

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

Service Appeal No. 230 /2023

Mrs. Kashmala Bibi, Lady Health Worker (LHW) BPS-05, MCH Centre (Female Wing), DHQ Miranshah, North Waziristan.....(Appellant)

Versus

The Director General Health Services Khyber Pakhtunkhwa Peshawar and Others.....(Respondents)

INDEX

S.#	Particulars	Annexure	Page
1	Para-wise Comments.		1-4
2	Letter No. SOH (E-V) 4-4/2021/Inquiry Report dated 22.04.2021.	A	5
3	Affidavit		6
4	Authority letter.		7

Respondent No. 2.

DHO North Waziristan

①

Khyber Pakhtunkhwa
Service Tribunal
Deputy No. 7372
Dated: 06/09/23

**BEFORE THE KHYBER PAKHTUNKHWA
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Service Appeal No. 230 /2023

Mst. Kashmala Bibi, Lady Health Worker (LHW) BPS-05, MCH Centre (Female Wing), DHQ Miranshah, North Waziristan.....(Appellant)

Versus

1. The Director General Health Services, Khyber Pakhtunkhwa Peshawar.
2. The District Health Officer, District North Waziristan Miranshah.
.....(Respondents)

Joint Para-wise comments on behalf of respondents No. 1 & 2.

Preliminary objections.

1. That the appellant has got neither cause of action nor did 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 the Honorable Tribunal with clean hands.
7. That the Honorable Tribunal has no jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder and non-joinder of necessary parties.
9. That the appeal is badly barred by law and limitation.
10. That the appellant is not "AGGRIEVED" person within the meaning of Article 199 of the Constitution of Pakistan by producing fake, bogus and fabricated appointment order.

Respectfully Sheweth:-

1. Incorrect:- That appointment order of the Appellant is fake, bogus and fabricated, hence denied. It is pertinent to mention here that it is a routine



practice of the mafia in District North Waziristan to make fake, bogus and fabricated files of all coddle formalities in favor of suspicious misguided candidates with fake, bogus and fabricated signature of Ex-DDOs. After completion of their maintenance regarding fake, bogus and fabricated coddle formalities, they are applying in the Honorable Courts for regularization of the same and the concerned Department is being kept in dark / unaware in this regard till the final decision of their cases. The present Service Appeal is also continuation of the same mafia maintenance.

2. Incorrect:- That the Appellant have not performed her duty for a single day under the control of answering respondents. Moreover the Appellant is showing her appointment order issued on 02.01.2006 and she obtained Medical Fitness Certificate on 24.04.2019 (after 13-years), resultantly her appointment order stand automatically cancelled. Because Medical Examination is most essential with in 15-days after issuance of appointment order, failing which the order will be considered automatically cancelled in accordance with law. It is further added that arrival Report of the Appellant is not available on the record of answering respondents and the attached copy with the Appeal is also fake, bogus and fabricated.
3. Incorrect:- That the Appellant have not performed her duty for a single day under the control of answering respondents, resultantly she is a ghost employee. The services of other LHWs have been regularized through honorable Supreme Court judgment dated 25.02.2012 and the appellant is claiming her service during the year, 2019 (after 7- Years) is question on her part?
4. Incorrect:- That according to the appointment order attached with the present appeal, the Appellant is not a regular, but is a contract employee which is not maintainable on the forum of this honorable Service Tribunal.
5. Incorrect:- That regularization order regarding the post of the appellant is also fake, bogus and fabricated and is not available on the record of the answering respondents.
6. Incorrect:- That all the Lady health Workers on the strength of answering respondents has been regularized after verification by the special committee, constituted for this purpose in May, 2018, while claiming service by the appellant during the year, 2019 is showing that she have not appear before the verification committee which is another question on her part?
7. Incorrect:- That regularization order and service book of the appellant are also fake, bogus and fabricated.


- 8. Incorrect:- That appointment order of the Appellant has cancelled in the light of Provincial Inspection Team Khyber Pakhtunkhwa Peshawar inquiry report vide Government of Khyber Pakhtunkhwa Health Department letter No. SOH (E-V)4-4/2021/Inquiry Report dated 22.04.2021, Director General Health Services Khyber Pakhtunkhwa Peshawar endorsement No.7047-50/E.I dated 06.05.2021 (Attached as Annexure-A), wherein a chance was given to the appellant for whiteness, but she was not appear before the inquiry Committee / Provincial Inspection Team, which is showing that she has nothing fact finding evidence for her whiteness.
- 9. Incorrect and misleading as already explained in preceding Para No.8.
- 10. Incorrect:- That no Departmental appeal of the appellant has been received till date.
- 11. Needs no reply being formal.

