

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

EXECUTION PETITION NO. 82/2023

746/2014

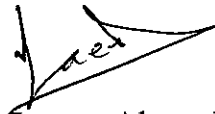
Ammar Ali & others.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

Index

S. No.	Description	Annexure	Pages No.
1	Comments		1-2
2	Office Order dated 25/10/2022	A	3
3	Letter dated 06/05/2023	B	4
4	Letter dated 21/07/2023	C	5
5	Affidavit		6
6	Authority letter		7


Laeeq Ahmad,
Focal Person (Litigation)
office of DGHS, Khyber
Pakhtunkhwa, Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 7279
Dated 30/8/23

EXECUTION PETITION NO. 82/2023

Ammar Ali & Others.....Petitioners

Versus

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

PARAWISE REPLY ON BEHALF OF RESPONDENT NO. 01 & 02

Respectfully Sheweth:

Preliminary Objections:-

1. That the petitioners have got no cause of action or locus standi to file the instant petition.
2. That the petitioners have filed the instant petition just to pressurize the respondents.
3. That the instant petition is against the prevailing Law and Rules.
4. That the petition is not maintainable in its present form and also in the present circumstances of the issue.
5. That the petitioners have filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the instant petition is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

COMPLIANCE REPORT:


1. That the above mentioned Execution Petition is pending before the Honorable Tribunal which is fixed for hearing today.
2. That the Honorable Tribunal vide judgment dated 12-03-2018 in Service Appeal No. 743/2014 decided the Service Appeal and directed the Appellate Authority (DGHS) for deciding the matter to a detail order within 60 days.
3. That the appellate authority (respondent No. 02) accepted the departmental appeals of the petitioners and re-instated them to their original posts at DHQ Hospital DI


Khan vide order dated 25-10-2022 with the direction to report at DHQ Hospital DI Khan for duty thus the judgment of this Honorable Tribunal dated 12-03-2018 has been implemented in its true letter and spirits by the respondent No. 02 being appellate authority. (Copy of Order dated 25.10.2022 is Annexure-A)

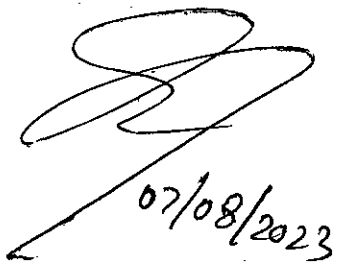
- 4. That after implementation of the judgment of this Honorable Tribunal on the part of respondent No. 02 vide order dated 25.10.2022 the respondent No. 02 received a letter from the respondent No. 03 wherein it was intimated that they have already filled the vacant posts and there is no vacant post available; vide his letter dated 06/05/2023 (Annex-B). The respondent No. 02 vide letter dated 21.07.2023 informed respondent No. 03 that there is no vacant posts of Health Department in District D I Khan / surrounding area where the petitioner would be adjusted therefore the respondent No. 03 was once again requested for adjusting of the petitioners and on availability of vacant posts, the petitioners would be adjusted against any other post outside the MTI DI Khan. (Annex-C).
- 5. That the replying respondents already implemented the judgment of this honorable Tribunal on their part. However, the same is still pending on the part of respondent No. 03. It is worth to mention that the petitioners were appointed by the respondent No. 03 before promulgation of the Khyber Pakhtunkhwa Medical Teaching Institution (Reforms) Act 2015 therefore; under section 26 of the ibid Act 2015 all rights and liabilities of the hospitals are shifted to the MTI's wherein all terms and conditions of services of all the existing employees whether Civil Servants or institutional employees have been protected by section 16 of the ibid Act 2015 therefore the petitioners being appointee of in the same hospital before MTI are also entitled to be adjusted in the MTI as civil servant and respondent No. 03 is legally bound to adjust them against their original posts.

PRAYER:

It is therefore humbly prayed that on acceptance of this implementation report, the instant petition of the petitioners may very graciously be dismissed to the extent of the replying respondents.


