

10.10.2022

Junior to counsel for the appellant present. Mr. Kabir 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.

  
(Fareeha Paul)  
Member (I)

  
(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.

SCANNED  
KFST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

25.11.2021

Proper DB is not available, therefore, the case is adjourned to 28/2/22 for the same <sup>as</sup> before ~~DB~~.

  
Reader

28-2-22

Due to Retirement of the Hon. ble  
Chairman The case is adjourned on  
14-6-22  
Special  
Reader

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


Due to Summer Vacation, the case is  
adjourned to 10.10.22 for the same.

  
Reader

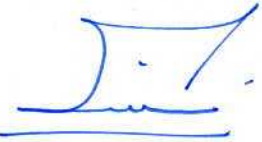
27.05.2021

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)

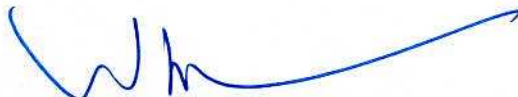


(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

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.



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



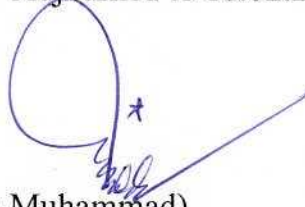
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

25.11.2020

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)



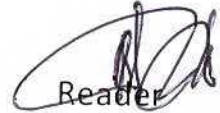
Chairman



30-4.2020

Due to COVID19, the case is adjourned to

14/7/2020 for the same as before.

  
Reader

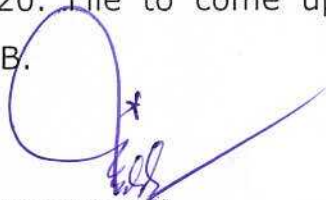
14.07.2020

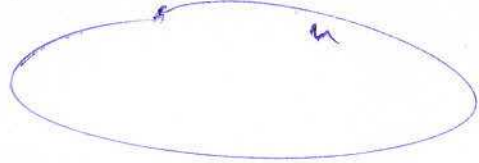
Due to COVID-19, the case is adjourned to 07.09.2020  
for the same.

  
Reader

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)

07.01.2020

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 along with 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



Member

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.

Appellant Deposited  
Security & Process Fee

  
(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 Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 2-1-2019



Reader

Service Appeal No. 1073/2017

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



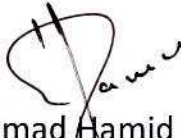
07.11.2017

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 Hamid 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  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

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                | <p>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 proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR 26/9/17</p> |
| 2-    | 28/9/17                   | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12-10-2017</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |
|       | 12.10.2017                | <p>Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 07.11.2017 before S.B.</p> <p style="text-align: right;"><br/>(AHMAD HASSAN)<br/>MEMBER</p>  |

SCANNED  
KPST  
Peshawar

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. 1073 /2017

Dr. Muhammad Zia Khattak

versus

Secretary Health & Others

**INDEX**

| S.No | Documents                                     | Annex | Page No. |
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| 2.   | Appointment / Charge Report Dated, 23-11-2000 | "A"   | 4-5      |
| 3.   | Impugned order dated 25-08-2014               | "B"   | 6-10     |
| 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 Pakhtunkhwa  
Service Tribunal

Diary No. 1101

Dated 26-9-2017

Dr. Muhammad Zia Khattak S/o Azmat Khan

R/o Dak Ismail Khel, Nowshera,

Ex-MO, KTH, Peshawar . . . . . Appellant

**VERSUS**

1. Secretary, Govt. of KP, Health  
Department Peshawar.
2. Chief Secretary, Govt. of KP,  
Peshawar. . . . . Respondents

**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:**

**Filed to-day**

**Registrar**

26/9/17

Respectfully Sheweth,

1. 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 ex-parte 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")
5. 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:-

**GROUND:-**

- 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 ab-initio 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

23/11

FOR DIRECTOR GENERAL HEALTH SERVICES, N.W.F.P. PESHAWAR.

