

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1241/2014

Date of institution ... 16.10.2014

Date of judgment ... 05.03.2018

Mst. Rani Naz W/o Emmanuel Javed.

R/o House No. 7 District Head Quarter Hospital Mardan.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Health, Civil Secretariat Peshawar.
2. Director General Health, Civil Secretariat Peshawar.
3. Chief Executive Mardan Medical Complex, Teaching Hospital Distt: Mardan.
4. M.S Zaeen Khan, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
5. Professor Dr, Muhammad Israr, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
6. Gul Afsar Khan, Wardan Mardan Medical Complex, Teaching Hospital Distt: Mardan.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AFTER LAPSE OF THE ACQUIRED PERIOD BY LAW AGAINST THE IMPUGNED ORDER OF REMOVAL FROM SERVICE OF APPELLANT LETTER NO. 3591-96 DATED 07.05.2014 WHICH PASSED AGAINST THE LAW AND WITHOUT LAWFUL AUTHORITY AS WELL AS AGAINST THE NATURAL LAW.

Mr. Muslim Shah Aryani, Advocate.

.. For appellant.

Mr. Ziaullah, Deputy District

.. For respondents No. 1 & 2.

Barrister Babar Shehzad Imran, Advocate

.. For respondent No. 3 to 6.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

Learned counsel for the

appellant present. Mr. Ziaullah, Deputy District Attorney for respondents No. 1 and 2

and Barrister Babar Shehzad Imran, Advocate for respondents No. 3 to 6 also

present and submitted his Wakalatnama. Wakalatnama is placed on record.

Arguments heard and file perused.

M. Amin
5.3.2018

2. Brief facts of the case as per appeal are that the appellant was serving in Health Department as Dai (BPS-2. She was removed from service by respondent No. 3 i.e Chief Executive Mardan Medical Complex, Teaching Hospital Mardan on the allegation that she submitted application against M.S in police station Sheikh Maltoon as well as absence from duty vide order dated 07.05.2014. The appellant filed departmental appeal on 19.05.2014 but the same was also regretted by the departmental authority vide order dated 25.07.2014 hence, the present service appeal on 16.10.2014.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Health Department. It was further contended that the appellant was removed from service by respondent No. 3 i.e Chief Executive Mardan Medical Complex, Teaching Hospital Mardan on the allegation that she had filed complaint against respondent No. 4. It was further contended that the appellant is a civil servant therefore, the competent authority is the District Health Officer and not the Chief Executive therefore, the impugned order was passed by the incompetent authority hence, the same is illegal and liable to be set-aside on this ground alone. It was further contended that neither proper inquiry was conducted nor opportunity of hearing and defence was provided to the appellant therefore, the appeal is liable to be accepted.

5. On the other hand, learned Deputy District Attorney for respondents No. 1 & 2 and Barrister Babar Shehzad Imran, Advocate for respondents No. 3 to 6 opposed the contention of learned counsel for the appellant and contended that the appellant was disobedience and the impugned order was rightly passed by the competent authority.

6. Perusal of the record reveals that departmental inquiry proceedings was initiated against the appellant Mst. Rani Naz on the allegation that she has lodge a complaint against Dr. Muhammad Zaheen MS MMCTH. The record further reveals

M. Ammar
5.3.2018

that neither charge sheet and statement of allegation were served on her nor the inquiry officer has recorded the statement of any witness during the inquiry proceeding nor opportunity of cross examination and defence was provided to the appellant during the inquiry proceeding. Meaning thereby that the inquiry proceeding was not conducted by the inquiry officer according to the prescribed rules and law. Furthermore, the appellant is admittedly a civil servant therefore, the Chief Executive who is not competent authority to issue any removal order of the appellant from service rather District Health Officer is the competent authority therefore, the impugned order has been passed by the incompetent authority is void and liable to be set-aside. As such we are constrained to accept the appeal and reinstate the appellant into service. However, the respondent-department is at liberty to conduct de-novo inquiry against the appellant in accordance with law and rules within a period of three months from the date of receipt of this judgment. The issue of back benefits will be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
05.03.2018


(MUHAMMAD HAMID MUGHAL)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

05.03.2018

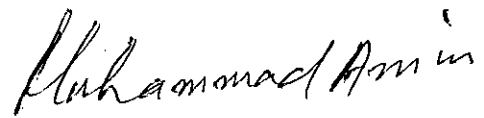
Learned counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents No. 1 & 2 and Barrister Baber Shahzad Imran, Advocate for respondents No. 3 to 6 also present and submitted his Wakalatnama. Wakalatnama is placed on record. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, we are constrained to accept the appeal and reinstate the appellant into service. However, the respondent-department is at liberty to conduct de-novo inquiry against the appellant in accordance with law and rules within a period of three months from the date of receipt of this judgment. The issue of back benefits will be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
05.03.2018



(MUHAMMAD HAMID MUGHAL)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

23.10.2017

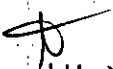
Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 & 2 present. Wakalatnama on behalf of respondent No. 3 submitted in favour of Barrister Babar Shahzad Khan by his junior. He seeks adjournment for non-availability of his senior counsel. Last chance is given. To come up for arguments on 04.01.2018 before the D.B. *Again counsel for respondents 3 to 6 appeared.*

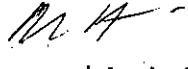

Member


Chairman

04.01.2018

Counsel for the appellant present. Mr. Riaz Ahmed Payanda Khel, Assistant AG for respondents No. 1 & 2 and Barrister Babar Imran, for respondents No. 3 to 6 also present. During the course of arguments Learned counsel for respondents No. 3 to 6 when confronted on the point whether the appellant is a civil servant or an employee of MTI was unable to clarify the position? In case the appellant is a civil servant whether the Chief Executive is the competent authority to proceed against the appellant? It may also be clarified who is the competent authority to initiate disciplinary action against the appellant? Respondents are directed to clarify this point. To come up for arguments on 05.03.2018 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

10.01.2017

Counsel for the appellant and Mr. Daulat Khan Legal Advisor for respondents No. 3, 4 and 5 alongwith Addl. AG for the respondents present. Learned Legal Advisor for respondents No. 3, 4 & 5 requested for adjournment to submit proper Wakalatnama and to prepare arguments. Adjourned for final hearing to 29.05.2017 before the D.B.

Member

Chairman

29.05.2017

Counsel for the appellant and Mr. Muhammad Jan Deputy District Attorney for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 20.09.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Amin Khan Kundi)
Member

20.09.2017

Counsel for the appellant present. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 23.10.17 before D.B.

Member
(Executive)

Member
(Judicial)

25.08.2015

Counsel for the appellant, M/S Yar Gul, Senior Clerk and Iltaf Ahmed, Litigation Officer alongwith Addl: A.G for official respondents No. 1 to 3 present. Requested for adjournment. To come up for written reply/comments on 11.11.2015 before S.B.


Chairman

11.11.2015

None present for appellant. M/S Qibaz Khan, SO and Yar Gul, Senior Clerk alongwith Addl: A.G for official respondents No. 1 to 3 present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 27.01.2016.


Member

27.1.2016

None present for appellant. M/S Muhammad Arshed, SO, Yar Gul, Senior clerk and Iltaf Ahmed, Litigation Officer alongwith Assistant AG for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 6. Proceeded ex-parte. Written statement by official respondents No. 1 to 3 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.5.2016.


Chairman

11.5.2016

Agent of counsel for the appellant and Mr. Muhammad Arshad, SO alongwith Ziaullah, GP for the respondents present. Rejoinder submitted. Requested for adjournment as learned counsel for the appellant is not in attendance. Adjourned for final hearing to 05.09.2016 before D.B.


Member


Chairman

02.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that on complaint of appellant inquiry was conducted and in the light of findings in the same appellant was removed from service vide order dated 7.5.2014. That she preferred departmental appeal on 19.5.2014 which was rejected on 25.7.2014 and hence the instant service appeal on 17.10.2014. That for the inordinate delay application for condonation of delay has already been submitted.

That the inquiry conducted in respect of allegations levelled by the appellant against the high-ups while the punishment was awarded to the appellant instead of the said high-ups.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.6.2015 before S.B. Notice of condonation application be also issued for the date fixed.


Chairman

29.06.2015

Counsel for the appellant present. Security and process fee not deposited. The same be deposited within a week, where-after notices be issued to the respondents for written reply for 25.8.2015 before S.B.


Chairman

Appellant Deposited
Security & Process Fee



Reader Note:

03.12.2014

Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 05.01.2015 for the same.


Reader

Reader Note:

05.01.2015

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned 27.02.2015 for the same.


Reader

27.02.2015



Counsel for the appellant present. Learned counsel for the appellant requested for adjournment as he intends to submit application for condonation of delay. Adjourned for preliminary hearing on 02.04.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1241/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/10/2014	<p>The appeal of Mst. Rani Naz presented today by Mr. Muslim Shah Aryani 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	21-10-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 30-12-2014 <u>30-12-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

Before the KPK Service Tribunal PeshawarAppeal No. 1241 /2014

Mst. Rani NazAppellant

VERSUS

Gov't of KPK & othersRespondents

Service Appeal**INDEX**

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4	Copy of departmental appeal	"B"	7	9
5	Order of respondent No.2	"C"	10	
6	Copy of the order of C.M	"D"	11	
7	Copy of show cause notice	"E"	12	13
8	Copy of inquiry	"F"	14	
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Dated 15/10/2014

Appellant

رانی ناز

Mst. Rani Naz

Musli Shah

MUSLIM SHAH ARYANI**ADVOCATE****High Court Peshawar**

Through

MUSLIM SHAH ARYANI

ADDVOCATE HIGH

COURT AT DISTT:

COURTS MARDAN

Before the KPK Service Tribunal PeshawarAppeal No. 1241 /2014

1267
16-10-2014

Mst. Rani Naz W/o Emmanuiel Javed R/o House No.7 District Head
Quarter Hospital MardanAppellant

VERSUS

1. Gov't of KPK through Secretary Health, Civil Secretariat Peshawar
2. Director General Health, Civil Secretariat Peshawar.
3. Chief Executive Mardan Medical Complex, Teaching Hospital Distt: Mardan.
4. M.S Zaeen Khan, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
5. Professor Dr, Muhammad Israr, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
6. Gul Afsar Khan, ^{Mardan} Mardan Medical Complex, Teaching Hospital Distt: Mardan.Respondents

Appeal U/S- 4 of NWFP Service Tribunal Act 1974, after lapse of the acquired period by law against the impugned order of removal from service of appellant letter No. 3591-96 dated 07/05/2014 which passed against the law and without lawful authority as well as against the natural law.

