Junior to counsel for the appellant present. Mr. Kabi Ullah Khattak, Additional Advocate General for respondents present.

Junior to counsel for the appellant requested for adjournment on the ground that his senior counsel is not available today. Adjourned. To come up for arguments on 15.12.2022 before D.B.

(Farceha Paul) Member (E)

(Kalim Arshad Khan) Chairman

15.12.2022

Due to general strike of the Bar, case is adjourned to 06.03.2023 before D.B. Office is directed to notify the next date on notice board as well as the website of the Tribunal.

(Fareena Paul) Member (E)

(Rozina Rehman) Member (J) 25.11.2021 Proper DB is not available, therefore, the case is adjourned to $\frac{28}{2}$ $\frac{2}{3}$ for the same before D.B.

Reader

28-2-22 Due to Retirement of the Hon, ble Chairman The case is adjourned on 14-6-22. Achder

14.06.2022 Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 15.08.2022.

(MIAN MUHAMMAD) MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.8.22 Dhe to Summer Vacation, the case 13 adjourned to 10.10-22 for the Same.

Selevately.

27.05.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Former sought adjournment on the ground that he is not feeling well. Adjourned. To come up for arguments before the D.B on 30.08.2021.

(MIAN MUHAMMAD) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL)

30.08.2021

Ms. Uzma Syed, junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court. Adjourned. To come up for arguments before the D.B on 25.11.2021.

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL) Counsel for the appellant present. Addl: AG for respondents present.

Learned counsel for the appellant requests for time to submit rejoinder to the reply of respondents. May do so on or before the next date of hearing.

Adjourned to 16.02.2021 before D.B.

(Mian Muhammad) Member (E) Chairman

16.02.2021

Counsel for the appellant and Addl. AG for the respondents present.

Former has submitted rejoinder in respect of reply/comments by the respondents. Placed on record. To come up for arguments before the D.B on 25.05.2021.

(Mian Muhammad)

Member(E)

Chairman

30-4 .2020 Due to COVID19, the case is adjourned to 14/7/2020 for the same as before.

Reader

14.07.2020

Due to COVID-19, the case is adjourned to 07.09.2020 for the same.

07.09.2020

Mr. Amjid Nawaz, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Hazrat Shah, Section Officer are also present. Learned Additional Advocate General submitted reply which is placed on file. Adjourned to 25.11.2020. File to come up for rejoinder and arguments

before D.B.

(Mian Muhammad) Member (Executive) (Muhammad Jamal Khan) Member (Judicial)

en

Appellant absent. Learned counsel for the appellant absent. Uzma Advocate present on behalf of learned counsel for the appellant present and seeks adjournment. Mr. Zia Ullah learned Deputy District Attorney alongwith Sher Baz S.O present. Adjourn. To come up for arguments on 11.03.2020 before D.B. Appellant be put to notice for the date fixed.

Member

Nember

11.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.04.2020 before D.B.

Member

Member

29.08.2019

Junior to counsel for the appellant present. Addl: AG for respondents present. Written reply not submitted. Notices be issued to the respondents for submission of written reply/comments. Last opportunity granted. To come up for written reply/comments on 26.09.2019 before S.B.

(Ahmad Hassan) Member

26.09.2019

Counsel for the appellant present. Addl: AG alongwith Mr. Saleem Javed, Litigation Officer for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Adjournment granted subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 22.10.2019 before S.B.

Member

22.10.2019 Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Saleem Javed, Litigation Officer for the respondents present.

Written reply on behalf of respondents not submitted despite last opportunity and cost of Rs. 1000/- therefore, the case is posted to D.B for 07.01.2020 for rejoinder and arguments.

CHAIRMAN

15.04.2019

Learned counsel for the appellant present. Written reply not submitted. Hazrat Shah Superintendent representative of the respondent department absent. He be summoned with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 23.05.2019 before S.B

Member

23.05.2019 Learned counsel for the appellant present. Written reply not submitted. Hazrat Shah Superintendent representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 03.07.2019 before S.B

Member

03.07.2019 Junior to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Hazrat Shah Superintendent representative of the respondents present and seeks further time to furnish written reply/comments. Last opportunity is granted. Adjourned. To come up for written reply/comments on 29.08.2019 before S.B.

Member

02.01.2019

Counsel for the appellant Dr. Muhammad Zia Khattak present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Health Department as Medical Officer, he was removed from service vide order dated 25.08.2014 on the allegation of absence from duty. It was further contended that the appellant filed departmental appeal on 23.09.2014 which was not decided hence, the present service appeal on 26.09.2017. It was further contended that neither proper inquiry was conducted nor any show-cause notice was issued to the appellant at his home address and the appellant is also having 13 years service in his credit and the same was not considered by the competent authority therefore, the impugned order is illegal and liable to be set-aside. Learned counsel for the appellant also contended that there is some delay in filing of service appeal but the appellant has filed application for condonation of delay.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 11.03.2019 before S.B.

(Muhammad Amin Khan Kundi) Member

11.03.2019

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment for filing of written reply. Adjourned. To come up for written reply/comments on 15.04.2019 before S.B.

(MUHAMMAD AMIN KHAN KUNDI)

MEMBER

03.07.2018

Clerk to counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 07.08.2018 before S.B.

(Ahmad Hassan) Member

07.08.2018

Neither appellant nor his counsel present. Case to come up for preliminary hearing on 28.09.2018 before S.B.

Chairman

28.09.2018

None present on behalf of the appellant. To come up for preliminary hearing on 14.11.2018 before S.B.

Chairman

14-11-2018 Due to Retienment of Honorable Chairman The Triboud is mon functional Therefore the case is adjacenned to come up for the Same on 2-1-2019

Rebeder

16.02.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 02.03.2018 before S.B.

(Muhammad Amin Khan Kundi) Member (J)

02.03.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 19.04.2018 before S.B.

(Muhammad Amin Khan Kundi) Member

19.04.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 08.05.2018 before S.B.

Ahmad Hassan) Member

08.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 03.07.2018.

Reader

07.11.2017

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 30.11.2017 before S.B.

(AHMAD HASSAN) MEMBER

30.11.2017

Appellant absent. Case called but no one appeared on behalf of the appellant. In the interest of justice, the case is adjourned. To come up for preliminary hearing on 29.12.2017 before S.B

(Muhammad Aamid Mughal)
MEMBER

29.12.2017

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 19.01.2018 before S.B.

Gul Zeb Khan) Member (E)

19.01.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 16.02.2018 before S.B.