*[Handwritten signature]*

- 01. Secretary Health N.W.F.P. Peshawar.
- 02. DHO Peshawar.
- 03. AG N.W.F.P. Peshawar (Original N.W.F. attached).
- 04. A.E.I.V. DGHS Office.

Copy forwarded to the :-

No. 27345-48 / S.I

The Manager,  
Govt. Printing Press N.W.F.P. Peshawar,  
for publication in Govt. Gazette.

To:-

FOR DIRECTOR GENERAL HEALTH SERVICES, N.W.F.P. PESHAWAR.

*[Handwritten initials]*

*[Handwritten signature]*

on 01.11.2000 (P.N).

assumed charge of his duties as MO (BPS-17) RHC Kohi (R Peshawar)

Public Service Commission Dr. Muhammad Zia Khattak S/O Azmat Khan has

On his 1st appointment on regular basis through N.W.F.P.

NOTIFICATION.

Dated 23/11/2000.

No. 27344 / S.I

FOR DIRECTOR GENERAL HEALTH SERVICES, N.W.F.P. PESHAWAR.

*[Handwritten mark]*

23/11/2000

*[Handwritten mark]*

*[Handwritten mark]*





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

17/4/13

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

To

✓ The Director General,  
Health Services Khyber Pakhtunkhwa  
Peshawar.



E-I  
Khan

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.

1144  
26/4

Misbah  
(Misbah Riaz)  
Section Officer-II

OFFICE OF THE DG HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.  
No. 12704-06 E.I, Dated Pesh: the 13/05/2013.  
Copy to the :-

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

9/5/13  
ASSISTANT DIRECTOR (P-I)  
DGHS KPK, PESHAWAR.

C.C

Secretary Health Khyber Pakhtunkhwa Peshawar for information.

Copy also available on the website [www.healthnwfp.gov.pk](http://www.healthnwfp.gov.pk)

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

X





B B 6  
GOVERNMENT OF KHYBER PAKHTUNKHWA.  
HEALTH DEPARTMENT

13/8/14

Dated Peshawar, the 13<sup>th</sup> 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:

| S. # | 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      |
| 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 Nawaz 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) 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      |
| 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 Hayatabad Peshawar   | 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. Lorena Gul D/O Akhtar Gul Ex-WMO (BPS-17) LRH Peshawar   | 15.02.2013      |
| 24.  | Dr. Mansoor Ahmad Qureshi S/O Mehfooz Ahmad Qureshi Ex-MO (BPS-17) attached to DHO Nowshera                        | 05.08.2013      |
| 25.  | Dr. Mehboob Raziq Khan S/O Shams-ur-Raziq Khan Ex-MO (BPS-17) BHU Kair Dara, Upper Dir                             | 23.02.2005      |
| 26.  | Dr. Muhammad Aftab S/O Syed Qamar Shah Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Swabi)                | 17.09.2009      |



