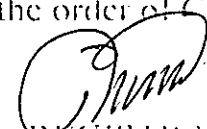


FORM OF ORDER SHEET

Court of _____

Appeal No. 1617/2023

S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/08/2023	<p>The appeal of Mst. Rani Naz presided by Mr. Muhammad Sohail Khan Advocate, presiding judge preliminary hearing before Single Bench on 07/08/23 9-8-23</p> <p>By the order of _____  REGISTERED</p>

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A No- 1617 /2023

Mst.Rani Naz

VERSUS


Secretary Health & Others

INDEX

S#	Description of Documents	Annex	Pages
1.	Service Appeal & Affidavit		1-6
2.	Condonation of Delay Application & Affidavit		7-9
3.	Copy of the Removal Order	A	10
4.	Copy of the Judgment dated 05/03/2018 Service appeal No. 1241/2014	B	11-18
5.	Copy of reinstatement order	C	19
6.	Copy of statement of appellant before inquiry committee	D	20
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9.	Copy of the Departmental appeal	G	23-24
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Appellant

Through


MUHAMMAD SOHAIL KHAN
ADVOCATE, HIGH COURT
PESHAWAR

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1617 /2023

Mst. Rani Naz W/o Emmanuel javed, leprosy center DHQ Hospital,
Mardan..... Appellant/petitioner

Verses

1. Government of KPK through Secretary Health, Civil Secretariat Peshawar.
2. Director General Health, Civil Secretariat Peshawar.
3. District Health Officer, Mardan Respondents

Appeal U/S 4 of Service Tribunal Act 1974, against the impugned Order No.1005-10 DHO Dated 11/01/23 which is passed against the law and without lawful authority as well as against the natural law.

PRAYER:

It is therefore, most humbly prayed on acceptance of the instant service appeal, the impugned Office Order No. 1005-10/DHO Mardan, dated 11.01.2023 may kindly be declared as illegal void and by doing so, the appellant be entitled with all back benefits.

Respectfully Sheweth:

FACTS:

1. That the Appellant is bonafide citizen of Islamic Republic of Pakistan and is attached to Civil Dispensary Guli Bagh and working at Leprosy center DHQ Mardan as Dai BPS-04.
2. That the Appellant was removed from the services by the Chief Executive Mardan Medical complex vide Letter No. 3591-96 Dated 07/05/2014.
(Copy of the Removal Order is attached as Annexure A)

3. That the said removal order was set aside by the honorable Service tribunal, Peshawar vide judgment dated 05/03/2018 Service Appeal No. 1241/2014. Furthermore, the respondent department was directed to conduct de-novo inquiry against the appellant within three months after receipt of the said judgment and the issue of back benefits was made subject to the outcomes of De-novo inquiry. **(Copy of the Judgment dated 05/03/2018 Service appeal No. 1241/2014 is attached as Annexure B)**

4. That the appellant was reinstated into the service in the light of judgment dated 05/03/2018 Service Appeal No. 1241/2014 against the vacant post of Dai (BS-4) at BHU Baghicha Dheri Mardan vide Office Order No.11113-18/DHO Mardan dated 19.07.2019 with immediate effect. Furthermore, it is pertinent to mention here that DHO Mardan, is conducting de-novo inquiry after reinstatement of the appellant into the service which is not prudent to mind. **(Copy of the reinstatement order is attached as annexure C)**

5. That the inquiry committee constituted for conduction of De-novo inquiry was not notified nor was communicated to the appellant.

