authority, the appellants could not defend their case. He further argued that if any illegality was committed by the appointing authority, then it was he to be made culpable and not the appellants as per settled law on the subject. That the mentioning the order of the Worthy Peshawar High Court in the impugned order was misplaced as the Worthy Peshawar High Court had never observed that the appointments were made in violation of the rules.

5. On the other hand the learned Deputy District Attorney argued that appointment of one of the appellant namely Muhammad Shahid was against the rules as the rules did not provide for the post of House Keeper (Male). He further argued that the appointing authority one day before his retirement issued the appointment orders of the appellants in violation of the rules. No Departmental

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT D.I.KHAN

Service Appeal No. 743/2014

Date of Institution... 28.05.2014

Date of decision... 12.03.2018

Muhammad Shahid son of Sona Khan Caste Baloch R/O Basti Said Nagar,
Daraban Road, Tehsil and District D.I.Khan. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Health Department,
Civil Secretariat, Peshawar and 2 others. ... (Respondents)

Mr. Shaukat Hayat Khan Khakwani,
Advocate

For appellant.

Mr. Ziaullah,
Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also dispose of connected service appeals No. 744/2014 Abdur Rashid; No. 745/2014 Muhammad Ramzan, and No. 746/2014 Ammar Ali as in all the appeals common questions of law and facts are involved.

2 Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellants were appointed on different posts on the same date i.e 04.07.2013. They were removed from service on 17.12.2013. against which they



Employee Master File Creation Form

(Applicable for both payroll and GP Fund)

Employee ID (To be assigned by office)

Grid for Employee ID

01 OFFICE OF THE MS DHO/1 Dikhan

02 FOR THE MONTH OF 07/1 2013

03 DDO Code 014200 (old or new Cost Center)

Description 04

PERSONNEL ACTIONS - INFO TYPE 00

05 Date of Entry (DD/MM/YYYY)

06 Current Govt KPK

07 Employee group House keeper

08 Employee grade (Sub group) - d/o -

09 Employee NIC Number 1210123435709

10 DOB (DD/MM/YYYY) 1610311991

11 Date of entry into Govt service (DD,MM/YYYY)

12 Reason for action

PERSONAL DATA - INFO TYPE 0002

13 Title Mr Miss Ms Mrs

14 Last name S ZAHEDI

15 First name MUHAMMAD

16 Father / Husband name S/O WAIKHAN

17 District of domicile Dikhan 18 Marital status

19 City of Birth Dikhan 20 Date of Marriage (if applicable) DD/MM/YYYY

21 Province of Domicile Dikhan (KPK) 22 No. Of dependents

23 Nationality Pakistani 24 Religion S. Law

ORGANIZATIONAL ASSIGNMENT - INFO TYPE 0001

25 DDO Code (old or new Cost Centre) 014200

26 DDO Code (Fund Centre) 014200

27 District (Sub area) Dikhan

28 Contract Government Khyber Pakhtoon Khuwa Govt

29 Position Non Gazetted

30 Designation H/KEEPER

31 Ministry (Organizational Unit)

32 Fund Section

33 Payroll Section

35 C/O

BASIT SYED MAGAR DILKHA

36 House no / Street

BASIT SYED MAGAR DILKHA

37 Postal Code

[] [] [] [] [] [] [] []

38 City

DILKHA

39 District

DILKHA

40 Province

41 Contact no

[] [] [] [] [] [] [] []

42 Company Housing

Yes No

BASIC PAY - INFO TYPE 0008

43 Pay Scale type

09

44 BPS Year (Pay Scale Area)

09

45 Grade (Pay Scale Group)

09

46 Pay Scale Level

09

47 Pays

| Wage Type | Description | Amount |
|-----------|-------------|--------|
| BYP | | |
| | | |
| | | |

| Wage Type | Description | Amount |
|-----------|-------------|--------|
| | | |
| | | |
| | | |

48 LEAVES - INFO TYPE 2001

| Code | Description | Balance |
|------|-------------|---------|
| | | |
| | | |

| Code | Description | Balance |
|------|-------------|---------|
| | | |
| | | |

BANK DETAIL - INFO TYPE 0009

49 Bank Branch (Bank Key)

HBL EWAHRA ROAD DILKHA

50 Postal Code

[] [] [] [] [] [] [] []

51 City

HBL

DILKHA

52 Bank Account no

135979015-42401

53 Payment method

[]

54 Wage Type

55 GPF Subscription

GP FUND - INFO TYPE 9202

56 Interest Applied
 Yes No

57 GPF balance

58 GPF bal date (DD/MM/YYYY) / /

59 Old GP Fund Account Number _____

CREATE DATE SPECIFICATION - INFO TYPE 0041

60 Date appointed as Gazetted Officer (DD/MM/YYYY) / /

61 Suspension Date / /

62 Expiry of Adhoc / Contract Date / /

INTERNAL DATA - INFO TYPE 0032

63 Previous Personnel Number (if any)

64 National Tax Number (NTN)

65 Leave without pay

66 Cash Center _____

67 FAMILY INFORMATION - INFO TYPE 0021

| Sno | Relation | Last name | First Name | Nominee | Gender | DOB | City of Birth | Nationality | %age of share | Emp type | Other Nationality |
|-----|----------|-----------|------------|---------|--------|-----|---------------|-------------|---------------|----------|-------------------|
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |
| 3 | | | | | | | | | | | |
| 4 | | | | | | | | | | | |

68 RECURRING PAYMENTS (ALLOWANCES) - INFO TYPE 0014

| Wage Type | Description | Amount |
|-----------|-------------|--------|
| HRM | | |
| GA | | |
| MA | | |
| AKA | | |
| AA | | |
| AT | | |

| Wage Type | Description | Amount |
|-----------|-------------|--------|
| | | |
| | | |
| | | |
| | | |
| | | |

69 RECURRING PAYMENTS (DEDUCTIONS) - INFO TYPE 0014

| Wage Type | Description | Amount |
|-----------|-------------|--------|
| CAF | | |
| BT | | |
| AGP | | |
| BT | | |

| Wage Type | Description | Amount |
|-----------|-------------|--------|
| | | |
| | | |
| | | |
| | | |
| | | |

PAYROLL STATUS - INFO TYPE 003

70 SALARY STATUS Start Payment Stop Payment

A-T-F

EDUCATION AND QUALIFICATIONS

A ACADEMIC EDUCATION INFO TYPE (0022)

| (Code) | Type of Institute | (Code) | Description of Education | Date Obtained | Marks (if any) |
|--------|-------------------|--------|--------------------------|---------------|----------------|
| 1 | | | | | |
| 2 | | | | | |

B PROFESSIONAL QUALIFICATION INFO TYPE (0024)

| (Code) | Description of Professional qualification | Date Obtained | Proficiency |
|--------|---|---------------|-------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |

As per High Court CM order No / 412 / 2013

Prepared By *[Signature]* Audited / Checked By _____ Entered / Verified By *02/09/13* Employee Signature *[Signature]*

For example, To input 1 January 2002 use 01/01/2002

- D For List of Codes please refer to List of Codes provided to Support these input Forms

- E As a general rule where the following is seen:

| | |
|--|--|
| | |
|--|--|

The boxes imply that there is a code that go into the field. The Description will follow on the line provided.

For Example:

Current Government

N W Khyber Pakhtoon Khwa

CODE DESCRIPTION

- F. DDO code may be inserted as in Legacy System
(if SAP DDO code is not available)

Specific Instructions

- | | |
|--|---|
| <p>1 Add the office name : e.g. Ministry of Commercial Govt High School No.2 Peshawar.</p> <p>2 Add the effective month e.g. October.</p> <p>3 Please write your DDO code here.</p> <p>4 Enter the Description of the DDO Code.</p> <p>5 Enter Date when this info is Entered in Computer in DD / AG / AGPR</p> <p>6 Refer List of Codes</p> <p>7 Refer List of Codes</p> <p>8 Self Explanatory</p> <p>9 Self Explanatory</p> <p>10 Date of Birth</p> <p>11 Self Explanatory</p> <p>12 Refer List of Codes</p> <p>13 Self Explanatory</p> <p>14 Enter your last name. E.g. Name is Mr. Javed Saleem Arif Last Name will be : Saleem Arif</p> <p>15 Enter your first name. Using the above example First Name will be : Javed</p> <p>16 Full Father or Husband's Name</p> <p>17 Self Explanatory e.g. Hyderabad</p> <p>18 Self Explanatory. Options can be Single, Married, Widow, divorced, Unknown</p> <p>19 Self Explanatory e.g. Peshawar</p> <p>20 If applicable when did an employee get married.</p> <p>21 Refer List of Codes</p> <p>22 Self Explanatory</p> <p>23 Self Explanatory e.g. Pakistani</p> <p>24 Self Explanatory e.g. Islam</p> <p>25 Write DDO Codes</p> <p>26 Write DDO Codes</p> <p>27 Refer List of Codes</p> <p>28 Tick the appropriate Contract with a Government.</p> <p>29 Tick the appropriate box</p> <p>30 Refer List of Codes</p> <p>31 Refer List of Codes</p> <p>32 Write concerned fund section</p> | <p>33 Write payroll / GA Section</p> <p>34 In case of Civil Armed Forces write Buckle Number.</p> <p>35 Self Explanatory</p> <p>36 Self Explanatory</p> <p>37 Self Explanatory</p> <p>38 Self Explanatory</p> <p>39 Self Explanatory</p> <p>40 Self Explanatory</p> <p>41 Add Phone Number here</p> <p>42 Self Explanatory</p> <p>43 Refer List of Codes</p> <p>44 Refer List of Codes</p> <p>45 Self Explanatory</p> <p>46 Self Explanatory</p> <p>47 Wage Type . Refer from the list of Codes Add description using the list. And Enter the Amount in Rupees</p> <p>48 Self Explanatory</p> <p>49 Write Bank / Branch name with codes</p> <p>50 Self Explanatory</p> <p>51 Self Explanatory.</p> <p>52 Enter Employee Bank Account Number here.</p> <p>53 Refer List of Codes</p> <p>54 Refer List of Codes</p> <p>55 Self List of Codes</p> <p>56 Self Explanatory</p> <p>57 This is an Amount Column</p> <p>58 Date on which this balance exists.</p> <p>59 Old GP Fund Account Number is 11 digit GP Fund Number.</p> <p>60 Self Explanatory</p> <p>61 Self Explanatory</p> <p>62 Self Explanatory</p> <p>63 Self Explanatory</p> <p>64 Self Explanatory</p> <p>65 Self Explanatory</p> <p>66 Self Explanatory</p> <p>67 Enter Nominee / Family info here</p> <p>68 Wages Type : Refer List of Codes Add Description using the list. And Enter the Amount in Rupees</p> <p>69 Wage Type : Refer to List of Codes Add Description using the list. And Enter the Amount in Rupees</p> <p>70 Self Explanatory</p> |
|--|---|

Instructions for Qualification:

Code of Type of institute can be found in the 'Book of Codes'

Code of description of Education can be found in the 'Book of Codes' together with description.