|       |  |            |
|-------|--|------------|
| 27.   | Dr. Muhammad Ajmal Khan S/O Anwar ul Islam Ex-Lecturer (BPS-17) SMC Swat   | 01.10.2011 |
| 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  | 00.09.2011 |
| 30.   | Dr. Muhammad Jalil S/O Muhammad Khalil Ex-MO (BPS-17) BHU Kadda Orakzai Agency   | 07.07.2010 |
| 31.   | Dr. Muhammad Nasir Khan S/O Muhammad Nazir Khan Ex-MO (BPS-17) HMC Peshawar  | 20.10.2005 |
| 32.   | Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid Ex-TMO (BPS-17) PGMI Peshawar   | 00.12.2012 |
| 33.   | Dr. Muhammad Saeed S/O Muhammad Akram Ex-MO (BPS-17) BHU Qasim District Mardan   | 30.11.2010 |
| ✓ 34. | Dr. Muhammad Zia Khattak S/O Azmat Khan Ex-MO (BPS-17) KTH Peshawar  | 01.04.2013 |
| 35.   | Dr. Naeem Khan S/O Sikandar Ali Khan Ex-MO (BPS-17) Under transfer to DHQ Hospital Bannu                               | 29.07.2002 |
| 36.   | Dr. Nigar Akhtar D/O Akhtar Nawaz Khan Ex-WMO (BPS-17) Type C Hospital Takhti Nasrati District Karak                   | 03.10.2012 |
| 37.   | Dr. Rafiullah S/O Sad-ud-Din Khan Ex-TMO (BPS-17) PGMI HMC Peshawar  | 20.07.2010 |
| 38.   | Dr. Sajjad Hussain S/O Hussain Ali Bangash Ex-MO (BPS-17) Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar | 06.08.2011 |
| 39.   | Dr. Sakhawat Khan S/O Gulber Khan Ex-MO (BPS-17) DHQH Battagram  | 17.01.2011 |
| 40.   | Dr. Samina D/O Jan Muhammad Ex-WMO (BPS-17) KTH Peshawar   | 01.07.2013 |
| 41.   | Dr. Satwat Qadir D/O Abdul Qadir Khan Ex-WMO (B-17) Maternity Hospital Peshawar.                                       | 00.08.2007 |
| 42.   | Dr. Shumaila Hadi D/O Abdul Hadi Ex-TMO (B-17) PGMI Peshawar under transfer to at the disposal of DHO Swabi            | 05.03.2008 |
| 43.   | Dr. Syed Abdullah Shah S/O Syed Ghafoor Shah Ex-TMO (BPS-17) PGMI LRH Peshawar   | 05.11.2010 |
| 44.   | Dr. Syed Muhammad Shahab S/O Syed Muhammad Ayaz Ex-TMO (BPS-17) PGMI Peshawar  | 00.07.2003 |
| 45.   | Dr. Tauqir Ahmad S/O Muhammad Haroon Ex-TMO PGMI Peshawar (Under transfer to DHQH Battagram)                           | 19.03.2009 |
| 46.   | Dr. Umar Zia Khan Mahsud S/O Umar Farooq Khan Mahsud Ex-TMO (BPS-17) PGMI LRH Peshawar                                 | 00.05.2011 |
| 47.   | Dr. Wajid Akram Shah S/O Syed Fazle Akram Ex-MO (BPS-17) BHU Babi Khel Mohmand Agency                                  | 00.00.2006 |
| 48.   | Dr. Wasia Azhar D/O Muhammad Shakeeb Ex-WMO (BPS-17) KTH Peshawar  | 01.11.2010 |
| 49.   | Dr. Zahid Khan S/O Mohammad Nawaz Khan Ex-MO (Anesthesia) (BPS-17) KTH Peshawar  | 01.09.2005 |
| 50.   | Dr. Zia-ur-Rahman S/O Habib-ur-Rahman Ex-MO (BPS-17) Govt: LRH Peshawar  | 13.10.2012 |
| 51.   | Dr. Amjad Hussain S/O Said Lal Khan Ex-TMO (BPS-17) PGMI LRH Peshawar  | 00.06.2011 |
| 52.   | Dr. Athar Mahmood Ahmad Khan Safi S/O Shams-o-Qamar Safi Ex-MO (BPS-17) KTH Peshawar                                   | 14.08.2011 |
| 53.   | Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan Ex-WMO (BPS-17) CH Khanispor District Abbottabad                         | 28.11.2011 |
| 54.   | Dr. Rashid Hameed S/O Fazli Hameed Ex-MO (B-17) BHU Regi District Peshawar   | 01.07.2009 |
| 55.   | Dr. Saeed Anwar S/O Sher Afzal Khan MO (BPS-17) Health Department  | 26.02.2012 |
| 56.   | Dr. Shahid Abdullah S/O Abdullah Khan Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Karak)                     | 22.02.2011 |
| 57.   | Dr. Emma Mumtaz D/O Mumtaz Mehdi Ex-WMO (BPS-17) Forensic Medicine Department KMC Peshawar                             | 25.05.2012 |



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. To 111. 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.

