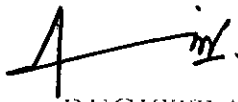


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1379/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/06/2023	<p>The appeal of Mr. Abdul Saboor presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1379 /2023

ABDUL SABOOR

VS

HEALTH DEPTT:

I N D E X

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal with Affidavit	1-4
2.	Copy of the appointment order	A	5-6
3.	Copy of the regularization	B	7-14
4.	Copies of the admission notice and application	C & D	15-18
5.	Copy of the letter dated 23.10.2017	E	19-20
6.	Copies of the letter	F & G	21-23
7.	Copy of Judgment	H	24-28
8.	Copies of the show cause notice and reply	I	29-30
9.	Copy of the order dated 13-02-2023	J	31-32
10.	Copy of the Departmental Appeal	K	33-35
11.	Vakalatnama	36

APPELLANT

Through:


NOOR MOHAMMAD KHATTAK
ADVOCATE, SUPREME COURT OF PAKISTAN.

-1-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1379 /2023

Mr. Abdul Saboor, Ex-Monitoring & Data Collection Assistant (BPS-16)
IMU, Health Department, KP, Peshawar.

.....APPELLANT

VERSUS

1. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Independent Monitoring Unit, Health Department Khyber Pakhtunkhwa, Peshawar.
3. The Divisional Monitoring Officer, (IMU) ~~Health Dept~~, *Malakand-1 at Swat.*

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUNGED ORDER DATED 13.02.2023 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 13.02.2023 may please be set aside and the appellant may kindly be reinstated in to service with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed as Data Collecting Officer (BPS-16), at Shangla under the supervision of the Divisional Monitoring Officer, Malakand Division at Saidu Sahrif, Swat Vide order dated 18.02.2015. That after appointment the

appellant submitted his charge report and started performing duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure**A.**

2- That vide Notification dated 30.06.2017, the services of the appellant along with other employees were regularized under the Khyber Pakhtunkhwa Employees of Health Department (Regularization of Service) Act, 2017. Copy of the regularization is attached as annexure**B.**

3- That during service admission was allowed to the appellant in the Ph.D, therefore the appellant submitted an application for the grant of study leave abroad at (China) for the period of 03 years but the authority kept silent on the said application. Copies of the admission notice and application are attached as annexure**C&D.**

4- That regarding leave sanctioning the respondent No. 3 asked respondent No. 2 vide letter dated 23.10.2017 and brought in to the notice of the respondent No. 2 that several requests has been made telephonically and through emails. Copy of the letter dated 23.10.2017 is attached as Annexure**E.**

5- That the during study at China the concerned state was affected by the pandemic Covid-19 and due to that reason all the educational institution in China were closed and the appellant left for his native country Pakistan by leaving his studies in China.

6- That after reaching in Pakistan the appellant visited the concerned office for re-joining his duty against the post of Data Collecting Officer (BPS-16) but the concerned authority was not willing to accept his request. That finally the appellant submitted departmental appeal before the respondent No. 02 for his adjustment/re-joining of his duty which was proper forwarded to the secretary Health Department, Khyber Pakhtunkhwa, Peshawar Vide Letter dated 17.12.2020 and 15.01.2021. Copies of the letter is attached as annexure **F&G.**

7- That by not allowing the appellant for resuming of his duties preferred service appeal No. 6585/2021 which was allowed vide judgment dated 21.09.2022 by directing the respondents to decide the departmental appeal according to law/rules. Copy of Judgment is attached as Annexure**H.**

8- That instead of deciding departmental appeal of the appellant, the department/respondent issued show cause notice dated 11.11.2022 which was responded by the appellant and the appellant. Copies of the show cause notice and reply are attached as annexure**I.**

- 9- That the appellant was quite hopeful for his exoneration but astonishing vide impugned order dated 13.02.2023 the appellant was removed from service. Copy of the order dated 13-02-2023 is attached as annexureJ.
- 10- That the appellant feeling aggrieved from the impugned order, preferred departmental appeal before the appellate authority but the same was not responded by the appellate authority within statutory period of ninety days. Copy of the Departmental Appeal is attached as Annexure..... K.
- 11- That appellant, having no other remedy but to prefer the instant Service Appeal on the following grounds amongst the others.

GROUND:

- A- That the action and inaction of the respondents by issuing the4 impugned order dated 13.02.2023 and not deciding the departmental appeal are against the law, facts, norms of natural justice and materials on the record, hence not tenable in the eye of law therefore are liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no regular inquiry has been conducted in to the matter before the issuance of the impugned order dated 13.02.2023 which in light of the judgments of the apex court of Pakistan is not sustainable.
- D- That acquiring higher qualification is the fundamental right of the appellant therefore the impugned order dated 13.02.2023 is in violation of that rights.
- E- That the inquiry committee has not recorded statement of the appellant in respect of the allegation.
- F- That the respondents acted in arbitrary and mala fide manner while issuing the impugned order dated 13.02.2023.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

-4-

It is therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

Dated: 13-06-2023


APPELLANT
ABDUL SABOOR

THOROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


KAMRAN KHAN


MUHAMMAD AYUB

&

MAHMOOD JAN
ADVOCATES

AFFIDAVIT

I, Mr. Abdul Saboor, (BPS-16) Ex-Monitoring & Data Collection, IMU, Health Department, KP, Peshawar, do hereby solemnly affirm that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT

Appointment Order

DEPARTMENT OF INDEPENDENT MONITORING UNIT

"A"

-5-

Dated: 18/02/2015.

Order No: 7865/REC/IMU/H/2014-15. On the recommendation of Project Selection Committee and approval of the competent authority, following candidates are hereby appointed as Monitoring and Data Collection Assistant (UPS-16) in district Shingla (M.d.c).

NAME	FATHER NAME
SULAMAN	HASSAN KHAN
ABDUL SABOOR	SADRUDDOOM
IMSAN ULLAH	HAZRAT USMAN
FAZAL SUBHAN	SULTAN NAZEER
IMTIAZ ALAM	NIAMAT ULL MULK

under the scheme "Establishment of Independent Monitoring Unit, in the Health Department" on contract basis till 30th June 2016, on the following terms and conditions:-

Fixed Pay

- (i) Pay Package: Basic Pay Rs. 30,000/- P.M (Fixed Pay) with annual increment of 5% up to the maximum of Rs. 35,000/- as per the project policy, subject to enhancement on the rates as notified by Government from time to time for project posts.
- (ii) Period of Contract: The period of this contract shall be till 30th June 2016, which could be extendable subject to satisfactory performance of the project employee.
- (iii) A project employee shall work against that post for which he/she was recruited and shall not be transferred to any other post in the project or at any other station.
- (iv) A project employee shall also not be transferred to any other project under the same Department/Govt.

The contract shall be liable to termination on 30 days notice (if the performance of the employee is found unsatisfactory) or payment of 30 days salary in lieu of notice.

BETTER COPY OF THE PAGE NO. 05
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
(INDEPENDENT MONITORING UNIT)

Dated 18/02/2015

Order. No. 786-5/REC/IMU/H/2014-15:- On the recommendation of Project Selection committee and approval of the competent authority following candidates are hereby appointed as Monitoring and Data Collection Assistant (BPS-16) on district Shangla (Male).

Name	Father Name
SULEMAN	HASSAN KHAN
ABDUL SABOOR	SADRUL ULOOM
IHSAN ULLAN	HAZRAT USMAN
FAZAL SUBHAN	SULTAN NAZEER
IMTIAZ ALAM	NIAMAT UL MULK

Under the scheme "Establishment of Independent Monitoring Unit in the Health Department on contract basis, till 30th June 2016, on the following terms and condition:

Fixed Pay

- i) Pay Package: Basic Pay Rs 30,000/- PM (Fixed Pay) with annual increment of 5% up to the maximum of Rs. 35,000/- as per the project policy, subject to enhancement on the rates as notified by Government from time to time for project posts.
- ii) Period of Contract: The period of this contract shall be till 30 June 2016, which could be extendable subject to satisfactory performance of the project employee.
- iii) A project employee shall work against that post for which he/she was recruited and shall not be transferred to any other post in the project or at any other station,
- iv) A project employee shall also not be transferred to any other project under the same Department/Govt.
- v) The contract shall be able to termination on 30 days' notice of the performance of the employee is found unsatisfactory) or payment of 30 days salary in lieu thereof, by either side
- vi) The employees shall be responsible for the losses (accruing to the project due to him/her and shall be held responsible thereof).

viii) Pension: Service Rendered by you under the present contract shall not qualify for pension/gratuity.

xi) Leave: You will be entitled for leave as admissible to the civil servants under the Khyber Pakhtunkhwa revised Leave Rules.

xii) Travelling Allowance: Travelling Allowance for journey as admissible under the rules.

xiii) Rules/Regulations: In respect of other matters, not covered in this letter, you will be governed by the rules/regulations as applicable to Govt. employees, unless otherwise specified by the employer.

xiv) Seniority: Being a temporary post there shall exist no relative seniority in your case in relation to other regular or temporary employees of your category in the Health Department.

xv) You will be governed by the Provincial Govt. rules as amended from time to time.

xvi) You will not be required to contribute towards General Provident Fund nor entitled to any benefit of the General Provident Fund.

xvii) You will not divulge, either directly or indirectly, to any person any knowledge or information of a confidential nature which you may acquire concerning the affairs, property, enterprise and undertaking of the Department during the course of your service.