Code of description of Professional qualification can be found in the 'Book of Codes' together with description.

Date Obtained: Date on which this education / qualification was obtained. Use this formats DD/MM/YYYY

For Example 10 September 1990 will be written as 10/09/1990

Type of institute of Education : The description of the education Obtained. For example B.A, B-Com, B.Sc

Marks (If any) : Marks obtained e. g. 80%, 60% etc.

Description of Professional Qualification : For example CA, ACMA, LLB, MBBS, etc

Proficiency : How to rate your professional expertles. For example High, Poor, Excellent

Returned 4 nos source 1 forms

in Rj. The following ~~with~~ ~~the following~~

- 1. Muhammad Shahid H/keeper
- 2. Muhammad Ramzan w/o
- 3. Ammar Ali J/c.
- 4. Abdur Rasheed w/o

received from your office vide your office
 no. 6374 dt 12/9/2013 no. 6359 dt 11/9/2013
 no. 6395 dt 12/9/2013 & no. 6390 dt 12/9/2013

with the remarks that an attested

Copy of the Court announcement on
this decision/petition/decision may
please ~~you~~ furnished along with
for perusal & Compliance

A-T-C

W
 Dato
 D/Chs
 25/9/13

SS

PH# 0960-9280201 / Fax # 0960-9280446/DIK

Office of the Medical Superintendent

DFQ Teaching Hospital DIKhan

No. S-288 /

Dated 05 / 10 / 2013

To

Mr. Muhammad Shahid
S/O Sona Khan
Basti Syed Nagar, Daraban Road, Tehsil & District DIKhan.

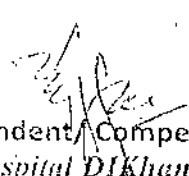
Subject: PERSONAL HEARING/ SHOW CAUSE NOTICE

Memo:

Reference this office letter No. 3969 dated 20.08.2013 on above refered subject.

Your reply submitted to this office is neither satisfactory nor supported by any appropriate evidence/ proof.

You are now required to appear before the competent authority undersigned on 09.10.2013 at 1:30pm at M.S Office for personal hearing in self defence if any.

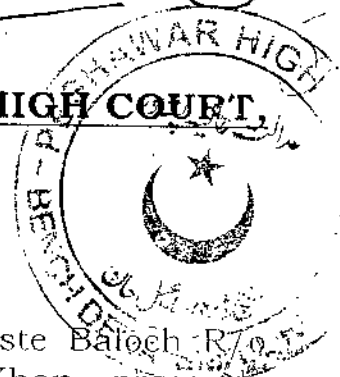

Medical Superintendent / Competent Authority
DFQ Teaching Hospital DIKhan

A - T - C
l

Annexure 'J' (86)

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
BENCH DERA ISMAIL KHAN.**

Writ Petition No. 557 /2013



1. Mohammad Ramzan S/o Pervez Khan Caste Baloch R/o Fatch Tehsil and District Dera Ismail Khan, presently posted Ward Orderly BPS-02, District Head Quarter Teaching Hospital Dera Ismail Khan.
2. Abdur Rashid S/o Imam Baskhsh Caste Mandera R/o Village Rashid Tehsil Paroa District Teaching Dera Ismail Khan, presently posted as Ward Orderly D.H.Q Teaching Hospital Dera Ismail Khan.
3. Ammar Ali S/o Mohammad Saeed Caste Chughtai R/o Basti Ustrana South Tehsil and District Dera Ismail Khan now posted as Junior Clerk BPS-07 D.H.Q Teaching Hospital Dera Ismail Khan.
4. Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Syed Naggar Darban Road District Dera Ismail Khan, presently working as House Keeper in BPS-09, D.H.Q Teaching Hospital Dera Ismail Khan.

.....(Petitioners)

VERSUS

- 1). The Govt. of Khyber Pakhtunkhwa, through Secretary Health Department Peshawar.
- 2). The Director General, Health Service, Khyber Pakhtunkhwa 2 Khyler Road Peshawar.
- 3). The Medical Superintendent, DHQ Teaching Hospital Dera Ismail Khan.
- 4). District Accounts Officer, Dera Ismail Khan.
- 5). Deputy Commissioner District Dera Ismail Khan.

.....(Respondents)

**WRIT PETITION OF QUOWARRANTO
UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN 1973.**

Respectfully Sheweth:-

1- That addresses of parties given above are correct for the purpose of service.

That the former Medical Superintendant was intended to advertise the posts of House Keeper,

41848
2/12/13

[Handwritten signature]

ATTESTED

EXAMINOR

Peshawar High Court
Dera Ismail Khan Bench

26/5/13

57

Junior Clerk, Ward-ordely etc and sent a letter to Director Information Khyber Pakhtunkhwa Peshawar on 02/05/2013. Copy of letter and form of advertisement are enclosed as **Annexure "A & B"**.

3- That the above said posts were advertised in daily Sada-e-Haq and daily Sada-e-Dera. The copies of said advertisement are enclosed as **Annexure "C & D"**.

4- That the test and interview could not be held due to stay order of a civil Court and after the vacation of said stay order and dismissal of suit an advertisement in newspaper was published, and subsequently meeting of Departmental Selection Committee was held on 02/07/2013 and after thorough deliberations and considerations, the approval was duly accorded and appointment orders in the name of petitioners were issued. The copies of advertisement, composition of selection Committee, the approval and appointment orders are enclosed as **Annexure "E, F, G, H, I, J & K"**.

5- That the petitioners then joined service, submitted their arrival reports, medical fitness certificates and were allowed to assume charge, service books were prepared and the petitioners started to discharge their official functions. The copies of arrival reports, medical fitness certificates and service books are enclosed as **Annexure "L, M & N"**.

6- That the former Medical Superintendent of District Headquarter Hospital Dera Ismail Khan had forwarded the arrival reports to District Account Officer D.I.Khan (respondent No. 4) in order to feed the source-I form of the petitioners for the purpose of monthly "salaries" in relevant record and

ADTESTEL

EXAMINOR

Peshawar High Court
D.I. Khan

26/5/14

58

computer etc. The copy of letter No. 4502 dated 12/07/2013 is enclosed as Annexure "O".

7.

That the petitioners are literate and qualified persons their academic qualifications are much higher to that of required qualification.

8.

That the petitioners gained knowledge through advertisement dated 18/08/2013 of "Daily Express" wherein the posts of House Keeper, Junior Clerk and Ward Ordely were notified along with some other posts although the posts against which the Petitioners were working were not vacant. Here it is pertinent to point out that in advertisement there is mention of House Keeper female, but there is no sanctioned post of such category. Moreover no show cause notice were issued nor any explanation were called for or any statement of allegation was given prior to advertisement of posts against which the Petitioner are performing their duties. The Copy of advertisement of Daily Express dated 15/08/2013 is enclosed as Annexure "P".

11/8/13

12/12/11

9.

That the present respondent No. 3 is not a regular Medical Superintendent but a care taker having no power of appointing and to dismiss from service, but after the retirement of former M.S. the present incumbent is deployed to look after the daily business and to draw some limited amount to meet the expenditure or purchase of medicines etc and to disburse the same as drawing and disbursing officer. In short he has no power to exercise the power of appointment etc. the Copy of his deployment is attached here with as Annexure "Q".

Handwritten signature

ATTESTE

EXAMINOR

Uttar Pradesh High Court
Lucknow Bench

26/5/14

That the respondent No. 3 has issued a letter to District Account Officer i.e respondent No. 4 for

59

stopping the monthly salaries of petitioners without any lawful authority. The copy of said letter is enclosed as Annexure "R".

11- That on 20/08/2013 the respondent No.3 issued / Show cause Notices to petitioners after the advertisement of Daily Express dated 15/08/2013. The Copies of said notices are enclosed as Annexure "S".

12- That the petitioners were obliged to submit their replies and also instituted a Writ Petition No. 393 of 2013 along with C.M No. 419 of 2013 for releasing their salaries etc and a specific order was passed by this Honourable Court on 02/09/2013 and in compliance of said order the caretaker Medical Superintendent has issued source- form for releasing the salaries of the petitioner through computer. The copies of Writ Petition along with C.M, order of this Honourable Court dated 02/09/2013 and letter for feeding the pay of petitioners through source form are enclosed as Annexure "T,U & V".

6/8/13
12/12/13

13- That despite a specific and shine order of this Honourable Court, the District Account Officer Dera Ismail Khan has not so for fed the source-l form nor he has released the monthly salaries of the petitioners up-till now. That the above mentioned Writ Petition was disposed of with the directions to the respondent to pass an order in accordance with law strictly. Copy of the judgment of this Honourable Court dated 19/09/2013 is enclosed as Annexure "W".

Handwritten signature

ATTESTE

EXAMINOR:

Rawanwar High Court
D.I. Khan Bench

26/5/14

14-

That being aggrieved from the orders of respondent No. 3 and 4 for stopping the monthly salaries and then issuing of show cause notices dated 20/08/2013 by the respondent No.3, the present petitioners having being no other alternate or officious remedy but to invoke constitutional jurisdiction of this Honourable Court on inter alia the following ground:-

GROUNDS:-

a) That the appointment orders of the petitioners are quite valid, legal, genuine and petitioners legitimately working against the posts, since the date of their assuming charge.

b) That the publication in news paper daily express dated 18/08/2013 of vacancies and after that issuing of notice of show cause dated 20/08/2013 is patently illegal abinitio, without lawful authority, without jurisdiction, Coram non iudice and having no legal effect upon the right of petitioners.

c) That the advertisement of the post retained by the petitioners prior to issuing any show case notice, explanation or showing any incompetency, similarly non issuance of statement of allegation is arbitrary and Aggressions upon the fundamental rights of poor and pathetic petitioners.

d) That all the Acts and deeds of respondents No. 3 & 4 are violation and flagrant disregard of the maxim " Audi Aultum Pultrum" the principle of natural justice equity and morality.

ATTESTE:

EXAMINOR

Shahwar High Court
D. T. Khan Bench

60

e)

That there is a vivid deviation on the part of respondent No.3 to deprive the petitioners from their legitimate functions, duties and rights guaranteed by the law of the land and constitution of Islamic Republic of Pakistan 1973.

f)

That the respondent No.3 has no authority to dislodge the petitioners by stopping the monthly salaries and giving show cause notices to the petitioners as he is not invested with the powers of competent authority to deal with administrative powers as lying with full fledged Medical Superintendent.

g)

That the District Account Officer Dera Ismail Khan was legally bound to comply with the orders of this Honourable Court regarding the release of monthly salaries of the petitioners, but he has not so far feeded the monthly salaries and violated both the orders of this Honorable Court dated 02/09/2013 and 19/09/2013.

h)

That the petitioner are quite eligible, deserving and possessed of higher qualification as compared to prescribed criteria published in news paper.

i)

That for the sake of argument if it is presumed that the respondent No. 3 has given administration powers to appoint or to dismiss any of the public servant, than the act of respondent NO.3 and 4 by firstly dislodging petitioner by stopping monthly pay and then by respondent No. 3 issuance of advertisement in news paper and after that issuing show cause notice is totally illegal one and this

ATTESTE.