**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 Adjacent 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 Iqbal 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 Denoi Tehsil Ghazi District Haripur.



125. Dr. Fazal Rahim s/o Shah Bali Jan Village Kala Kalay Tehsil Kabal District Swat.
126. Dr. Ghulam Muhammad s/o Jan Muhammad House No. 36-A Budhla Road Chungi No. 11, Mohallah Raja Abad Multan.
127. Dr. Hamida Begum D/O Shereen Wali House No. 3, Canal Road Suphaid Dehri Near Albadar Hospital University Town Peshawar.
128. Dr. Hina Ejaz D/O Muhammad Ijaz Hussain House No. 786-B, Narian Jaboon Colony Tube Well Colony Abbottabad.
129. Dr. Hussan Zeb s/o Sarbuland Khan C/O Shafat Khan O.G-III State 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.
131. Dr. Irfan Shaukat s/o Shaukat Hayat Khan Village Sangota Bhattai, PO 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 Bhattani s/o Misal Khan Bhattani 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 Lak Ismail Khel Mohallah Zafar Khel Tehsil & District Nowshera.
149. Dr. Naeem Khan s/o Sikandar Ali Khan 41-A Circular Road Opp: UTC University Town Peshawar.
150. Dr. Nigar Akhtar D/O Akhtar Nawaz Khan House No. 187, Street No. 09, F-1, Phase-VI, Hayatabad Peshawar.
151. DR. Rafi Ullah s/o Sad-ud-Din Khan Village & PO Tarkha District & Tehsil Nowshera.



- 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.

*Rashid Hameed*  
 25/8/14  
 Assistant Director (P-I)  
 DIRECTORATE GENERAL HEALTH  
 Services Khyber Pakhtunkhwa

Cc:-

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

25/8/14



To,

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,

1. 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.

#### **GROUND**

- 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

D

13

To,

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



Dr. Mohamed Z. Khatik

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*(Handwritten signature)*

*(Handwritten signatures)*

*(Handwritten lines)*

*(Handwritten word)*

*(Main handwritten paragraph)*

© ————— ©

*(Handwritten signature)*

*(Handwritten signature)*

*(Handwritten lines and signatures)*

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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 &amp; Others

**APPLICATION FOR CONDONATION OF DELAY:****Respectfully Sheweth,**

1. That applicant filed the subject appeal before this Hon'ble Tribunal.
2. That previously applicant filed departmental representation 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.
3. 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..... Respondents

**INDEX**

| S.No. | Description of documents   | Annexure | Pages |
|-------|--|----------|-------|
| 1     | Para-wise Comments on behalf of Secretary Health                 |          | 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  
Govt. of Khyber Pakhtunkhwa



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA 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.

  
Secretary Health

Govt. of Khyber Pakhtunkhwa  
(Respondent No. 01&02)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Annex - A

3

17

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

To

✓ The Director General,  
Health Services Khyber Pakhtunkhwa  
Peshawar.



E-I  
*[Signature]*

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.

26/4

*[Signature]*  
(Misbah Riaz)  
Section Officer-II

OFFICE OF THE DG HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.  
No. 12704-06 /E.I, Dated Pesh: the 13 105 /2013.

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

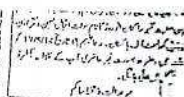
*[Signature]* 9/5/13  
ASSISTANT DIRECTOR (P-I)  
DGHS KPK, PESHAWAR. *[Signature]*

C.C

Secretary Health Khyber Pakhtunkhwa Peshawar for information.

Copy also available on the website [www.healthnwfp.gov.pk](http://www.healthnwfp.gov.pk)

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



17-5-14





**Annex - B.**  
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 Ph: 091-9210269 Exchange Ph: 091-9210187, 091-9210196 Fax: 091-9210230

No. 338 /E.I

Dated: 07/01/2014.