PROJECT DIRECTOR
INDEPENDENT MONITORING

UNIT

Ends: No. 786-S/REC/IMU/H/2014-15:-

Dated: 18/02/2015

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chief Planning Officer, Health Department.
3. Director General Health Services.
4. PS to Secretary Health.
5. Personal File.

(Dr. FARYAL BADDIA)
DEPUTY PROJECT DIRECTOR

BETTER COPY OF THE PAGE NO. 06

- viii) Pension: Service Rendered by you under the present contract not qualify for pension/gratuity.
- ix) Leave: You will be entitled for leave as admissible to the civil servants under the Khyber Pakhtunkhwa revised Leave Rules.
- x) Travelling Allowance: Travelling Allowance for journey as admissible under the rules.
- xi) Rules/Regulations: in respect of other matters, not covered in this letter, you will be governed by the rules/regulations as applicable to Govt. employees, unless otherwise specified by the employer.
- xii) Seniority: Being a temporary post there shall exist no relative seniority in your case in relation to other regular or temporary employees of your category In the Health Department.
- xiii) You will be governed by the Provincial Govt. rules as amended from time to time.
- xiv) You will not be required to contribute towards General Provident Fund nor entitled to any benefit of the General Provident Fund.
- xv) You will not divulge, either directly or indirectly, to any person any knowledge or information of a confidential nature which you may acquire concerning the affairs, property, enterprise and undertaking of the Department during the course of your service.

PROJECT DIRECTOR
INDEPENDENT MONITORING

UNIT

Ends: No. 786-5/REC/IMU/H/2014-15:

Dated 18/02/2015

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Chef Planning Officer, Health Department.
3. Director General Health Services
4. PS to Secretary Health.
5. Personal File.

(Dr. FARYAL BADDIA)
DEPUTY PROJECT DIRECTOR

"B"

Regularization order

TO BE SUBSTITUTED BY THE SAME NO. & DATE

S-No 67



GOVERNMENT OF KHYBER PAKHTUKHWA
HEALTH DEPARTMENT
Dated: 30/06/2017

-7-

NOTIFICATION

No. SOG/Health/2-65/2017:- In pursuance of Section-3 of The Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act no. VII of 2017), the services of following officers/officials appointed on contract/fixd pay basis in ADP no. 339 code 140775 "Establishment of Independent Monitoring Unit" and holding the posts at the time of commencement of the Act ibid shall stand regularized:-

S.No	Name	Father Name	Designation	BPS	District
1	Aftab Ahmad Akhuzada	Nisar Ahmed	Database Admin/ Data Analyst	18	Head Office
2	Tauqeer Iftikhar Abbasi	Iftikhar Hussain	Divisional Monitoring Officer	18	Abbottabad
3	Mujib Ur Rehman	Gulfam	Divisional Monitoring Officer	18	Peshawar
4	Syed Sohaib Shah	Syed Mussadiq Shah	Divisional Monitoring Officer	18	Mansehra
5	Salman Rahim	Abdur Rahim	Divisional Monitoring Officer	18	Swat
6	Muhammad Atif Khan	Rehan Gul	Divisional Monitoring Officer	18	Lower Dir
7	Abdul Waheed	Muhammad Siraj	Divisional Monitoring Officer	18	kohat
8	Gohar Rehman	Mushtaq Ahmed	Divisional Monitoring Officer	18	Mardan
9	Maliha Gul	Asmat Ullah Khan	Divisional Monitoring Officer	18	DI Khan
10	Adnan Saeed Khan	Saeed Khan	Finance/Admin Officer	18	Head Office
11	Kousar Khan	AbdulRehman	Monitoring & Data Collection Assistant	16	Peshawar
12	ZahoorAlam	Fakhruddin Ahmed	Monitoring & Data Collection Assistant	16	Peshawar
13	Usman Khan	Bashir Ahmed	Monitoring & Data Collection Assistant	16	Peshawar
14	Waqas Ayub	Muhammad Ayub Khan	Monitoring & Data Collection Assistant	16	Peshawar
15	Sikandar Wadood	Ihsan Ul Wadood	Monitoring & Data Collection Assistant	16	Peshawar
16	Muhammad Haris Mehmood	Khalid Mehmood	Monitoring & Data Collection Assistant	16	Peshawar

-8-

17	Arif Khan	Hayat Khan	Monitoring & Data Collection Assistant	16	Peshawar
18	Rashid Noor	Noor Muhammad	Monitoring & Data Collection Assistant	16	Peshawar
19	Marina Iqbal	Muhammad Iqbal	Monitoring & Data Collection Assistant	16	Peshawar
20	Mehwish Khan	Naseer Ahmad	Monitoring & Data Collection Assistant	16	Peshawar
21	Uzma Karim	Abdul Karim	Monitoring & Data Collection Assistant	16	Peshawar
22	Fatiha Jahan	Taj Muhammad Khan	Monitoring & Data Collection Assistant	16	Peshawar
23	Azra Aamir	Abdul Rehman	Monitoring & Data Collection Assistant	16	Peshawar
24	Zulfikar Ali	Muhammad Ali	Monitoring & Data Collection Assistant	16	Charsadda
25	Zeeshan Ali	Sher Bahadar	Monitoring & Data Collection Assistant	16	Charsadda
26	Shahzad Yousaf	Muhammad Yousaf	Monitoring & Data Collection Assistant	16	Kohat
27	Saira Batool	Altaf Muhammad	Monitoring & Data Collection Assistant	16	Kohat
28	Aziz Ur Rehman	Abdur-Rehman	Monitoring & Data Collection Assistant	16	Hangu
29	Azmat Ali	Qeemat Khan	Monitoring & Data Collection Assistant	16	Hangu
30	Asad Iqbal	Haq Nawaz Khan	Monitoring & Data Collection Assistant	16	karak
31	Qaisar Farooq	Muhammad Farooq	Monitoring & Data Collection Assistant	16	Karak
32	Muhammad Waqas Khan	Abdul Sattar Khan	Monitoring & Data Collection Assistant	16	Bannu
33	Zahid Ullah Khan	Ghulam Khan	Monitoring & Data Collection Assistant	16	Bannu
34	Farhan Ashiq	Ashiq Noor	Monitoring & Data Collection Assistant	16	Bannu
35	Muhammad Waseem Farooq	Muhammad Asif Khan	Monitoring & Data Collection Assistant	16	Bannu
36	Ihsan Ullah Khan	Zafar Ullah Khan	Monitoring & Data Collection Assistant	16	Bannu
37	Sadaf Parveen	Shafi Ullah Jan	Monitoring & Data Collection Assistant	16	Bannu
38	Muhammad Wajid Iqbal	Muhammad Iqbal Khan	Monitoring & Data Collection Assistant	16	DI Khan
39	Waqar Asmat Khan	Asmat Ullah Khan	Monitoring & Data Collection Assistant	16	DI Khan
40	Irfan Daud	Daud Khan	Monitoring & Data Collection Assistant	16	DI Khan