16/10/14
PRAYER,

On the acceptance of the instant appeal, the impugnd removal of service order of the appellant No. 3591-96 dated 07/05/2014 may kindly be set aside on the basis of malafide order and without lawful authority and the appellant be re-instated for the sake of justice.

Respectfully Sheweth;

- I. That the appellant was Dai-BPS-02 in MMCTH Distt: Mardan and very fantual for duty, but removed from the service by punctual respondent No.3 letter No. 3591-96 dated 07/05/2014 while no misconduct of absence has been committed by appellant because no history or explanation of complainant for absence of appellant has been attached during inquiry or show

cause notice. *(Copy of removal order is attached as Annex: "A")*.

2. That the appellant requested to respondent No.4 for transfer from MMCTH to DHQ hospital Mardan because the appellant served about 8/9 years duty at MMCTH Mardan.
3. That the appellant official stay at one place was legally fulfilled therefore requested for the transfer and in this regard respondent No.4 called the appellant at office time and again but at the last time dated on 04/04/2014 in the duty hours when appellant entered in the office of respondent No.4 M.S Zaeen Khan then M.S respondent No.4 disgraced appellant on demand of transfer as well as beat the appellant but on the intervention of P.A etc appellant got out way from the office.
4. That the appellant for the misbehavior and un-parliamentary language of M.S respondent No.4 as well as beating of appellant approached to the concerned P.S Sheikh Maltoon but in vain and the S.I only signed the appellant complaint and No. FIR,D.D.R has been lodged because of influence of respondent No.4 M.S Zaeen Khan.
5. That the appellant also approached to the respondent No.3 through complaint for mis behavior and disgracing and beating of appellant by respondent No.4 but on the request and complaint of appellant respondent No.3 removed appellant from services while the said order is against the law and having no effect in the eye of law. *(Removal order is already attached as "A")*.
6. That the appellant lodged departmental appeal before the respondent No.2 for re-instatement of service dispatch No. of appeal 14917 dated 20/05/2014 but the respondent No.2 also not re-instated the service of appellant and issued order No. 6027 dated 25/07/2014 *(Copies of departmental appeal is Annex: "B", order of respondent No.2 is attached as Annex: "C")*.
7. That the appellant is a poor woman and was a Dai-BPS-02 having no approached then submit & request before the C.M & C.M of KPK issued order for re-instatment of appellant through leter No. PS/SA/MA/I-5/2014 but the C.M order has not been implemented by respondent No.3 for the favour of

respondent No.4. (*Copy of the order of C.M is attached as Annex: "D"*).

8. That the respondent No.3 conducted an inquiry on request and complaint of appellant and appointed subordinate officers for inquiry who are very closed to respondent No.4 M.S and no witness has been recorded by appellant side and no opportunity has been provided to appellant to cross the witnesses and on complaint of appellant removed appellant from service which is against appellant the natural law and beyond the law while respondent No.3,4 kept depress the appellant and as well as unheard and no one should condemned unheard, while during the inquiry M.S respondent No.4 performed his duty as per natural and existing law, whenever any inquiry conducted against any person, he will be suspended till the final report of inquiry.

9. That the respondent No.3 mentioned three grounds for the removal of service of appeal and in the show cause notice which are mentioned.

- a. Inefficient above your duty
- b. Guilty of Mis-conduct
- c. Guilty of habit-?

While the above points are not disputed and having no concerned with the matter the appellant complaint was for disgracing and beat of the respondent No.4 of announcing of any penalty on the complaint of appellant, then it should be imposed on respondent No.4 M.S not on complainant.

10. That the appellant further requesting that the points of inquiry and show cause notice are not the same, while creating smell of favour as well pre-planned. (*Copy of inquiry is Annex: "E" , copy of sow cause notice is "F"*)

11. That the appellant also loged complainant to respondent No.1 agaisnt respondent No.4 but no response. (*Copy is hereby attached as)*

GROUND:

- A. That the respondent No.3 has not treated the appellant in accordance with law and rule and acted against the fundamental rights of the appellant as well as removed the appellant from service while appellant is competent the impugned order No.3591-96 dated 07/05/2014 is against the law and without lawful authority which un-justice, un-fair and hence not sustainable by the law.

- B. That the re-instatement of appellatant on the letter of C.M No. PS/SA/MA/1-5/2014 dated 11/07/2014 has not been effected and the respondent No.3 deliberately not re-instated appellatant for the favour of respondent No.4 while fair inquiry be conducted by any other investigation agency against the M.S respondent No.4 for his misbehavior and beaten of appellatant for the justice.
- C. That the respondent No.3 used his power and authority in favour of respondent No.4 and deprived appellatant from her service, while the attitude of respondent No.3 is against the law & rules and not sustainable in the eye of law and respondent No.3 showed that he will take action after 15 days completion mentioned in the show cause notice and removed appellatant from service before completion of 15 days which showing malafide on the part of respondent No.3 for favour of respondent No.4.

PRAYER FOR INTERIM RELIEF:-

1. That the appellatant is a poor and helpless woman has been illegally deprived and removed from service is against the law and rules and not sustainable by natural law.
2. That if the appellatant not re-instated on Dai-post BPS-02 then appellatant will suffer irreparable loss while respondent will have no loss legally.
3. That the balance of convenience also lies in favour of appellatant.
4. That appellatant having good prima facie case in her favour and there is every like hood in her favour.

PRAYER:-

Therefore it is humbly requested in your Honour, that the appeal of the appellatant on the above grounds with interim request may kindly be accepted and the appellatant be re-instated on her pos with retrospective effect and any other relief which is not prayed but this Hon'ble court deemed fit may also be granted in favour of the appellatant.

Appellant

رانی ناز

Mst. Rani Naz

Through

MUSLIM SHAH ARYANI
ADVOCATE

High Court Peshawar
MUSLIM SHAH ARYANI
ADDVOCATE HIGH
COURT AT DISTT:
COURTS MARDAN

Dated 15/10/2014

Identified by

MUSLIM SHAH ARYANI
ADVOCATE MARDAN.

MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar

Before the KPK Service Tribunal Peshawar

Appeal No. _____/2014

Mst. Rani NazAppellant

VERSUS

Gov't of KPK & othersRespondents

Service Appeal**AFFIDAVIT**

I, do hereby solemnly affirm and declare that contents of the above mentioned service appeal are true and correct to the best of my knowledge and nothing has been concealed from this Hon'able court.

Deponent رانی ناز

Identified by

Musli

MUSLIM SHAH ARYANI
ADVOCATE
 High Court Peshawar

Musli
Daulat Khan Advocate

Daulat Khan Advocate
Oath Commissioner
Distt. Courts Mardan

No. 1070 Date 16/1/2014

"A" "A"

P-06



**MARDAN MEDICAL COMPLEX
TEACHING HOSPITAL MARDAN**

No. 3591-96 /MMC

Dated 7/5/2014

OFFICE ORDER

In exercise of the powers conferred by Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, after observance of all codal formalities, the charges have been proved against Mst Rani Naz Dai (BPS-02) Mardan Medical Complex Teaching Hospital Mardan. Thus the undersigned being a competent authority is hereby ordered to impose upon her the penalty specified under Rule 4 (b) iii Removal from Service with immediate effect.

Zulian
CHIEF EXECUTIVE

Copy forwarded to;

1. PS to Secretary to Govt. of KPK Health Department Peshawar.
2. Director General Health Services KPK Peshawar
3. M.S. MMCTH Mardan
4. DAO Mardan
5. Accounts Officer MMCTH Mardan
6. ~~Mst Rani Naz Dai.~~

Attested
دانی ناز

To

P-7

The Director General Health Services
KPK, Peshawar.

subject:- Departmental appeal against Removal from
service order NO 3591-96/MMC dt. 07/5/14
issued by Chief Executive MMC Teaching Hospital
Mardan is against law, facts, against natural justice
based on malafide intention and is ineffective
upon the rights of the appellant and liable
to be dismissed/set-aside and by accepting
the instant appeal the appellant may kindly
be re-instated in service with all back benefits.

Respectfully sheweth,

1. That the appellant is posted in MMC Teaching Hospital Mardan as a "DAI" (BPS-02) / Midwife and belongs to a Christian family.
2. That the appellant was performing her duties to the entire satisfaction of her superiors and the service record of the petitioner is spotless because she is committed to her job.
3. That the impugned order dt 07/5/2014 is illegal, against law & facts and based on malafide and is ineffective upon the rights of the appellant and liable to be set-aside. (copy of impugned order is attached as annex. A)

ded

4. That the removal from service order is the result of complaint against Mr. Zaheer Khan M.S Mardan medical complex to secretary Health KPK, because the M.S disgrace and beat the appellant in his office and in this respect the appellant submitted an application in Police station Sheikhmaltoon Mardan, hence the entire departmental proceeding against the appellant is illegal and due to the above mentioned reason/facts and due to rude behaviour of the M.S, MMC Mardan which is ineffective upon the rights of the appellant & the said application was not entertained due to the influence of M.S.
(Copy of complaint against M.S is attached as Annex. "B")

5. That the chief executive MMC not treated the appellant according to law, and issued an illegal order in hurry due to favour of his Dr. colleague.
6. That the entire proceeding is against law because ~~the~~ and to depress the issue of Dr. Zaheer Khan and to pressurise the appellant and are ~~try~~ trying to mute the voice of a minority, hence the order dt 07/5/14 is not maintainable in the eye of law and liable to be dismissed/set aside.

Attested
 ذانی ناز

(Contd. P 2)

7- That the appellent belongs to a poor family and there is no other source of income for the brought up of her family except salary, and the major penalty i.e Removal from service is totally against law & natural justice hence not maintainable and liable to be set aside. and the appellent is entitle to continue her services, with all back benefits.

Therefore it is humbly prayed that keeping in view the above mentioned facts and circumstances the impugned order dt 07/5/2014 may kindly be dismissed/set aside and the petitioner/appellant may kindly be reunited in service with all back benefits.

dt:-19/5/14.