6. That the appellant was not engaged in the inquiry proceedings, nor was summoned and was not intimated in writing. However, it is pertinent to mention here that during duty hours, the appellant was called through verbal message to appear before inquiry committee thus appellant who is living hand to mouth with lots of hope and wait for years appeared before De-novo inquiry committee and record her statement. **(copy of statement before inquiry committee is attached as D)**

7. That thereafter, appellant frequently paid visit to DHO office Mardan to inquire about the De-novo inquiry, but all in vain and the appellant was intentionally kept in a dark about the proceedings of the De-novo inquiry. However, after an endless wait and curiosity about the inquiry proceeding and its report the appellant file an application for a copy of complete inquiry

report, which is not entertained till date. **(copy of application for complete inquiry report is attached as annexure E)**

8. That on dated 13-03-2023, when the appellant visit to DHO office Mardan to ask about her application which was submitted for copy of complete inquiry report, but it was a state of desperate and shock for the appellant when the official of DHO office handed over the impugned Office Order No.1005-10/DHO dated 11-01-2023 to the appellant, which ruined all the hopes of the appellant which the appellant had associated with De-novo inquiry. Moreover, as per the said impugned Office Order of District Health Officer, Mardan the gap period of the appellant from 08-08-2015 to 18-07-2019 (03 years & 11 months) is treated as EOL without pay and period from 08-05-2014 to 07-08-2015 is treated as leave with pay which is against the actual facts, Law, Rules and Natural Justice. **(Copy of the impugned Office Order No. 1005-10 dated 11.01.2023 is attached as annexure F)**
9. That the impugned office order is in contrary to the judgment dated 05.03.2018 in service appeal No. 1241/2014, which clearly states that previous inquiry which was conducted against the appellant by the chief executive MMC was not according to the prescribed rules and law. Furthermore, the competent authorities were directed to conduct De-novo inquiry and their outcomes will decide the issue of back benefits. But what to say respondents are first reinstating appellant with immediate effects, and then after conducting De-novo inquiry which is malafide, against the rules as well as judgment passed by the honorable service tribunal.
10. That at last the appellant being aggrieved from the supra mentioned paras preferred departmental appeal which is not entertained by the competent authority till date. **(Copy of the Departmental appeal is attached as Annexure G)**
11. That felling aggrieved from the injustice and colorful exercise of the discretionary powers on behalf of respondents, the appellant approaches

(4)

this honorable tribunal for his back benefits upon the following grounds
inter alia: -

GROUNDS:

- A. That the impugned order dated: 11.01.2023, is illegal, unlawful & against the law and facts and norms of justice, therefore the impugned order is liable to be set aside.
- B. That all the procedure was conducted in violation to the rules of natural justice, as the Appellant was never intimated via any notice. Hence, the entire proceedings are a classical case nullity in the eyes of the law.
- C. That thereafter, without any opportunity of defense, the respondent issued the impugned illegal office order dated: 11-01-2023, of the Appellant without showing any rim or reason, which is also in contravention to the rules of natural justice.
- D. That no proper inquiry was conducted because the appellant was kept unaware by the respondent, neither the statement was recorded in the presence of the appellant nor was the chance of the cross examination provided to the appellant, which is illegal and against the law, rules and natural justice.
- E. That the inquiry officers did not take the pain to summon those officials who were mentioned by the appellant in written statement, which shows the fringe of malaise in the entire proceeding.
- F. That the appellant has not been treated in accordance with the law, rules, principles of natural justice, and the impugned office order is against the spirit of the Article 2-A, 4 & 9 of the Constitution of Pakistan.
- G. That any other grounds not raised here, may kindly be allowed at the time of the arguments.

5

PRAYER:

It is therefore, most humbly prayed on acceptance of the instant service appeal, the impugned Office Order No. 1005-10/DHO Mardan, dated 11.01.2023 may kindly be declared as illegal void and by doing so, the appellant be entitled with all back benefits.