EXAMINOR

Peshawar High Court
Dera Ismail Khan Bench

26/5/14

acts proves some ulterior motive and aggressing upon the fundamental rights of petitioners.

In wake of submissions made above the orders of stopping monthly salaries and show cause notices given by the respondent No. 3 and all the acts and deeds including the process of appointing other candidates against the post of petitioner, may very graciously be declared null and void, illegal, without lawful authority, without lawful justification, ultra vires, having no legal consequences upon the right of petitioners, or any other relief which this Honourable Court in the given circumstances deem proper in the interested of Justice may also be granted.

Dated: 09/12/2013

Your Humble Petitioners

Shaukat Hayat Khan

Through Counsel

Shaukat Hayat Khan 10/12/13

SHAUKAT HAYAT KHAKWANI
Advocate High Court,
Dera Ismail Khan.

BOOKS REFERED:

Constitution of Islamic Republic of Pakistan case law.

CERTIFICATE:-

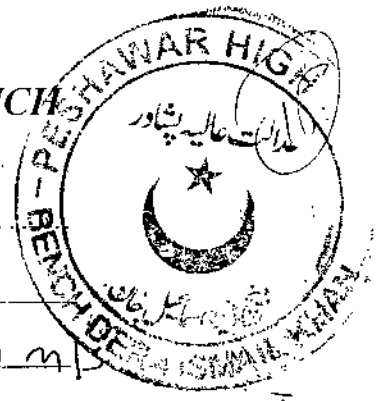
I **Shaukat Hayat Khan Khakwani Advocate**, Counsel for the petitioners as per information provided to me by my clients that it is first petition and no such petition has ever been preferred in this Honourable Court by the Petitioners.

Shaukat Hayat Khan

SHAUKAT HAYAT KHAKWANI
Advocate High Court,
Dera Ismail Khan.

ATTESTE
EXAMINOR
High Court
Dera Ismail Khan
Bench
10/12/13

JUDGMENT SHEET
PESHAWAR HIGH COURT D.I.KHAN BENCH
JUDICIAL DEPARTMENT



W.P. No. 557 of 2013

Date of hearing 19-12-2013

Appellant / petitioner Muhammad Ramzan by Mr. Shaukat Hayat Khakwani & Tariq Aziz Baluch Advocates

Respondent Govt. D.I.Khan by Mr. Sanaullah Shauhin AAG
along with Dr. Muhammad Hashim M.S. D.I.Khan

ABDUL LATIF KHAN J.- Petitioners through the instant constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan 1973 have prayed for declaring the orders issued by respondent No.3 in respect of stoppage of their monthly salaries and show cause notices as without lawful authority, ultra vires void ab initio.

2. At the very outset, Doctor Muhammad Hashim, Medical Superintendent District Headquarters Hospital D.I.Khan appeared before the court and produced copies of orders bearing Nos. 6826, 6862, 6871 and 6835 dated 17/12/2013 whereby the petitioners have been removed from service on the grounds mentioned therein.

3. In the circumstances, learned counsel for the petitioner does not press this writ petition any more in order to seek their remedy before the proper forum but request for directing the respondent No.4 to pay salaries

ATTESTED

EXAMINOR
Peshawar High Court
D.I.Khan Bench

26/5/14

a.k.No 1500
Application Received on 26-5-19
Copying Fee deposited Rs 1500
No of Papers 97
Copying Fee
Urgent Fee
Total Fee
Copy ready for delivery 26-5-19
Copy delivered on 26-5-19
Signature of Examiner 26/5/19

Certified to be true copy
EXAMINER
Peshawar High Court Bench D I Kila
Authorised Under section 97 of
Qanoon-a-Shahadat-Act
26/5/19

to the petitioners for the period during which they actually performed their duties.

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4. Consequently, the writ petition is dismissed. Respondent No.4 is, however, directed to pay salaries to the petitioners for the period during which they actually performed their duties:

[Handwritten Signature]

JUDGE

ANNOUNCED
19.12.2013.

[Handwritten Signature]

JUDGE

[Handwritten marks]
20/12

ATTESTE
EXAMINOR
Jalal Khan Bench

[Handwritten Signature]
26/5/13

S.R. NO. 1500
Application Received on 26-5-19
Copying Fee deposited Rs. 5
No of Papers 9
Copying Fee
Urgent Fee
Total Fee
Copy ready for delivery 26-5-19
Copy delivered on 26-5-19
Signature of Examiner

26/5/19

Certified to be true copy

EXAMINER

Peshawar High Court Bench D.I. Kina
Authorised Under section 97 of
Qanoon-a-Shahadat-Act

26/5/19

Office of the Medical Superintendent

(65)

Teaching Hospital DIKhan

No. 6835 /

Dated 17 / 12 /2013

To

Mr. Muhammad Shahid
House Keeper, BPS-09, DHQTH DIKhan

Subject: **ILLEGAL APPOINTMENT**

On going through the findings of the case, material on records and other connected papers including your written defense, personal hearing, I am satisfied that you have committed the act of " Misconduct" in terms of clause I (VI) of Rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, on the basis of following among other grounds.

As your appointment orders were issued, without performing codal formalities worth the name, even the constituted Departmental selection committee was found fake in the light of written statements of committee members, in violation of observations made by Honorable Peshawar High Court in his decision dated 25/04/2013, ban imposed, without prior formal approval of Director General Health Services and against the standing directives of the Divisional Commissioner DIKhan.

By the reason of above, you have rendered yourself liable to Major Penalty specified in Rule 4 of KPK Govt Servants (E & D) Rules 2011.


In exercise of powers, conferred upon me as competent authority in light of above referred rules, I do hereby impose major penalty of "Removal from service" and consequently your appointment orders issued vide No.4245-51/PF dated 04.07.2013 are here by withdrawn from the date of its issuance, being void ab initio and repugnant to the Government rules and regulations, in the best interest of institution.


Medical Superintendent
DHQ Teaching Hospital DIKhan

No. /

A copy of the above is forwarded to:

1. The Commissioner DIKhan Division DIKhan.
2. The Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. The Chief Executive DHQTH DIKhan.
4. Deputy Commissioner DIKhan.
5. District Accounts Officer DIKhan.
6. DMS Admri, DHQTH DIKhan.
7. Accounts Officer MS Office.
8. Esstt/ Accounts Clerk.


Medical Superintendent
DHQ Teaching Hospital DIKhan

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1-1-14

The Director General
Health Services
Government of Khyber Pakhtunkhwa
PESHAWAR

SUBJECT: APPEAL FOR RESTORATION OF SERVICES AND
PAYMENT OF SALARIES.

Respected Sir,

I was appointed as House Keeper by the former Medical Superintendent (MS) after following the Codal formalities. The former MS having a grade 20 officer was competent enough to appoint me.

The present MS Dr. Mohammadi Hashim Khan issued orders of Stoppage of my monthly salaries and show cause notice, without following the Procedures of Efficiency Disciplinary Rules 2011 and without having lawful authority.

I filed in a write Petition No 557/ 2013 In Peshawar High Court J.I. Khan Bench.

Please find Photo Copy of my writ Petition in Peshawar High Court which explains the Situation and grounds for doing so.

The Honorable Bench of Peshawar High Court has directed the District Account Officer for payment of the salaries from the period of my arrival i.e. 4/07/2013 till 17/12/2013.

Thus the honorable Court has accepted the present MS has not proved my act of misconduct if any. Moreover he has not followed the Procedure, which could lead to my termination from service. Moreover the Present MS has no Administrative Powers. He is drawing and Disbursing officer (DO) only.

Considering the above facts it is prayed that my Service may be restored and I may be Paid my Salary.

I should be allowed to Continue my Service. I hope you will be kind enough to do justice as Peshawar High Court Bench has done.

I reserve my legal right to go to Khyber Pakhtunkhwa services Tribunal to get Justice.

A T C
l

Mr. Muhammad Shahaid
House Keeper DHQ
Dera Ismail Khan.

Copy to:

1. Secretary Health, Government of Khyber Pakhtunkhwa, Peshawar



Anexure 'L' (67)

DIRECTORATE GENERAL HEALTH
SERVICES, GOVT: OF KHYBER
PUKHTUNKHWA, PESHAWAR.
NO 3531-34 /PERSONNEL
DATED 15 /05/2014.

To,

1. Muhammad Ramzan S/o Pervez Khan Caste Baloch R/o Fateh Tehsil and District D.I Khan.
2. Mr. Abdur Rashid S/o Imam Baskhash Caste Mandera R/o Village Rashid Tehsil Paroa District D.I Khan.
3. Mr. Ammar Ali S/o Muhammad Saeed Caster Chughtai R/o Basti Ustrana Sought Thesil and District D.I Khan.
4. Mohammad Shahid S/o Sona Khan Caste Baloch R/o Basti Syed Naggar Darban Road District D.I Khan.

Subject: **APPEAL FOR RESTORATION OF SERVICES AND PAYMENT OF SALARIES.**

Memo:

I am directed to refer to your appeal on 30.12.2013, and to inform that the request for re-instatement in to Govt: service can not, it is regretted be acceded to.

ASSISTANT DIRECTOR (P-II)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR

No 3535 /Personnel

Copy forwarded to the M.S DHQ Hospital D.I Khan for information w/r to his letter No. 1239 dated 25.02.2014.