Appellant.

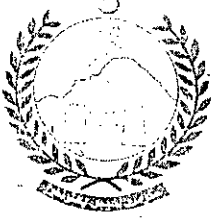
Rani Naz.

Midwife (Khala)

MMC Teaching Hospital Marla.

cell #

Attested
Rani Naz



"C"
P-10

DIRECTORATE GENERAL HEALTH
SERVICES, GOVT: OF KHYBER
PUKHTUNKHWA, PESHAWAR.
NO _____ /PERSONNEL
DATED: 25 /07/2014:

To,

Mst. Rani Naz
Ex: Dai
MMC Mardan.

Subject:
Memo:

APPEAL FOR RE-INSTANTMENT IN GOVT: SERVICE.

I am directed to refer to your appeal dated 19.05.2014, on the subject noted above.

Your appeal for re-instatement in to Govt Service has been considered by the competent authority and can not, it is regretted be acceded to as your removal from services has been issued after observance of all the codal formalities as required under the E&D Rules.

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

No. 6027 /Personnel

Copy forwarded to the Chief Executive Mardan Medical Complex Mardan for information.

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

18.7.2014

Attended
دانی ناز



"D"
P-11
OFFICE OF THE SPECIAL ASSISTANT TO
CHIEF MINISTER, KP, FOR MINORITY
AFFAIRS

No. PS/SA/MA/1-5/2013.
Dated Peshawar the 11-07-2014

To

The Medical Superintendent,
Mardan Medical Complex,
Mardan.

Subject:- **REQUEST FOR REINSTATEMENT.**

Memo:

I am directed to refer to the subject noted above and to enclose herewith an application in respect of Mst: Rani Naz, working as Dai in the Mardan Medical Complex upon which the PS to the Chief Minister, KP has also recorded the following remarks:-

"Pl. look into the request of applicant and take appropriate action".

2. I am further directed to please look into the matter sympathetically and take a lenient action by restoring her services.

Encl: As above

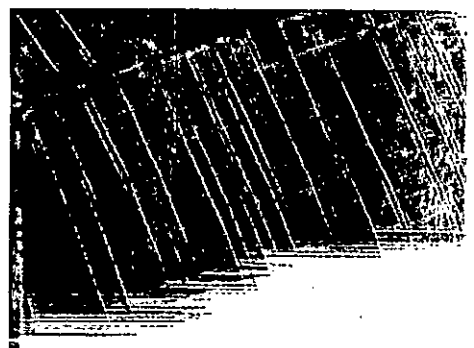
(Aurang Zeb Awan)
Private Secretary
Ph: 091/9210246

Attested

دالی ناز

10 E 23

P-12-13



INTRODUCTION

An enquiry committee comprising on Professor Dr. Muhammad Israr Head of Surgical B/Vice Principal (Clinical) and Mr. Gul Afsar Khan warden/DMS (M), was constituted by the Chief Executive Mardan Medical Complex Teaching Hospital Mardan on 14.04.2014 with the direction "to conduct an enquiry and submit the report" into the subject matter. As such Mst Rani Naz Dai has lodged complaint against Dr. Muhammad Zaheen MS MMCTH to various Govt functionaries. According to her, "She went to the MS Office to discuss about her transfer matters. The MS disgraced her and also beat her. She submitted an application against MS in Sheikh Maltoon Police Station but they didn't take any action against him". (Annex-I)

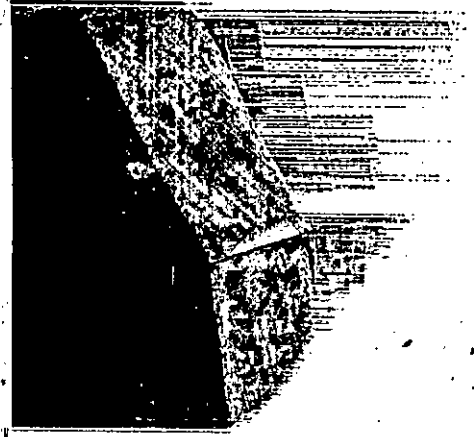
PROCEEDINGS

- Both the parties were heard in person as well as their written statements obtained. (Annex-II & III)
- List of witnesses and their statements on oath recorded. (Annex-IV, V, VI)
- Statement of DMS (Admn) has also been obtained. (Annex-VII)

FINDINGS

After going through the case and examining the record. The following observations are made;

1. The complaint is baseless, concocted and misleading.
2. In the present scenario, the complainant (Mst Rani Naz Dai) failed to prove the charges against the MS (Dr. Muhammad Zaheen).
3. She is not a willing worker by habitually late coming, absconding, absenting herself as well as having aggressive behaviour towards her seniors as evident from her previous service record.
4. She approached to various functionaries without seeking prior permission of the competent authority.
5. She found guilty of misconduct as such she attempts to bring outside influence in the service matters.
6. Her such defamatory acts are pre judicial to good order or service discipline and unbecoming of Govt. servant.



Handwritten signatures and dates: 24/4/14, 24/4/14

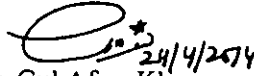
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CONCLUSION

In view of the prevailing situation it is suggested that she (Mst Rani Naz Dai BPS-2) may be removed from her Govt. service to avoid such mal practice in future.

Submitted please.


24/4/2014
Mr. Gul Afsar Khan
(Member Enquiry Committee)


24/4/14
Professor Dr. Muhammad Israr
(Chairman Enquiry Committee)

P-13

Chief Executive MMCTH

Agreed
Issue shows cause to give opportunity
for Personal Hearing along with the
Penalty of Removal
from Service.

Zifan
24.4.14

RA

Attested
24/4/14



**MARDAN MEDICAL COMPLEX
TEACHING HOSPITAL MARDAN**

No. 3261 /MMC

Dated 24/4/2014

11 E 3
P-124

SHOW CAUSE NOTICE

I, Prof: Dr. Ziaul Islam Chief Executive Mardan Medical Complex Teaching Hospital Mardan as competent authority, under the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mst Rani Naz Dai BPS-2 MMCTH Mardan as follows;

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing.
- (ii) on going through the findings and recommendations of the inquiry committee, the material on record and other concerned papers including your defence before the inquiry committee.

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules.

- a. Inefficient about your duties
- b. Guilty of Misconduct
- c. Guilty of habitually absenting herself from duty without prior approval of the competent authority.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from Service under rule 4 of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry committee is enclosed.

Attested
دانی ناز

COMPETENT AUTHORITY

بعدالت جناب سے پی۔ کے سروس ٹریبونل پشاور

کورٹ فیس

201ء منجانب ایبلانٹ

مورخہ 15/10/2014

صداقت حکومت سکرری صلیو ملک

بنام

رانے ناز

مقدمہ

اپیل

دعوی

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لئے مسلم شاہ اریانی ایڈووکیٹ کو مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرے گا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرری کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداختہ منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخی پیشی مقام دورہ پر ہو یا تاکہ حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المترقوم 15 ماہ اکتوبر 2014ء

ایبلانٹ

مقدمہ

گواہ شدہ

پشاور کے لئے منظور ہے۔

Attested & Accepted

Muslim

MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar

The Chief Executive,
Mardan Medical Complex,
Teaching Hospital Mardan.

" 9 "

P- 15, 16

Subject: **Show Cause Notice**

Sir,

With reference to your letter No: 3261/MMC, dated: 24/04/2014 subjected above, it stated that your good self accused me the following omissions:

- a- Inefficient about my duties
- b- Guilty of Misconduct
- c- Guilty of habitually absenting myself from duty without prior approval of the competent authority.

Your good self also decided to impose upon me the penalty of Removal from services.

Sir, for your kind persual it is stated that I didn't do the same omissions. But some people are trying to hide the facts and reality. And are trying to mute the voice a minority. This is a vindictively feed back of the the following issue. The following is the reality and facts:

- 1- I belong to a Christian family.
- 2- On 04/04/14 Mr. Zaeen Khan (MS, MMC) misbehave with me.
- 3- I wrote a complaint letter against Mr. Zaeen Khan and also submitted an application against MS in Shaikh Maltoon Police Station.

As a result enquiry committee also try to depress the issue and favours MS. I tried to meet with you in the same matter but unfortunately your good self is very engaged in duty schedule.

Therefore, now it is requested may kindly take the matter seriously. And for God sack don't agonize me.

Enclosed:

- a- Compliant letter, dated: 05/04/14
- b- Receipts of courier service
- c- Show Cause Notice

Regards.

Yours Truly,

Rani Naz,
Mid Wife (Khala),
Mardan Medical Complex, Mardan.
Contact#0302-5271771

CC:

- 1- The Honourable Dr. Kozue Kay Nagata, **Director/ Representative**, United Nations Educational, Scientific and Cultural Organization (UNESCO) Islamabad; PAKISTAN.

PTO

Attested
بانی

- 2- The Honourable ,Mr. Shoukat Mughal, **Admin Officer – OIC**, United Nations Educational, Scientific and Cultural Organization (UNESCO) Islamabad, PAKISTAN.
- 3- CM, KPK, Peshwar, Ph091-9213574,091-9211719
- 4- Director (Health), Department of Health, KPK, Peshawar, Ph#091-9210319
- 5- Chief Minister Compliant and redressel cell,Peshawar.
- 6- DIG Mardan Region.
- 7- Commisioner Mardan.
- 8- DCO mardan.
- 9- DPO Mardan
- 10- Dy. Commisioner Mardan.
- 11- Assistant Commisioner Mardan.
- 12- Chairman Sobae Aman Jirga Mardan.

Attested
دانیال

"H"

P-17

The Secretary,
Health Department,
Khyber Pakhtunkhwa, Pakistan.

Subject: COMPLIANT AGAINST MS (MR. ZAEEN KHAN) MARDAN MEDICAL COMPLEX.

Respected Sir!

With humble respect it is stated that I the undersigned am working as Mid-wife (Khala) at Mardan Medical Complex since last 7 years.

On dated 04/04/2014, the undersigned went to Mr. Zaeen Khan (MS, MMC) office, to discuss about my transfer matter. The MS disgrace me and also beat me. I submitted an application against MS in Shaikh Maltoon Police Station but they didn't take any action against him.

Therefore it is requested, may kindly take a legal action against Mr. Zaeen Khan (MS, MMC).