Gul Zeb Khan) Member (E)

Form-A FORMOF ORDERSHEET

Court of		
Case No.	1073/ 2017	

	Case No.	1073/2017
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26/09/2017	The appeal of Dr. Muhammad Zia Khattak presented today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution Register and put up to Worthy Chairman for
KP esh	ST	proper order please. REGISTRAR 26 19117
2-	28/9/17	This case is entrusted to S. Bench for preliminary hearing to be put up there on $12 - 10 - 201$.
		CHAIRMAN
	12.10.2017	Counsel for the appellant present and seeks adjournme Adjourned. To come up for preliminary hearing on 07.11.20 before S.B.
		(AHMAD HASSAN) MEMBER

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 1073 /2017

Dr. Muhammad Zia Khattak

versus

Secretary Health & Others

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4.	Representation dated 23-09-2014	"C"	11-12
5.	Reminder dated 20-09-2017	"D"	13

Appellant

Through

Saadullah Khan Marwat

Advocate,

21-A Nasir Mansion, Shoba Bazar, Peshawar

Ph: 0300-5872676

Dated 22-09-2017

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1073 /2017

Khyber Pakhtukhwa Service Tribunal

Dr. Muhammad Zia Khattak S/o Azmat Khan R/o Dak Ismail Khel, Nowshera,

Dated 26-9-2017

Ex-MO, KTH, Peshawar Appellant

VERSUS

 Secretary, Govt. of KP, Health Department Peshawar.

2. Chief Secretary, Govt. of KP,

APPEAL AGAINST OFFICE ORDER NO. 15527-699 /E-I, DATED 25-08-2014 OF R. NO. 01
WHEREBY APPELLANT WAS REMOVED FROM
SERVICE AND THE PERIOD OF ABSENCE WAS
TREATED AS UNAUTHORIZED ABSENCE FROM
DUTY WITHOUT PAY:



Respectfully Sheweth,

- That appellant was appointed as Medical Officer on the recommendation of Public Service Commission and assumed the charge of the post on 01-11-2000 vide Notification dated 23-11-2000. (Copy as Annex "A")
- 2. That thereafter the appellant performed his duties to the best of his ability and has never given any chance of displeasure to his superiors during his whole career of service.

- 3. That the appellant moved application in the year 2013 for grant of 730 days leave as he had to settle some domestic issues but the same was put in a waste box and the fate of the same is not known till date.
- 4. That on one hand, appellant was pursuing his domestic issues at his native village and on the other hand, the department took exparte action by removing him from the duty / service vide order dated 25-08-2014. This order was never served upon him and after pursuing his domestic obligations / issues, he reported for duty but was handed over the impugned order dated 25-08-2014 on 22-09-2014 during office hours. (Copy as Annex "B")
- That on 23-09-2014, appellant submitted appeal before R. No. 02 for reinstatement in service but without any result. (Copy as Annex "C")
- 6. That on 20-09-2017, appellant reminded the said appeal for favorable action but in vain. (Copy as Annex "D")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:-

- A. That the impugned order is illegal and unjust as the same is passed without following the legal procedure, of issuing Charge Sheet, Statement of Allegations, Show Cause Notice, Inquiry proceedings, personal hearing etc. which are mandatory before removing a Civil Servant from the Job.
- B. That the impugned order is bad in the eye of Law as the absence period was treated without pay, so then there was no need of removing him from service as per judgments of Superior Courts.
- C. That appellant has 13-14 years service in the department, so the departmental authority must have taken lenient view according to the circumstances of the case and must have avoid the extreme action of removal from service.

D. That punishment must commensurate with the guilt, if proved, but in the present case, harsh punishment in the form of removal from duty / service has been imposed which is against the norms of justice.

E. That as per the judgments of the apex court when absence period was treated without pay, then there is no need of removal from service as the absence period was made regularized by then.

F. That in the circumstances stated above, the impugned order is abinitio void.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 25-08-2014 be set aside and appellant be reinstated in service with all back benefits by giving him the benefits of rendered services.

Appellant

Through

Saad Ullah Khan Marwat

&

Arbab Saif UI Kamal Advocates

Dated 22-09-2017

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"HANNHORE, W.W. W. W. BEOIVERS HIGHE GARRINES SIMPLIONS OF

78/11 \sooo. 1.81 77846 NOITACIBLION

on his let appointment on regular basis through WHFF

assumed charge of his duties as MO(BPS-17) RHC Kohi(FR Peshawar) Public dervice Commission Dr. Muhammad Nia Khattak S/O Azmat Khan ham

on 01.11.2000(BN).

SERVICES, NUFF: PESHAWAR. FOR DIRECTOR DENEMAL HEALTH -: OI

for publication in Govt: Gazetted. Govt: Printing Press NAFF Feshewer, The Mansger,

I.E/ 84-24546.0N

Copy forwarded to the:

OS. DHO Feshewer. O1. Secretary Health NWFP Peahawar.

OS. AG WWYP Peshawar(Original H&A attached).

for information and necessary action.

11/82 SANVADAT: THEN LEDIVIE

usdy maseM "



GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

No. SO (E) H-II/1-5/11-Vol-I Dated Peshawar, the 17th April, 2013. VITTE SE

Dairy Re

To

The Director General, Health Services Khyber Pakhtunkhwa Peshawar.

Subject: Leave Application.

I am directed to refer to your letter No. 8338-39/E.I, dated 01/04/2013 on the subject noted above in respect of Dr. Muhammad Zia Khattak, MO (BS-17), KTH Peshawar who has requested for the grant of 730-days leave, and to state that the request of the doctor concerned does not merit consideration and is therefore regretted.

(Misbaħ Riaz)

Section Officer-II

OFFICE OF THE DG HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR. /E.I, Dated Pesh: the /3 /05 Obcopy to the :-

01. MS KTH, Peshawar for information with the request to intimate that the doctor is performing his duty regularly or otherwise. Dr. Muhammad Zia Khattak S/O Azmat Khan, Village & PO Dak Ismail

C2. Dr. Muhammad Zia Khattak S/O Azmat Khan, Vil Khel Teh: & Distt: Nowshera for information.

C.C

Secretary Health Khyber Pakhtunkhwa Peshawar for information.

Copy also available on the website www.healthnwfp.gov.pk

HRD Building, Health Department Govt. of Khyber Pakhtunkhwa, Khyber Road Peshawar Phone # 091-9210570, Fax # 091-9210419



GOVERNMENT OF KHYBER PAKHTUNKHWA. HEALTH DEPARTME

13/8/19

Dated Peshawar, the 13th August, 2014

NOTIFICATION

No. SOE (H-II/10-25/2014): WHEREAS, disciplinary proceedings were initiated against the following doctors for their continuous willful absence from duty:

3.#	NAME OF DOCTOR/FATHER'S NAME/PLACE OF POSTING	DATE OF ABSENCE
1.	Dr. Amjad Iqbal S/O Mohammad Iqbal Ex-Instructor (BPS-17) PIMT, Swat	01.03.2011
2.	Dr. Asghar Ali Shah S/O Ghulam Ali Shah Ex-MO (BPS-17) HMC Peshawar	01.01.2013
3.	Dr. Atique-Ur-Rehman S/O Fazal-ur-Rehman Ex-MO (BPS-17) BHU Mishti Mela Orakzai Agency (FATA)	10.02.2010
4.	Dr. Azhar Zahir Shah S/O Muhammad Zahir Shah Ex-JR (BPS-17) KTH Peshawar	01.11.2010
5.	Dr. Aziz-ur-Rehman S/O Muhammad Azim Ex- Demonstrator (BPS-17) SMC Swat	00.01.2011
б.	Dr. Danish Manzoor D/O Ghulam Sarwar Ex-WMO (BPS-17) BHU Shewa District Swabi	05.12.2010
7.	Dr. Ejaz Ahmad S/O Muhammad Iqbal MO (BPS-17) Health Department	19.05.2013
8.	Dr. Farhana Nawa: D/O Muhammad Nawaz Khan Ex-WMO (BPS-17) DHQH Karak	21.02.2013
9.	Dr. Fawad Irshad S/O Muhammad Saleem Khan Ex-MO (BPS-17) DHOH Haripur	04.11.2008
10.	Dr. Fayyaz Shah S/O Syed Sanowar Shah Ex-MO (BPS-17) BHU Salam Khand District Haripur	15.06.2009
11.	Dr. Fazal Rahim S/O Shah Bali Jan Ex-MO (BPS-17) CH Kabal District Swat	08.10.2012
12.	Dr. Ghulam Muhammad S/O Jan Muhammad Ex-Junior Registrar (BPS-17) KTH Peshawar	05.01.2011
13.	Dr. Hamida Begum D/O Shereen Wali Ex-WMO (BPS-17) IKD	00.00.2010
14.	Dr. Hina Ejaz D/O Mohammad Ejaz Hussain Ex-WMO (BPS-17) attached to DHO Abbottabad	01.01.2008
15.	Dr. Hussan Zeb Khan S/O Sar Buland Khan Ex-TMO (BPS-17) PGMI Peshawar	01.01.2005
16.	Dr. Imtiaz Khan Afridi S/O Raza Khan Ex-MO (BPS-17) Govt: LRH Peshawar	01.06.2010
17.	Dr. Irfan Shaukat S/O Shaukat Hayat Khan MO (BPS-17) Health Department	24.09.2010
18.	Dr. Javed Iqbal S/O Noor Muhammad Ex-MO (BPS-17) CH Doosali N.W Miranshah	00.12.2010
19.	Dr. Kalsoom Bakhtiar D/O Fazle Subhani Ex-WMO (BPS-17) DHQH Timergara	20.09.2004
20.	Dr. Khalid Mehmood Khan S/O Misal Khan Bethni Ex-MO (BPS- 17) BHU Dengi District Haripur	31.08.2010
21.	Dr. Khalid Zaman S/O Sakhi Jan Ex-MO (BPS-17) DHQH Abbottabad	16.07.2007
22.	Dr. Liaqat Ali S/O Qudrat Ali MO (BPS-17) Health Department (Absented himself after submitting his arrival report)	14.04.2011
23.	Dr. Loreena Gul D/O Akhtar Gul Ex-WMO (BPS-17) LRH Peshawar	15.02.2013
24.	MO (BPS-17) attached to DHO Nowshera	1 -8 1 -4.1
25.	Dr. Mehboob Raziq Khan S/O Shams-ur-Raziq Khan Ex-MO (BPS-17) BHU Kair Dara, Upper Dir	23.02.2005
26.	10 0 10 0 10 0 17)	17.09.2009

27.	Dr. Muhammad Ajmal Khan S/O Anwar ul Islam Ex-Lecturer (BPS-17) SMC Swat	01.10.201
28.	Dr. Muhammad Fahim S/O Muhammad Qasim Ex-MO (BPS-17) CH Shakar Dare District Kohat	12.03.2008
29.	Dr. Muhammad Ijaz S/O Shuja Khan Ex-MO (B-17) Attached to DHO Charsadda	00.09.201
. 30.	Dr. Muhammad Jalil S/O Muhammad Khalil Ex-MO (BPS-17) BHU Kadda Orakzai Agency	07.07.201
31.	Dr. Muhammad Nasir Khan S/O Muhammad Nazir Khan Ex- MO (BPS-17) HMC Peshawar	20.10.200
32.	Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid Ex-TMO (BPS-17) PGMI Peshawar	00.12.201
33.	Dr. Muhammad Saeed S/O Mulammad Akram Ex-MO (BPS-17) BHU Qasim District Mardan	30.11.201
34.	Dr. Muhammad Zia Khattak S/O Azmat Khan Ex-MO (BPS-17) KTH Peshawar	01.04.201
35.	Dr. Nacem Khan S/O Sikandar Ali Khan Ex-MO (BPS-17) Under transfer to DHQ Hospital Bannu	29.07.200
36.	Dr. Nigar Akhtar D/O Akhtar Nawaz Khan Ex-WMO (BPS-17) Type C Hospital Takhti Nasrati District Karak	03.10.201
37.	Dr. Rafiullah S/O Sad-ud-Din Khan Ex-TMO (BPS-17) PGMI HMC Peshawar	20.07.201
38.	Dr. Sajjad Hussain S/O Hussain Ali Bangash Ex-MO (BPS-17) Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar	96.08.201
39.	Dr. Sakhawat Khan S/O Gulber Khan Ex-MO (BPS-17) DHQH Battagram	17.01.201
40.	Dr. Samina D/O Jan Muhammad Ex-WMO (BPS-17) KTH Peshawar	01.07.201
41.	Dr. Satwat Qadir D/O Abdul Qadir Khan Ex-WMO (B-17) Maternity Hospital Peshawar.	00.08.200
42.	Dr. Shumaila Hadi D/O Abdul Hadi Ex-TMO (B-17) PGMI Peshawar under transfer to at the disposal of DHO Swabi	05.03.200
43.	Dr. Syed Abdullah Shah S/O Syed Ghafoor Shah Ex-TMO (BPS-17) PGMI LRH Peshawar	05.11.201
44.	Dr. Syed Muhammad Shahab S/O Syed Muhammad Ayaz Ex- TMO (BPS-17) PGMI Peshawar	00.07.200
45.	Dr. Tauqir Ahmad S/O Muhammad Haroon Ex-TMO PGMI Peshawar (Under transfer to DHQH Battagram)	19.03.200
46.	Dr. Umar Zia Khan Mahsud S/Q Umar Farooq Khan Mahsud Ex- TMO (BPS-17) PGMI LRH Peshawar	(0.05.201
47.	Dr. Wajid Akram Shah S/O Syed Fazle Akram Ex-MO (BPS-17) BHU Babi Khel Mohmand Agency	00.00.200
48.	Dr. Wasia Azhar D/O Muhammad Shakeeb Ex-WMO (BPS-17) KTH Peshawar	01.11.201
49.	Dr. Zahid Khan S/O Mohammad Nawaz Khan Ex- MO (Anesthesia) (BPS-17) KTH Peshawar	01.09.200
50.	Dr. Zia-ur-Rahman S/O Habib-ur-Rahman Ex-MO (BPS-17) Govt: LRH Peshawar	3.10.201
51.	Dr. Amjad Hussair. S/O Said Lai Khan Ex-TMO (BPS-17) PGMI LRH Peshawar	00.06.201
52.	Dr. Athar Mahmood Ahmad Khan Safi S/O Shams-o-Qamar Safi Ex-MO (BPS-17) KTH Peshawar	14.08.201
53.	Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan Ex-WMO (BPS-17) CH Khanispoor District Abbottabad	28.11.201
54.	Dr. Rashid Hameed S/O Fazli Hameed Ex-MO (B-17) BHU Regi	Q1.07.200
55.	Dr. Saeed Anwar S/O Sher Afzal Khan MO (BPS-17) Health Department	26.02.201
56.	Dr. Shahid Abdullah S/O Abdullah Khan Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Karak)	22.02.201
57.	Dr. Emma Mumtaz D/O Mumtaz Mehdi Ex-WMO (BPS-17) Forensic Medicine Department KMC Peshawar	25.05.201

AND WHEREAS, absence notice were served upon them at their home addresses and also through press with the direction to resume duty within stipulated period.