41	Muhammad Imran Zia	Zia Ul Hassan Shah	Monitoring & Data Collection Assistant	16	DI Khan
42	Shafqat Ullah	Inayat Ullah Khan	Monitoring & Data Collection Assistant	16	DI Khan
43	Adnan Latif Khan	Abdul Latif Khan	Monitoring & Data Collection Assistant	16	DI Khan
44	Nusrat Shaheen	Mehmood Khan	Monitoring & Data Collection Assistant	16	DI Khan
45	Muhammad Imran Ullah	Inayat Ullah Khan	Monitoring & Data Collection Assistant	16	Tank
46	Asif Ali	Akbar Ali	Monitoring & Data Collection Assistant	16	Tank
47	Muhammad Maaz	Hakim Khan	Monitoring & Data Collection Assistant	16	Tank
48	Khalid Waseem	Nadir Khan	Monitoring & Data Collection Assistant	16	LakkiMarwat
49	Muhammad Gul	Ghulam Jan	Monitoring & Data Collection Assistant	16	LakkiMarwat
50	Imad Khan	Khalil Ur Rahman	Monitoring & Data Collection Assistant	16	Malakand
51	Mehran Khan	Dost Muhammad	Monitoring & Data Collection Assistant	16	Malakand
52	Muhammad Tahir	Muhammad Nazar	Monitoring & Data Collection Assistant	16	Malakand
53	Sajjad Khan	Sher Zada	Monitoring & Data Collection Assistant	16	Malakand
54	Shahnaz	Muhammad Gul	Monitoring & Data Collection Assistant	16	Malakand
55	Abdur Rashid	Abdur Rahim	Monitoring & Data Collection Assistant	16	Swat
56	Shaukat Ali	Khalil Ur Rahman	Monitoring & Data Collection Assistant	16	Swat
57	Adnan Khan	Shah Dawran	Monitoring & Data Collection Assistant	16	Swat
58	Zeshan Ali	Muhammad Ali Shah	Monitoring & Data Collection Assistant	16	Swat
59	Atif Khan	Mumtaz Ali Khan	Monitoring & Data Collection Assistant	16	Swat
60	IhsanUllah	BakhtKaram	Monitoring & Data Collection Assistant	16	Swat
61	Murad Ali Mian	Bahadar Ali Mian	Monitoring & Data Collection Assistant	16	Swat
62	Sana Sher Afzal	Sher Afzal Khan	Monitoring & Data Collection Assistant	16	Swat
63	Mati Ur Rehman	BakhtZada	Monitoring & Data Collection Assistant	16	Shangla
64	IzharUllah	Alamgir	Monitoring & Data Collection Assistant	16	Shangla

65	Ihsan Ullah	Hazrat Usman	Monitoring & Data Collection Assistant	16	Shangla
66	Sharif Ullah	Sarfraz	Monitoring & Data Collection Assistant	16	Shangla
67	Abdul Saboor	Sadur Ul Uloom	Monitoring & Data Collection Assistant	16	Shangla
68	Gauhar Ali	Pir Said	Monitoring & Data Collection Assistant	16	Bunner
69	Naseem Ul Haq	Hameed Ullah Khan	Monitoring & Data Collection Assistant	16	Bunner
70	Naveed Ahmad	Abdul Shakoor	Monitoring & Data Collection Assistant	16	Bunner
71	Munir Ahmad	Raishad Khan	Monitoring & Data Collection Assistant	16	Swabi
72	Arshad Ali	Nazar Muhammad	Monitoring & Data Collection Assistant	16	Swabi
73	Abid Ali Khan	Zahir Khan	Monitoring & Data Collection Assistant	16	Swabi
74	Sajjad Ahmad	Musamar Khan	Monitoring & Data Collection Assistant	16	Swabi
75	Irfan Ali Khan	Munjra Khan	Monitoring & Data Collection Assistant	16	Swabi
76	Nida Tabassum	Jan Muhammad	Monitoring & Data Collection Assistant	16	Swabi
77	Jawad Ali	Ashraf Ali	Monitoring & Data Collection Assistant	16	Swabi
78	Kashif Khan Tanoli	Muhammad Sheesh Khan	Monitoring & Data Collection Assistant	16	Swabi
79	Yasir Khan	Ajab Khan	Monitoring & Data Collection Assistant	16	Mardan
80	Usman Hakam	Abdul Hakam	Monitoring & Data Collection Assistant	16	Mardan
81	Zahid Hussain	Bakhtiar Khan	Monitoring & Data Collection Assistant	16	Mardan
82	Zahir Rahman	Muhammad Rahman	Monitoring & Data Collection Assistant	16	Mardan
83	Imtiaz Alam	Ibrahim Khan	Monitoring & Data Collection Assistant	16	Mardan
84	Muhammad Saqib	Gulzar Muhammad	Monitoring & Data Collection Assistant	16	Mardan
85	Hina Tila	Tila Muhammad Khan	Monitoring & Data Collection Assistant	16	Mardan
86	Akbar Ali Khan	Hijab Gul	Monitoring & Data Collection Assistant	16	Mardan
87	Nisar Ahmed	Haji Ghulam Muhammad	Monitoring & Data Collection Assistant	16	Nowshera
88	Muhammad Ahmed Jan	Sajid Ali Khan	Monitoring & Data Collection Assistant	16	Nowshera

89	Masaud Jan Khan	Taslim Khan	Monitoring & Data Collection Assistant	16	Nowshera
90	Shehreyar	KhushDil	Monitoring & Data Collection Assistant	16	Nowshera
91	Abdullah	Bakht Biland	Monitoring & Data Collection Assistant	16	Nowshera
92	Zainab Ali khan	Liaqat Ali Khan	Monitoring & Data Collection Assistant	16	Nowshera
93	Aamir Malook	Saif Ul Malook	Monitoring & Data Collection Assistant	16	Nowshera
94	Mubbashir Rabbani	Ghulam Rabbani	Monitoring & Data Collection Assistant	16	Abbottabad
95	Waqas Ahmed	Taj Muhammad	Monitoring & Data Collection Assistant	16	Abbottabad
96	Muhammad Gulbaz	Mushtaq Ahmed	Monitoring & Data Collection Assistant	16	Abbottabad
97	Sarmad Jadoon	Imtiaz Khan	Monitoring & Data Collection Assistant	16	Abbottabad
98	Mansoor Ahmed	Maqbool Ahmed	Monitoring & Data Collection Assistant	16	Abbottabad
199	Syed Safeer Ali	Syed Shabbir Shah	Monitoring & Data Collection Assistant	16	Abbottabad
100	Usman Malik	Bashir Hussain Malik	Monitoring & Data Collection Assistant	16	Abbottabad
101	Ayesha Mushtaq	Sardar Mushtaq Ahmed	Monitoring & Data Collection Assistant	15	Abbottabad
102	Muhammad Abeela	Muhammad Ishaq Khan Jadoon	Monitoring & Data Collection Assistant	16	Abbottabad
103	Arslan Yaqoob	Muhammad Yaqoob	Monitoring & Data Collection Assistant	16	Haripur
104	Umer Ayub	Malik Muhammad Ayub	Monitoring & Data Collection Assistant	16	Haripur
105	Syed Basharat Ali	Syed Imran	Monitoring & Data Collection Assistant	16	Haripur
106	Ahsan Ullah Khan	Muhammad Saleem Khan	Monitoring & Data Collection Assistant	16	Haripur
107	Asif Mehmood	Gulzar Khan	Monitoring & Data Collection Assistant	16	Haripur
108	Faiqa Wahid	Abdul Wahid	Monitoring & Data Collection Assistant	16	Haripur
109	Zubair Khan	Muhammad Nawaz Khan	Monitoring & Data Collection Assistant	16	Haripur
110	Shahzad Nadeem	Muhammad Kareem Khan	Monitoring & Data Collection Assistant	16	Upper Dir
111	Muhammad Tahseen Raza	Raza Khan	Monitoring & Data Collection Assistant	16	Upper Dir
112	Muhammad Imdad Ul Haq	Ahmad Munir	Monitoring & Data Collection Assistant	16	Upper Dir

[Handwritten signature]