Appellant

رائی ناز

Mst. Rani Naz

Through

Muhammad sohail Khan

&

Rizwan Ullah

Advocates High Court,

Peshawar

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

S.A No. _____ /2023

Mst. Rani Naz W/o Emmanuial javed, leprosy center DHQ Hospital,
Mardan..... Appellant/Petitioner

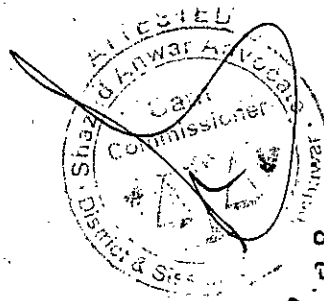
Verses

1. Government of KPK through Secretary Health, Civil Secretariat Peshawar.
2. Director General Health, Civil Secretariat Peshawar.
3. District Health Officer, Mardan..... Respondents

AFFIDAVIT

I, Rani Naz, Dai DHQ Hospital Mardan, do hereby solemnly affirm and declare that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Identified By: *Muhammad Sohail Khan*
Muhammad Sohail Khan
Advocate High Court
Peshawar.



رانی ناز

DEPONENT

CNIC #: 16101-3401407-0
Mob #: 0348-5461638

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CM in S.A No. _____/2023

Mst. Rani Naz W/o Emmanuial javed , leprosy center DHQ Hospital,

Mardan..... Appellant/petitioner

Verses

1. Government of KPK through Secretary Health, Civil Secretariat Peshawar.
2. Director General Health, Civil Secretariat Peshawar.
3. District Health Officer, Mardan..... Respondents

APPLICATION FOR GRANTING CONDONATION OF DELAY

Respectfully Sheweth,

1. That the petitioner is filing the accompanying appeal the contents of which may graciously be considered as integral part of the instant petition.
2. That the impugned office order No.1005-10/DHO Mardan was issued on 11.01.2023. However, it is pertinent to mention here that the same was communicated to the petitioner on 13.03.2023 with the delay of two months.
3. That the petitioner preferred departmental appeal on 09.04.2023, but it is a state of desperate to mention that the same is not entertained till date.
4. That delay in approaching this Tribunal was due to not on time knowledge of the impugned office order to the petitioner, which was neither intentional, nor was under control of the petitioner.
5. That law also favours adjudication on merits and technicalities of any sort must always be ignored while reaching a just and fair disposal of any les.
6. That for proper disposal of the accompanying case on its merits, the condonation of delay is indispensable.

8

7. That not only the petitioner has got a prima facie case and having balance of convenience in his favour, but would suffer irreparable loss, if the instant petition is not allowed.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the delay in filing the accompanying appeal i.e. almost 2 months, may graciously be condoned and the accompanying appeal may very graciously be decided on its merits.

Petitioner/Appellant

Through

**Muhammad sohail Khan
&
Rizwan Ullah
Advocates, High Court
Peshawar.**

M. Sohail Khan
Rizwan Ullah

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Cm in S.A No. _____/2023

Mst. Rani Naz W/o Emmanuial javed , leprosy center DHQ Hospital,
Mardan..... Appellant/Petitioner

Verses

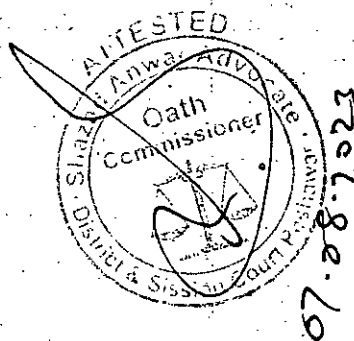
1. Government of KPK through Secretary Health, Civil Secretariat Peshawar.
2. Director General Health, Civil Secretariat Peshawar.
3. District Health Officer, Mardan. Respondents

AFFIDAVIT

I, Rani Naz, Dai DHQ Mardan, do hereby solemnly affirm and declare that all the contents of the accompanied application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Identified By :

Muhammad Sohail Khan
Advocate High Court
Peshawar.



DEPONENT

رانی ناز
CNIC # 16101-3401407-0
MOB # 0348-5461638

10

Annexure A



**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.

11

Annexure

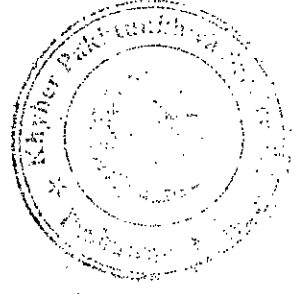
B

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.