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.

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

No. 339-41 /E.I

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.

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

07/01/14







Annex - D 8:6

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

Dated Peshawar, the 13<sup>th</sup> 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:

| S. # | 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      |
| 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 Nawaz 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) 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      |
| 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 Hayatabad Peshawar                      | 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. Hussain 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 Jaman S/O Bakhtiar Ex-MO (BPS-17) DHQH Miranshah                                   | 16.07.2007      |
| 22.  | Dr. Irfan Ahmad S/O Irfan Ahmad Ex-MO (BPS-17) Health Department                              | 24.04.2013      |
| 23.  | Dr. Irfan Ahmad S/O Irfan Ahmad Ex-MO (BPS-17) Health Department                              | 13.02.2013      |



|     |  |            |
|-----|--|------------|
| 27. | Dr. Muhammad Ajmal Khan S/O Anwar ul Islam Ex-Lecturer (BPS-17) SMC Swat   | 01.10.2011 |
| 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  | 00.09.2011 |
| 30. | Dr. Muhammad Jalil S/O Muhammad Khalil Ex-MO (BPS-17) BHU Kadda Orakzai Agency   | 07.07.2010 |
| 31. | Dr. Muhammad Nasir Khan S/O Muhammad Nazir Khan Ex-MO (BPS-17) HMC Peshawar  | 20.10.2005 |
| 32. | Dr. Muhammad Saad Bin Zahid S/O Muhammad Zahid Ex-TMO (BPS-17) PGMI Peshawar   | 00.12.2012 |
| 33. | Dr. Muhammad Saeed S/O Muhammad Akram Ex-MO (BPS-17) BHU Qasim District Mardah   | 30.11.2010 |
| 34. | Dr. Muhammad Zia Khattak S/O Azmat Khan Ex-MO (BPS-17) KTH Peshawar  | 01.04.2013 |
| 35. | Dr. Naeem Khan S/O Sikandar Ali Khan Ex-MO (BPS-17) Under transfer to DHQ Hospital Bannu                               | 29.07.2002 |
| 36. | Dr. Nigar Akhtar D/O Akhtar Nawaz Khan Ex-WMO (BPS-17) Type C Hospital Takhti Nasrati District Karak                   | 03.10.2012 |
| 37. | Dr. Rafiullah S/O Sad-ud-Din Khan Ex-TMO (BPS-17) PGMI HMC Peshawar  | 30.07.2010 |
| 38. | Dr. Sajjad Hussain S/O Hussain Ali Bangash Ex-MO (BPS-17) Naseerullah Khan Babar Memorial Hospital Kohat Road Peshawar | 06.08.2011 |
| 39. | Dr. Sakhawat Khan S/O Gulber Khan Ex-MO (BPS-17) DHQH Battagram  | 17.01.2011 |
| 40. | Dr. Samina D/O Jan Muhammad Ex-WMO (BPS-17) KTH Peshawar   | 01.07.2013 |
| 41. | Dr. Satwat Qadir D/O Abdul Qadir Khan Ex-WMO (B-17) Maternity Hospital Peshawar.                                       | 00.08.2007 |
| 42. | Dr. Shumaila Hadi D/O Abdul Hadi Ex-TMO (B-17) PGMI Peshawar under transfer to at the disposal of DHO Swabi            | 05.03.2008 |
| 43. | Dr. Syed Abdullah Shah S/O Syed Ghafoor Shah Ex-TMO (BPS-17) PGMI LRH Peshawar   | 05.11.2010 |
| 44. | Dr. Syed Muhammad Shahab S/O Syed Muhammad Ayaz Ex-TMO (BPS-17) PGMI Peshawar  | 00.07.2003 |
| 45. | Dr. Tauqir Ahmad S/O Muhammad Haroon Ex-TMO PGMI Peshawar (Under transfer to DHQH Battagram)                           | 19.03.2009 |
| 46. | Dr. Umar Zia Khan Mahsud S/O Umar Farooq Khan Mahsud Ex-TMO (BPS-17) PGMI LRH Peshawar                                 | 00.05.2011 |
| 47. | Dr. Wajid Akram Shah S/O Syed Fazle Akram Ex-MO (BPS-17) BHU Babi Khel Mohmand Agency                                  | 00.00.2006 |
| 48. | Dr. Wasia Azhar D/O Muhammad Shakeeb Ex-WMO (BPS-17) KTH Peshawar  | 01.11.2010 |
| 49. | Dr. Zahid Khan S/O Mohammad Nawaz Khan Ex-MO (Anesthesia) (BPS-17) KTH Peshawar  | 01.09.2005 |
| 50. | Dr. Zia-ur-Rahman S/O Habib-ur-Rahman Ex-MO (BPS-17) Govt: LRH Peshawar  | 13.10.2012 |
| 51. | Dr. Amjad Hussain S/O Said Lai Khan Ex-TMO (BPS-17) PGMI LRH Peshawar  | 00.06.2011 |
| 52. | Dr. Athar Mahmood Ahmad Khan Safi S/O Shams-o-Qamar Safi Ex-MO (BPS-17) KTH Peshawar                                   | 14.08.2011 |
| 53. | Dr. Noor-ul-Ain Ainy D/O Muhammad Irshad Khan Ex-WMO (BPS-17) CH Khanispor District Abbottabad                         | 28.11.2011 |
| 54. | Dr. Rashid Hameed S/O Fazli Hameed Ex-MO (B-17) BHU Regi District Peshawar   | 01.07.2009 |
| 55. | Dr. Saeed Anwar S/O Sher Afzal Khan MO (BPS-17) Health Department  | 26.02.2012 |
| 56. | Dr. Shahid Abdullah S/O Abdullah Khan Ex-TMO (BPS-17) PGMI Peshawar (Under transfer to DHQH Karak)                     | 22.02.2011 |
| 57. | Dr. Emma Mumtaz D/O Mumtaz Mehdi Ex-WMO (BPS-17) Forensic Medicine Department KMC Peshawar                             | 25.05.2012 |