Handwritten note: 15.5.2014

ASSISTANT DIRECTOR (P-II)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR

Hafiz S.M Ali Shah

خدمت جناب ڈائریکٹر جنرل اسسٹنٹ ڈائریکٹر جنرل ہیلتھ

خیبر پختونخواہ پشاور۔

Annexure M (68)

جناب عالی! سانلن محمد شاہد وغیرہ حسب ذیل عرض کرتے ہیں۔

(1) یہ کہ من سانلن نے اپنی ملازمت سے برخواستگی کے سلسلے میں جناب کے ہاں علیحدہ علیحدہ اپیلیں دائر کر رکھی ہیں جو زیر سماعت حضور انور ہیں۔ جن کی نسبت جواب طلبی ازاں M.S ڈی۔ ایچ۔ کیو ہسپتال ڈیرہ اسماعیل خان سے کی گئی۔ لیکن تاحال اُس نے جواب نہیں دیا۔ پھر اسکے بعد اسی (ایم۔ ایس صاحب) سے یاد دہانی مورخہ 17 فروری 2014 کو کمشنر داخل کرنے کی نسبت چھٹی بھیجی گئی۔ لیکن ایم ایس صاحب نے کوئی جواب نہ دیا بلکہ من سانلن کے خلاف ایک اور زیادتی کردی یعنی مورخہ 21/02/2014 کو تقریباً 1:30 بجے ہماری جگہ بشمول دیگر اشخاص جن کی اپیلیں خصوصاً شیخ محمد یونس وغیرہ بھی آپ جناب کے ہاں زیر تجویز ہیں کی جگہ پر 1:30 بجے غیر قانونی انٹرویو کرنا ظاہر کیا۔

(2) یہ کہ من سانلن کو جب غیر قانونی انٹرویو کا علم ہوا تو من سانلن نے علی الصبح مورخہ 21/02/2014 کو درخواست M.S صاحب مذکور کے دفتر گزاری لیکن انہوں نے انٹرویو ڈی۔ ایچ۔ او E.D.O وغیرہ اسماعیل خان کے دفتر میں کرنا بیان کیا۔ متعلقہ نقولات لف ہیں۔

(3) یہ کہ من سانلن جناب سے گزارش کرتے ہیں ایک تو ٹیلی فون پر جناب M.S صاحب ڈیرہ اسماعیل خان کو ہدایت دی جائے کہ تا تصفیہ اپیل ہائے دریں نسبت کسی قسم کی کارروائی نہ کرے۔ اور ساتھ ہی فوراً فیکس کے ذریعے بھی اطلاع عیانی کرائی جائے۔

(4) یہ کہ سانلن اس نسبت اپنا قانوناً حق سر دس ٹریبونل میں محفوظ رکھتے ہیں۔

لہذا استدعا ہے کہ درخواست زیر بحث کو مد نظر رکھتے ہوئے قانونی کارروائی کرتے ہوئے جناب M.S صاحب کو ہدایت احکم جاری کیا جاوے کہ وہ کسی قسم کی تعیناتی نہ کرے۔ اور ساتھ ہی جناب سے التماس ہے کہ ہماری اپیل ہائے جو قانونی طور پر درست ہیں کو منظور فرماتے ہوئے M.S صاحب کے آرڈر کو منسوخ کرتے ہوئے ہماری تعیناتی With back benefit بحال کیں جائیں۔

فقط مورخہ: 22/02/2014

محمد شاہد

محمد شاہد وغیرہ۔۔۔۔۔ (سانلن) بذریعہ محمد شاہد ولد سونا خان۔

ہاؤس کیپر DHQ ہسپتال ڈیرہ اسماعیل خان۔

روزنامہ ستر

..... ہے اسے منظم طبقہ اور جدید نظریات کا ترجمان.....

ست

روزنامہ ستر

Ph: 0966-713477
E-mail: Dailyouqer@gmail.com
URL: Dailyouqer.com

شعبہ اخبار / شہر لاہور

پبلشر: ڈاکٹر عزیز گل

مفتی: 22 نومبر 2014ء

جلد نمبر: 208

پاکستان کے لیے ایک نیا دور کی ابتدا ہو رہی ہے۔ اس دور میں پاکستان کو ایک ترقی یافتہ اور خوشحال ملک بنانا ہوگا۔ اس کے لیے ہمیں اپنی تمام صلاحیتوں کو بروئے کار لانا پڑے گا۔

پاکستان کے لیے ایک نیا دور کی ابتدا ہو رہی ہے۔ اس دور میں پاکستان کو ایک ترقی یافتہ اور خوشحال ملک بنانا ہوگا۔ اس کے لیے ہمیں اپنی تمام صلاحیتوں کو بروئے کار لانا پڑے گا۔

پاکستان کے لیے ایک نیا دور کی ابتدا ہو رہی ہے

پاکستان کے لیے ایک نیا دور کی ابتدا ہو رہی ہے۔ اس دور میں پاکستان کو ایک ترقی یافتہ اور خوشحال ملک بنانا ہوگا۔ اس کے لیے ہمیں اپنی تمام صلاحیتوں کو بروئے کار لانا پڑے گا۔

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جلد نمبر 3، شمارہ 130، 22 فروری 2014ء، نمبر 21، 1435ھ، 10 مارچ 2014ء، قیمت 11 روپے

میں نے اس وقت تک نہیں دیکھا تھا کہ ایک شخص کو اس قدر غم ہو سکے جس کی وجہ سے وہ اپنے آپ کو مارنے لگے۔ یہ تو ایک ایسا ہیرو ہے جس نے اپنے آپ کو مارنے کی بجائے اپنے آپ کو بچانے کی کوشش کی۔ یہ تو ایک ایسا ہیرو ہے جس نے اپنے آپ کو بچانے کی بجائے اپنے آپ کو بچانے کی کوشش کی۔ یہ تو ایک ایسا ہیرو ہے جس نے اپنے آپ کو بچانے کی بجائے اپنے آپ کو بچانے کی کوشش کی۔

یہ تو ایک ایسا ہیرو ہے جس نے اپنے آپ کو بچانے کی بجائے اپنے آپ کو بچانے کی کوشش کی۔ یہ تو ایک ایسا ہیرو ہے جس نے اپنے آپ کو بچانے کی بجائے اپنے آپ کو بچانے کی کوشش کی۔ یہ تو ایک ایسا ہیرو ہے جس نے اپنے آپ کو بچانے کی بجائے اپنے آپ کو بچانے کی کوشش کی۔

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وکالت نامہ

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| قیثی ایک روپیہ | | کورٹ فیس |
|-------------------|--|-------------|

Before The Honourable KPK Service Tribunal Peshawar, Capital

Appellant: Muhammad Shahid بتام Gout A KPK

Service Appeal

دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بروری و جواب دہی برائے پیشی یا تفسیر مقدمہ بتام M. Khan
Shaukat Hayat Khan Khanwani & Tariq Aziz Advocates

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو عدالت حاضر ہوں گا اور ہر ایک ہنگامے پر مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر بطور حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور برے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پشوری کے علاوہ یا پشوری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بروری کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پشوری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے یا پیچھے پیش ہونے پر بطور کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مشل کردہ ذات خود منظور و قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل نگرانی و برہم درخواست برہم کے بیان دینے اور پر ناٹھی یا راضی نامہ و فیصلہ بر طرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مرکز برودن از پشوری صدر بروری مقدمہ مرکز نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ذمیری یک طرفہ یا درخواست عم اسمائی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادا سنگی ٹیڈو مقرر پشوری کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مشل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مرکز ہو یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بر سرگز اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے شیر قانون کو بھی بر امر میں دہی اور دیئے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جان التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروڈی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
 مورخہ 27 مئی 2014

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Muhammad Shahid (Appellant)

Accepted
 Javed Baloch
 Advocate

Accepted
 Adm. Office



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

C.M.No. _____/2014

IN
S.A.NO. 743/2014

Muhammad Shahid
VS
Government of KPK and others

458
2014-6-9/14

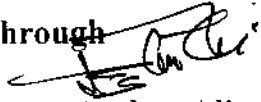
**APPLICATION FOR ACCELERATING THE DATE AND
HEARING OF APPEAL TODAY**

Respectfully Sheweth:-

1. That the above cited appeal is pending before this Hon'ble Tribunal and is fixed for 18.06.2014 for preliminary hearing.
2. That the respondents are going to advertise the post on which the appellant was working and appoint thereon blue eyed on the same.
3. That appellant has got a good prima-facie case in his favour and in case the appeal is not heard today and the respondents appoint some one else in that case the appellant shall suffer irreparable loss moreover third party interest will be created which would necessitate amendment in the appeal in order to avoid this it would be in the interest of justice to hear the appeal or at least the stay application today.

It is, therefore, respectfully prayed that on acceptance of this application the appeal/ stay application may very graciously be heard today.

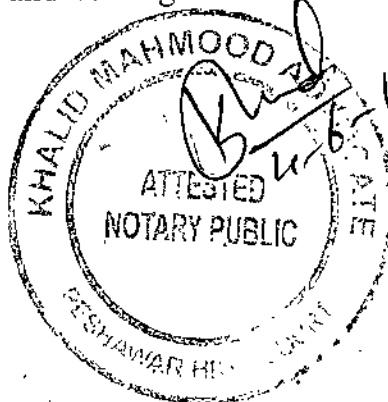
Appellant

Through 
**Asghar Ali
Advocate**

Dated: 04.06.2014

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of this **Application** are true and correct and nothing has been concealed from this honourable court.




Deponent

وکالت نامہ

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| قیامتی ایک روپیہ | SA 743/2014 | کورٹ فیس |
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بجاء الدالت
سید محمد شام

منجانب
ایک روپیہ

عمر شام
بنام حکومت

دعوی یا جرم
سروس پبلک

تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی جواب دہی برائے پیشی یا تفسیر مقدمہ بنام

السید محمد شام، سید السلام احمد و دیگر

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوخ ذگری یک طرفہ یا درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا سنگی ملحدہ مختص بیرونی کا اختیار ہو گا اور تمام ساختہ پرواخذت صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مقررہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرون کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروا نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

