

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

SERVICE APPEAL NO. 1615/2022

Zahid Ali.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1615 OF 2022

Zahid Ali..... Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 & 02

Respectfully Sheweth:

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 its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

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


6. Incorrect. On his relieving from LRH/MTI Peshawar, the Hospital Director was informed that there is no vacant post in Peshawar, therefore, the relieving order in respect of the appellant may be withdrawn vide this Directorate letter dated 21/11/2022 (Annex-A).
7. Pertains to record.
8. Needs no comments being formal.

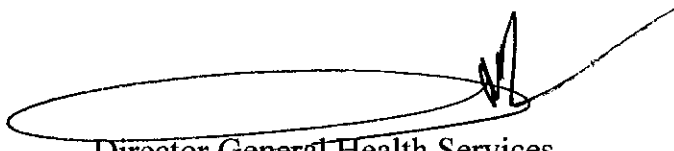
ON GROUNDS:

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

PRAYER:

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


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


Director-General Health Services
Khyber Pakhtunkhwa
Respondent No. 02
DD (Admin)

DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR



E-Mail Address: nwfpdghs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 13065 /Personnel Dated: 21/11 /2022

To,

The Hospital Director
MTI-LRH Peshawar.

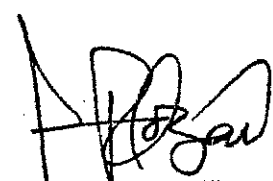
Subject: **OFFICE ORDER**

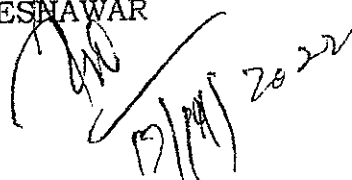
Memo:

I am directed to refer to your office orders bearing Endst: No. 22661-69/HR-IV dated 12.09.2022 (Mr. Zahid Ali S/O Muhammad Gul Dish Washer), No. 22681-89/HR-IV dated 12.09.2022 (Tahir Khan S/O Saeed Khan Dhobi), No. 30002-10/HR-IV dated 31.10.2022 (Amir Masih S/O Sabir Masih Sweeper) & No. 21857-64/HR-IV dated 02.09.2022 (Younas Masih S/O Sardar Masih Sweeper) respectively.

In this regard, it is submitted that there are no vacant posts of Class-IV neither at Directorate General Health Services Peshawar nor in District Peshawar against which the concerned relieved Class-IV employees can be adjusted.

Keeping in view the above factual position, you are requested to please withdraw the above mentioned relieving orders of the Class-IV in the public interest; being low paid employees.


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


17/11/2022

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

SERVICE APPEAL NO. 1615/2022

Zahid Ali.....Appellant

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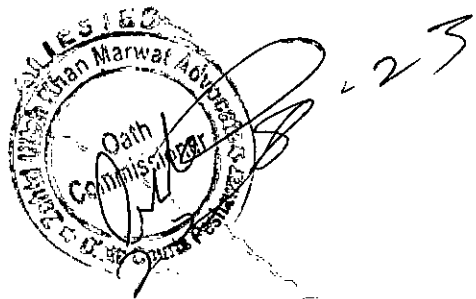
Government of Khyber Pakhtunkhwa & othersRespondents.

Affidavit

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

Laeeq

Deponent


Oath Commissioner
Peshawar
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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

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

AUTHORITY LETTER

Mr. Laeeq Ahmad Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in case Service Appeal No. 1615/2022 titled Zahid Ali VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned.

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