113	Riaz Ahmad	Nisar Ahmad	Monitoring & Data Collection Assistant	16	Lower Dir
114	Fazal Amin	Khaista Rahman	Monitoring & Data Collection Assistant	16	Lower Dir
115	Bushra Qayyum	Abdul Qayyum	Monitoring & Data Collection Assistant	16	Lower Dir
116	Muhammad Mursaleen Alam	Alam Zeb	Monitoring & Data Collection Assistant	16	Lower Dir
117	Muhammad Qasim Shah	Muhammad Sadiq	Monitoring & Data Collection Assistant	16	Lower Dir
118	Irfan UlHaq	Khurshaid-ul-haq	Monitoring & Data Collection Assistant	16	Lower Dir
119	Assad Ur Rehman	Abdul Sattar	Monitoring & Data Collection Assistant	16	Chitral
120	Ihsan Uddin	Azim Ud Din	Monitoring & Data Collection Assistant	16	Chitral
121	Muhammad Aman	Sher Dil Aman	Monitoring & Data Collection Assistant	16	Chitral
122	Adeel Ul Mulk	QayoomUIMulk	Monitoring & Data Collection Assistant	16	Chitral
123	Saira Azam	Mir Azam Khan	Monitoring & Data Collection Assistant	16	Chitral
124	Muhammad Zeeshan Uddin	Islah-Ud-Din	Monitoring & Data Collection Assistant	16	Chitral
125	Qazi Anwar	Amir Ud Din	Monitoring & Data Collection Assistant	16	Chitral
126	Sarfraz Ahmad	Gul Muhammad	Monitoring & Data Collection Assistant	16	Kohistan
127	Aurang Zaib	Nosheer	Monitoring & Data Collection Assistant	16	Kohistan
128	Abdul Mateen	Nawab	Monitoring & Data Collection Assistant	16	Kohistan
129	Khan Alam	Sarbuland Khan	Monitoring & Data Collection Assistant	16	Kohistan
130	Abdul Sattar	Ghaffar Khan	Monitoring & Data Collection Assistant	16	Kohistan
131	Malik Naveed Akhter	Imam Rabbani	Monitoring & Data Collection Assistant	16	Battagram
132	Hidayat Ullah	Speen Gul	Monitoring & Data Collection Assistant	16	Battagram
133	Shahab Hussain	Muhammad Hussain	Monitoring & Data Collection Assistant	16	Battagram
134	Haleema Sattar	Syed Abdul Sattar Shah	Monitoring & Data Collection Assistant	16	Battagram
135	Muhammad Ibrahim	Rehman Uddin	Monitoring & Data Collection Assistant	16	Toghar
136	Muhammad Awais	Sher Bahadar	Monitoring & Data Collection Assistant	16	Mansehra

137	Kashif Irfan	Muhammad Irfan	Monitoring & Data Collection Assistant	16	Manshra
138	Rizwan Khurshid	Khurshid Abbasi	Monitoring & Data Collection Assistant	16	Mansehra
139	Sharyar khan	Nadir Khan	Monitoring & Data Collection Assistant	16	Manshra
140	Syed Shah Fahad	Syed Pir Muhammad Shah	Monitoring & Data Collection Assistant	16	Manshra
141	Waqas Rashid	BabooAbdur Rashid	Monitoring & Data Collection Assistant	16	Manshra
142	Atiq Ur Rehman	Shafiq Ur Rehman	Monitoring & Data Collection Assistant	16	Manshra
143	Zubair Razzaq	Abdul Razzaq	Monitoring & Data Collection Assistant	16	Manshra
144	Khursheed Ahmad	Abdul Rahim	Monitoring & Data Collection Assistant	16	Mansehra
145	Muhammad Afzal	Muhammad Rafique	Monitoring & Data Collection Assistant	16	Mansehra
146	Sarmad Shehnam	Muhammad Tariq	Monitoring & Data Collection Assistant	16	Mansehra
147	Nighat Mushtaq	Mushtaq Ahmad	Monitoring & Data Collection Assistant	16	Mansehra
148	Zeeshan Khan	Gul Azam	Computer Operator	16	Peshawar
149	Waqas Ahmed	Khan Sher	Driver	6	Peshawar
150	Riffat Ullah	Inayat Ullah	Driver	6	Peshawar
151	Muhammad Iftikhar	Muhammad Ishaq	Driver	6	Abbottabad
152	Zakir Ali	Nadir Khan	Driver	6	Mardan
153	Akash Khan	Tariq Khan	Driver	6	Abbottabad
154	Ghulam Akbar	Fazal Akbar	Driver	6	Peshawar
155	Dost Muhammad	Ghulam Muhmaad	Driver	6	Peshawar
156	Naeem Ullah Jan	Masam Jan	NaibQasid	3	Peshawar
157	Ajab Khan	Khan Muhammad	NaibQasid	3	Peshawar
158	Waqas Ahmad	Aman Sher	NaibQasid	3	Peshawar
159	Hameed Ullah Khan	Munawar Khan	NaibQasid	3	Kohat
160	Muhammad Islam	Akbar Jan	NaibQasid	3	Bannu
161	HafeezUllah Khan	SubhanUllah	Driver	6	Nowshera
162	Muhammad Adeel Asif	Muhammad Asif	Driver	6	Mansehra
163	Shoaib Ahmed	Muhammad Ahmad Khan	Driver	6	Mansehra
164	Maqsood Ahmad	Muhammad Hussain Khan	Naib Qasid	3	Lower Dir
165	Mawahid Ali	Murad Ali	Naib Qasid	3	Mardan
166	Muhammad Kamran Rauf	Abdul Rauf	Naib Qasid	3	DI Khan

-14-

167	Saeed Ur Rehman	Muhammad Bashir	Naib Qasid	3	DI Khan
168	Amir Zeb	Muhammad Zarin	Naib Qasid	3	Swat
169	Shakeel Ahmad	Aziz Ur Rehman	Driver	6	Lower Dir

**Secretary to Govt. of Khyber Pakhtunkhwa
Health Department**

Endst: No. SOG/Health/2-65/2017

Dated, 29/08/2019

Copy to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All head of Attached Department, Health Department, Peshawar.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Director, Independent Monitoring Unit, Health Department Khyber Pakhtunkhwa.
7. Manager, Government Printing Press Department Khyber Pakhtunkhwa for Publication in the official Gazette.
8. PS to Senior Minister for Health, Khyber Pakhtunkhwa, Peshawar.
9. PS to Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
10. PS to Secretary Health, Khyber Pakhtunkhwa.
11. Officers/officials concerned.


Section Officer (General)

-15-



江蘇大學
JIANGSU UNIVERSITY

"C"

Nationality: Pakistan
CSC No. 2017GXZ026598

ADMISSION NOTICE

Dear Mr. SABOOR ABDUL,

We are pleased to inform you that, having examined your application materials, we have decided to enroll you to study at SCHOOL OF FOOD & BIOLOGICAL ENGINEERING of our institution as a Doctor's Degree in the program of Food Science & Engineering taught in ENGLISH from SEP/Mon. 2017 Yr. to JUL/Mon. 2020 Yr.

According to the notice of the China Scholarship Council, your fees for studying in China will be covered by: Full scholarship (including tuition, lodging, comprehensive medical insurance, living allowance).

If you observe the laws and decrees of China as well as the rules and regulations of the institution you attend, and also accept the *Additional Conditions* as follows, you can apply for the student visa (X1 visa or X2 visa) to the Chinese embassy or consulate in your country with this *Admission Notice*, the original copies of your *Visa Application for Study in China (JW201)*, *Foreigner Physical Examination Form* and your *blood test report*. Please note that you must register, with these materials, at the institution of Overseas Education College (OEC), Jiangsu University within the period between 11/Day, SEP/Mon. 2017 Yr. to 12/Day, SEP/Mon. 2017 Yr. If you fail to register within the time limit without the permission of the institution, you will be regarded as giving up this admission.

Additional Conditions:

1. All information and materials provided should be factually true and correct.
2. In China, you should abide by the laws and decrees of the Chinese government, and will not participate in any activities which are deemed to be adverse to the social orders in China and are inappropriate to the capability as a student. You should also obey the rules and regulations of the University and follow the teaching programs provided by the University.
3. For Chinese-medium programs, your Chinese language proficiency should be or better than the new HSK Level-4 180 points after one year of Chinese language learning.

Applicant's signature: [Signature]
Date: 08 / Mon 16 / Day / 2017 Yr.

Institution: Jiangsu University
Date: July 24, 2017

- Note:
1. Be sure to enter China with X1 or X2 visa, otherwise you will be responsible for all the possible consequences.
 2. Please prepare 8 copies of the photo the same size as in the passport on registration day.
 3. Please go through all the procedures of registration to the institution and apply within thirty days of arrival for the residency permit to the local police authority.
 4. You MUST register your residence information within 24 hours after arriving China. Submit your passport and register at the university dormitory or hotel you stay in. If you live in friend's or relative's house, you should register at the local police station. A fine of 2000 CNY will be imposed by Police if you fail to do so.