Thanking you in anticipation.

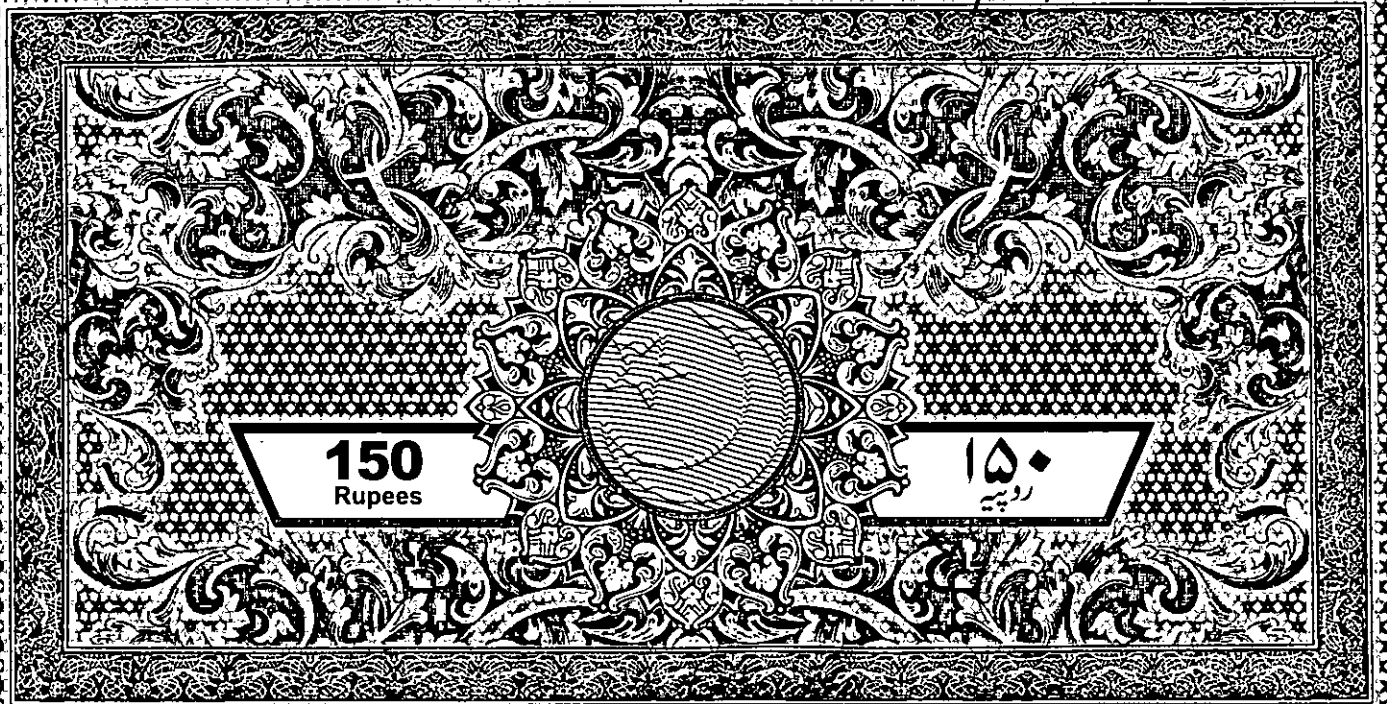
Yours truly,

دانی ناز
Ms. Rani Naz, 0302-5271771
Mid-wife (Khala),
Mardan Medical Complex, Mardan.

CC:

- 1- Chief Minister, Khyber Pakhtunkhwa, Peshawar. Ph: 9213574 - 9211719
- 2- Director (Health), Department, Khyber Pakhtunkhwa, Peshawar. Ph: 091-9210319
- 3- Chief Minister' Complaint and Redressal Cell, Chief Minister Secretariat, Shahibzada Qayum Road, Peshawar. 091-92222460-464.
- 4- DI G Mardan Regain.
- 5- Commissioner Mardan.
- 6- DCO Mardan.
- 7- DPO Mardan.
- 8- Dy. Commissioner Mardan.
- 9- Assistant Commissioner.
- 10- Chairman Sobae Aman Jirga KPK, Mardan.

Attested
دانی ناز



بعد التجدد کے یہ تم کو پہنچا رہا ہے
 رانی ناز بنام مہربانہ حکومت سکرٹری سہیلہ خانم
 رانی
 اپیل

اختیار نامہ نامہ

اقرار کر کے لکھ دیتے اور دیتا ہوں۔ کہ مقدمہ بالا کی پیردی سے اوجہ کار و بار دیگر مصروفیات سے بذات خود معذور ہوں۔ لہذا اپنی جانب سے کسی نئے جہد و عمل کو اختیار کرنے کے اختیار دیتا ہوں۔ کہ اختیار خاص دہری مذکورہ کی پیردی میری جانب سے کریں۔ وکیل مقرر کریں۔ بیان تحریر پر امدیق میری جانب سے کریں۔ اور اس کو دخل کریں۔ کا تقاضا یہ یادگیری تحریری طلب کرانیں یا پیش کریں یا واپس کریں یا سوال و جواب کرے۔ صلح نامہ، راضی نامہ، دست برداری یا اقبال دعویٰ دیں۔ یا اقرار نامہ ثالثی داخل یا قبول کرے۔ دعویٰ، جواب دعویٰ، جواب الجواب، بیان دیوے، درخواست CPC (2) 12 داخل کرے۔ درخواست ہنسوشی ڈگری / کارروائی کیلئے داخل کریں اور اس پر دستخط کریں۔ بیان غلطی داخل کرے یا دیگر درخواست کسی مضمون کی پیش کرے یا کوئی مطالبہ متعلقہ مقدمہ داخل کرے یا واپس لے۔ مقدمہ میں اپیل، ٹیکنائی، ٹیکنائی، اپیل ذراپیل، اس عدالت ماتحت تا عدالت، عالیہ عدالتی آف پاکستان دائر و پیش کرے۔ اجراء داخل کرے۔ رقم وصول و داخل کرے اور مقدمے کے سلسلے میں جو کچھ کارروائی ہو عمل میں لائیں۔ جملہ ساختہ و پرداختہ اختیار ہر صورت کا مثل کردہ ذات خاص اپنے کے قبول و منظور ہیں۔ لہذا اختیار نامہ سزا سند تحریر ہے۔

تحریر 15/10/14

گواہ شدہ 2

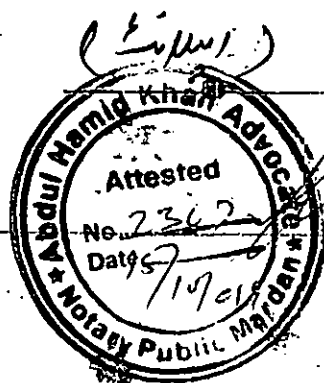
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گواہ شدہ 1

دوبین رضا ولد و بیگم

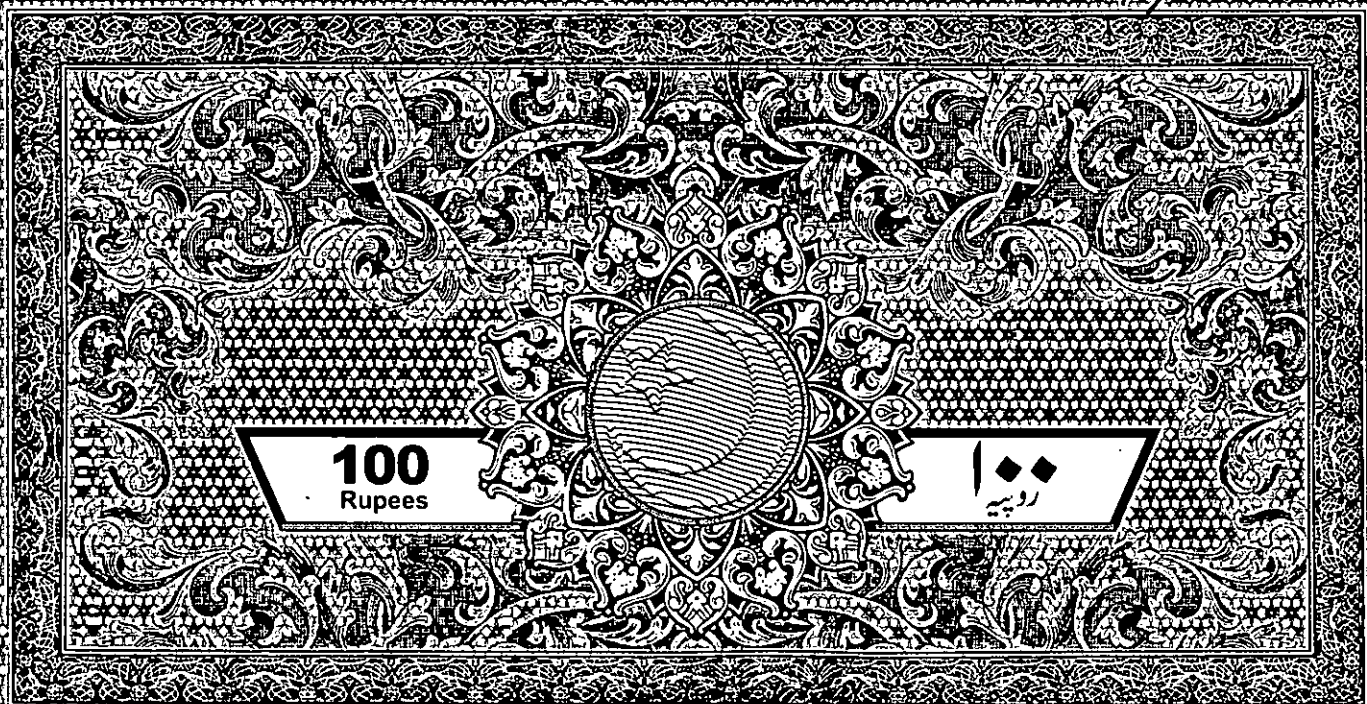
بیگم رضا

Rabin



عمانہ لیس جہد و عمل کو
 سکتہ OHA متبادل حدران

Emmual stand



بعد از افتتاح حساب کے یہ سہ سہ سو روپے منجمل سہ سو روپے

۴۰ روپے کو جمع کرنا

۲۰

دو سو روپے

۲۰

۴۰ روپے کو جمع کرنا

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1241/2014

Mst. Rani Naz W/o Emmanuiel Javed

(Appellant)

Versus

Govt. of KPK through Secretary Health & Others..... (Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF ALL RESPONDANTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS;

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appellant has not come to this Hon'ble Tribunal with clean hands.
3. That the Respondent No.3 issued the termination order No. 3591-96 dated 07.05.2014 accordingly after completion of all Codal formalities.
4. That the appellant has not come to the court within a specified time hence the appeal is time barred.
5. That the appellant has been removed after conducting proper enquiry by the competent authorities and no illegality has been committed during the inquiry i.e. all the required procedures has been adopted.
6. That all charges leveled against appellant were found correct by the inquiry committee hence they had correctly suggested the penalty of removal from service under the prescribed rules.
7. That the previous record and personal file of the appellant is full of Explanations regarding her absence/negligence from the duty etc. **(Copies of the explanations are attached as Annex- 1-12)**
8. That an Enquiry Committee comprising of Senior and responsible members constituted to look into the matter. The Enquiry Committee thoroughly examined all the available record/Correspondence/letters issued regarding subject matter and then submitted their report with suggestions. **(Copy of the Complaint and Enquiry report are attached as Annex- 13, 14)**
9. That the instant appeal is not maintainable.
10. That the instant appeal is barred by law.