AND WHEREAS, they failed to resume duty in the stipulated period given in the notices.

NOW THEREFORE, in exercise of power conferred under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Disciplinary) Rules 2011, Competent Authority is pleased to impose the major penalty of (REMOVAL FROM DUTY) upon the above mentioned doctors with immediate effect. The period from the date of absence till the date of imposition of penalty in respect of the above, shall be treated as unauthorized absence from duty without pay.

SECRETARY HEALTH KHYBER PAKHTUNKHWA.

OFFICE OF THE DIRECTOR GENERAL HEALTH SERVICE KPK PESHAWAR

No. 15527_699/E-I

Dated the Pesh: 25/8 /2014

Copy forwarded to the: -

- 1. Accountant General Khyber Pakhtunkhwa Peshawar.
- 2. Deans PGMI Peshawar.
 - 3. Director Health Services FATA.
 - 4. Director PHSA Peshawar.
 - 5. To 11. All Chief Executives in Khyber Pakhtunkhwa.
 - 12 To 14. MS Govt: LRH/KTH/HMC, Peshawar.
 - 15 To 39. All District Health Officers in Khyber Pakhtunkhwa.
 - 40 To 69. All Medical Superintendents of DHQ Teaching Hospitals in Khyber Pakhtunkhwa.
 - 70 To 76. All Principals of Medical Colleges in Khyber Pakhtunkhwa.
 - 77. Principal KMC Peshawar for information with the request to make arrangement for recovery from Dr. Emma Mumtaz WMO.
 - 78. Vice Principal PIMT Swat.
 - 79. I/C Govt: Maternity Hospital Peshawar.
 - 80.To111. All DAOs/AAOs in Khyber Pakhaunkhwa.
 - 112. Assistant Director Account DGHS KPK Peshawar.
 - 113 DHIS DGHS Office.
 - 114 AE-I, AE-II & AE-IV DGHS Office Peshawar. For information & necessary action.

REGISTERED

- 115. Dr. Amjad Iqbal s/o Muhammad Iqbal Akakhel Village & PO Barikot District Swat.
 - 116. Dr. Asghar Ali Shah s/o Ghulam Ali Shah Village & PO Pushti Khara Payan Tehsail & District Peshawar.
 - 117. Dr. Atqi-ur-Rehman s/o Fazal-ur-Rehman C/O Younis Property Dealer Muzzafar Abad Canal Road Adjacen: Danisabad University Town Peshawar.
 - 118. Dr. Azhar Zahir Shah s/o Muhammad Zahir Shah C/O Zahir Shah House No. P-4, University Campus Peshawar University.
 - 119. Dr. Aziz-ur-Rehman s/o Muhammad Azim Village Punjigram Tehsil Baboezi District Swat.
 - 120. Dr. Danish Manzoor D/O Ghulam Sarwar C/O Dr. Manzoor Ali Village & PO Tur Landi Tehsil & District Swabi.
 - 121. Dr. Ejaz Ahmad s/o Muhammad lqbal near Masjid Sarban Village PO Lachi District Kohat.
 - 122. Dr. Farhana Nawaz D/O Muhammad Nawaz Khan Village Algadi Karak PO Tehsil & District Karak.
 - 123. Dr. Fawad Irshad s/o Muhammad Saleem Khan Village Sikandarpur Masjid Talab Tehsil & District Haripur.
 - 124. Dr. Fayyaz Shah s/o Syed Sanowar Shah Village Main Dehoi Tehsil Ghazi District Haripur.

Bank of Pakistan, Peshawar. 130. Dr. Imtiaz Khan Afridi s/o Raza Khan Afridi House No. 22, Bilal lane Sadiq Abad New Arbab Colony Tehkal Bala Peshawar.

District Swat.

Manglawar Tehsil & District Swat.

132. Dr. Javed Iqbal s/o Noor Muhammad Village Muski PO & Tehsil Mirali NW Agency.

133. Dr. Kalsoom Bakhtiar D/O Fazal-e-Sobhani Mohallah Mina Khel Tehsil & district Lakki Marwat.

134. Dr. Khalid Mehmood Khan Bhettani s/o Misal Khan Bhettani Gulshan Colony near Opp: School Fort Road DIKhan.

135. Dr. Khalid Zaman s/o Sakhi Jan Village & PO Miran Shah North Waziristan Agency. (C/O DIQ: Hospital Abbottabad.).

136. Dr. Liaqat Ali s/o Qudrat Ali Village Kalish Tehsil & District Mansehra.

137. Dr. Loreena Gul D/O Akhtar Gul House No. 2478, Krishan Pura GT Road Peshawar.

138. Dr. Mansoor Ahmad Qureshi s/o Mahfuz Ahmad Qureshi House No. 118, Gul Bahar No. 2, Peshawar.

139. Dr. Mehboob Raziq Khan s/o Shams-ur-Raziq Village & FO Khall Mohalla Zoormandi District Dir.

140. Dr. Muhammad Aftab s/o Syed Qamar Shah House No. 5, Block B ASC Housing Colony Nowshera Cantt.

141. Dr. Muhammad Ajmal Khan s/o Anwar ul Islam 05-Patti Centre Street Rahim Abad District Swat.

142. Dr. Muhammad Fahim Qasim s/o Muhammad Qasim House No. 172, Street No. 04, Sector J-2, Phase-II Hayatabad Peshawar.

143. Dr. Muhammad Ijaz s/o Shuja Khan Village Kuladand PO Tehsil & District Charsadda.

144. Dr. Muhammad Jalil s/o Muhammad Khalil Village Baber Mela PO & District Hangu.

145. Dr. Muhammad Nasir Khan s/o Muhammad Nazir Khan 94-E-I Street No. 5, Phase-1, Hayatabad Peshawar.

146. Dr. Muhammad Saad Bin Zahid s/o Muhammad Zahid Village & PO Khunda Tehsil Lahore, District Swabi. (House No. 56, Street-5, Askari-V Peshawar Cantt, Peshawar).