江苏大学
JIANGSU UNIVERSITY

巴基斯坦 国
(CSC No. 2017GXZ026598)

录取通知书

SABOOR ABDUL 先生:

我们高兴地通知您: 经审查您的申请材料, 我校决定录取您作为 博研, 自 2017 年 09 月起至 2020 年 07 月到我校食品与生物工程学院学习 食品科学与工程 专业, 授课语言为 英语。

根据国家留学基金管理委员会的通知, 您在中国学习期间的经费办法为:

全额奖学金(含学费、住宿费、生活费 and 综合医疗保险); 0。

如果您自愿遵守中国的法律、法规和学校的校纪、校规, 并接受下述录取附加条件, 请您持本《录取通知书》、《外国留学人员来华签证申请表》(JW201 表)、《外国人体格检查记录》及血液化验报告(均须原件, 使领馆留存复印件), 前往中国大使馆(领事馆)申请来华学习 X1 或 X2 签证, 并于 2017 年 09 月 11 日至 09 月 12 日期间, 到 江苏大学海外教育学院 报到。如因故不能按期报到, 必须事先征得我校同意。否则, 将视为自动放弃入学资格。

录取附加条件:

1. 本人所提供给学校的信息及材料真实无误, 如因个人信息错误, 失实造成不良后果, 责任由本人承担。
2. 在华期间, 遵守中国的法律; 不从事任何危害中国社会秩序, 与本人来华学生身份不相符合的活动。遵守学校的校纪校规, 尊重学校的教学安排。
3. 汉语授课项目的学生, 一年汉语学习后, 应达到新HSK四级的水准。

学生本人签字 _____ 年 月 日



2017 年 07 月 24 日

注意事项:

1. 请您一定持来华学习 X1 或 X2 签证入境。否则, 一切后果由本人自负。
2. 请准备 8 张照片 (与本人护照照片一致)。
3. 入境后, 请立即到学校办理报到手续, 并在 30 天内到当地公安局办理居留手续, 逾期所受处罚的一切费用自理。
4. 请务必在到达中国 24 小时内办理注册手续, 办理注册手续时请出示护照及您在中国的住宿登记信息。如果您入住亲友家中, 请在当地公安机关登记; 如果您没有办理相关登记将会被公安机关处以 2000 元人民币罚款。

学校地址: 江苏省镇江市学府路 301 号 | 邮政编码: 212013 | 联系人: 丁金萍, 张婧
联系电话: 86-511-88792366 | 传真: 86-511-88792208 | 电子邮件: admission@ujs.edu.cn


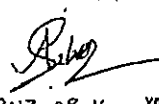
3) Visa Application

~~104~~ -17-

外国留学人员来华签证申请表
Visa Application for Study in China

中华人民共和国教育部印制 / Printed by the Ministry of Education (MOE) of PRC

JW201

No. 1417346		接受院校 / Host Institution: 江苏大学	
姓名: SABOOR		名 / Given Names: AREAL	
国籍 / Nationality: 巴基斯坦	护照号码 / Passport No.: AX5026192	性别 / Sex: 男	婚否 / Marital Status: 已婚
出生日期 / Date of Birth: 1990年 01月 01日	出生地 / Place of Birth: Puren Shangla Pakistan		
家庭地址 / Home Address: Village and Post Office Sandovi, Tehsil Puren, District Puren Shangla Pakistan			
最后学历 / Highest Academic Degree Obtained: M. Phil.		职业 / Occupation: Monitoring & Data Collection	
工作单位 / Employer or Institution Affiliated: Health Department, KPK			
来华学习专业 / Field of Study in China: 食品科学与工程		学习专业期限 / Duration: 09 年 01 月 至 20 年 01 月	
补习汉语课程 / Institution for Chinese Language Study:		补习汉语期限 / Duration: 自 年 月 至 年 月	
学生类别 / Student Status: 博研	CSC登记号 / CSC No.: 2017GXZ026698	注册截止日期 / Deadline for Registration: 2017 年 01 月 01 日	
经费办法 / Financial Support: 全额奖学金 / Full Scholarship <input type="checkbox"/> 部分奖学金 / Partial Scholarship (学费 / Tuition <input type="checkbox"/> 住宿费 / Lodging <input type="checkbox"/> 医疗费 / Medical Care <input type="checkbox"/> 其它 / Other Source of Funding: 材料费 / Learning Material <input type="checkbox"/>			
教育部盖章	Authorized by MOE  (印章 / Seal)	申请人签字:  Signature of Applicant: 2017-08-16 年 月 日 year month day	
备注	1. 请持本表前往中国驻(领)馆申请来华学习签证。 2. 请持本表到校注册。 Notes: 1. Please present this form to apply for student entry visa at the Chinese Embassy or Consulate General. 2. Please present this form to register at the host Institution.		

2017 年 11 月 8 日

第一联: 予外国来华留学人员

study leave application
to supporting docs

1) copy of application submitted in IMU Head Office for Study Leave on 18/08/2017

"D" -18-

To
The Director,
Independent Monitoring Unit,
Health department, Khyber Pakhtunkhwa.

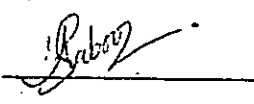
Subject: Application for study leave

Respected Sir,

With profound veneration it is stated that I am Abdul Saboor from district Shangla. I am working in IMU as Data Collection Assistant. I have received an admission letter from Jiangsu University China for Ph.D. study in department of Food Sciences and Biological Engineering. The study duration is three years starting from September 2017 to July 2020. Copy of admission letter is attached with this application. I wish to join Jiangsu University for my Ph.D. study. It is therefore requested in your great honor kindly grant me study leave for 1100 days. I declare, I shall join IMU after completion of my study.

With utmost regards and respect,

Applicant Name: Abdul Saboor
Designation: Data Collecting Assistant,
Department: IMU Health Khyber Pakhtunkhwa
Address of applicant: Sundovi, Pura District Shangla.
N.I.C: 15505-0806619-3
Contact No: 0302-5727183

Signature of applicant: 

Date: 18/08/2017

BETTER COPY OF THE PAGE NO. 18

To,

The Director,
Independent Monitoring Unit,
Health department, Khyber Pakhtunkhwa.

Subject: **Application for study leave**

With profound veneration it is stated that I am Abdul Saboor from district Shangla. I am working in IMU as Data Collection Assistant. I have received an admission letter from Jiangu University China for Ph.D. study in department of Food Sciences and Biological Engineering. The study duration is three years starting from September 2017 to July 2020. Copy of admission letter is attached with this application. I wish to join Jiangu University for my Ph.D. study. It is therefore requested in your great honor kindly grant me study leave for 1100 days. I declare, I shall join IMU after completion of my study.

With utmost regards and respect,

Applicant Name: Abdul Saboor

Designation: Data Collecting Assistant,

Department: IMU Health Khyber Pakhtunkhwa.

Address of applicant: Sundovi, Puran District Shangla.

N.I.C: 15505-0806619-3

Contact No: 0302-5727183

Signature of applicant:

Date: 18/08/2017



"E"

-19-

To

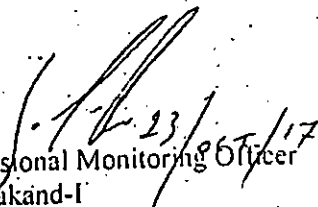
Director Independent Monitoring Unit

Subject: Status of leave of Mr. Abdul Sabur MDCA Shangla

Dear Sir,

Mr. Abdul Sabur MDCA Shangla verbally informed divisional office in last week of August 2017 that he has submitted application for two years study leave directly to provincial office. The receipt of application was confirmed by DBA telephonically. Since the mentioned MDCA has left for studies, information regarding the status of his leave was requested several times telephonically and through email on 03/10/2017, 10/10/2017 and 20/10/2017.

This is to request for guidance on the above case as department has recently circulated instructions through letter number SO(General)HD1-1/2017(Instructions) dated 19/10/2017 regarding "proceeding on leave before its actual sanction" and the mentioned case is similar to it.


Divisional Monitoring Officer
Malakand-I

Copy for information:

1. Admin & Finance Officer IMU
2. Database Admin/Analyst IMU

-20-
Date: 04/08/2020


The District Monitoring Officer,
Independent Monitoring Unit, Health Department,
District Shangla.

Subject: Arrival Report (Request for Rejoining)

Respected Sir,

With utmost respect it is stated that my name is Abdul Saboor. I am employee of Independent Monitoring Unit (Health Department) district Shangla with designation Data Collection Assistant. I was on study leave from August 2017 to July 2020. Now I am available to perform my duty. It is humbly requested kindly accept my arrival report and resume my duty.

With Regards

Abdul Saboor 
Designation: Data Collection Assistant at Shangla
Department: IMU Health Khyber Pakhtunkhwa.
Address of applicant: Sundovi, Puran, District Shangla
N.I.C: 15505-0806619-3
Mobile: 03025727183
Email: abdulsaboor1990@yahoo.com

Secretary to the Govt. of Khyber Pakhtunkhwa
Health Department

-21-

"F"

Attention: Section Officer (General)
Health Department

Subject: REQUEST FOR REJOINING OF DUTY AS MONITORING &
DATA COLLECTION ASSISTANT


Respected Sir,

Reference to the subject noted above, enclosed please find herewith an application in respect of Mr. Abdul Saboor, Monitoring & Data Collection Assistant, wherein he has requested for resuming his duties.