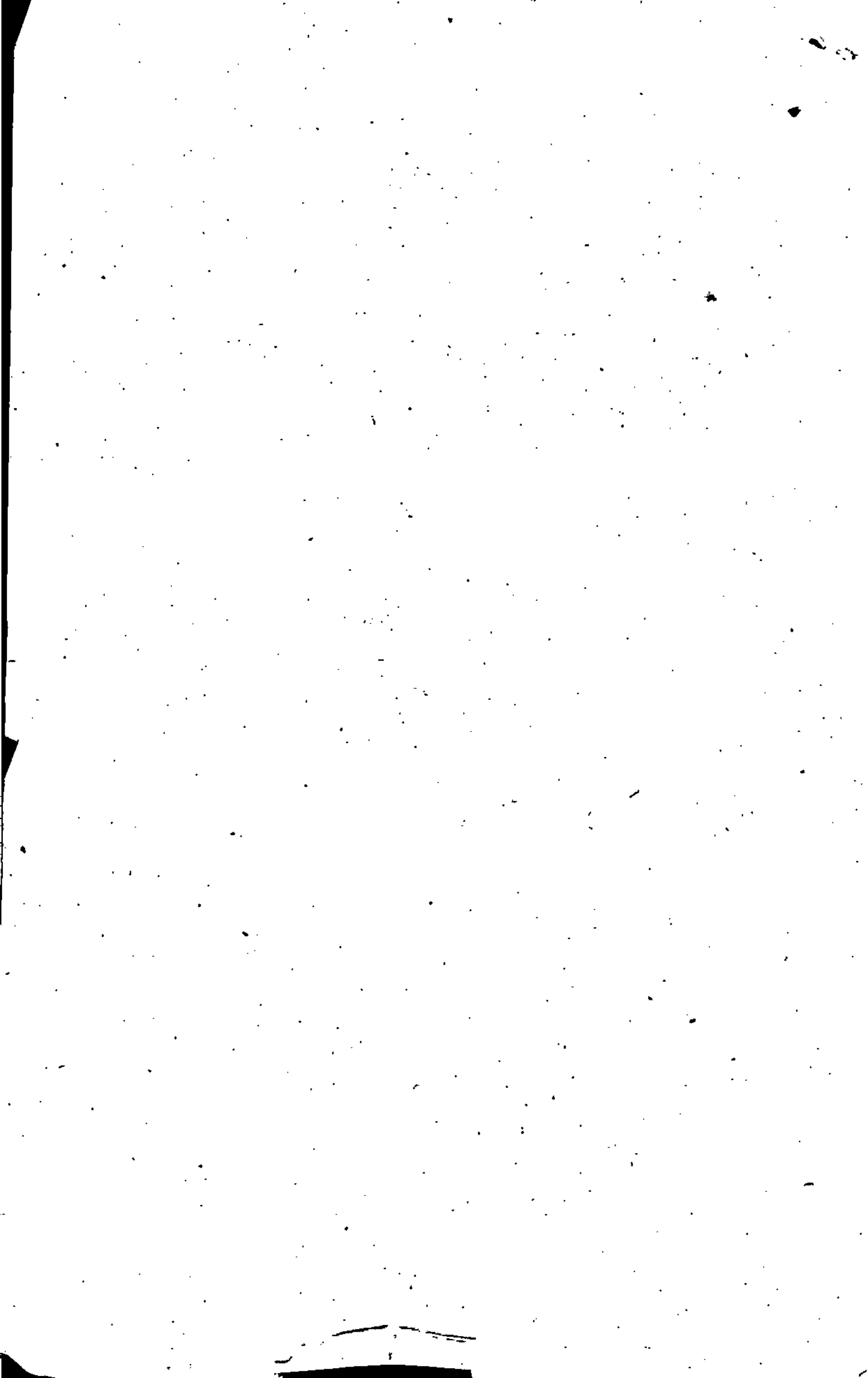
لہذا وکالت نامہ لکھ دیا ہے تاکہ اندازہ ہو
ماہ 20-6-2014

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

Accepted
محمد شام

محمد شام



بعدالت سرویس ٹریبونل لاہور

Appeal No 743/2014

Mohammed Shahid

vs

2، پنجاب
بنام

Health Dept لاہور

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی اٹل کاروائی متعلقہ
آن مقام D. I Khan کیلئے کامرواں سرواں اور اسکی
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جو جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داخستہ منظور و قبول ہرگز دوران مقدمہ میں جو خرچہ ہر چاہے التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو و نو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20/7

ماہ نومبر

29

المرقوم

العہدہ گواہ العہدہ

مقام ڈی آئی خان کے لئے منظور ہے۔

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

C.M.No. _____/2014

IN

S.A.NO.743/2014

Muhammad Shahid

VS

Government of KPK and others

**APPLICATION FOR ACCELERATING THE DATE AND
HEARING OF APPEAL TODAY**

Respectfully Sheweth:-

1. That the above cited appeal is pending before this Hon'ble Tribunal and is fixed for 18.06.2014 for preliminary hearing.
2. That the respondents are going to advertise the post on which the appellants was working and appoint thereon blue eyed on the same.
3. That appellants has got a good prima-facie case in his favour and in case the appeal is not heard today and the respondents appoint some one else in that case the appellants shall suffer irreparable loss moreover third party interest will be created which would necessitate amendment in the appeal in order to avoid this it would be in the interest of justice to hear the appeal or at least the stay application today.

It is, therefore, respectfully prayed that on acceptance of this application the appeal/ stay application may very graciously be heard today.

Appellant

Through

**Asghar Ali
Advocate**

Dated: 04.06.2014

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of this **Application** are true and correct and nothing has been concealed from this honourable court.



Deponent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

C.M.No. _____/2014

IN

S.A.NO.743/2014

Muhammad Shahid
VS
Government of KPK and others

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Respectfully Sheweth:-

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3. That appellant has got a good prima-facie case in his favour and in case the appeal is not heard today and the respondents appoint some one else in that case the appellant shall suffer irreparable loss moreover third party interest will be created which would necessitate amendment in the appeal in order to avoid this it would be in the interest of justice to hear the appeal or at least the stay application today.

It is, therefore, respectfully prayed that on acceptance of this application the appeal/ stay application may very graciously be heard today.

Appellant

Through

Asghar Ali
Advocate

Dated: 04.06.2014

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of this Application are true and correct and nothing has been concealed from this honourable court.



[Signature]
Deponent

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 743/2014

Muhammmad Shahid.....**Appellant.**

Versus.

Government of Khyber Pakhtunkhwa & Others.....**Respondents.**

Parawise comments on behalf of respondent No.1, 2 & 3.

Preliminary Objections:-

1. That the appeal is badly time barred.
2. That the appeal is not maintainable and incompetent.
3. That the appellant is estopped due to his own conduct.
4. That the appellant has got no cause of action and locus standi.
5. That the appellant has not come to the Tribunal with clean hands.
6. That the appeal is bad for misjoinder/ non-joinder of necessary parties.
7. That the appellant has concealed the material facts from Honourable Tribunal.
8. That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal.

FACTS.

1. This para relates to record. The advertisement was cancelled due to ban on recruitment. The earlier advertisement was published in the daily Newspaper in "Sadae Haq" It is also pertinent to mention that the same is not a well circulated local newspaper. The order of cancellation is enclosed as Annexure-A.
2. This para is incorrect and not admitted. However, the advertisement was cancelled.
3. This para is incorrect hence denied. No such committee was constituted as the members of the committee denied their signatures and declared it bogus. Representation was examined, considered and rejected by the competent authority.
4. Incorrect. This reply of this para has been already given in supra paras.
5. This para is incorrect not admitted. The orders were made secretly one day before the retirement of Ex-Medical Superintendent, without observing codal formalities.
6. This para is also incorrect vehemently denied. The appellant had neither submitted his arrival report nor performed any duty. The show cause issued by the Medical Superintendent was also upheld in Writ Petition No.393-D of 2013 by Peshawar High Court, Bench D.I.Khan. The Copy of order is enclosed as Annexure-B.

7. This para is not admitted hence denied. In fact the Honourable High Court in its judgment decided that the pay for the period of duty be paid subject provision and submission of proof regarding performance of duty. In the subsequent Writ Petition No. 553-D of 2013, it was clearly held by the Honourable High Court that the appellant could not produce any proof to the Medical Superintendent or to the Court regarding the performance of their duty. Therefore, their request for payment of pay was turned down by the Honourable Court. The copy of judgment is at Annexure-C.
8. The departmental appeal was examined, considered and rejected by the competent authority. The House Keeper post is only meant for female candidate. So male cannot be appointed on the said post. Copy of rules are attached as Annexure-D.
9. This para is incorrect vehemently denied. The present service appeal is badly time barred and the matter has already been decided by the Honourable Peshawar High Court vide Judgment No. 553-D of 2013. According to Rule 23 of Service Tribunal Rules, 1974 ' The tribunal shall not entertain any appeal in which matter has already been decided by the court.

GROUND:

- a. This para is incorrect hence denied. The order was passed after observing all codal formalities as per rules and policies.
- b. This para is also incorrect not admitted hence denied. The appointment was not made in accordance with rules.
- c. This para is incorrect. The post of House Keeper can be filled by the Females as per rules.
- d. This para is correct to the extent that the Ex Medical Superintendent had illegally appointed the appellant one day prior to his retirement. Rest of the para is incorrect.
- e. Incorrect hence denied. The reply has already been given in supra paras.
- f. Incorrect. The appellant has miserably failed to establish the personal grudges of respondents no 3.
- g. Incorrect hence denied.
- h. This para is incorrect hence denied. The order was passed after observing all codal formalities as per rules and policies.
- i. This para is incorrect vehemently denied.
- j. This para is legal hence no comments.


PRAYER

It is, therefore, most humbly prayed that on acceptance of this para-wise comments, the appeal being devoid of legal footings and merit may graciously be dismissed with cost.

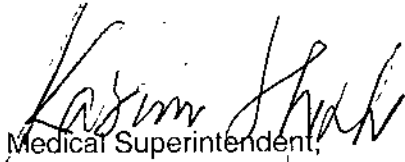


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2)

P. 15/4/15



Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.1).



Medical Superintendent,
District Head Quarter Hospital D.I.Khan
(Respondent No. 3)

URL: www.sadael

وہ جسے اللہ نے اپنے رسول کے پیروں میں سے جیسا کہ (القرآن)

وہ جسے اللہ نے اپنے رسول کے پیروں میں سے جیسا کہ (القرآن)

Registered P. No D-1

بیتنا اسلام

صحیح

بیتنا اسلام

E-Mail: sadael@idk@gmail.com

بیتنا اسلام

00967747530 009674530

جلد نمبر 13 | سہ ماہی 302013 | 30 مارچ 2013ء | شمارہ نمبر 247

بیتنا اسلام (بیتنا اسلام) کے نام سے اشاعت کی گئی ہے۔ اس کا مقصد اسلامی احکامات اور عقائد کی روشنی میں لوگوں کو آگاہ کرنا ہے۔

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Decorative header text in Urdu script.

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Table with multiple columns and rows, containing handwritten entries and some printed text. Includes a date stamp '02.05.2013'.

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Handwritten signature and name: 'Dany Bani Adwani'.



OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN
Fax No. 0266-928035

No. 1736-38 /Acctt: Dated DIKhan 12-1-2013

1. The Deputy Commissioner, DIKhan
2. The Deputy Commissioner, Tank.
3. The Political Agent, SWA, Tank.

Subject: FRESH RECRUITMENTS.

Memo

I am directed to refer to the subject noted above and request you to direct all lines department to avoid fresh recruitments against the vacant posts till the formation of new Provincial Government.

(Malik Mansoor Qaisur)
Assistant to Commissioner (Rev),
DIKhan Division, DIKhan

No. 1739 /Acctt:

Copy to the PS to Commissioner, DIKhan Division, DIKhan

Assistant to Commissioner (Rev),
DIKhan Division, DIKhan

Amexure - A

دوس

تمام امیدواران جنہوں نے مختلف پوسٹوں کیلئے درخواستیں دی ہیں، کو مطلع کیا جاتا ہے کہ
اساتیل خان ناگزیر و جوابت کی بنا پر حکم ثانی انٹرویو طلبوی کر دئے گئے ہیں۔

(Signature)
مدیر ایگزیکٹو
سٹرکٹریٹ ڈیپارٹمنٹ
ڈیڑہ اساتیل خان

Forwarded on 29/5/2013
Noted and placed
on record

Kashra
29/5/2013

Medical Superintendent
DHQ Teaching Hospital
Dera Ismail Khan

(Signature)

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JUDGMENT SHEET
PESHAWAR HIGH COURT D.I.KHAN BENCH
JUDICIAL DEPARTMENT

WP No. 393-D of 2013

Date of hearing 19-9-2013

Appellant / petitioner (Muhammasul Reuzand others) by
M/S Shaukat Hayat Khan Khakwani & Tahir A313 Balochi
Respondent (Govt - J.K.P. & others) by
Mr. Saanullah Khan Shaanullah A.A.P. Advocate

LAL JAN KHATTAK J. Our this judgment in writ petition No. 393 of 2013 shall also decide writ petition No.397 of 2013, COC petitions Nos. 428, 429 and 433 of 2013 as all the matters in the petitions are common.