ON FACTS

1. Para No.1 is incorrect hence denied; the appellant has been removed from the service after giving show cause notices No: 3261 Dated 24.04.14. (**Show cause notice Annexed, 15**).
2. Para 2 pertains to record hence needs no comments.
3. Para No. 3 is incorrect hence denied as all the charges leveled by the appellant against the respondent no .4 were found baseless by the inquiry committee after recording the statements of the eye witnesses. Hence the dismissal is correct and according to law.
4. Para No 4 is incorrect hence denied, detail comments are given in the above Para's it is further submitted that no FIR has been lodged by the appellant, nor any kind of document in respect of beating has been annexed by the appellant.
5. Para No 5 is incorrect as detail reply has already been given in paras ibid and complete record is already attached as Annex 1 to 15.
6. Para No 6 is incorrect; since termination order of the appellant was issued by the competent Authority after observance of all codal formalities under E&D Rules, 2011, her appeal was rejected by the respondent No. 2 in the capacity as appellant authority, please see Annex-C.
7. Para No 7 pertains to the record hence denied, further submitted that the respondents have no concern with this Para, Nor the respondents had received any kind of directions from the CM regarding her re-instatement.
8. Para No 8 to the extent of conducting inquiry is correct, remaining is denied. The inquiry committee has properly given the opportunity to the appellant and she had given her statement to the inquiry committee (**Attached Annex 16**).
9. Para 9 is incorrect hence denied. The detailed comments are given in the above Para's.
10. Para No 10 is incorrect hence denied. It is submitted that the previous record and personal file of the appellant is full of explanation regarding appellant's habitual absence, negligence from duty and misconduct. Copy of the record is enclosed as (**Annex 1-12**).
11. Para no 11 is irrelevant hence denied.

GROUND

- a. Para -a is incorrect hence denied, the appellant has been removed after conducting proper inquiry in accordance with the prescribed law. Thus the dismissal is in accordance to law and by the competent authority.
- b. Para -b is incorrect hence denied. The inquiry has been conducted by the most honest and respectful officers of the hospital.
- c. Para-c is incorrect hence denied. The detailed comments have been mentioned in the above Para's.

Therefore it is humbly prayed that keeping in view the above mentioned facts and records the instant appeal may kindly be dismissed with cost.

Dated: (To be substituted with same date)

3

Rashid
1. CHIEF EXECUTIVE
MMCTH MARDAN
RESPONDANT NO.3
Chief Executive
Mardan Medical Complex
Mardan

[Signature]
2. DIRECTOR GENERAL
Health Services KPK,
Peshawar
RESPONDANT NO.2
[Signature]

cls. [Signature]
18/11/15
3. SECRETARY TO
GOVT: of KPK, Health
Deptt: Peshawar
RESPONDANT NO.1

AFFIDAVIT

I Prof: Dr. Rashid Ahmad, Chief Executive Mardan Medical Complex Teaching Hospital Mardan do hereby solemnly affirm and declare that all the contents of the written comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Rashid
DEPONENT
Chief Executive
Mardan Medical Complex
Mardan

Amir I

33 5 1

Dated. 04/ 8 /2010

No. 4015 MMC.

From The Deputy Medical Superintendent
Mardan Medical Complex,
Mardan

To, 1. Rani Dai
2. Fozia Dai

Subject: Explanation

Memo, It has been reported by the Supervisor that you come late for duty and left the ward before the closing time, which is against the rules.
You are directed to improve yourself and also directed to attend the office of the undersigned.

Deputy Medical Superintendent
Mardan Medical Complex,
Mardan.

Copy to:

1. DMS (Admin)
2. All concerned

Mardan
D.M.S.

Dated. 04/8/2010

2
32

No. 41015 MMC.

From The Deputy Medical Superintendent
Mardan Medical Complex,
Mardan

To, ✓ 3. Rani Dai
4. Fozia Dai

Subject: Explanation

Memo, It has been reported by the Supervisor that you both come late for duty and left the ward before the closing time, which is against the rules.
You are directed to improve yourself and also directed to attend the office of the undersigned.

Deputy Medical Superintendent
Mardan Medical Complex,
Mardan.

Copy to:

1. DMS (Admin)
2. All concerned

[Handwritten signature]

9 3 26

NO. 2729 /MMC,

Dated 25 / 5 /2010

From,

The Deputy Medical Superintendent,
Mardan Medical Complex, Mardan

TO,

Mrs, Rani Dai
Evening duty.

Subject;- EXPLANATION.

Memo,

It has been reported by Supervisor that you are absent from duty on 14, 15, 16/5/2010, without any information prior permission from the undersigned.

You are therefore directed to explain your position within 03 days, after the receipt of this letter, otherwise strict action will be taken against you.

Deputy Medical Superintendent,
Mardan Medical Complex, Mardan.

NO. /MMC,

Copy to account MMC, Mardan to stop her pay till further order.

Deputy Medical Superintendent,
Mardan Medical Complex, Mardan.

Mrs Rani was on C-leave 14, 15 & the application was noted by Hussan Axa Dai and Mrs Rani was not at fault.

P1. Release the pay if stopped already

11/6/10

12/10/10

Dated. 1 / 11 / 2010

35 (h)

No. MMC.

From The Deputy Medical Superintendent
Mardan Medical Complex,
Mardan

To, 1. Rani Dai (Absent from duty on 14/10/2010) *gyma*

Subject: Explanation

Memo, It has come into the notice of the undersigned that you were absent from duty on date mentioned above without any information/prior permission. You are directed to explain your position within 3 days after the receipt of this notice; otherwise strict action will be taken against you.

DMS (Admin)
MMC Mardan *[Signature]*

No 8053-54
Copy to:

- 1. DMS (Admin) MMC Mardan.
- 2. Official Concerned.

DMS (Admin)
MMC Mardan

etc

Dated 28 / 12 / 2010

13 (5)
39

C. 9767 / MMC,

From,

The Deputy Medical Superintendent,
MMC, Teaching Hospital, Merdan

TO,

Mrs. Rani Naz Da,


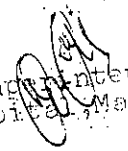
Subject; - EXPLANATION.

Memo,

It has been reported by Head of class-iv, that you are absent from duty on 27/12/2010, without any information/prior permission from the undersigned, which is against the rules & regulation.

You are directed to explain your position & attend the office of the undersigned personally.

Deputy Medical Superintendent,
MMC, Teaching Hospital, Merdan.





Dr. Qaim Shah
Medical Superintendent

15. (6)
MARDAN MEDICAL COMPLEX
TEACHING HOSPITAL MARDAN (43)

No 5984 /MMC

Dated 20/12/2011

To

1. Mr. Mansoor W/O, MMC Mardan. (Absent on 12/12/2011).
2. Mr. Rasheed W/O, MMC Mardan. (Absent on 16/12/2011)
3. Mr. Bakhtiar Ali W/O, MMC Mardan. (Absent on 10/12/2011)
4. Mst. Rani Dai, MMC Mardan. (Absent on 14/12/2011)
5. Mr. Subhan Ali W/O, MMC Mardan. (Absent at 6:30 A.M)

Subject:

Explanation

It has come into the notice of the undersigned that you all were found at the above mentioned dates (Time) without any information/application. This is against the regulations and not in the public interest of this hospital.

You all are directed to explain your position within 03 days; other action will be taken against you accordingly.

DMS (Admin)
Mardan Med
Teaching Ho

Handwritten signature in Urdu script.



Dr. Qaim Shah
Medical Superintendent

17
MARDAN MEDICAL COMPLEX
TEACHING HOSPITAL MARDAN

No 5984 /MMC

Dated 25/12/2011

7

To

1. Mr. Mansoor W/O, MMC Mardan. (Absent on 12/12/2011)
2. Mr. Rasheed W/O, MMC Mardan. (Absent on 16/12/2011)
3. Mr. Bakhtiar Ali W/O, MMC Mardan. (Absent on 10/12/2011)
4. Mst. Rani Dai, MMC Mardan. (Absent on 14/12/2011)
5. Mr. Subhan Ali W/O, MMC Mardan. (Absent at 6:30 A.M)

Subject:

Explanation

It has come into the notice of the undersigned that you all were found absent on the above mentioned dates (Time) without any information/application. This is against the rules and regulations and not in the public interest of this hospital.

You all are directed to explain your position within 03 days; otherwise strict action will be taken against you accordingly.

DMS (Admin)
Mardan Medical Com
Teaching Hospital M:



Dr. Qaim Shah
Medical Superintendent

MARDAN MEDICAL COMPLEX
TEACHING HOSPITAL MARDAN

No. 097 - 098 /MMC

Dated 9/1 /2012

To

1. Mst. Rani Naz Dai, MMC Mardan.

Subject: Explanation

It has been reported to the undersigned that you habitually come late for duty and leaving the duty place earlier. This is against the rules and regulations and not in the public interest of this hospital.

You are directed to explain your position within 03 days; otherwise strict action will be taken against you accordingly.