According to the record of this office, the said employee was appointed as Monitoring & Data Collection Assistant under the project "Establishment of Independent Monitoring Unit, Health Department" from 2015-2017. Subsequently, his services were regularized under Notification No. SOG/Health/2-65/2017 dated 30/06/2017 under the Regularization of Services Act 2017 (Khyber Pakhtunkhwa Act No. VII of 2017).

On 18/08/2017, Mr. Abdul Saboor submitted an application for three year study leave from September 2017 to July 2020 in China. He left for abroad without any sanction of his study leave. No record of sanction of his leave is available in this office. Now the employee has requested for re-joining duties vide his application dated 29/09/2020 (copy enclosed).

In view of the above, it is requested that necessary action may be taken in the matter according to the Law and Rules in vogue.


(Dr. Shahid Yunis)
Director IMU

Copy Forwarded to:

1. Divisional Monitoring Officer, Malakand - I
2. PA to Deputy Secretary (Admin) Health Department
3. Office Record

Receiving

11/12/2020

BETTER COPY OF THE PAGE NO. 21

15/MISC/MUIAD 2020-21

Date 17/12/2020

To,

Secretary to the Govt of Khyber Pakhtunkhwa
Health Department

Attention Section Officer (General)
Health Department

Subject: **REQUEST FOR REJOINING OF DUTY AS MONITORING
& DATA COLLECTION ASSISTANT**

Respected Sir,

Reference to the subject noted above, enclosed please find herewith an application in respect of Mr. Abdul Saboor, Monitoring & Data Collection Assistant. wherein he has requested for resuming his duties.

According to the record of this office, the said employee was appointed as Monitoring & Data Collection Assistant under the project "Establishment of Independent Monitoring Unit, Health Department from 2015-2017. Subsequently his services were regularized under Notification No. SOG/Health/2-65/2017 dated 30/06/2017 under the Regularization of Services Act 2017 (Khyber Pakhtunkhwa Act No. VII of 2017)

On 18/08/2017, Mr. Abdul Saboor submitted an application for three year study leave from September 2017 to July 2020 in China. He left for abroad without any sanction of his study leave. No record of sanction of his leave is available in this office. Now the employee has requested for re-joining duties vide his application dated 29/09/2020 (copy enclosed).

In view of the above, it is requested that necessary action may be taken in the matter according to the Law and Rules In vogue.

(Dr. Shahid Yunis)
Director IMU

Copy Forwarded to:

1. Divisional Monitoring Officer, Malakand-1
2. PA to Deputy Secretary (Admin) Health Department
3. Office Record

Date: 29/09/2020

The Director,
Independent Monitoring Unit, Health Department,
Peshawar, Khyber Pakhtunkhwa.

3208

12-11-2020

Through: Proper channel

Subject: Request for rejoining of duty as Data Collection Assistant

Respected Sir,

With propound veneration it is stated that I joined Independent Monitoring Unit (IMU) on 18/02/2015 as data collection assistant. On 16 August 2017, I received a letter of admission from Jiangsu University, China for PhD in Food Science & Biological Engineering. I contacted Divisional Monitoring Officer Malakand for study leave who advised me to visit IMU Head office. I visited IMU Head Office (Peshawar) to get approval for study leave. Acting upon the advice of Director IMU, I submitted study leave application on 18th August 2017 at IMU Head Office Peshawar. I left for study on 9th September 2017. After going to China I contacted IMU divisional office and Head Office via phone calls, WhatsApp and email to know the status of my leave application but could not succeed to get any information. My degree and study leave were supposed to finish on August 2020, But due to COVID-19 pandemic universities were closed so I could not finish my study in stipulated time. I have already finished my course work which is requirement of my degree and half of research work. To fulfil my degree requirement I need to finish my laboratory work for which I applied to extend my study period for one year. I came back to Pakistan due to COVID-19 pandemic and the university informed us not to come to China until further notice. I contacted University officials about expected return date and was informed that China government will decide when to allow foreigner students to enter China. As until now there is no fix date for my return to China for study, I wish to rejoin my duty. It is humbly requested in your great honor kindly resume my duty. I ensure you that I will perform my duty with full devotion.

With regards,



Abdul Saboor
Designation: Data Collection Assistant at Shangla
Department: IMU Health Khyber Pakhtunkhwa.
Address of applicant: Sundovi, Puran, District Shangla
N.I.C: 15505-0806619-3
Mobile: 03025727183
Email: abdulsaboor1990@yahoo.com

I am attaching following files with this application

- 1) Copy of application submitted in IMU Head Office Peshawar on 18/08/2017
- 2) (a)(b) Copies of Admission letter
- 3) Copy of Visa letter
- 4) Snapshot of email sent to head office and divisional office to inquire about my leave status
- 5) Copy of Study extension application
- 6) Copy of my Ph.D course work transcript
- 7) (a)(b) Snap shots of manuscript submitted to journal for publication

Date: 29/09/2020

The Director,
Independent Monitoring Unit, Health Department,
Peshawar, Khyber Pakhtunkhwa

Through: Proper channel

Subject: Request for rejoining of duty as Data Collection Assistant

Respected Sir,

With propound veneration it is stated that I joined Independent Monitoring Unit (MU) on 18/02/2015 as data collection assistant, On 16 August 2017, I received a letter of admission from Jiangsu University, China for PhD in Food Science & Biological Engineering. I contacted Divisional Monitoring Officer Malskand for study leave who advised me to visit IMU Head office. I visited IMU Head Office (Peshawar) to get approval for study leave. Acting upon the advice of Director IMU, I submitted study leave application on 13 August 2017 at IMD Head Office Peshawar I left for study on 9 September 2017. After going to China I contacted IMU divisional office and head office via phone calls, WhatsApp and email to know the status of my leave application but could not succeed to get any information. My degree and study leave were supposed to finish on August 2020. But due to COVID-19 pandemic universities were closed so I could not finish my study in stipulated time. I have already completed my course work which is requirement of my degree and half of research work. To fulfill my degree requirement I finished my laboratory work for which I applied to extend my study period for one year, I came back to Pakistan due to COVID-19 pandemic and the university informed us not to come to China until further notice. I contacted University officials about expected return date and was informed that China government will decide when to allow foreigner students to enter China. As until now there is no fix date for my return to China for study, I wish to resume my duty, it is humbly requested in your great honor kindly resume my duty. I ensure you that I will perform my duty with full devotion.

With regards,

Abdus Saboor

Designation: Data Collection Assistant at Shangla

Department IMU Health Khyber Pakhtunkhwa

Address of applicant: Sundovi, Puran, District Shangla

N.I.C: 15505-0506619-3

Mobile: 03025727183

Email abdulsaboor1990@yahoo.com

I am attaching following files with this application

- 1) Copy of application submitted in IMU Head Office Peshawar on 18/03/2017
- 2) (a)(b) Copies of Admission letter
- 3) Copy of Visa Letter
- 4) Snapshot of email sent to head office and divisional office to inquire about my leave status.
- 5) Copy of Study extension application
- 6) Copy of my Ph.D course work transcript
- 7) (a)(b) Snap shots of manuscript submitted to journal for publication

"G" -23-



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOP/HD/1-13/MU/2020-472
Dated Peshawar, the 15th January, 2021

3246
26/01/2021

To
The Director,
Independent Monitoring Unit
Health Department Peshawar

Subject: REQUEST FOR REJOINING OF DUTY AS MONITORING & DATA
COLLECTION ASSISTANT.

I am directed to refer your letter No. 1210/MISC/IMU AD 2020/21 dated
17.10.2020 on the above captioned subject and to state that the following documents
may be provided to proceed further into the matter

- 1 Any Advertisement published in the newspaper directing the official to resume duty
- 2 Any absence report addressed to this department to initiate necessary disciplinary action
- 3 Is the official still getting salary or otherwise if no then when was his pay stopped

Yours faithfully

Section Officer (RMO)

Encl: No & date given

Copy forwarded to the

1. Secy Health, Khyber Pakhtunkhwa

Section Officer (Budget)

25/2/2021
24/Jan
A

BETTER COPY OF THE PAGE NO. 23
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOP/HD/1-13/MU/2020-7852
Dated Peshawar, 15th January 2021

To,

The Director
Independent Monitoring Unit
Health Department, Peshawar

Subject: **REQUEST FOR REJOINING OF DUTY AS MONITORING
& DATA COLLECTION ASSISTANT**

Dear Sir,

I am directed to refer your letter No. 1216/MSU/MU AD 2020-21 dated 17.12.2020 on the above captioned subject and to state that the following documents may be provided to proceed further into the matter.