147. Dr. Muhammad Saeed s/o Muhammad Akram Village & PO Rashakai District Nowshera.

148. Dr. Mohammad Zia Khattak s/o Azmat Khan Village & PO Liak Ismail Khel Mohallah Zafar Khel Tehsil & District Nowshera.

Dr. Naeem Khan s/o Sikandar Ali Khan 41-A Circular Road Opp: UTC University Town Peshawar. *

Dr. Nigar Akhtar D/O Akhtar Nawaz Khan House No. 187, Street No. 09, F-1, Phase-VI, Hayatabad Peshawat.

DR. Rafi Ullah s/o Sad-ud-Din Khan Village & PO Tarkha District & Tehsil Nowshera.

- 10
- 152. DR. Sajjad Hussain s/o Hussain Ali Village & PO Lodhi Khel Tehsil & District Hangu.
- 153. Dr. Sakhawat Khan s/o Gulbar Khan Kandai Marozai Village & PO Deh Bahadar Peshawar.
- 154. DR. Samina D/O Jan Muhammad Afzal Abad House No. 36 Old Bara Road University Town Peshawar.
- 155. Dr. Satwat Qadir D/O Abdul Qadir Khan Flat 1-A, Army Housing Defence Colony Behind Gora Qabristan Peshawar Cantt Peshawar.
- 156. Dr. Shumila Hadi D/O Abdul Hadi Rahman Village Darmangi Warsak Road PO Terahi Payan Tehsil & District Peshawar.
- 157. Dr. Syed Abdullah Shah s/o Syed Ghafoor Shah Sadaat Street Guli Bagh Hoti Mardan.
- 158. DR. Syed Muhammad Shahab s/o Muhammad Ayaz Village and PO Dagi Tehsil & District Mardan.
- 159. Dr. Tauqir Ahmad s/o Muhammad Haroon Village Patheel PO Sherwan Tehsil & District Abbottabad.
- 160. DR. Umar Zia Khan Mahsud s/o Umar Farooq Khan Mahsud Village Ahmad Wam, Tehsil Sararogha SW Agency.
- 161. Dr. Wajid Akram Shah s/o Syed Fazle Akram Aasim House, Near Kausoor Masjid Canal Town Peshawar University.
- 162. Dr. Wasia Azhar D/O Mohammad Shakeeb Al-Zahir House No. 137, Street No. 10, H-3, Phase-2, Hayatabad Peshawar.
 - 163. Dr. Zahid Khan s/o Muhammad Nawaz Khan House No. SD-53, Defence Officer Colony Khyber Road Peshawar.
 - 164. Dr. Zia ur Rehman s/o Habib ur Rehman Tehsil & District Peshawar Village & PO Badaber Mohallah Sheheed Ghari.
 - 165. DR. Amjad Hussain s/o Said Lal Khan Village Bazgarah (Maira) Kajoori Tehsil Bara, Khyber Agency.
 - 166. DR. Athar Mehmood Khan Safi s/o Shamso Qamar Safi House No. 3, Near Bara Bridgh Mohallah Qada Kheil Village Chamkani Peshawar.
 - 167. Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan Prof: Arif Naseem House No. E/B-81, Street 5B, Canal Town Peshawar.
 - 168. Dr. Rashid Hameed s/o Fazli Hameed House No. R-26, University Campus University of Peshawar. (Village & PO Kangra Tehsil & District Charsadda).
 - 169. Dr. Saeed Anwar s/o Sher Afzal Khan House No. 1476/1341, Mohallah Chah Peepal Wala District DIKhan.
 - 170. Dr. Shahid Abdullah s/o Abdullah Khan Khattak House No. 144, Street No. 07, Sector P-1, Phase-4, Hayatabad Peshawar.

171. Dr. Emma Mumtaz D/O Mumtaz Mehdi Model Colony Tehkal Payan Defence
Twon Street No. 1, Peshawar.

For information.

Assistant Director (P-I) \
DIRECTORATE GENERAL HEALTH

Services Khyber Pakhtunkhwa

Cc:-

Secretary to Govt: of Khyber Pakhtunkhwa Health Department for information.

The Chief Secretary, Govt. of KP, Peshawar.

Subject:

REPRESENTATION / APPEAL AGAINST ORDER DATED 13-08-2014 WHEREBY APPELLANT WAS REMOVED FROM THE DUTY AND THE PERIOD OF ABSENCE WAS TREATED AS ABSENCE FROM DUTY WITHOUT PAY:

Respected Sir,

- That petitioner was appointed as Doctor vide order dated 01-11-2000 through recommendation of Public Service Commission. (Copy as Annex "A")
- 2. That thereafter the petitioner performed his duties to the best of his ability and has never given any chance of displeasure to his superiors during his whole career of service.
- 3. That the petitioner moved application in the year 2013 for grant of 730 days leave as he had to settle some domestic issues but the same was put in a waste box and the fate of the same is not known till date.
- 4. That on one hand the petitioner was pursuing his domestic issues at his native village and on the other hand, the department took ex-parte action against the petitioner. By removing him from the duty / service vide order dated 13-08-2014 this order was never served upon the petitioner and after pursuing his domestic obligations / issues, the petitioner on inquiry about his job was handed over the impugned order dated 13-08-2014 on 22-09-2014 during office hours.

Hence this petition Inter alia on the following grounds.

GROUNDS

A. That the impugned order is illegal and unjust as the same is passed without following the legal procedure, of issuing Charge Sheet, Statement of Allegations, Show Cause Notice, Inquiry proceedings, personal hearing etc. which are mandatory before removing a Civil Servant for the Job.

- →B. That the impugned order is bad in the eye of Law as the absence period
 was treated without pay so then there was no need of removal from
 service as per judgments of Superior Courts.
 - C. That petitioner has 13-14 years service in the department so the departmental authority must have taken lenient view according to the circumstances of the case and must have avoided the extreme action of removal from service.
 - D. That punishment must commensurate with the guilt proved, but in the present case, harsh punishment in the form of removal from duty / service has been imposed which is against the norms of justice.
 - E. That as per the judgments of the apex court when absence period was treated without pay, then there is no need of removal from service.

It is therefore most humbly requested that on acceptance of the representation / appeal the impugned order may be set aside and petitioner be reinstated into his service with all back benefits.

Petitioner

Dr. Muhammad Zia Khattak S/o Azmat Khan Ex-TMO, KTH, Peshawar, R/o Dak Ismail Khel, Mohallah, Zafar Khel,

Distt: & Tehsil, Nowshera

Dated 23-09-2014

The Chief Secretary, Govt. of KP, Peshawar.