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


~~Director General Health Services~~
 Khyber Pakhtunkhwa
 Respondent No. 02


07/08/2023

Finalized

DS

07/08/23

Netting

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR

E-Mail Address: dgsh@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230



OFFICE ORDER

In the light of Health Department Govt: of Khyber Pakhtunkhwa letter No. SOH-VI/HD/Service Tribunal/8-89/2020-21 dated 18/05/2022 and in compliance of Khyber Pakhtunkhwa Service Tribunal camp court D.I. Khan, decision dated 12/03/2018 in service appeal No. 744/2014, 745/2014 & 746/2014, the termination order No. 6862 dated 17/12/2013, No.6871 dated 17/12/2013 and No. 6826 dated 17/12/2013 issued by the Medical Superintendent DHQ; Hospital D.I. Khan and DGHS KP office letter No. 4466-68/personnel dated 17/05/2018, are hereby cancelled ab-initio in respect of Mr. Ammar Ali S/O Muhammad Saood Junior Clerk, Mr. Abdur Rashid S/O Imam Bakhsh Ward Orderly and Mr. Muhammad Ramzan S/O Pervaz Khan Ward Orderly DHQ: Hospital D.I. Khan thereby, they are re-instated in accordance with the judgment to their original posts at DHQ; Hospital D.I. Khan.

Mr. Ammar Ali Junior Clerk, Mr. Abdur Rashid Ward Orderly and Mr. Muhammad Ramzan Ward Orderly are hereby directed to report at DHQ: Hospital D.I.Khan for duty in the best interest of public.

Sd/xxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.
Dated 25/10/2022

No. 11731-36 /Personnel

Copy forwarded to the:-

1. Hospital Director MTI DH: Hospital D.I. Khan.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Camp Court D.I.Khan
3. Director Litigation DGHS Office Peshawar.
4. DAO D.I Khan.
5. PA to DHGS KP Peshawar.
6. Official concerned.

For information and necessary action.

[Signature]
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.
25/10/22



(B) 2023
4

OFFICE OF THE HOSPITAL DIRECTOR

MEDICAL TEACHING INSTITUTE DHQTH, DIKHAN

msdhdik@gmail.com / 0966-9780201/9280446(Fax)

No. 3307

DATED: 6/5/2023

To:

The Director General
Health Services,
Khyber Pakhtunkhwa Peshawar.

Main Diary No. 15/116
Date 08/05/23
Director General Health Services,
Khyber Pakhtunkhwa

Subject: ARRIVAL OF CIVIL SERVANTS

Dear Sir,

Reference your office order No. 11731-36/Personnel dated 25.10.2022.

It is submitted that all the three officials are civil servants who have been reinstated by the Honorable Khyber Pakhtunkhwa Service Tribunal camp court DIKhan vide Judgement dated 12.03.2018.

MTI DIKhan being an autonomous body has already filled all the vacant posts and as such there is no vacant post available with MTI DIKhan regarding the same nomenclature.

The said personnel being civil servants may be adjust in the health department in compliance of Judgement passed by the Honorable Khyber Pakhtunkhwa Service Tribunal with further posting to somewhere else falling under the domain of Health Department.

HOSPITAL DIRECTOR,
MTI DHQTH DIKhan

No. _____
CC:

- The Secretary BOG MTI DIKhan.

18/5

HOSPITAL DIRECTOR
MTI DHQTH DIKhan

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR



Exchange# 091-9210269 /Personnel Exchange# 091-9210187, 9210196 Fax # 091-9210230
Dated: 21/07/2023

To.

The Hospital Director
MTI DHQTH D. I. Khan.

C

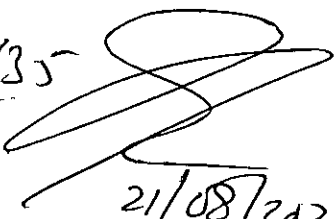
Subject: ARRIVAL OF CIVIL SERVANTS

Reference your letter No. 3607/ dated 06/05/2023.

At present, there are no vacant posts of Class-IV and Junior Clerk in the Health Department in District D.I. Khan/ surrounding, therefore, it is requested to kindly accommodate the officials concerned. Later on, on availability of vacant posts, they will be adjusted out of MTI

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

A.135

A stylized, cursive handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

21/08/2023

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

EXECUTION PETITION NO. 82/2023

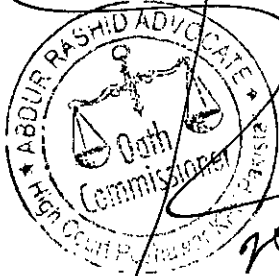
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Affidavit

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise reply on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court. It is further stated on oath that in this petition the answering respondents have neither been placed ex-parte nor their defense has been struck off / costs.

ATTESTED *Laeeq*
Deponent

29/8/23



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

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

AUTHORITY LETTER

Mr. Laeeq Ahmad Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in Execution Petition No. 82/2023 titled Ammar Ali & others VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned.

**Director General Health Services
Khyber Pakhtunkhwa, Peshawar.**