1. Any Advertisement published in the newspaper directing the official to resume duty.
2. Any absence report addressed to this department to initiate necessary disciplinary action
3. Is the official staff getting salary or otherwise no then when was his Day stopped

Yours faithfully

Section Officer (Project)

Endst: No & date even

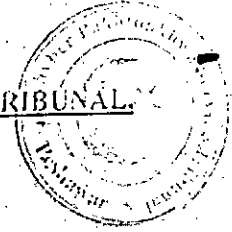
Copy forwarded to the

1. PS to Secretary Health, Khyber Pakhtunkhwa.

Section Officer (Project)

"H"

SCANNED
KPS:
Peshawar



- 24 -

BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 6585/2021

BEFORE: SALAH UD DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

Mr. Abdul Saboor, Data Collecting Assistant (BPS-16), under control of Divisional Monitoring Officer, Malakand Division at Head Office D.G Health Department, Peshawar..... (Appellant)

VERSUS

1. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Health Services Department, Khyber Pakhtunkhwa Peshawar.
3. The Director, Independent Monitoring Unit, Health Department, Peshawar.
4. The Divisional Monitoring Officer (IMU) Health Department, Malakand-I at Shaheed Abad near Sohrab Khan Chowk, Mingora, Swat.
5. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar,
6. The District Accounts Officer, District Shangla.
7. The District Monitoring Officer, (IMU) Health Department Shangla..... (Respondents)

Present:

MIR ZAMAN SAFI,
Advocate --- For Appellant.

MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General, --- For respondents.

Date of Institution.....14.06.2021
Date of Hearing.....21.09.2022
Date of Decision.....21.09.2022

ATTESTED

MIAN MUHAMMAD
Member (E)

JUDGEMENT:

MIAN MUHAMMAD, MEMBER(E):- The instant service appeal has been instituted with the prayer that "on acceptance of this service appeal the respondents may very kindly be directed

to accept the arrival report of the appellant and adjust him against the post of Data Collecting Officer (BPS-16) as well as release the monthly salaries of the appellant w.e.f 09.09.2017 till date alongwith all consequential benefits."

02. Brief facts of the case, as averred in the memorandum of appeal, are that the appellant was initially appointed as Data Collecting Assistant (BPS-16) in project/ADP Scheme on 18.02.2015 whose services were regularized alongwith others under the Khyber Pakhtunkhwa Employees of Health Department (Regularization of Service) Act, 2017 vide Notification dated 30.06.2017. The appellant being aspirant for higher studies, submitted an application for grant of three years study leave on 18.08.2017 which was not decided by the competent authority and he proceeded in pursuit of higher studies to China. On return from China, he submitted arrival in the department on 04.08.2020 and requested for acceptance of his arrival report and resumption of duty but to no avail till submission of the service appeal in Service Tribunal on 14.06.2021.

03. On admission of the service appeal in preliminary hearing on 09.08.2021, the respondents were put on notice to submit written defense through reply/para-wise comments. Reply/Parawise comments were submitted on 09.05.2022. We have heard learned counsel for the appellant as well as learned Assistant Advocate General for the respondents in Divisional

ATTESTED

ASSISTANT ADVOCATE GENERAL
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

Bench and gone through the record thoroughly with their valuable assistance today.

04. Learned counsel for the appellant contended that the appellant is a regular employee of the department since 30.06.2017 who had applied for Phd course and the University of Jiangsu (China) sent him letter of admission on 16.08.2017. The appellant applied for the grant of three years study leave on 18.08.2017 but due to inaction of the department, the study leave could not be granted and the appellant proceed abroad for higher studies on 09.09.2017. The appellant even from China was in touch through e mail and tried to pursue his case regarding grant of study leave in the department. It was further argued that due to the outbreak and spread of COVID-19 worldwide, all universities were closed down in China but the appellant by then had completed his course work required for the award of Phd Degree. On his arrival in the country, the appellant submitted arrival report in the department on 04.08.2020. However, since then the department is indecisive as a result of which he is neither adjusted nor he is paid monthly salary w.e.f. 09.09.2017. Moreover, the indecisiveness is an act on part of the respondents which is not only against the law, facts, norms of natural justice, material on record but is also in violation of Article 4 and 25 of the Constitution. The department has neither conducted any enquiry on arrival of the appellant nor passed any adverse order and the appellant has been kept in hanging position. While

ATTESTED


concluding his arguments, he requested for acceptance of the appeal as prayed for.

05. Learned Assistant Advocate General controverted arguments of the learned counsel for appellant and contended that the appellant had never applied for NOC to proceed for study abroad and he left the duty station without approval/sanction of Ex-Pakistan Extra ordinary leave. Not only this, the appellant left the country on a passport in which he concealed his occupational status as government servant so as to misguide and dodge the Law Enforcement Agencies. Moreover, the appellant is not a committed person to his job who on arrival in the country, did not apply for joining his duty immediately but waited till expiry of the leave period he had allegedly applied for. He is, therefore, not entitled for salary on the basis of fundamental principle of "no work, no pay." He further argued that the appellant did not extend co-operation to the enquiry committee and after putting appearance only once, he disappeared and did not reply to non-appearance before the fact finding enquiry committee since December 2020. This shows the carelessness and casual attitude of the appellant who is habitual to tangle and involve the honourable court in non-issues. The appeal may therefore, graciously be dismissed with costs, he concluded.

RECEIVED
M-2
2022
Punjab
High Court
Lahore

06. It is evident from the record and an admitted fact by both the sides that the appellant proceeded abroad in pursuit of higher Education. On return from China, the appellant submitted

arrival report to respondent No. 7 (District Monitoring Officer IMU Health Department, Shangla) on 04.08.2020 for rejoining his duty in the department. He submitted another application for the purpose to respondent No. 3 (Director, IMU Health Department, Peshawar) on 29.09.2020 requesting therein to allow him to resume his duty but the respondent department did not pass appropriate orders on his departmental appeal.

07. ✓ In the circumstances, we consider it appropriate to remit case back to the department for decision on the departmental appeal of the appellant in accordance with relevant law/rules through a speaking order within 30 days of receipt of the copy of instant judgement. Parties are left to bear their own costs. File be consigned to record room.

08. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 21st day of September, 2022.*

(MIAN MUHAMMAD)
MEMBER (E)

(SALAH UD DIN)
MEMBER (J)

Certified to be true copy
SEAL
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 01-11-22
Number of Words 200
Copying Fee 22/-
Stamp 4/-
Fees 26/-
Date 01-11-22
Date of Delivery of Copy 01-11-22



"I"

-29-

No: MISC/IMU/2022-23

Date: 11/11/2022

SHOW CAUSE NOTICE

I, Dr. Ijaz Ali Shah, Director, Independent Monitoring Unit Health Department, Khyber Pakhtunkhwa (being Competent Authority) under Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011; do hereby serves you, Abdul Saboor, Monitoring & Data Collection Assistant (BPS-16), Independent Monitoring Unit, Health Department, as follows:

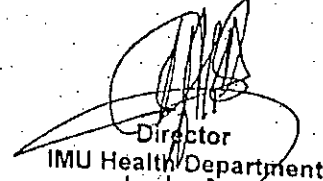
- i. That you were found absent from duty since 9th September 2017 without any prior approval of leave.
- ii. That you got admission in foreign university without any N.O.C/prior permission of the competent Authority.
- iii. That you left Pakistan concealing your official status in your passport.

2) Whereas a Fact finding inquiry was also conducted on the above charges in which the above mentioned charges proved therefore, On going through the inquiry report and other material available on record, I am satisfied that you have committed the above mentioned acts which amounts to misconduct hence there is no need of conducting regular inquiry against you therefore regular inquiry is hereby dispensed with under Rule 5(1)(a) Read with Rule 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules- 2011.

3) As a result thereof, I, being Competent Authority, have tentatively decided to impose upon you the major penalty of Removal from Services under Rule-4 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules- 2011;

4) You are therefore required to show cause as to why the aforesaid penalty/penalties should not be imposed upon you and also intimate whether you desired to be heard in person.

5) If no reply to this notice is received within Seven (07) days and not more than ten (10) days of its issuance, in normal course of circumstances, it shall be presumed that you have no defense to put in, and in that case, an ex-parte action will be taken against you.


Director
IMU Health Department
11/11/22

Copy for information to:

- 1) Office Record

Director
IMU Health Department

Director

Date: 14.11.2022

Independent Monitoring Unit,

Health Department, KPK.

Subject: Reply to Show Cause served upon me by your good self


Respected Sir,

I have received a Show Cause Notice with reference (No: MISC/IMU/2022-2023, vide : 11/11/2022) in which I was asked to show cause why major penalty (service removal) should not be imposed on me.