2. Petitioners in both the writ petitions were appointed as Ward Orderly; Junior Clerk, House Keeper, JCT Pharmacy, JCT Pathology and JCT, EEG, respectively at District Head Quarters Teaching Hospital D.I.Khan through their separate appointment orders issued on various dates.

On 20.8.2013 Medical Superintendent of the hospital, i.e. the respondent No.3, issued a show cause notice to all the petitioners as to why their appointment orders should not be withdrawn. These show cause notices have been impugned by the petitioners through the instant writ petitions.

4. Learned counsel for the petitioners contended that the petitioners were duly appointed by a

Ojain

competent authority after a due process of law and the show cause notices issued to them by the respondent No.3 have no legal backing and are based on mala fide intention in order to terminate services of the petitioners to create posts for appointments of the beloved ones. He argued that to this effect the respondent No.3 has issued advertisement in the newspapers. The learned counsel concluded his arguments by submitting that issuance of the show cause notices be declared as null and void.

5. As against the above, learned Additional Advocate General submitted at the bar that appointments of all the petitioners were not in accordance with law and policy on the subject of the Government. However, he submitted that no action contrary to law and procedure will be taken against the petitioners.

6. We have heard learned counsels for the parties and perused the available record of the case.

7. To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be in Pakistan. No action of any nature is allowed to be taken against anyone by anyone except in accordance with law. This is the grundnorm of our Constitution. If the appointments of the petitioners are not in accordance with rules and policy of the Government then the Government or the authority

concerned can proceed with the matter but in accordance with law and not in derogation of law.

8. On the touchstone of the above if the respondents intend to take any action against the petitioners then the proposed action must be in accordance with law and rules on the subject and not otherwise as obedience to the Constitution and law is the inviolable obligation of every citizen wherever he may be.

9. In view of the above we are not in agreement with the learned counsel for the petitioners to declare the show cause notices issued to the petitioners by the respondent No.3 as illegal and unlawful. However, the respondents must perform their duties strictly in accordance with law and rules on the subject and should not act to the detriments of the petitioners while proceeding against them except in due course of law.

With the above observations, the petitions are disposed of.

ANNOUNCED
19.9.2013.

[Signature]
JUDGE

[Signature]
JUDGE

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15/11/2013

Aswain D

**JUDGMENT SHEET
PESHAWAR HIGH COURT, D.I.KHAN BENCH
JUDICIAL DEPARTMENT**

Case No. 553-D of 2013

JUDGMENT

Date of hearing 11-2-2014

Appellant-petitioner M. Ramzan by Shaukat Hayat

Tariq Aziz Baloch Advocate

Respondent Dr. Muhammad Hashim Present in person
along with Mr. Muhammad Saleem Marwat Advocate

ABDUL LATIF KHAN J.- Through the petition, the petitioners seek the following relief.

"It is, therefore, humbly prayed that the contempt of court proceedings may very kindly be initiated against the respondents Dr. Muhammad Hashim Khan Marwat, Medical Superintendent, DHQ Teaching Hospital, Dera Ismail Khan and Amanullah, District Accounts Officer, Dera Ismail Khan for not obeying the order of this Honourable Court and to inflict historical punishment to them so that no one should dare in

future to frustrate the orders of this court".

2. Learned counsel for the petitioners contended that respondents have violated the orders of this court passed on 02.9.2013 and 19.9.2013. It was contended that respondents have wrote a letter to District Accounts Officer, D.I.Khan to elease the salary through source form. It was contended that the District Accounts Officer, D.I.Khan has not so far made the efforts for the release of the salary of the petitioners.

3. Learned Additional Advocate General appeared on behalf of the respondents produce a letter wrote by respondents and contended that the petitioners were asked to submit the attendance register/duty performance reports attested by concerned Incharge Unit, enabling the respondents to send the same with source form to the District Accounts Officer in compliance to the order of this court. It was argued that the petitioners were failed to produce any proof regarding the

DM

performance of their duties from the Incharge of Unit where they worked and for which they are seeking the release of salary.

4. We have heard the arguments of the learned counsel for the parties and perused the record of the case with their valuable assistance.

5. Perusal of the record reveals that order dated 02.9.2013 was only to the effect that case was adjourned to 10.9.2013 and meanwhile salaries of the petitioners should not be stopped. The order impugned in writ petition filed by the petitioners were not declared as illegal and unlawful, however, the respondents were directed to perform their duties in according with law and rules on the subject and should not act to the detriments of the petitioners, while proceeding against them except in due course of law. There is another order passed by this court in writ petition bearing No.557 of 2013, filed by the petitioners, which was dismissed, however, respondent No.4 was directed to pay salaries

to the petitioners for the period during which they actually performed their duties.

6. The respondent No.1 has asked the petitioners to provide the performance report/attendance regarding the duties performed by them from the Incharge of Unit concerned, enabling him to pay the salaries for the period during which the petitioners actually performing their duties. The petitioners could not produce such document/proof and as such the respondents cannot be held responsible for non-compliance of the orders of this court. As the petitioners were removed from service on 17.12.2013 and they were tried to be paid for that period they performed the duties vide order passed in writ petition bearing No.557 of 2013, therefore, it was the bounden duty of the petitioners to produce the document/proof tentatively from record that they performed their duties and for that period to get salaries as per order of this court but nothing has been brought on file to this effect nor even produce to the respondent

No.1 when asked and was unable even today to produce before the court and as such are not entitled to any relief claimed in writ petition.

7. For the forgoing reasons, the instant petition being devoid of any merit, which is dismissed.

Announced.
11.02.2014.

[Handwritten Signature]
JUDGE.

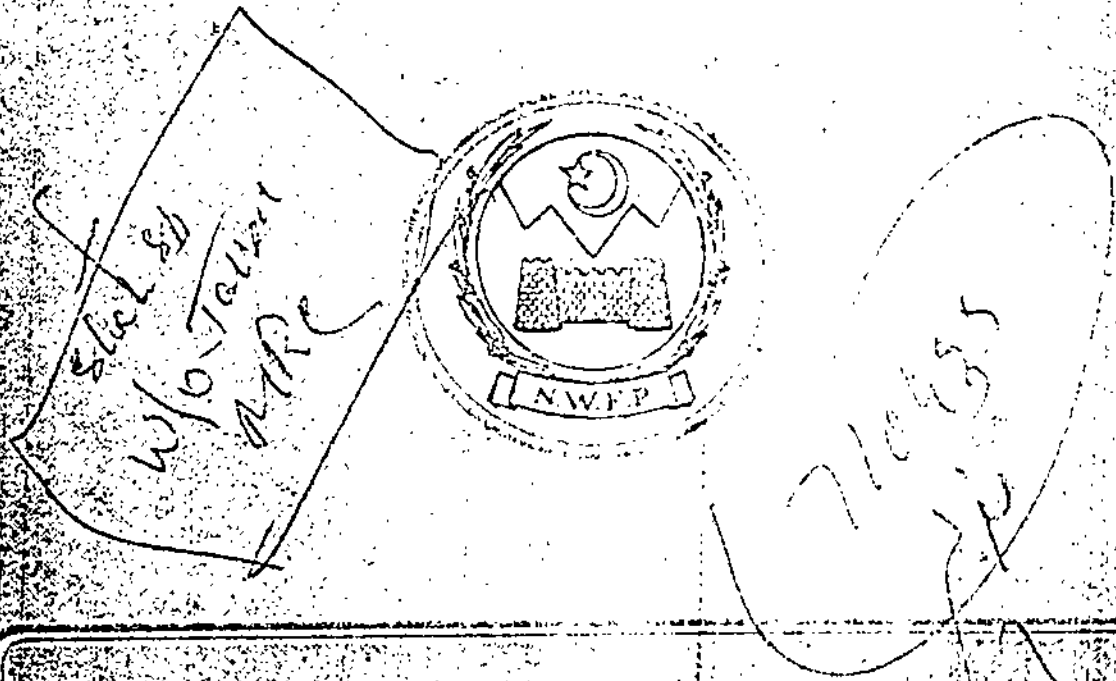
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JUDGE.

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Annexure - D

GOVERNMENT OF N.W.F.P.

SERVICES & GENERAL
ADMINISTRATION DEPARTMENT



MANUAL

Service/Recruitment

North-West Frontier Province

Compiled by: [Name]

Printed by: [Name]
Stats. & Ppl. Dept., Govt. of N.W.F.P.

Handwritten notes: '1/5/55', 'R.P.', '1/10/55'

5. Pipe Fitter/Plumber.

1. Electro Medical Mechanic.

ii) Diploma in electricity from a recognized Vocational Institute.
 Literate/skilled.

18 to 25 years

By initial recruitment.

PART-VI GENERAL STAFF

i) Secondary School Certificate from a recognized Board; and

18 to 30 years

By initial recruitment.

2. Artist.

ii) Diploma in electrical engineering from a Government Poly Technique Institute or equivalent qualification from a recognized Institute, preference will be given to the candidates who have experience in the relevant field.

18 to 25 years

By initial recruitment.

3. Lady Health Visitor.

ii) Diploma in Fine Arts from a recognized Government Institute.

18 to 25 years

By initial recruitment.

4. House Keeper (Female)

i) B.Sc. Home Economic from a recognized Board.

18 to 25 years

By initial recruitment.

5. Radiographer-cum-Photographer.

i) Secondary School certificate from a recognized Board; and

18 to 25 years

By initial recruitment.

6. Photo grapher

7. Projectionist.

i) Secondary School Certificate from a recognized Board; and

18 to 25 years

ii) Two years experience in the field in any recognized Government Institute.

a) Seventy five per cent by initial recruitment.

b) Twenty five percent by promotion, on the basis of seniority amongst the projectionist with at least three years experience in the field.

By promotion, on the basis of Seniority cum-fitness, service as such.

Annexure - D

BEFORE THE HONOURABLE SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 743 / 2014

Mohammad Shahid.....(Appellant)

VERSUS

Govt; of K.P.K etc.....(Respondents)

PARWAISE REJOINDER ON BEHALF OF APPELLANT.