DMS (Admin)
Mardan Medical Complex
Teaching Hospital Mardan

Copy to:

1. Accountant MMC to stop her pay.

DMS (Admin)
Mardan Medical Complex
Teaching Hospital Mardan



Dr. Rab Nawaz Khan
Medical Superintendent

MARDAN MEDICAL COMPLEX
TEACHING HOSPITAL MARDAN

No: 1769-71 /MMC

Date 5/3 /2013

21 (9)

59

To

Mrs, Rani Dai
Pead Ward, MMCTH, Mardan.

Subject: EXPLANATION.
Memo:

It has been reported by Registrar to the undersigned that you are always late come for duty & left the ward before the closing of duty. Last night On 4/3/2013 you have misbehaved with Registrar of pead unit, which is highly objectionable & also not in your favour & this hospital. which is against the rules & regulation.

You are directed to explain your position within 03 days after the receipt of this letter. otherwise strict action will be taken against you.

Medical Superintendent
MMC Teaching Hospital
Mardan.

Copy to:-
1. Accounts Officer, MMCTH, Mardan to stop her pay till further order.
2. Registrar Pead Ward MMCTH, Mardan for information.

SIL

MT ARUM

Medical



Dr. Rab Nawaz Khan
Medical Superintendent

MARDAN MEDICAL COMOLEX
TEACHING HOSPITAL MARDAN

No: 1769-71 /MMC

Date 5/3 /2013

23 (10)

(57)

Mrs. Rani Dai
Pead Ward, MMCTH, Mardan.

Subject: EXPLANATION.

Memo:

It has been reported by Registrar to the undersigned that you are always late come for duty & left the ward before the closing of duty. Last night On 4/3/2013 you have misbehaved with Registrar of pead unit which is highly objectionable & also not in your favour & this hospital. which is against the rules & regulation.

You are directed to explain your position within 03 days after the receipt of this letter. otherwise strict action will be taken against you.

Medical Superintendent
MMC Teaching Hospital
Mardan.

Copy to:-

1. Accounts Officer, MMCTH, Mardan to stop her pay till further order.
2. Registrar Pead Ward MMCTH, Mardan for information



25 11 61 2

MARDAN MEDICAL COMOLEX
TEACHING HOSPITAL MARDAN

No: 7000-01 /MMC

Date 18/07 /2013

Dr. Rab Nawaz Khan
Medical Superintendent

To

Mst. Rani Naz Dai

Subject: Explanation

Memo:

As per the order of the undersigned you were directed to stay in MS Office but you left the place without any information, which shows disobedience and lack of interest in duties on your part. This is not in the public interest of the hospital.

You are directed to explain your position within 03 days, after the receipt of this letter for further necessary action.

Medical Superintendent
MMCTH Mardan.

1) Stop the pay

o/c

27 (12)
(4)
(86)

NO 10/68-70/MMC
Dated 31/10/2013

Dr. Rab Nawaz Khan
Deputy Medical Superintendent

To:

- 1. Miss. Nazia Gul Dai Absent on 29, 30/10/2013
- 2. Mr. Younas Ward Orderly Absent on 28, 29, 30/10/2013
- 3. Mr. Waqas Sweeper Absent on 29, 30/10/2013
- 4. Mr. ~~Fazal~~ Hussain Sweeper Absent on 30/10/2013.
- 5. Miss. Rani Dai Absent on 29, 30/10/2013

Subject:- EXPLANATION

Memo,

It has come to the notice of the undersigned that you all were found absent from duty on the above mentioned dates, without any information/prior permission from the undersigned, which is against the rules & regulation
• You are directed to explain your position within 03 days, for further necessary action.

[Handwritten signature]

[Handwritten signature]
Deputy Medical Superintendent
MMCTH Mardan

Copy to:

Medical Superintendent, MMCTH Mardan.

Account office to stop the pay at s no 2.



OFFICE OF THE COMMISSIONER MARDAN DIVISION MARDAN
Complaint Cell

Dated Mardan the 10/04/2014

13 Annex - Page 1/2

29

99

No: 1185 /Sec/Com (M)
TO

The Chief Executive
Mardan Medical Complex Mardan.

Subject: - **Complaint/Application.**

I am directed to enclose herewith a copy of self explanatory application submitted by Rani Naz (Mid Wife) Mardan Medical Complex Mardan on the subject cited above.

Kindly probe into the matter and take legal action to redress the grievance of the applicant and inform this office please.

(E-1)

Secretary to Commissioner,
Mardan Division Mardan

Endst: & date even.

Copy forwarded to the:-

- 1- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 2- Chief Minister Complaint Cell Khyber Pakhtunkhwa Peshawar.
- 3- Deputy Commissioner Mardan.
- 4- PS to Commissioner Mardan Division Mardan.

Handwritten notes:
R. Mardan
Cul. Khan
Candor (as per copy)
R. Naz (Midwife)
This dept. has
Z. Isam
14/4/14

The period may be extended at least up to

Signature
16/4/2014

Agreed 11/14

(14) 31

(97)

ENQUIRY REPORT PERTAINING TO THE COMPLAINT/APPLICATION SUBMITTED BY MST RANI NAZ DAI BPS-2 MMCTH MARDAN RECEIVED THROUGH THE COMPLAINT CELL, COMMISSIONER OFFICE MARDAN

INTRODUCTION

An enquiry committee comprising on Professor Dr. Muhammad Israr Head of Surgical B/Vice Principal (Clinical) and Mr. Gul Afsar Khan warden/DMS (M), was constituted by the Chief Executive Mardan Medical Complex Teaching Hospital Mardan on 14.04.2014 with the direction "to conduct an enquiry and submit the report" into the subject matter. As such Mst Rani Naz Dai has lodged complaint against Dr. Muhammad Zaheen MS MMCTH to various Govt functionaries. According to her, "She went to the MS office to discuss about her transfer matters. The MS disgraced her and also beat her. She submitted an application against MS in Sheikh Maltoon Police Station but they didn't take any action against him". (Annex-I)

PROCEEDINGS

- Both the parties were heard in person as well as their written statements obtained. (Annex-II & III)
- List of witnesses and their statements on oath recorded. (Annex-IV, V, VI)
- Statement of DMS (Admn) has also been obtained. (Annex-VII)

FINDINGS

After going through the case and examining the record. The following observations are made;

1. The complaint is baseless, concocted and misleading.
2. In the present scenario, the complainant (Mst Rani Naz Dai) failed to prove the charges against the MS (Dr. Muhammad Zaheen).
3. She is not a willing worker by habitually late coming, absconding, absenting herself as well as having aggressive behaviour towards her seniors as evident from her previous service record.
4. She approached to various functionaries without seeking prior permission of the competent authority.
5. She found guilty of misconduct as such she attempts to bring outside influence in the service matters.
6. Her such defamatory acts are pre judicial to good order or service discipline and unbecoming of Govt. servant.


CONCLUSION

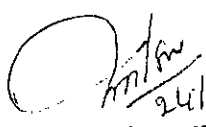
In view of the prevailing situation it is suggested that she (Mst Rani Naz Dai BPS-2) may be removed from her Govt. service to avoid such mal practice in future.

33

98

Submitted please.


24/4/2014
Mr. Gul Afsar Khan
(Member Enquiry Committee)


24/4/14
Professor Dr. Muhammad Israr
(Chairman Enquiry Committee)

Chief Executive MMCTH

Agreed
Issue show cause to give opportunity
for Personal Hearing along with the
Penalty of Removal
from Service.

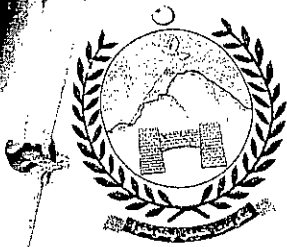
Zilwan
24.4.14

PA

After availing the opportunity of Personal Hearing as well as in writing response to the show cause notice, it comes out that the charges mentioned by the Enquiry Committee has been proved. Thus, she may be removed from service with following the order.

Zilwan
6.5.14 12:00 clock.

PA
Mr. Naz
Admin



(15 Aug 14)
MARDAN MEDICAL COMPLEX
TEACHING HOSPITAL MARDAN

No. 3261 /MMC

Dated 24/4/2014

(107)

SHOW CAUSE NOTICE

I, Prof: Dr. Ziaul Islam Chief Executive Mardan Medical Complex Teaching Hospital Mardan as competent authority, under the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mst Rani Naz Dai BPS-2 MMCTH Mardan as follows;

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing.
- (ii) on going through the findings and recommendations of the inquiry committee, the material on record and other concerned papers including your defence before the inquiry committee.

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules.

- Inefficient about your duties
- Guilty of Misconduct
- Guilty of habitually absenting herself from duty without prior approval of the competent authority.

- As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of **Removal from Service** under rule 4 of the said rules.
- You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
- A copy of the findings of the inquiry committee is enclosed.

ac

Ziaul Islam
COMPETENT AUTHORITY

Amir - 12

(16)

37

08

The Chief Executive,
Mardan Medical Complex,
Teaching Hospital Mardan.

DIARY
Mardan Medical Complex
Teaching Hospital Mardan.
No.....
Dated:.....

Subject: Show Cause Notice

Sir,

With reference to your letter No: 3261/MMC, dated: 24/04/2014 subjected above, it stated that your good self accused me the following omissions:

- a- Inefficient about my duties
- b- Guilty of Misconduct
- c- Guilty of habitually absenting myself from duty without prior approval of the competent authority.

Your good self also decided to impose upon me the penalty of Removal from services. Sir, for your kind persual it is stated that I didn't do the same omissions. But some people are trying to hide the facts and reality. And are triny to mute the voice a minority. This is a vindictively feed back of the follwing issue. The following is the reality and facts:

- 1- I belong to a Christian family.
- 2- On 04/04/14 Mr.Zaeen Khan(MS,MMC) misbehave with me.
- 3- I wrote a complaint letter against Mr. Zaeen Khan and also submitted an application agaisnt MS in Shaikh Maltoon Police Station.

As a result enquiry committee also try to depress the issue and favours MS. I tried to meet with you in the same matter but unfortunately your good self is very engaged in duty schedule. Therefore, now it is requested may kindly take the matter seriously. And for God sack don't agonize me.

Enclosed:

- a- Compliant letter, dated: 05/04/14
- b- Receipts of courier service
- c- Show Cause Notice

Regards.