ATTESSED

ENAMULLAH KHAN
Khyber Pakhtunkhwa
Service Tribunal
13/6/23

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

13/10/23

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

[Signature]

(MUHAMMAD HAMID MUGHAL)
MEMBER

[Signature]

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Certified true copy
[Signature]
13/6/23

Date of Presentation of Appeal: 26-5-2023
 Number of pages: page 3
 Copying fee: 15/-
 Urgent:
 Total: 15/-
 Name of Officer: *[Signature]*
 Date of Copy: 13/6/23
 Date of Receipt: 11/7/23

14

1



Before the KPK Service Tribunal Peshawar

Appeal 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 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;

1. 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

ATTORNEY
16/10/14

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 letter No. PS/SA/MA/1-5/2014 but the C.M order has

3/10/13

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 un-heard 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 lodged complainant to respondent No.1 against respondent No.4 but no response. (Copy is hereby attached as)

GROUNDS:

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 appellant 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 appellant 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 appellant for the justice.
- C. That the respondent No.3 used his power and authority in favour of respondent No.4 and deprived appellant 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 appellant 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 appellant 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 appellant not re-instated on Dai-post BPS-02 then appellant will suffer irreparable loss while respondent will have no loss legally.
3. That the balance of convenience also lies in favour of appellant.
4. That appellant 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 appellant on the above grounds with interim request may kindly be accepted and the appellant 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 appellant.

Appellant

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

ATTISTED

13/6/13

MUSLIM SHAH ARYANI
ADVOCATE MARDAN.

MUSLIM SHAH ARYANI

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.

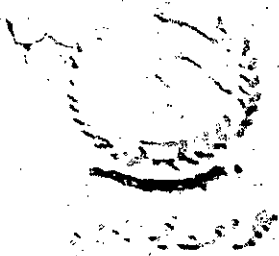
Deponent رانی ناز

Identified by
Must
MUSLIM SERVICE TRIBUNAL
ADVOCATE
High Court Peshawar

Attested
[Signature]
Daulat Khan Advocate
Oath Commissioner
Dist. Courts Mardan
No. 1070 Date 16/10/2014

Certified
[Signature]
13/6/23

Date of Presentation of Appeal 26/5/23
Number of pages page 5
Copying fee 25/-
Total 25/-
Date of Court Fee 13/6/23
Date of Delivery of Appeal 11/7/23



19

Annexure

C

DISTRICT HEALTH OFFICER
MARDAN (Khyber Pakhtunkhwa)

Ph: # (0937) 9230000 Fax: # (0937) 9230283
Email: mardandho@gmail.com

All communications should be addressed to the District Health Officer Mardan and not to any official by name

OFFICE ORDER:

Reference to the Director General Health Services /Khyber Pakhtunkhwa Peshawar letter No. S525-27/Personnel dated 10/07/2019, Mst. Rani Naz W/O Emmanuel Javed, Dai (BS-04) is hereby reinstated into Govt. service in the light of Service Appeal No. 1241/2014 dated 05.03.2018 against the vacant post of Dai (BS-04) at BHU Baghicha Dheri Mardan with immediate effect in the best public interest.

[Signature]
District Health Officer
Mardan

No. 1113-18 /DHO dated Mardan the 19 / 7 /2019

Copy forwarded to the:

- 1. Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference to his letter No. quoted above.
- 2. District Comptroller of Accounts Mardan.
- 3. Hospital Director MTI-MMC Mardan.
- 4. Incharge BHU Baghicha Dheri Mardan.
- 5. DHI's Cell, DHO Office Mardan.
- 6. Accounts Section, DHO Office Mardan.
- 7. Official concerned.