Respectfully Sheweth:-

Appellant submits rejoinder as under:-

REPLY TO PRELIMINARY OBJECTIONS:-

- 1.** That the objection No. 1 is totally incorrect and not admitted. The appeal is well within time from all commons of law. Additionally no Limitation shall run against a void order.
- 2.** Objection No. 2 is false, frivolous as no reason is given to understand that how the present appeal is not maintainable and how it is incompetent. Mere assertion is neither maintainable nor competent to consider for disallowing right of appeal. No legal infirmity is pointed out. The appeal is forcefully competent and maintainable.
- 3.** That objection No. 3 is false, baseless, imaginary, so not admitted. This objection did not contain a single instance to appeal to a mind of ordinary prudence that the appellant was stopped by his own conduct.

4. That the objection No. 4 is baseless, incorrect and absurd. The appellant is an affectee having alone locus standai to impugn the order of respondent No. 2 and being an aggrieved person having exclusive right to challenge the validity of the order in question. It is further contended that the appellant being an aggrieved person has having substantial cause of action to file present appeal.
5. That objection No. 5 is not wisely raised as all the material and essential aspects of the case were categorically crystallized in the appeal in a very shine manner. Not a single instance is referred to believe that the appellant has not come with clean hands.
6. That the objection No. 6 has only been raised for the sake of objection as no mis-joinder and non-joinder of any necessary party has been shown. Hence such objection is not legally tenable.
7. That the objection No. 7 has wrongly been raised as all the material and essential facts of the case were substantially summarized for just decision of the case. No concealment is pointed out.
8. That the objection regarding jurisdiction of this Court is entirely baseless, having no force as any other forum has not been shown to have jurisdiction, hence not entertain-able.

REPLY TO OBJECTIONS ON FACTS:

1. That objection No. 1 is false, frivolous, misleading whereas Para No. 1 of the appeal is just, fair, legal and credible. The Daily newspaper "Sadda-e-Haq" is a well recognized and widely circulated paper even beyond the limits of Dera Ismail Khan District. The perusal of so-called cancellation of advertised does not

contain any cancellation of advertisement nor any ban was imposed by the provincial government the commissioner Dera Ismail Khan is not empowered to impose ban on fresh appointments.

2. That objection No. 2 is wrong, ridiculous and fanciful. The advertisement has never been cancelled nor any ban was imposed by the Khyber Pakhtunkhwa Government.
3. That objection No. 3 is false, absurd and belied by the documentary proof. Respondents having no legal status to deny orally the existence of appointment committee constituted under the Rules. Respondents failed to attach the copy of such declaration or denial of signature of the members of valid, legitimate committee. Documentary proof cannot be rebutted through oral ascertain.
4. That objection No. 4 is meaningless. The proceedings of the committee and recommendations of its members regarding the appointments against various posts including the appellant cannot be denied by a single phrase. The minutes of the meeting already enclosed as annexure "C" with the appeal.
5. That objection No. 5 is totally false, baseless. Mere allegation cannot rebut the irresistible authenticity of legal and genuine orders of appointments issued by the competent authority.
6. That objection No. 6 is wrong, incorrect, not admitted. The appellant was duly appointed. He submitted his arrival report, medical fitness certificate and his service book was prepared. Copies of such documents were attached with the appeal as Annexure "D". It is worth to mention that the show cause notices were never up-held by the Honourable High Court

Bench Dera Ismail Khan and certain mandatory directions were issued to the respondents for strict compliance.

7. That objection No. 7 is incorrectly interpreted, misconceived, defrauded and misguided and having no nexus with realities. In fact Writ Petition No. 393-D/2013 was filed for the release of monthly salaries of petitioner along with other employees and order was passed by the Honourable High Court Dera Ismail Khan Bench on 02/09/2013 regarding release of salaries, the copy of the above said order exists at page 43. It was further prayed in the Writ Petition that prior to show cause notices, No explanation or any enquiry proceeding were conducted nor any removal order was passed from services of appellant along with others and no such posts retained by the appellant could be advertised. The Writ Petition No. 393-D of 2013 was heard on 19/09/2013 and authoritative direction were issued to the respondents that any action must be in accordance with law and Rules on the subject as obedience to Constitution and law is the inviolable obligation of every citizen where ever he may be the respondents were further directed that they must perform they duties strictly in accordance with law and Rules and should not act to the detriments of the appellant and others. The writ petition was disposed-off and not dismissed while in second Writ Petition No. 557-D of 2013 it was again held that the appellant and other employees are entitled for payment of their salaries for the period for which they service, there is no mention of the demand of service record. But in a Contempt of Court the appellant was asked to produce service record as the record was laying with the respondent No. 3 and the copies of record were refused, therefore Contempt of Court petition No. 553-D was dismissed on

11/02/2014. Now the appellant despite his hectic efforts succeeded to obtain the copies of his attendance register from July 2013 to September 2013. The same are enclosed as Annexure "P". This fact speaks regarding the credibility of respondents.

8. The objection No. 8 is incorrect as the respondents were not presumed to be present at the time of writing of judgment over departmental appeal. If it be then the disposal of departmental appeal was not decided on merits but was the result of undue influence, coercion and most controversial made by the respondents themselves. It is also further incorrect to say that the post of house keeper is meant for female. But there are two sanctioned posts one for male and another's for female. As against the post of female one Mst; Mediha Ramzan is working whereas against the post of male preciously one Khalid Ur Rehman was appointed and was promoted as Pharmacy Technician and in his place one Mohammad Javad was appointed. He was removed from service and therefore the appellant was appointed after all Codal formalities. The copy of appointment, Pay slip of Madiha Ramzan, Copy of pay slip Khalid Ur. Rehman S/o Mehmood Ur Rehman and appointment copy of Mohammad Javed are enclosed as Annexure "Q, R & S". the respondents are telling lie that there is no post of male House Keeper as the respondents had previously advertised two posts of House Keeper one for each. The copy of advertisement dated 12th November is also enclosed as Annexure "X".
9. That objection No. 9 is legally incorrect not tenable on the premises of facts and law, hence forcefully denied. The instant service appeal is will within time. The present lis pertaining to service matter has never been decided by the

Honourable Peshawar High Court, Bench Dera Ismail Khan as it is obvious from the prayers / relief claimed through both the Writ Petitions and orders of Honourable Peshawar High Court, Bench Dera Ismail Khan. The copies of both the Writ Petitions and the orders are already annexed with the instant appeal. No limitation shall run against a void order.

REPLY TO OBJECTIONS ON GROUNDS:-

- A.** Ground No. I is contrary to both the judgments of Peshawar High Court Bench Dera Ismail Khan, the order of removal of appellant from service was utter disregard of law and Rules. Prior to the advertisement of the post held by the petitioners and many others were not lying vacant. No show cause notice was issued nor any explanation was sought, similarly no inquiry proceeding were conducted. That the posts held by the appellant and others were advertised on 18/08/2013. That on 20/08/2013 the show cause notices were issued after advertisement when posts were not vacant. No removal order was passed by the respondent No. 3 till that.
- B.** This ground is totally baseless. The appointment was quite legal and was passed after observing all the codal pre-requisite. No legal infirmity or any illegality has been pointed out.
- C.** This ground is meaningless without any logic and substance. There are two sanctioned posts of House Keeper one for male and another for female. Complete reply has already been given in para No. 8.
- D.** This ground is incorrect, baseless. No copy of record is attached in support of allegation.

- E. No proper reply has been given because the respondents were not having any thing to rebut cogently.
- F. The respondents could not controvert the allegations of appellant which are obvious, palpable from the record and conduct of the then M.S Dr. Hashim Khan.
- G. That the respondents had failed to contradict the allegation of ground "G" by of the instant appeal. Persons can tell lie but circumstances in the shape of documents cannot tell lie.
- H. This para is highly baseless, incorrect and opposed by the admitted documentary proof.
- I. The respondents without looking the order in question denied the admitted fact that by a single order departmental appeals of four persons were disposed-off.
- J. Constrained to say that why this para was not denied.

In wake of the above submissions, it is respectfully prayed that by ignoring the fallacious comments, the appeal of the appellant may very graciously be heard and decided on merits.

Your Humble appellant



Mohammad Shahid
Through counsel

Dated: 26/04/2017



SHAUKAT HAYAT KHAN KHAWKWANI
Advocate High Court
Dera Ismail Khan

BEFORE THE HONOURABLE SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 743 / 2014

Mohammad Shahid.....(Appellant)

VERSUS

Govt; of K.P.K etc.....(Respondents)

VERIFICATION:-

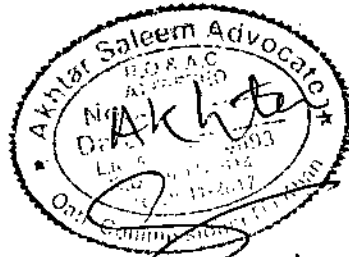
I verified on _____ oath that all the contents of the rejoinder are true and correct as per information conveyed to me by my client and nothing has been concealed from this Honourable Court.


PETITIONER

AFFIDAVIT

I, **Muhammad Shahid**, the appellant, do hereby solemnly affirm declared on oath that contents of the above **rejoinder** are true and correct to the best my knowledge and belief and that nothing has been concealed from this Honourable Court.

Dated: 26/04/2017




DEPONENT

23/8/17

خالد محمد الحسن 1/

Annex: 2 -

8

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ TEACHING HOSPITAL D.I.KHAN

Annex 2


Office Order:

Being properly qualified for the post.

Mr. Muhammad Javid S/O Illahi Bakhsh already working as Ward Orderly in BPS-02 at this hospital is hereby appointed/adjusted under departmental rights, as House Keeper BPS-09 against the vacant post under the control of this office plus usual allowances as admissible under the rules and subject to revision time to time according to Govt. policy.

His appointment/adjustment will be subject to following terms and conditions:

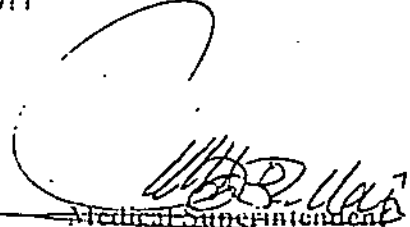
1. He is domiciled in Khyber Pakhtunkhawa.
2. He will not be entitled to any TA/DA for joining the post.
3. He is liable to serve anywhere in Khyber Pakhtunkhawa.
4. He will be governed by such rules and regulation and orders as may be issued by the Government servants to which he belongs.
5. If he wishes to resign at any time he will submit prior notice of one month and will continue to service the Government till the acceptance of his resignation by the competent authority.


Dr. Atisul Khan
Medical Superintendent
DHQ Teaching Hospital D.I.Khan

No. 6350-53 / Estab: Dated 30/08/2011

Copy for information and necessary action to:-

1. Director General Health Services, Khyber Pakhtunkhawa, Peshawar.
2. District Accounts Officer, D.I.Khan
3. Mr. Muhammad Javid S/O Illahi Bakhsh for compliance with reference to his request vide his application dated 24/08/2011
4. Estab clerk of this office.