REMINDER:

Reference my departmental appeal dated 23-09-2014 on the subject, your honor is requested to expedite the same as early as possible OR in the alternate, applicant be allowed to resume his duty and obliged:

(Copy of Departmental Appeal Attached)

Applicant

Dr. Muhammad Zia Khattak S/o Azmat Khan

Ex-TMO, KTH, Peshawar, R/o Dak Ismail Khel, Mohallah, Zafar Khel,

Distt: & Tehsil, Nowshera

Dated 20-09-2017

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BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Misc. A. No._____/2019

IN

S. A. No /2017

Dr. M. Zia Khattak

versus

Secretary Health & Others

APPLICATION FOR CONDONATION OF DELAY:

Respectfully Sheweth,

- That applicant filed the subject appeal before this Hon'ble 1. Tribunal.
- That previously applicant filed departmental representation 2. against the impugned order and was waiting for its result which took more than three years. At last when there was no hope from the respondents, the applicant preferred the instant Service Appeal before this hon'ble Tribunal.
- That the matter in issue also involves monetary benefits for more than 13 years service, so limitation would not run in the matter.

It is, therefore, most humbly requested that the delay, if any, be condoned in the interest of justice and the case be decide on merit.

Applicant

Through

Saadullah Khan Marwat

Advocate

Date: 02-01-2019

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Misc. A. No.____/2017

Dr. M. Zia Khattak

versus

Secretary Health & Others

AFFIDAVIT

I, Dr. Muhammad Zia Khattak, Applicant do hereby solemnly affirm and declare that contents of **Application** are true and correct to the best of my knowledge and belief.

DEPONENT

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Service Appeal No. 1073/2017	
Dr. Muhammad Zia Khattak	Petitioner
Versus	
Government of Khyber Pakhtunkhwa & Others	D 1

INDEX

S.No.	Description of documents	Annexure	Pages
1	Para-wise Comments on behalf of Secretary Health	3	1-2
2	Leave Application regretted by Competent Authority.	Annex-A	3
3	Absent from Duty Notice	Annex-B	4
4	Absent from duty Notice published in News Papers	Annex-C	5
5	Removal from service Notification issued by Competent Authority.	Annex-D	6

HAZRAT SHAH Section Officer (Lit-II) Health Department

BEFORE THE' HONORABLE KHYBER PAKFITUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1073 OF 2017

Dr. Muhammad Zia Khattak Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others..... Respondent

RESPECTFULLY SHEWETH:

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

PRELIMINARY OBJECTIONS:-

- 1. That the Appellant has got neither cause of action nor 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 the present form and also in the present circumstances of the issue.
- 5. That the Appellant has riled the instant Appeal with mala-fide intention hence liable to be dismissed.
- 6. That the Appellant has not conic to the Tribunal with clean hands.
- 7. That the Appeal is time barred.
- 8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.

ON FACTS:

- 1. Para No. 1 is correct.
- 2. Para No. 2 pertains to record.
- 3. Para No. 3 is incorrect. The Appellant had applied for 730 days leaves w.e.f. 01/03/2013 which was regretted by the Secretary Health vide letter No. SO(E)H-II/1-5/11-Vol-I dated 17/04/2013 which was endorsed to the Appellant at his home address vide No. 12704-06/E-I dated: 13/05/2013 as well as to his controlling officer (Annex-A)
- 4. Para No. 4 is incorrect. The Appellant was absent from his duty unlawfully w.e.f 01/01/2013 for which proper absence notice was served upon him by the DGHS office through registered letter No. 338/E.I dated: 07/01/2014 (Annex-B) directed him to report back for duty and explain reasons for willful absence from duty. He was also directed through press (Annex-C) to resume duty but all in vain. After completion of all the codal formalities he was removed from service by the Govt. vide Notification No. SOE(H-II/10-25/2014 dated: 13/08/2014. The removal Notification was properly sent to him on his home address through Registered letter bearing endorsement No. 15527-699/E.I dated: 25/08/2014 (Annex-D)
 - 5. As per Section 19 Sub Section (2) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules,2011 "If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the

- Khyber Pakhtunkhwa Province Service Tribunal within a period of ninety days of the expiry of the aforesaid period, Whereafter, the authority with whom the departmental appeal or review petition is pending, shall not take any further action". Moreover, as per 17(i) the Dr. concerned failed to submit his review petition / appeal to the Chief Minister, Khyber Pakhtunkhwa who is his appellate authority while he submitted his appeal to Chief Secretary.
- 6. As Explained in Para-5 above.

ON GROUNDS:

- A. Para-A is incorrect. He was absent from duty without prior approval of leave by the Competent Authority. He was served with an absence notice on his home addressed as well as through press but he cannot bothered to reply the same and remained willfully absent from duty. Therefore after completing all codal formalities as required under Govt. of Khyber Pakhtunkhwa, Govt. Servants efficiency and disciplinary rules 2011 he was removed from service by the Competent Authority.
- B. Para-B as in preceding para.
- C. Para-C is incorrect. Out of 12 years and 4 months service at the credit of the appellant, he availed more than 3 years and three months Ex-Pakistan leave (730-days earned leaved Ex-Pakistan and 480 days as EOL without pay Ex-Pakistan which shows his less interest in Govt. duty.
- D. Para-D is incorrect. The action was taken against him under the Govt. prevailing rules and laws.
- E. Para-E is incorrect. The appellant was found guilty of mis-conduct, therefore, he was proceeded under the relevant Rules & Laws.
- F. Para-F is incorrect the impugned order is in accordance with law and rules.

PRAYER:

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

Govt. of Khyber Pakhtunkhwa

(Respondent No. 01&02)



GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT

No. SO (E) H-II/1-5/11-Vol-I Dated Peshawar, the 17th April, 2013.

To

The Director General, Health Services Khyber Pakhtunkhw Peshawar.

Subject: Leave Application.

I am directed to refer to your letter No. 8338-39/E.I, date 01/04/2013 on the subject noted above in respect of Dr. Muhammad Zia Khattak, MO (BS-17), KTH Peshawar who has requested for the grant of 730-days leave, and to state that the request of the doctor concerned does not merit consideration and is therefore regretted.

(Misbah Riaz)

Section Officer-II OFFICE OF THE DG HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR. Copy to the :-105 /2013.

01. MS MTH, Peshawar for information with the request to intimate

that the doctor is performing his duty regularly or otherwise. G2. Dr. Muhammad Zia Khattak S/O Azmat Khan, Village & PO Dak Ismail Whel Teh: & Distt: Nowshera for information.

DIRECTOR DGHS KPK, PESHAWAR

C.C

Secretary Health Khyber Pakhtunkhwa Peshawar for information.

Copy also available on the website www.healthnwfp.gov.pk

HRD Building, Health Department Govt. of Khyber Pakhtunkhwa, Khyber Road Peshawar Phone # 091-9210570, Fax # 091-9210419

SECTION TO THE SECTION OF THE SECTIO

DURECTORATE GENERAL HURALTHI SER KHYBER PAKHITUDIKHWA PESHAWAR

All communications Should be Addressed to The Director General Health Services Peshawar and not to any official by name. Office Ph 1091 - 9210269 Exchange \$\mathref{T}\$091 - 9210187, 091 - 9210196 Fax 1:091 - 9210230

Dated: 07

REGISTERED

To.