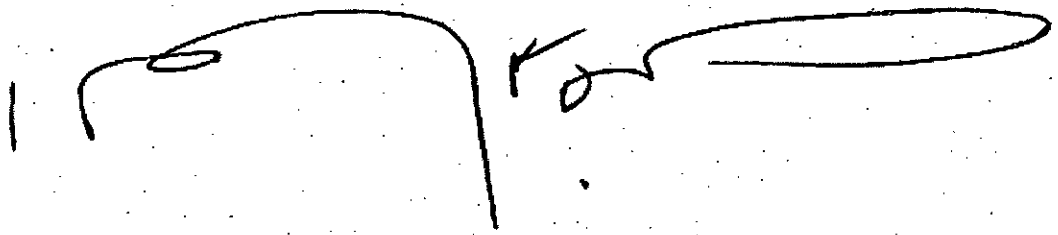
[Signature]
District Health Officer
Mardan

چند سوره های قرآنی
از کتاب تفسیر قرآن

سوره اول: در این سوره که ۲۸ آیه دارد، خداوند تعالی را حمد و ستایش کرده و علم او را به همه چیز یاد کرده است. این سوره با «بسم الله الرحمن الرحیم» شروع می‌شود. در این سوره آمده است: «الحمد لله رب العالمین» (ستایش را برای خداوندی که مالک عالمین است).
سوره دوم: در این سوره که ۱۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).
سوره سوم: در این سوره که ۳۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).
سوره چهارم: در این سوره که ۲۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).
سوره پنجم: در این سوره که ۲۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).
سوره ششم: در این سوره که ۲۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).
سوره هفتم: در این سوره که ۲۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).
سوره هشتم: در این سوره که ۲۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).
سوره نهم: در این سوره که ۲۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).
سوره دهم: در این سوره که ۲۰ آیه دارد، خداوند تعالی را به عنوان «رازگشای غیب» یاد کرده است. در این سوره آمده است: «ما کان لکم فی الذنوب ذمّاً لیّلاً و نهاراً» (ما را در مورد گناهات شما، نه در شب و نه در روز، تادیبی نیست).

Amnuse

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Ammeuse (E)

22

Annexure F



حکومت خیبر پختونخوا

DISTRICT HEALTH OFFICER
MARDAN (Khyber Pakhtunkhwa)
Ph: # (0937) 9230030 Fax: # (0937) 9230283
Email: mardandho@gmail.com

All communications should be addressed to the District Health Officer Mardan and not to any official by name

No. 1005-10 DHO dated

11/01/2023.

OFFICE ORDER.

As per letter received from Director General Health Services Khyber Pakhtunkhwa KP Peshawar vide his letter No. 14202/Personnel dated 21.12.2022, The Gap period services in respect of Mst Rani Naz W/O Emmanuel Javed Dai BS-04 attached to Civil Dispensary Guli Bagh and working at Leprosy Centre DHQ Hospital Mardan under Service Appeal No.1241/2014 dated 05.03.2018 with effect from 08.08.2015 to 18.07.2019 (03 years & 11-month) is hereby treated as EOL without pay and period from 08.05.2014 to 07.08.2015 is hereby treated as leave with pay with immediate effect.

District Health Officer
Mardan.

Copy forwarded to:-

1. Deputy DHO Mardan
2. District Monitoring Officer, IMU Health Mardan.
3. Medical Officer Incharge CD Guli Bagh
4. District Coordinator DHIS Mardan.
5. Official Concerned.
6. Dealing Assistant Account Section DHO office Mardan

District Health Officer
Mardan

23

Annexure - (6)

To,

Director General Health Services
KPK, Peshawar.

SUBJECT Departmental Appeal against the office order No.1005-10/DHO Mardan Dated: 11/01/2023 which is passed against the actual facts, Law and without legal authority as well as against the Natural Justice.