Dr. Atisul Khan
Medical Superintendent
DHQ Teaching Hospital D.I.Khan

E. I. Khan

Annex: R

SEC: 001 Month: December 2016.
DI4200 - MEDICAL SUPERINTENDENT D-40
DISTRICT HEADQUARTER HOSP

HTN:
GPF #: 370046
Old #:

CF: 3
Para #: 00370046 Buckler:
Name: MEDINA RANZAN
HOUSEKEEPER
CNIC No: 1210123738495
GPF Interest Applied:
10 Active Temporary

| | | |
|--------------------------------|--|-----------|
| PAYS AND ALLOWANCES: | | DI4200 |
| 0001-Basic Pay | | 16,210.00 |
| 1000-House Rent Allowance | | 1,187.00 |
| 1210-Convey Allowance 2005 | | 1,932.00 |
| 1300-Medical Allowance | | 1,500.00 |
| 1948-Adhoc Allowance 20100 50% | | 2,255.00 |
| 2148-15% Adhoc Relief All-2013 | | 424.00 |
| 2199-Adhoc Relief Allow 210% | | 315.00 |
| 2211-Adhoc Relief All 2016 10% | | 1,621.00 |
| Gross Pay and Allowances | | 25,445.00 |
| DEDUCTIONS: | | |

| | | | |
|--------------------------------|-----------|--------|-----------|
| GPF Balance | 46,210.00 | | |
| 3505-GPF Loan Principal Instal | | Sal. | 64,000.00 |
| 3501-Benevolent Fund | | Subrc: | 1,012.00 |
| 4004-R. Benefits & Death Comp: | | | 2,000.00 |
| | | | 160.00 |
| | | | 450.00 |

Total Deductions 3,642.00

21,803.00

P. O. B 05.05.1988 LFP Quota:
09 Years 04 Months 001 Days UNITED BANK LIMITED CIRCULAR ROAD
F/S 100-6901-3

HO

HAN

BEFORE THE KPK SERVICE TRIBUNAL D. I. KHAN CAMP

Muhammad Shahid Vs. Government of KPK etc...

Service Appeal

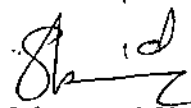
**PETITION TO SUSPEND THE OPERATION OF ADVERTISEMENT DATED 06/01/2018
PUBLISHED IN DAILY MASHRIQ AND TO RESTRAIN THE RESPONDENTS FROM
ISSUING PROCESS AGAINST THE POST OF HOUSE KEEPER FOR APPOINTMENT
TILL THE FINAL ADJUDICATION OF INSTANT APPEAL**

Respectfully Sheweth,

1. That the above titled appeal is pending adjudication before this Honourable Court since the year 2014.
2. That the Respondent No. 3 after change of nomenclature as Hospital Director has advertised various posts including the post of house keeper in daily Mashriq dated 06/01/2018. The copy of advertisement is annexed.
3. That prima facie the petitioner has a very good case in his favour and is quite hopeful for the success of his appeal which is based on very solid legal and factual grounds.
4. That the respondent No. 3 with the concurrence of Respondent No. 1 and 2 having published a proclamation in the Daily Mashriq Peshawar dated 06/01/2018 and is inclined to fill up the post of house keeper which is having vacant in the Teaching Hospital D. I. Khan keeping in view the General Elections of 2018 with malafide intention.
5. That in case the process is issued and the appointment is made, the petitioner will suffer irreparable loss and deprived of his legal and constitutional right.

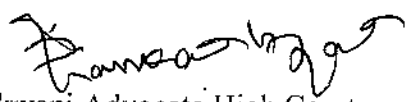
It is therefore humbly prayed that the operation of advertisement dated 06/01/2018 may very kindly be suspended and the respondent may also be restrained to issue appointment order till the final adjudication of the above titled appeal.

Dated:24/01/18


Muhammad Shahid

Petitioner/Appellant

Through Counsel


Shaukat Hayat Khan Khakwani Advocate High Court



2018ء 206..... (3).....

MEDICAL TEACHING INSTITUTION, DIKHAN SITUATION VACANT

Applications are invited from eligible candidates (both male & female) for the following vacant posts for appointment under MTI ACT 2015 and MTI Di Khan Regulations 2016 at Medical Teaching Institution Di Khan:-

| Sl. No | Name of Post | BPS | Qualification/Experience | Date of Interview |
|--------|--|--------------|--|-------------------|
| 1 | Trainee Registrars All Clinical Specialities (3 years tenure vacancies) | 17 | I.MBBS or equivalent qualification from recognized University registered with PMDC. II.PCPS Part-II training completed. | 28-1-2018 |
| 2 | Medical Officers (BPS-17) | | I.MBBS or equivalent qualification from recognized University registered with PMDC. II.One year House Job Training III.Age: 22-35 years | 29-1-2018 |
| 3 | Optometrist | 17 | I.B.Sc(Hon) in the relevant disciplines. II.Candidates with relevant experience will be preferred. III.Age limit-25 to 35 years. | 1-2-2018 |
| 4 | Warden(Male/Female) | 17 | I.B.A. in 2 nd Division II.Candidates having experience will be preferred. III.Age limit:-25 years. | 24-1-2018 |
| 5 | Security Officer | Fixed Pay | I.National Officer of Pakistan Armed Forces/Police. II.Age upto 58 years. | 19-2-2018 |
| 6 | Computer Operator | 16 | I.BC/BS with Computer Science OR B.A 2 nd Div. with one year Diploma in IT from Board of Technical Education or its equivalent. II.Candidates with experience will be preferred. III.Age limit-21-32 years. | 27-1-2018 |
| 7 | Assistant | 16 | I.B.A./B.Sc or equivalent qualifications from any recognized University. II.Candidates with experience will be preferred. III.Age limit - 18 to 35 years. | 22-2-2018 |
| 8 | Charge Nurse | 16 | I.B.Sc Nursing OR 3 years Nursing Diploma and 01 year Midwife Diploma from any recognized institution. II.Registered with Pakistan Nursing Council. III.Age limit-22-35 years. | 6-2-2018 |
| 9 | Junior Clinical technician I.Ophthalmology / Otorhinology II.Mufti Purpose (Sanitary) III.EEG (Neuro Physiology) IV.Pulmonology v.Physiotherapy vi. Nephrology | 12 | I.B.Sc with Science from recognized board and two years Diploma from Khyber Pakhtunkhwa Medical Faculty/ recognized institution in relevant field. II.Age 18-30 years. | 14-2-2018 |
| 10 | Assistant Warden | 12 | I.F.A/T.sc or equivalent qualifications from recognized board. II.Age limit - 18 to 35 years | 1-2-2018 |
| 11 | Junior Clerk | 11 | I.Matric with 2nd Div. II. Know Typing III.Age limit-20-35 years. | 30-1-2018 |
| 12 | House Keeper | 10 | I.F.A/T.sc with Home Economics. II.Candidates with experience will be preferred. III.Age limit-20-35 years. | 2-2-2018 |
| 13 | Audio Visual Technician | 9 | I.Secondary School Certificate II.Three years experience as Photographer / Projectionist III.Age: 18 to 30 years. | 16-2-2018 |
| 14 | Medical Gas Assistant | 07 | I.Matric II.Certificate in Mechanical Technology III.Age - 18-30 years. | 5-2-2018 |
| 15 | Store Keeper | 07 | I.Secondary School Certificate in 2 nd Division from recognized board. II.Preference will be given to candidates having relevant experience. III.Age limit-21-35 years. | 8-2-2018 |
| 16 | Generator Operator | 07 | I.Secondary School Certificate II.One year Electrician certificate from recognized institute. III.Age 18 to 35 years. | 13-2-2018 |
| 17 | AC Mechanic | 07 | I.Matric with one year certificate in Air Conditioning/ Electrical from a recognized institute. II.Preference will be given to candidates having experience. III.Age limit-18-35 years. | 10-2-2018 |

GENERAL CONDITIONS:-

1. Applications on prescribed form given below with copies of certificates, degrees and Bank draft Rs.1000/-(S.No.1 to 8) and Rs. 500/- (S.No.9 to 17) should reach the undersigned up-to 16-1-2018. Without documents and Bank draft no application will be entertained.
2. Original documents should be produced at the time of interview.
3. Incomplete/without prescribed form, application shall be rejected.
4. NO TA/DA will be admissible for appearing in interview.

APPLICATION FORM, MTI DI KHAN

| | |
|--|-----|
| Name of Post | BPS |
| <p>Notes: Please fill the form in "BLOCK LETTER" and tick relevant box:</p> <p>1. Name of Applicant</p> <p>2. Other's Name</p> | |

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 545 /ST

Dated 15 /03/2018

To

The Director General Health,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 743/2014, MR. MUHAMMAD
SHAHID.**

I am directed to forward herewith a certified copy of Judgment/Order dated 12/03/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


**REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.**

j. It is incorrect, all the codal formalities were fulfilled, he has been given the chance of personal hearing. (Annex-1) is attached as a proof.

k. It is incorrect and appellant was legally terminated.

PRAYER:

It is therefore, most humbly prayed that on acceptance of this para-wise comments, the appeal of the appellant may kindly be dismissed with cost.


MEDICAL SUPERINTENDENT

DHQ HOSPITAL TANK



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 669

Dated 12/06/2018

**DIRECTORATE GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Exchange # 091-9210187, Tele # 9210196 Fax # 091-9210230

MOST IMPORTANT

COURT MATTER

MOST IMMEDIATE

No. 2353-58 /AD (Lit)

Dated 8 / 8 / 2018

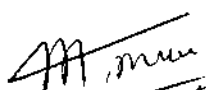
Registrar,
Khyber Pakhtunkhwa, Services Tribunal
Peshawar.

Subject:

**ORDER/JUDGMENT IN SERVICE APPEAL NO. 743/2014 -
MUHAMMAD SHAHID VS GOVERNMENT OF KHYBER
PAKHTUNKHWA AND OTHERS.**

Please refer to your letter No. 545/St dated 15/03/2018 in the subject Service Appeal.

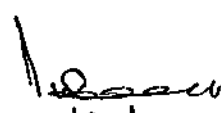
It is to communicate that the subject Appeal has already been considered and regretted in the light of Enquiry report submitted by Dr. Ikramullah (Director HRM/Admin), Directorate General Health Services, Khyber Pakhtunkhwa.


05/06/18
(Muhammad Naeem)
Assistant Director (Lit)
Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.

C.C. to:

1. Dr. Ikramullah (Director HRM/Admin), Directorate General Health Services, Khyber Pakhtunkhwa
2. Section Officer (Lit-II), Health Department, Khyber Pakhtunkhwa, Peshawar.
3. PA to Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

Put up to the court with
relevant appeal.


12/6/18