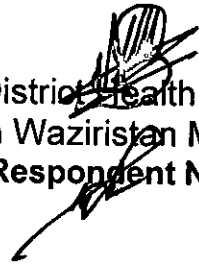
GROUNDS:-

- A) Incorrect:- That the action taken against the Appellant is in accordance with law for implementation of inquiry report (Attached as Annexure-A in Para No.8 above). According to the appointment order attached with the present appeal, the Appellant is not a regular, but is a contract employee which is not maintainable on the forum of this honorable Service Tribunal.
- B) Incorrect:- That the answering Respondents never violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan, 1973 and treated the Appellant in accordance with rules and regulations.
- C) Incorrect:- That the Appellant neither performed her duty for a single day in past nor still performing her duties and she is a ghost employee. It is a question on the part of the Appellant that one employee why can perform duty without salary for a period of more than 3 years?
- D) Incorrect and misleading as already explained in preceding Paras.
- E) Incorrect and misleading as already explained in preceding Paras.
- F) Incorrect and misleading as already explained in preceding Paras.

G) The answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

Keeping in view of the above, the honorable Service Tribunal is humbly prayed that present Service Appeal of the appellant may kindly graciously be dismissed.


~~Director General Health Services~~
Khyber Pakhtunkhwa Peshawar.
Respondent No. 01


District Health Officer
North Waziristan Miranshah.
Respondent No. 02

(Annexure - A)

5



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)4-4/2021/Inquiry Report
Dated Peshawar the April 22nd, 2021

To,
The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar

4136
277414

Subject: REQUEST FOR INQUIRY AGAINST DHO NORTH WAZIRISTAN

Dear Sir,

I am directed to refer to the subject noted above and state that the Establishment & Admin Department (Regulation Wing) has submitted Inquiry Report of Khyber Pakhtunkhwa Provincial Inspection Team regarding illegal appointment/regularization made by Dr. Hameedullah, Ex-DHO North Waziristan. The following recommendations may be implemented:-

1. Cancel/ withdraw all the irregular adjustments/ regularizations and appointment of the employees during the tenure of Dr. Hameedullah and Dr. Israr ul Haq, Ex-DHO, North Waziristan as indicated in the inquiry report.
2. The credentials/ antecedents of all the employees working under the administrative control of DHO, North Waziristan may be verified from the concerned Boards/ Universities/ Faculties under the prevailing rules.
3. The clerical staff working in the office of DHO, North Waziristan were found involved in concealment of the office record for their vested interest, therefore, they may be transferred out of District of North Waziristan and must never be posted in North Waziristan in future.

I am, further directed to state that the above mentioned recommendations may be implemented under intimation to this Department, please.

Yours faithfully,

E. I
[Signature]

[Signature] 27/4/21
(Latif Ur Rehman)
SECTION OFFICER (E-V)

IMPORTANT/URGENT

OFFICE OF THE DIRECTORATE GENERAL HEALTH KPK PESHAWAR

No. 7047-50/E.I

Dated: 05/05/2021

Copy of the above is forwarded to the:-

1. Deputy Director Paramedics DGHS Office Khyber Pakhtunkhwa, Peshawar.
2. AD/In-charge (Personnel Section) DGHS KP, Office.
3. The District Health officer North Waziristan Merged District at Miranshah.

For information and immediate necessary action.

[Signature] 05/05/2021
ADDL. DIRECTOR GENERAL (HRM) HEALTH
KHYBER PAKHTUNKHWA PESHAWAR

Attest to

Scanned with CamScanner

Scanned by TapScanner

[Signature]
District Health Officer,
Tribal District North Waziristan
Miranshah

Handwritten signature and date: N. Y. 2
11-08-2023

16

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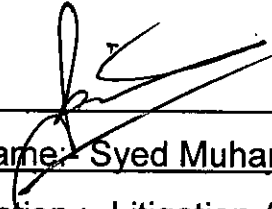
Versus

The Director General Health Services Khyber Pakhtunkhwa Peshawar and Others.....(Respondents)

AFFIDAVIT.

I Mr.Syed Muhammad Litigation Assistant do affirm & declare on oath on behalf of the respondents that the contents of the Para wise comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this honourable Court.

Deponent



Name: Syed Muhammad.

Designation :- Litigation Assistant.

CNIC #. 21506-4089120-5

Mob:0333-1901113

Attested

Oath Commissioner
Advocate High Court



6/2/23



7

OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH.

Tel: (0928) 300788 FAX: (0928) 311662

Email: agency Surgeon nwt2019@gmail.com

No. _____ /Litigation/Court Case, Dated Miranshah the 09/08/2023.

AUTHORITY LETTER.


Mr. Syed Muhammad Litigation Assistant attached to this office is hereby fully authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the undersigned as representative of Health Department North Waziristan Tribal District in Service Appeal No. 230 /2023.

N.B:- TA/DA will be paid by this office as per Government rules.

SD/x x x
District Health Officer,
North Waziristan Tribal District.

No. 3804-05 /Litigation/Court Case,
Copy forwarded to:-

1. The Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Mr. Syed Muhammad Litigation Assistant of this office.


District Health Officer,
North Waziristan Tribal District.