Dr. Mohammad Zia Khattak S/O Azmat Khan, Village & Post office Dak Ismail Khel Mohallah, Zafar Khel Distt: & Tehsil Nowshera.

Subject: - ABSENCE NOTICE.

Reportedly Dr. Muhammad Zia Khattak MO (B-17) has absented himself from KTH Peshawar since 01.04.2013 without any permission or prior approval of the competent authority.

He is hereby directed to report back for duty at his place of posting within 14-days of the issuance of this notice and also explain reasons for willful absence from duty.

In case of failure disciplinary action will be initiated. against her under E & D Rules, 2011.

> Assistant Director (P-I) DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

No. 339-41

Copy forwarded to:-

1. Secretary to Govt: of Health Department KPK, Peshawar. 2. M.S KTH Peshawar.

3. AE-II DGHS KPK Peshawar. For information.

> Assistant Director (P-I) DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

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GOVERNMENT OF KHYBER PAKHTU HEALTH DEPARTME

Dated Peshawar, the 13th August,

NOTIFICATION

No. SOE (H-II/10-25/2014): WHEREAS, disciplinary proceedings were initiated against the following doctors for their continuous willful absence from

S. #	NAME OF DOCTOR/FATHER'S NAME/PLACE OF POSTING	1.1441.00
S. #	La constant of the constant of	DATE OF ABSENCE
· [:1.]	Dr. Amjad Iqbal S/O Mohammad Iqbal Ex-Instructor (BPS-17) PIMT, Swat	01.03.2011;
2.	Dr. Asghar Ali Shah S/O Ghulam Ali Shah Ex-MO (BPS-17) HMC Peshawar	01.01.2013
3.	Dr. Atique-Ur-Rehman S/O Fazal-ur-Rehman Ex-MO (BPS-17) BHU Mishti Mela Orakzai Agency (FATA)	10.02.2010
. 4.	Dr. Azhar Zahir Shah S/O Muhammad Zahir Shah Ex-JR (BPS-17) KTH-Peshawar	01.11.2010
115.	Dr. Aziz-ur-Rehman S/O Muhammad Azim Ex- Demonstrator (BPS-17) SMC Swat	00.01.2011
1.6.	Dr. Danish Manzoor D/O Ghulam Sarwar Ex-WMO (BPS-17) BHU Shewa District Swabi	05.12.2010
7.	Dr. Ejaz Ahmad S/O Muhammad Iqbal MO (BPS-17) Health Department	19.05.2013
8.	Dr. Farhana Nawa: D/O Muhammad Nawaz Khan Ex-WMO (BPS-17) DHQH Karak	21.02.2013;
19.	Dr. Fawad Irshad S/O Muhammad Saleem Khan Ex-MO (BPS-17) DHQH Haripur	04.11.2008
10.	Dr. Fayyaz Shah S/O Syed Sanowar Shah Ex-MO (BPS-17) BHU Salam Khand District Haripur	15.06.2009
	Dr. Fazal Rahim S/O Shah Bali Jan Ex-MO (BPS-17) CH Kabal District Swat	08.10.2012
11	Dr. Ghulam Muhan: and S/O Jan Muhammad Ex-Junior Registrar (BPS-17) KTH Peshawar	05.01.2011;
13	Dr. Hamida Begum D. O Shereen Wali Ex-WMO (BPS-17) IKD Hayatabad Peshawar	00.00.2010
111.1	Dr. Hina Ejaz D/O Mohammad Ejaz Hussain Ex-WMO (BPS-17) attached to DHO Abbottabad	01.01.2008
15. 1	Dr. Hussan Zeb Khan 5/O Sar Buland Khan Ex-TMO (BPS-17)	01.01.2005
11:1 1	Or. Imtiaz Khan Afridi S/O Raza Khan Ex-MO (BPS-17) Govt: LRH Peshawar	01.06.2010
	Dr. Irfan Shaukat S/O Bhaukat Hayat Khan MO (BPS-17) Health Department	24.09.2010
1 1 1	Or. Javed Iqbal S/O Nior Muhammad Ex-MO (BPS-17) CH Doosali N.W Miranshah	00.12.2010
11.	Or. Kalsoom Bakhtiar D/O Fazle Subhani Ex-WMO (BPS-17) HQH Timergara	20.09.2004
	r. Khalid Mehmood Khan S/O Misal Khan Bethni Ex-MO (BPS-	31.08.2010
21. / 15	Khahai Jaman St Angalas Jan Re M 2 1222 1 2 122	15.97.2007:

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	27. Dr. Muhammad Ajmal Khan S/O Anwar ul Islam Ex-Lecturer 01.10:2011	(
Carlo Carlo	(BPS-17) SMC Swat (BPS-17) SMC Swat	計劃
	28. Dr. Muhammad Fahim S/O Muhammad Qasim Ex-Lecturer CH Shakar Dare District Kohat 29. Dr. Muhammad District Kohat CH Shakar Dare District Kohat	1
	CH Shakar Dare District Kohat Qasim Ex-MO (BPS-17) 10.00	Val.
	29. Dr. Muhammad Ijaz S/O Shuja Khan Ex-MO (B-17) Attached to 00.09.2011	12:
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1	MO (BPS-17) HMC Peshawar Muhammad Nazir Khan Ex- 20.10 2005	
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ß.	(BPS-17) PGMI Peshawar	
	33. Dr. Muhammad Saeed S. O. V.	
	33. Dr. Muhammad Saeed S/O Muhammad Akram Ex-MO (BPS-17) 30.11.2010	
11	34. Dr. Muhammad Zia Khattoli S. (2)	
	34. Dr. Muhammad Zia Khattak S/O Azmat Khan Ex-MO (BPS-17) 30.11.2010 KTH Peshawar 35. Dr. Mogazi Ki	4
	35. Dr. Naeem Khan S/O Sikandar Mi Khan B	等計
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	37. Dr. Rafiullah S/O Sad-ud-Din Khan Ex-TMO (BPS-17) PGMI 38. Dr. Sajjad Hussein S/O March 1988 20.07.2010	19
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	Naseerullah Khan Babar Memorial Hospital Kohat Road One of the same of the sa	**
	39. Dr. Sakhawat VI	Pik
	39. Dr. Sakhawat Khan S/O Gulber Khan Ex-MO (BPS-17) DHQH 40. Dr. Samin Bitter	John S
j !	40. Dr. Samina D/O (an M.)	THE P
	40. Dr. Samina D/O Jan Muhammad Ex-WMO (BPS-17) KTH (91.07.2013)	11.15
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	Peshawar under transfer to at the disposal of DHO Swabi 43. Dr. Syed Abdullah Shah S/O Syed Chef	
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	17 PGMI LRH Peshaman Sych Ghaloor Shah Fy TMO (1997)	MALE OF
	44. Dr. Syed Muhammad Shahab S. O Syed Muhammad Ayaz Ex- 00.07,2003	MIS.
1	45. Dr. Tauqir Ahmad S/O Mulandrian Ayaz Ex- 00.07.2003	
	1 DI. Umar via Mi.	
	TMO (BPS-17) PCM L Division S/Q Umar Faroog Khan Mal	MI.
-		ZIII D
	47. Dr. Wajid Akram Shah S/C Syed Fazle Akram Ex-MO (BPS-17) 00.00.2006	V.
	48. Dr. Wasia Azhar D/O Muhammad Shakeeb Ex-WMO (BPS-17) 00.00.2006 KTH Peshawar 49. Dr. Zahadan Ex-MO (BPS-17) 01.11.2010	Graen Drawn
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	51. Dr. Amjad Hussain S/O 2	226
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-	53. Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan Ex-WMO 28.11.2011	-
	54. Dr. Rashid Hameed S/O Fazii H. mood D.	\$72 \$72
	54. Dr. Rashid Hameed S/O Fazli Hameed Ex-MO (B-17) BHU Regi C1.07.2009 55. Dr. Saced Appear S (O. co.)	ii.
	55. Dr. Saeed Anwar S/O Sher Afzal Khan MO (BPS-17) Health 26.02.2012	13
	56. Dr. Shahid Abdulla be a second of the se	ri F
	PGMI Peshawar (Under transfer to DHQH Karak) PGMI Peshawar (Under transfer to DHQH Karak) 22.02.2011	** ***
1	57. Dr. Emma Mumtaz D/O Mumtaz Mehdi Ex-WMO (BPS-17) Porensic Medicine Department KMC Peshawar 22.02.2011 25.05.2012	and the
7,	Forensic Medicine Department KMC Peshawar 25.05.2012	
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AND WHEREAS, absence notice were served upon them at their home addresses and also through press with the direction to resume duty within stipulated period.