Yours Truly,

Rani Naz,
Mid Wife (Khala),
Mardan Medical Complex, Mardan.
Contact#0302-5271771

CC:
1- The Honourable Dr. Kozue Kay Nagata, Director/ Representative, United Nations Educational, Scientific and Cultural Organization (UNESCO) Islamabad, PAKISTAN.

PTO

[Handwritten signature]

[Handwritten notes: 100/973]

- 109 39
- 2- The Honourable ,Mr. Shoukat Mughal, Admin Officer – OIC, Unjted Nations Educational, Scientific and Cultural Organization (UNESCO) Islamabad, PAKISTAN.
 - 3- CM, KPK, Peshwar, Ph091-9213574;091-9211719
 - 4- Director (Health), Department of Health, KPK; Peshawar, Ph#091-9210319
 - 5- Chief Minister Compliant and redressel cell,Peshawar.
 - 6- DIG Mardan Region.
 - 7- Commisioner Mardan.
 - 8- DCO mardan.
 - 9- DPO Mardan
 - 10- Dy. Commisioner Mardan.
 - 11- Assistant Commisioner Mardan.
 - 12- Chairman Sobae Aman Jirga Mardan.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2015

Mst. Rani Naz..... Appellant

Versus

Govt. of KPK & Others..... Respondents

SERVICE APPEAL

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3	Medical Prescription dated 13-05-2014	"A"	4
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6	Medical Prescription dated 14-08-2014	"D"	7
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10	Medical Prescription dated 16-10-2014	"H"	11
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Dated: 02-04-2015

Appellant *CNF.*
Mst. Rani Naz

Through

Muslim Shah Aryani Advocate
High Court Peshawar at
District Courts Mardan.

Mus
MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar

Before the KPK Service Tribunal Peshawar

CM in the Appeal No. _____/2014

A.W.F PROVINCE
Service Tribunal
Diary No. 238
Date 30.7.15

Mst. Rani Naz w/o Emmanuiel Javed R/o House No. 7 District Head Quarter Hospital Mardan.....(Petitioner/Appellant)

Versus

1. Govt't of KPK through Secretary Health, Civil Secretariat Peshawar.
2. Director General Health, Civil Secretariat Peshawar.
3. Chief Executive Mardan Medical Complex , Teaching Hospital Distt: Mardan
4. M.S Zaeen Khan Mardan Medical Complex , Teaching Hospital Distt: Mardan.
5. Professor Dr, Muhammad Israr , Mardan Medical Complex , Teaching Hospital Distt: Mardan.
6. Gul Afsar Khan, Mardan Medical Complex , Teaching Hospital Distt: Mardan.....(Respondents)

Subject: Application for Granting Condonation of Delay

Respectfully Shewth, Petitioner submitted as under

1. That the petitioner appeal is pending in the honorable court 02-04-2015.
2. That the petitioner appealed against the removal order from service but the petitioner due to removal from service shocked and get upset therefore caused some diseased for which the appellant get treatment (**prescription letter is attached as "A"**)
3. That the appellant submitted departmental appeal before the respondent No. 2 for the re-instatement but which has been filled by above authority on 25-07-2014 which is already attached as "C".
4. That after the rejection order of departmental appeal the appellant further fall in the diseases for which the appellant took continue treatment from the government Hospital with the prior opinion of the Doctors of District Hospital Mardan. (The prescription letters of Govt. Hospital with the complaint of are attached as "B, C, D, E, F, G, H")
5. That the appellant laps some time for filling appeal before the honorable court but the delay has not been intentionally occurred but due to above reason therefore the condonation of delay submission is genuin and the appeal has been delayed due to natural call of above reason.
6. That the removing from service proceeding against the appellant is illegal and void and the valuable rights of the appellant are attached with the appeal.
7. That if the application ^{for} of condonation ~~of~~ delay has not been accepted it should not good for the future of appellant as well as it will suffer the future of appellant family, children.

8. That the appellant belong to a poor family and was Dai post BPS-2 in the above hospital therefore also hopeful for the sympatic treatment of court in fovour of appellant.

Therefore it is humbly requested before your honour to accept the petition of petitioner and the condo nation of delay may kindly be granted in fovour of petitioner for the sack of justice as well as for heard of petitioner.

Petitioner through Counsel
Muslim Shah Aryani Advocate



MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawai

ASST. PROFESSOR
DR. SAMINA JADOON

M.B.B.S (Pesh), F.C.P.S (Pak)
Bacha Khan Medical College Mardan.
Visiting Gynaecologist MMC Teaching Hospital
MARDAN



Clinic: Ihsan Medical Complex
Shamsi Road, Mardan.
Phone: 0342-8886866

Name: Lani (free) Age _____ Date 13.5.14

Rx

del
well

Port 7A4

clo

Lower abdomen
Pain

Tab Enoxalbid 400

1 1 1

Uxall Solut

1 1 1

Tab Glasminol

1 1 1

Tab Dolavent Plus

1 1 1

چھٹی بروز ہفتہ، اتوار

BROTIN
Tab.

FERTAB
Tab.

CLYCIN-V

P-5

262

IHSAN MEDICAL LAB

IHSAN MEDICAL COMPLEX HOSPITAL ROAD MARDAN.

PATIENT: RANI

AGE:

SEX: F

REFERRED: DR, SAMINA JADOON

DATE: 13 May 2014

URINE ANALYSIS ROUTINE

<u>TEST</u>	<u>RESULT</u>	<u>RANGE</u>
PHYSICAL:		
COLOUR	PALE YELLOW	SAME
APPEARANCE	CLEAR	SAME
SPECIFIC GRAVITY	1.019	1.003-1.025
PH	ACIDIC	4.5-7.8
CHEMICAL:		
ALBUMIN	(+)	NIL
GLUCOSE	NIL	NIL
BILE SALT	NIL	NIL
BILE PIGMENT	NIL	NIL
KETONE BODIES	NIL	NIL
UROBILINOGEN	NIL	0.1-1.0 EU/dl
NITRITE	NIL	NIL
MICROSCOPICAL:		
WBC (pus cell)	10...12/HPF	0-3 hp/f
RBC	01...02/HPF	M 0-3hp/f F 0-5hp/f
CAST	NIL	0-4 /lpf(hyaline)
TYROSIN CRYSTAL	NIL	
EPITHIAL CELL	NIL	
A/URATES	(++)	
MUCUS THREAD	NIL	
BECTARIA	NIL	
YEAST CELLS	NIL	
CAL-OXALATE	NIL	
TRICHOMONAS	NIL	

NOTE:

All Laboratory analysis are done by latest and advanced Automatic Analyzer i-e RA 50 Biochemistry studies.

LAB: INCHARGE

ORTHOPEDIC HOSPITAL
D.M.Q. Hospital, Mardan

Rs. 5-

OUT-PATIENTS DEPARTMENT.

NAME..... *J. G. B.*

YEARLY NO..... *5972*

DATE..... *10-2-2014*

DISEASE..... *LBP*
COUNTERSIGNED.....

FACE VALUE RUPEES 5-

Medical Superintendent
S.H.Q Hospital, Mardan.

Cap. Melosef
111

Cap. Neelum
111

tab. Voren
111

Syp. Trimegabul
111

Syp. Goviscan
111

advised Congruite bed rest
6.2.10.7.14 to 26-7-2014.

A. J. J.
ORTHOPEDIC SURGEON
D.M.Q. Hospital, Mardan

No. _____ Rs. 5

OUT PATIENTS DEPARTMENT

NAME ----- *C. J. P.* -----

YEARLY NO ----- *16922* -----

DATE ----- *27-7-2014* -----

DISEASE ----- *LBP* -----

COUNTER SIGNED

M. R. J.
Medical Superintendent
D.H.Q Hospital, Mardar

Augustine BD
111

Tab. Feddenzong
111

Cap. Rivile
111

Cap. Normacid
111

Cap. Sanghin
111

*Received Computer bed
W. 27-7-2014 @ 13.8.2014*

A313
27/7/2014

FACE VALUE RUPEES

No. _____ Rs. 5/-
OUT-PATIENTS DEPARTMENT
 NAME _____
 YEARLY NO. _____ 7320
 DATE _____ 14.8.2014
 DISEASE _____ LBP

U.S. Q. HOSP. MARDAN
 P. 1/A

COUNTERSIGNED

with R/O

Medical Officer
 D. P. O. Hospital, Mardan

*Admitted Cap. into bed 70
 w.e.f. 14.8.2014 to 1.9.2014*

- Cap. Amoxic 1-1 0/5*
- Cap. Enox 1-1 0/5*
- tab. Voltal 1-1-1*
- Cap. Seoskel 1-1-1*
- Syn. Ulenil 1-1-1*

A717
 ORTHOPEDIC SURGEON
 D.H.O. 14/8/2014

No. _____ Rs. 5/-
OUTPATIENTS DEPARTMENT
 NAME _____
 YEARLY NO. _____ 4974
 DATE _____ 9. 2014
 DISEASE _____ CBP

D.H.O. HOSP. MARDAN
 2014

PAGE VALUE REGISTER

COUNSELLOR SIGNED _____

Medical Superintendent
 D.H.O. Hospital, Mardan.

Dr. Anuraj RD
 111

Dr. Vireen
 111

Cap. B. S. S. S. S.
 111

Cap. Vaidyalu - L
 111

Cap. T. R. S. S. S.
 111

advised Computer and
 W-e-f 2/9/2014 to 20/9/2014

A213
 ORTHOPAEDIC SURG.
 D.H.O. HOSP. MARDAN
 2/9/2014

No. _____ Re. 5/-
OUT-PATIENTS DEPARTMENT
 NAME _____
 YEARLY NO. _____ 21607
 DATE _____ 21/9/2014
 DISEASE _____ LBP

CASE VALUATION

COUNTERSIGNED

Wick

Medical Superintendent
 D.H.O. Hospital, Madhav

*advised Compulsory bed rest
 w.e.f 21.9.2014 to 3.10.2014*

- Cap. Velosfan 1A*
- Cap. Neaven 8T*
- Tab. Felden 305 1-1*
- Cap. Metelur 1-1*
- Cap. Trimecatal 1-1*

A213
 ORTHOP.
 D.H.O.
 21/9/2014

No.