Respectfully Submitted,

1. That the applicant is employ of Health department and is attached to CD Guli Bagh and is working at Leprosy Center DHQ, Hospital Mardan as Dai BS-04.
2. That the impugned office order No.1005-10/DHO Mardan was issued on 11.01.2023. However, it is pertinent to mention here that the same was communicated to the petitioner on 13.03.2023 with the delay of two months. The delay was due to not on time knowledge of the impugned office order to the applicant, which was neither intentional nor was under control of applicant.
3. That the Applicant was removed from services by the Chief Executive Mardan Medical Complex vide Letter No.3591-96 dated 07/05/2014. However, the same was set aside by the Honorable Service Tribunal, Peshawar vide judgment dated 05/03/2018 Service Appeal No. 1241/2014. Furthermore, your good office was directed to conduct De-novo inquiry against the applicant and the issue of back benefits was made subject to the outcomes of De-novo inquiry.
4. That it is important to mention here that the applicant was reinstated into the services vide office order No. 11113-18/DHO Mardan dated: 19/07/2019 with immediate effect. Thereafter, DHO Mardan is conducting De-novo inquiry in around 2022, almost three years after reinstatement of the applicant into service.
5. That the applicant was not engaged in the inquiry proceedings, nor was summoned and was not properly intimated in writing. It is pertinent to mention here that during duty hours; the applicant was called through verbal message to appear before inquiry committee thus applicant who is living hand to mouth with lots of hope and wait for years appeared before De-novo inquiry committee and record her statement.
6. That thereafter, applicant frequently paid visit to DHO office to inquire about the De-novo inquiry, but all in vain and the applicant was intentionally kept in a dark about the proceedings of the De-novo inquiry.
7. That, after an endless wait and curiosity about the inquiry proceeding and its report the applicant files an application for a copy of complete inquiry report, which is not entertained till date.
8. That on dated 13-03-2023, the applicant visits to DHO office Mardan to ask about her application which was submitted for copy of complete inquiry report, but it was a state of desperate for the applicant when the official of DHO office handed over Office Order No.1005-10/DHO dated 11-01-2023 to the applicant, which ruined all the hopes of the applicant which she had associated with De-novo inquiry.

9. That as per the said Office Order of District Health Officer, Mardan the gap period of the applicant from 08-08-2015 to 18-07-2019 (03 years & 11 months) is treated as EOL without pay and period from 08-05-2014 to 07-08-2015 is treated as leave with pay is against the actual facts, Law, Rules and Natural Justice.
10. That the Appellant has not been treated in accordance with law, rules and principles of natural justice. Therefore, the impugned order is against the spirit of Article 2-A,4,9 of the constitution of Pakistan
11. That the above office order is issued on the recommendation of inquiry committee, which is biased, malafide, unlawful and against the norms of justice, therefore the said Office Order is liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this appeal the applicant may graciously be allowed to all back benefits from the date of removal to the date of reinstatement into the service with immediate effect.

Yours Obediently

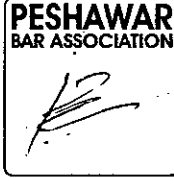

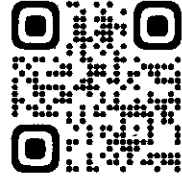
رانی ناز

Rani Naz

Dai (BS-04)

DHQ Hospital Mardan, DC Guli Bagh.

Dated: 09/04/2023

قیمت 50 روپے	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: Rizwan ullah	  
بار کونسل ایسوسی ایشن نمبر: Be-2022-06	
رابطہ نمبر: 0341 5550982	

بجرا لٹ جناب:

منجانب: Appellanti	دعویٰ: Service Appeal
Mst Rani Narg	علت نمبر:
بنام	مورخہ: 07/08/2023
Government of Kpk Through Secretary Health & others	جہ:
	تھا:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے رضوان ایدہ ایڈووکیٹ محمد سید علی گودیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 07/08/2023

العبد _____ العبد _____
مقام پشاور کے لیے منظور ہے

Accepted

M. Khan

Rizwan