AND WHEREAS, they failed to resume duty in the stipulated period given in the notices.

NOW THEREFORE, in exercise of power conferred under Khyber Pakhtunkhwa Govt: Servant (Efficiency & Disciplinary) Rules 2011, Competent Authority is pleased to impose the major penalty of [REMOVAL FROM DUTY] upon the above mentioned doctors with immediate effect. The period from the date of absence till the date of imposition of penalty in respect of the above, shall be treated as unauthorized absence from duty without pay.

SECRETARY HEALTH KHYBER PAKHTUNĶHWA.

OF THE DIRECTOR GENERAL HEALTH SERVICE KPK PESHAWAR

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80. To 1 1 All DAOs / A A O Hospital Peshawar	
12. Il Assistant D. Takhanlah	
113 Director Account Ochlaria.	H 8

Assistant Director Account DGHS KPK Peshawar.

AE-I, AE-II & AE-IV DGHS Office Peshawar. For information & necessary action.

REGISTERED

- Dr. Amjad Iqbal s/o Muhammad Iqbal Akakhel Village & PO Barikot District
- Dr. Asghar Ali Shah s/o Ghulam Ali Shah Village & PO Pushti Kliara Payan
- 117. Dr. Atqi-ur-Rehman s/o Fazal-ur-Rehman C/O Younis Property Dealer Muzzafar Abad Canal Road Adjacen: Danisabad University Town Pesnawar.
- 118. Dr. Azhar Zahir Shah s/o Muhammad Zahir Shah C/O Zahir Shah House No.
- Dr. Aziz-ur-Rehman s/o Muhammad Azim Village Punjigram Tehsil Baboezi
- 120. Dr. Danish Manzoor D/O Ghulam Sarwar C/O Dr. Manzoor Ali Village & PO
- 121. Dr. Ejaz Ahmad s/o Muhammad lqbal near Masjid Sarban Village PO Lachi
- 122. Dr. Farhana Nawaz D/O Muhammad Nawaz Khan Village Algadi Karak
- 120. De Pawal Indiad a o Mulammad Balcon Vince Village Silandarpur

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KHYBER PAKHTUNKHWA

Dated the Pesh: 25 Cory forwarded to the; -Accountant General Khyber Pakhtunkhwa Peshawar. Deans PGMI Peshawar. 3. Director Health Services FATA. Director PHSA Peshawar. 5. To 11. All Chief Executives in Khyber Pakhtunkhwa. 12 To 14. MS Govt: LRH/KTH/HMC, Peshawar. 15 To 39. All District Health Officers in Khyber Pakhtunkhwa. 40 To 69. All Medical Superintendents of DHQ Teaching Hospitals in Khyber 70 To 76. All Principals of Medical Colleges in Khyber Pakhtunkhwa. Principal KMC Peshawar for information with the request to make arrangement for recovery from Dr. Emma Mumtaz WMO. 78. Vice Principal PIMT Swat. 79. I/C Govt: Maternity Hospital Peshawar. 80.To111. All DAOs/AAOs in Khyber Pakhtunkhwa. 112. Assistant Director Account DGHS KPK Peshawar. 113

DHIS DGHS Office.

114 AE-I, AE-II & AE-IV DGHS Office Peshawar. For information & necessary action.

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- 116. Dr. Asghar Ali Shah s/o Ghulam Ali Shah Village & PO Pushti Kliara Payan
- 117. Dr. Atqi-ur-Rehman s/o Fazal-ur-Rehman C/O Younis Property Dealer Muzzafar Abad Canal Road Adjacent Danisabad University Town Pesnawar.
- 118. Dr. Azhar Zahir Shah s/o Muhammad Zahir Shah C/O Zahir Shah House No. P-4, University Campus Peshawar University.
- 119. Dr. Aziz-ur-Rehman s/o Muhammad Azim Village Punjigram Tehsil Baboezi
- Dr. Danish Manzoor D/O Ghulam Sarwar C/O Dr. Manzoor Ali Village & PO
- Dr. Ejaz Ahmad s/o Muhammad lqbal near Masjid Sarban Village PO Lachi District Kohat.
- 122. Dr. Farhana Nawaz D/O Muhammad Nawaz Khan Village Algadi Karak
- De Fawarf tedard a et Multammad Baleyon Kham Village Silandarpur

The Main State Toky

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S. A. No. 1073 /2017

Dr. Muhammad Zia Khatak

versus

Secretary & others

REPLICATION

Respectfully Sheweth,

Answer To Preliminary Objections:

All the 08 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action or locus standi, to pressurize the respondents, is against prevailing law and rules, not maintainable, malafide, unclean hands, time barred and without jurisdiction.

ON FACTS

- 1-2. Needs no comments.
 - 3. Not correct. Appellant had applied for 730 days leave but was regretted. Yet the same was not served upon him personally.
 - 4. Not correct. He was not served with any notice nor completed codel formalities in the matter.
 - 5. Not correct. Proper departmental appeal was submitted to the authority for reinstatement in service but without any response.
 - 6. Not correct. On 20-09-2017, reminder was submitted to the authority but without any response.

GROUNDS:

All the grounds of the appeal are legal and correct, while that of the reply are illegal and incorrect.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for:

Appellant

Through

Saadullah Khan Marwat

Advocate,

Dated: 15-02-2021