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.

Annex D

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 To 111. 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.

**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 Kliara Payan Tehsil & District Peshawar.
117. Dr. Atqi-ur-Rehman s/o Fazal-ur-Rehman C/O Younis Property Dealer Muzaffar Abad Canal Road Adjacent 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 Iqbal 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. Farhad Ahmad s/o Muhammad Saleem Khan Village Sanderapur District Peshawar.
124. Dr. Farid Ahmad s/o Muhammad Saleem Khan Village Sanderapur District Peshawar.



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.

Annex-D

OFFICE OF THE DIRECTOR GENERAL HEALTH SERVICE KPK PESHAWAR

No. 15527-699/E-I

Dated the Pesh: 25/8 /2014

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1. Accountant General Khyber Pakhtunkhwa Peshawar.
  2. Deans PGMI Peshawar.
  3. Director Health Services FATA.
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  - 15 To 39. All District Health Officers in Khyber Pakhtunkhwa.
  - 40 To 69. All Medical Superintendents of DHQ Teaching Hospitals in Khyber Pakhtunkhwa.
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  113. DHIS DGHS Office.
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116. Dr. Asghar Ali Shah s/o Ghulam Ali Shah Village & PO Pushti Kharra Payan Tehsail & District Peshawar.
117. Dr. Atqi-ur-Rehman s/o Fazal-ur-Rehman C/O Younis Property Dealer Muzaffar Abad Canal Road Adjacent 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 Iqbal 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 Ishaq s/o Muhammad Ishaq Khan Village Sillandarpur District Peshawar.
124. Dr. Fawad Ishaq s/o Muhammad Ishaq Khan Village Sillandarpur District Peshawar.



**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.



**GROUND:**

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