Following are reasons which I request you to consider;

- I am employee of your good self in Independent Monitoring Unit Health Department, KPK. In 2017 I applied for study leave with application on 18.08.2017. (copy attached)
- I time and again asked the status of my application, but no response was given by the authority, finally I left for study in China.
- From china I contacted IMU head office and DMO Malakand asking for status of my leave but no one give me any information in this regard.(copy attached)
- During my study period the department has never sent me any notice in which I was told about my leave status, or otherwise order me to resume my duty.
- I came back to Pakistan due to COVID-19 pandemic, I visited IMU Head office, met with Director IMU who advised me to sent him application for rejoining on proper channel. I submitted application on 29/09/2020 for rejoining. It has been more than 2 years, my arrival report is in pending position. (Copy attached)
- Considering the above facts it is requested kindly review your decision and accept my arrival report.

With regards

Abdul Saboor. 

Data Collecting Assistant

District Shangla.

Email: abdulsaboor1990@yahoo.com

Mob: 03025727183



INDEPENDENT MONITORING UNIT
HEALTH DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

"J"

Telephone: 091-5710717

Office Address House # 3 & 4 Pawaki Canal Road, Peshawar.


Date: 13/02/2023

-31-

Office Order

No. 63 /IMU/Health/22: Show Cause Notice bearing No. MISC/IMU/2022-23 dated 11-11-2022 under Rule-5 of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 was served upon Mr. Abdul Saboor, Monitoring & Data Collection Assistant (BPS-16) Independent Monitoring Unit Health Department on the following charges of Misconduct/Inefficiency.

- I. That you were found absent from duty since 9th September 2017 without any prior approval of leave.
 - II. That you got admission in foreign university without any N.O.C/prior permission of the Competent Authority
 - III. That you left Pakistan concealing your official status in your passport.
2. **AND WHEREAS**, the accused officer submitted his written defense reply, which was found unsatisfactory, therefore, as per provisions of E&D Rules 2011, the accused was given the opportunity of personal hearing under Rule-15 of the Act ibid on 21-11-2022. During personal hearing, the accused submitted the above stated acts of misconduct/inefficiency.
3. **NOW, THEREFORE**, I, Dr. Syed Ijaz Ali Shah, Director, Independent Monitoring Unit Health Department, Khyber Pakhtunkhwa being competent Authority after having considered all the material related to the case, the reply submitted by the accused, is of the considered view that the charges of willful absence & proceedings abroad without NOC/ Prior Permission of the Competent Authority stood proved against the accused officer, therefore, I, being Competent Authority in exercise of Powers vested in me under Rule-4(I)(b)(III) of the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011, hereby impose the major penalty of Removal from Services upon the accused officer with immediate effect.


Director
IMU Health Department

Copy for information to:

- 1) PS to Secretary to the Government of Khyber Pakhtunkhwa, Health Department.
- 2) PA to Deputy Secretary (Litigation), Health Department.
- 3) Mr. Abdul Saboor Monitoring & Data Collection Assistant (BPS-16) Independent Monitoring Unit Health Department.
- 4) Office Record.

Director
IMU Health Department

Dairy No. 830

Date 08.02.23

Date: 07/02/2023

The Secretary,
Health Department,
Khyber Pakhtunkhwa.

Health Department

-32-

Subject: Request for Consideration of Previously Submitted Application about duty resumption.

Dear Sir

With profound veneration I am writing to bring to your attention my previously submitted application regarding my duty resumption at the Independent Monitoring Unit (IMU), Health Department Khyber Pakhtunkhwa. I joined the Independent Monitoring Unit (IMU) on February 18th, 2015 as a Data Collection Assistant. On August 2017, I got admission letter from Jiangsu University (China) for PhD in Food Science & Biological Engineering. (Copy attached) I sought approval for study leave from the Divisional Monitoring Officer in Malakand and later visited the IMU Head Office in Peshawar. Upon the advice of the Director IMU, I submitted my study leave application on August 18th, 2017 (Copy attached). I left for China on September 9th, 2017.

Before and after going to China, I attempted to contact the IMU divisional office and head office multiple times through phone calls, WhatsApp and email to inquire about the status of my leave application but was unsuccessful in getting any information. (Copies attached)

Due to the COVID-19 pandemic, my degree was not completed within the stipulated time of August 2020. However, I have completed my coursework and half of my research work. (Copy attached).

Due to the COVID-19 pandemic, my university was closed and I couldn't finish my degree on time. I submitted my arrival along with detailed application with all relevant documents on 29/09/2020. (Copy attached). Despite several attempts to inquire about the status of my application, I received no information. I had to file an appeal in the service tribunal and on 21st September 2022, the court gave a judgment directing the department to give a clear decision on my departmental appeal within 30 days of receipt of the judgment copy, which was signed on 11/11/2022. (Copy attached). The Director IMU issued a show-cause notice against me on November 11th 2022, to which I replied, and a personal hearing was scheduled for November 22nd, 2022. I appeared for the hearing, but since then, I haven't received any information about my arrival report which is still pending. I kindly request in your honor to consider my case and resolve this matter.

I kindly request your consideration in this matter and would be grateful for any updates on the status of my application.

Thank you for your time and attention.

Sincerely,

Abdul Saboor

Designation: Data Collection Assistant (Shangla)

Department: IMU Health Khyber Pakhtunkhwa

Address of applicant: Sundovi, Pura District Shangla.

N.I.C: 15505-0806679-3

Mobile: 03025727183

Email: abdulsaboor1900@yahoo.com

B.S (E&A)

Pl. take a report
from P.D. IMU

and dispose off
the case as per
legal provisions

To

"K"

-33-

The Secretary Health Department,
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 13-02-2023 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT.

Respected Sir,

The appellant with great respect submits as under:

1 It is stated that the appellant was appointed on 18-02-2015 as Monitoring and Data Collection Assistant BPS-16 in your good-self department and was posted in District Shangla.

2 That in August, 2017 the appellant got admission letter from Jinagsu University China for PHD in Food Science and Biological Engineering for the said strategy the appellant sought approval from Divisional Monitoring Officer, Malakand, however on the advise /directive of Director IMU the appellant submitted an application for leave on 18.08.2017.

3 That as the initiation of study session of the appellant was in a short period for which the appellant left for China on 09.09.2017.

4 That before and after approaching China the appellant contacted repeatedly, through phone calls/ Whats app and Emails, the Competent Authority about the status of leave application but no response/information was provided to the appellant.

That due to COVID-19 pandemic the appellant couldn't complete his Ph.D. course work and the university got closed due to foregoing reasons and resultantly the appellant had no other option but to come back to Pakistan. On arrival to Pakistan the appellant submitted arrival report with the relevant documents on 29.09.2020. However, no response was given to the appellant. Feeling aggrieved the appellant preferred service appeal before the Khyber Pakhtunkhwa Service Tribunal which was decided on 21.09.2022 with the direction to the department to decide the departmental appeal.

That instead of deciding departmental appeal a show cause notice dated 11.11.2022 was issued which was responded by the appellant and astonishingly vide impugned order dated 13.02.2023 major penalty of removal from service was imposed upon the appellant.

That the appellant was not wilfully absent and the competent authority was informed about the study leave through different sources, furthermore, the appellant was in a constant contact with the competent authority but even then his application was not considered.

That neither regular inquiry was conducted nor was any notice of absenteeism against the appellant issued.

It is, therefore, most humbly requested that on acceptance of this departmental appeal the impugned order dated 13.02.2023 may very kindly be set aside and the appellant may kindly be reinstated in to service with all back benefits including seniority.

Date 28-02-2023

Yours Obediently



ABDUL SABOOR,

Ex- Monitoring & Data Collection

Assistant (BPS-16)

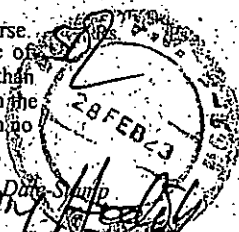
IMU, Health Department.

Cell # 0302-5727183

No. 288

RGL105622100

For insurance notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post-Office Guide or on which no
acknowledgement is due.



Received a registered
addressed to

To Secretary Date Stamp

Initials of Receiving Office

* Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. 10/- (in words) ten rupees

If insured

Insurance fee Rs. 0/- Ps. 00 (in words) nil Weight 100 Kilo Grams

Name and address of sender: Dehra

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO: _____ OF 2023

Abdul Saboo Khori

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Deptt

(RESPONDENT)
(DEFENDANT)

I/we (Appellant)

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/202



CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT
(BC-10-0853)
(15401-0705985-5)


KAMRAN KHAN


UMAR FAROOQ MOHMAND


WALEED ADNAN

&


MUHAMMAD AYUB
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)