

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

**SERVICE APPEAL NO. 30/2023**

Akhter Munir.....Appellant

**Versus**

Government of Khyber Pakhtunkhwa & others .....Respondents

**Index**

<b>S. No.</b>	<b>Description</b>	<b>Annexure</b>	<b>Pages No.</b>
1	Comments		1-3
2	Letter dated 20/09/2022	A	4
3	Affidavit		5
4	Authority Letter		6

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 30 OF 2023**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6525

Date: 17/07/23

Akhter Munir.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa and others.....Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 & 02**

**Respectfully Sheweth:**

**Preliminary Objections:-**

1. That the appellant has got neither cause of action nor did locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue, as the impugned order was issued by the MTI Authorities, hence this Honorable Tribunal has got no jurisdiction in the matter.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
10. That the appellant is estopped by his own conduct to file the instant appeal.

**ON FACTS:**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Not related with the answering respondents.

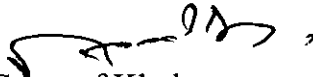
6. On the relieving of the appellant from MTI/LRH Peshawar, the Hospital Director was informed that there is no vacant post in Peshawar, therefore, the relieving order of the appellant may be withdrawn vide this Directorate letter dated 20/09/2022 (Annex-A).
7. Correct. As in preceding para.
8. Pertains to record.
9. Needs no comments being formal.


**ON GROUNDS:**

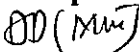
- A. Not related with the answering respondents.
- B. Not related with the answering respondents.
- C. Not related with the answering respondents.
- D. Not related with the answering respondents.
- E. Not related with the answering respondents.
- F. Not related with the answering respondents.
- G. Not related with the answering respondents.
- H. Answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

**PRAYER:**

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.

  
Secretary to Govt. of Khyber  
Pakhtunkhwa Health Department  
**Respondent No. 01**

  
Director General Health Services Khyber  
Pakhtunkhwa Peshawar  
**Respondent No. 02**

  
DD (Mw)



Annex 'C' (9)

# DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR



E-Mail Address: [mvfpdghs@yahoo.com](mailto:mvfpdghs@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax# 091-9210230  
No. 10670 /Personnel Dated: 20/09/2022

To,

The Hospital Director  
MTI/LRH Peshawar.

Subject: **OFFICE ORDER**  
Memo:

Reference to your Office Order bearing Endst: No. 22670-78/HR-IV dated 12.09.2022, on the subject noted above.

It is submitted that there is no vacant post of Class-IV in Peshawar and its outskirts, against which the relived employees can be adjusted.

You are therefore, requested to withdraw the relieving order in respect of Mr. Akhtar Munir Ward Orderly of MTI-LRH Peshawar, being low paid employee.

**DIRECTOR (HRM)**  
DIRECTORATE GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR.

20/09/2022

11804  
21/9/2022

MAJED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)  
LASC # 3217

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

**SERVICE APPEAL NO. 30/2023**

Akhter Munir.....Appellant

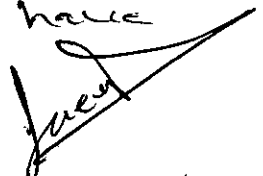
**Versus**

Government of Khyber Pakhtunkhwa & others .....Respondents

**Affidavit**

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.

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

  
Deponent

  
29/11/23




**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR**

*All communications should be addressed to the Director General Health Services  
Peshawar and not to any official by name  
Office # 091-9210269 Fax # 091-9210230*

---

**AUTHORITY LETTER**

Mr. Laeeq Ahmad Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in case Service Appeal No. 30/2023 titled Akhter Munir VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned.

  
Director General Health Services  
Khyber Pakhtunkhwa, Peshawar.