Rs. 5-

OUT-PATIENTS DEPARTMENT.

NAME U.S.V.

YEARLY NO. 5902

DATE 4-10-2014

DISEASE PT

Medical Superintendent

H.O. Hospital, Wardan

FACE VALUE RUPEES 5-

advised complete bed rest
w.r.f 4/10/2014 to 15/10/2014

Cap. Ampicloxaz
1117

Cap. Nivile
w 59

tab. Vitral
1117

Syn. Masegn-v
1104

Syn. Gaviscon
1111

OSTHOPAL
H.O. Hospital, Wardan
4/10/2014

No. _____ No. 51-
OUT-PATIENTS DEPARTMENT
 NAME _____ *V. G. /*
 YEARLY NO. _____ *17342*
 DATE _____ *16-10-2014*

D.H.O. HOSPITAL MAHARAJA
MAHARAJA

COUNTERSIGNED BY

Vidya Chandra
 Medical Officer

*Certified that I have
 examined Mst. Rani Naz today
 on 16/10/2014.*

*She is now fit to resume
 his duty.*

A313
ORTHOPAEDIC SURGEON
D.H.O.
16/10/2014

PLEASE VALUE IMPRINTS

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No: ¹²⁴¹~~1207~~/2014

MST. Rani Naz W/o Emmanuel Javed R/o House No.7 District Head
Quarter Hospital Mardan
.....Appellant

VERSUS

1. Gov't of KPK through Secretary Health, civil Secretariat Peshawar.
 2. Director General Health, Civil Secretariat Peshawar.
 3. Chief Executive Mardan Medical Complex, Teaching Hospital Distt: Mardan.
 4. M.S Zaeen Khan, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
 5. Professor Dr, Muhammad Israr, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
 6. Gul Afsar Khan, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
- Respondents

SERVICE APPEAL

RE-JOINDER ON BEHALF OF APPELLANT/RANI NAZ

Respectfully Sheweth:-

Preliminary objections:-

1. Incorrect
2. Incorrect

3. Incorrect because respondent No-4 M.S Disgraced and beat appellant dated on 04/04/2014 regarding to transfer matter then appellant lodged compliant before the respondent N0-3 chief executive and respondent no-3 constituted inquiry on the compliant of appellant but respondent No-3 used power without lawful authority and issued order for removed of applicant illegally because if the applicant not proved her allegation against respondent No-4 the dependant No-3 well just dismissed the compliant of appellant but cannot removed applicant from service on appellate own complaint hence demined .
4. Incorrect denied
5. Incorrect inquiry officer are subordinator to respondent no 03 just fulfilled the formalities and removed the appellant on her own complaint.
6. Incorrect which charges? Who submitted compliant against appellant Where is written compliant against appellant These all are disclosing pre-plane drama against appellant.
7. Incorrect why not these all record has been attached with inquiry report? There is also a great difference in the points of inquiry as well as show cause notice, in the inquiry report "FINDINS" Para "3" " aggressive towards her seniors or evident from her previous service record" one complainant has been attached in inquiry from any senior or record? All allegation are based on here say and baseless .
8. Incorrect as per annexure-13 in comments of respondents the compliant cell/commissioner Mardan directed Respondent No-3 to probe against respondent No-4 on the complaint of appellant but

respond No-3 performed against the annexure-13 and removed the appellant from service.

9. Incorrect

10. Incorrect

ON FACTS:-

1. Incorrect detail reply has been given in para No. 3,4 of preliminary objections.
2. The reply para No. 2 showing negligence, Mis. performance of respondents because till now respondent not checked the record of appellant for how long appellant stayed.
3. Incorrect because all the charges leveled against respondent No-4 found baseless (for the sake of discussion) then the authority will dismiss the complaint of appellant or removed the appellant from service on her own complaint.
4. Incorrect and FIR not lodged against respondent No.4 is result of influence.
5. Incorrect detailed given above.
6. Incorrect the rejection of appeal by respondent No. 3 to 6.
7. Incorrect C.M letter is attached "D" in appeal with proper No. and dated.
8. Incorrect because the inquiry officers not given any opportunity to appellant for cross examination while during the inquiry respondent No4. Performing their duty as per natural justice whenever any inquiry conducting against any person he will be suspended till the final report of inquiry because any inquiry officers are subornate to

the person against whom they conducting inquiry in this like situation transferent and fair inquiry is possible?

9. Incorrect because the points given in inquiry report or show cause notice.

A. Inefficiency above your duty.

B. Guilty of Mis-conduct.

C. Guilty of habitual obscen.

While the above points are not disputed and having no concern with matter while the appellant complaint was for disgracing and beating by respondent No.4.

10. Incorrect not record has been attached in the inquiry report.

11. Incorrect

GROUND

a. Incorrect detailed given above.

b. Incorrect detailed given above.

c. Incorrect detailed given above.

Therefore it is humbly requested in your honored the appeal and re-joinder of appellant many kindly be accepted and the appellant be re-instated on her service with back benefits.

Through Counsel



10/05/2016

Muslim Shah Aryani (Advocate)
Cell: 0300-5723977

مورثہ 05/March 2018ء منجانب: Respondents 345/16.
 مقدمہ بعنوان: Gov. P. KPK. نام: Ravi Das.
 مقدمہ نمبر: رجوعہ
 نوعیت مقدمہ: Services Appeal.
 مقدمہ علت نمبر: مورثہ 5/3/2018.
 جرم: تھانہ



باعث تحریر آنکہ



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

آن مقام سٹار کیسے بیرکٹ بابر کٹزار حکمران کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقرر ی ثالث و فیصلہ برحلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زید دفعہ (2) 12 ض د، درخواست برآمد برآمدگی و سرسبزگی مقدمہ، درخواست برآمد منسوخی کاروائی و ڈگری یکطرفہ دائر کرنے جواب، جواب الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق زراس پر دستخط وغیرہ کرنے کا اختیار ہوگا۔ اپیل، اپیل دراپیل، نگرانی، نظر ثانی، رٹ و عذر داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت ضرورت مذکورہ کے عمل یا جزوی کاروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشتہ منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہو یا حد سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: 5/3/18

مقام: پشاور کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کو نوکالی تا قابل قبول ہوگی۔

Advocate I.D:

Bar Council

Bar Association

Contact #:

Attested
&
Accepted

Babista Babar

بعدالت جناب جسٹس۔ جسٹس مخدوم خواجہ سردس سرہنوی پشاور

کورٹ فیس

201ء پنجاب ایڈولٹ رائی ناز

مورثہ 30 | 3 | 2015

بنام صوبائی حکومت اسلام آباد

مقدمہ رائی ناز

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لئے مسلم شاہ اریانی ایڈووکیٹ کو 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 و تقرر ثالث و فیصلہ پر حلف دینے جو اب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرے گا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرری کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخی پیشی مقام دورہ پر ہو یا تاکہ حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 30 ماہ مارچ 2015ء

العبد گواہ شہدہ العبد

پشاور کے لئے منظور ہے۔

Attested & Accepted


Musl -

MUSLIM SHAH ARYANI
ADVOCATE
High Court Peshawar

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Detail of Explanation served upon Mst. Rani Naz Ex Dai MMC Mardan.

S.No	Letter No. with Date	Charges	Location at P/F	Remarks
1	No.2899/MMC Dated 17/08/2009	Absent for 03 days(15 to 17/08/2009)	P-21	Regretted
2	No.2729/MMC Dated 25/05/2010	Absent for 03 days(14 to 16/05/2010)	P-26	Reply accepted
3	No.4015/MMC Dated 04/08/2010	Absconding	P-32	No reply
4	No.8053-54/MMC Dated -----	Absent on 14/10/2010	P-35	No reply
5	No.9767/MMC Dated 28/12/10	Absent on 27/12/10	P-39	No reply
6	No.5984/MMC Dated 20/12/11	Absent on 14/12/11	P-41	Reply accepted
7	No.97-98/MMC Dated 09/01/12	Habitually late coming Early leaving duty.	P-46	Reply satisfactory not
8	No.3306-07/MMC Dated 12/06/12	Negligence	P-52	No reply
9	No.1769-71/MMC Dated 5/3/13	late coming Early leaving Misbehaved with Register paeds on 4/3/13	P-54	Reply satisfactory not
10	No.7000-01MMC Dated 18/07/13	Disobedience	P-61	No reply
11	No.10168-70 MMC dated 31/10/13	Absent 29,30/10/13	P-86	No reply


 Medical Superintendent
 MMC Mardan.

PRIVATE SECRET
 To Chief Minister
 Khyber Pakhtunkhwa

مورخہ 2017 6.10.17 منجانب MMC
 مقدمہ بعنوان Kazi Alog بنام Health
 مقدمہ نمبر 1240/14 رجوع
 نوعیت مقدمہ
 مقدمہ علت نمبر 23/10717 مورخہ
 جرم تھانہ



باعث تحریر آنکہ



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

آن مقام Peshawar کیلئے Advocate Babar Shauqat Mardan

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقرر
 ی ثالث فیصلہ برحلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زیر دفعہ (2) 12
 ض د، درخواست بمراد برآمدگی و سرسبزی مقدمہ، درخواست بمراد منسوخی کاروائی و ڈگری یکطرفہ دائر کرنے جواب، جواب
 الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق زراں پر دستخط وغیرہ
 کرنے کا اختیار ہوگا۔ اپیل، اپیل دراپیل، نگرانی، نظر ثانی، رٹ و عذر داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت
 ضرورت مذکورہ کے عمل یا جزوی کاروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب
 مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر
 جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی
 تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہو یا حد سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ
 پیروی مقدمہ مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے۔

المرقوم: 6-10-17

مقام مردان کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کو نوکالی یا قابل قبول ہوگی۔

Advocate I.D:

Bar Council

K.P.K

Bar Association

be-13-44-16

Contact #:

0346-9323893

Attested

&

Accepted
 Yasir Yousofzai
 Advocate High Court
 Dist: Mardan

Barrister
 Baber

نظر
 22/10/17

Accepted by
 Babar Baber

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 723 /ST

Dated 11 /04/2018


To

The Chief Executive Mardan Medical Complex, Teaching Hospital,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 1241/2014, MST. RANI NAZ.**

I am directed to forward herewith a certified copy of Judgment/Order dated 05/03/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

OLU