

**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR**

**SERVICE APPEAL No. 1617 of 2023**

Rani Naz..... Appellant

**Versus**

Director General Health services Khyber Pakhtunkhwa & Others  
..... Respondents

**Index**

<b>S.No</b>	<b>Description</b>	<b>Annexure</b>	<b>Pages</b>
1.	Authority Letter		1
2.	Affidavit		2
3.	Comments		3-4
4.		ANNEXED-A	5-41

**DEPONENT**



محکمہ صحت خیبر پختونخوا


**DISTRICT HEALTH OFFICER  
MARDAN (Khyber Pakhtunkhwa)**

Ph: # (0937) 9230030 Fax: # (0937) 9230283  
Email: [mardandho@gmail.com](mailto:mardandho@gmail.com)

All communications should be addressed to the District Health Officer Mardan and not to any official by name

**Authority Letter**

Dr. Ahsan Athar Ali, Litigation Officer DHO Office, Mardan is hereby authorized to submit all court cases on behalf of the undersigned in Honorable Service Tribunal Peshawar.

  
District Health Officer  
Mardan

**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR**

**SERVICE APPEAL No. 1617 of 2023**

Rani Naz..... Appellant

Versus

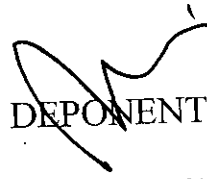
Director General Health services Khyber Pakhtunkhwa & Others  
..... Respondents

**AFFIDAVIT**

I, Dr. Ahsan Athar Ali, Litigation Officer DHO Office, Mardan do hereby solemnly affirm and declare on oath that the contents of the accompanying reply of DHO Office Mardan comments submitted by the respondents are true and correct to the best of my

knowledge and belief that nothing has been concealed from this Honourable tribunal.

*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 / Cost.*

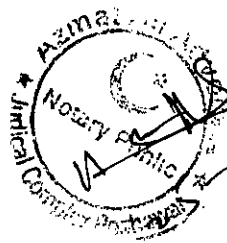
  
DEPONENT

CNIC No: 16101-6804903-1  
Mobile No: 0342-0900001

IDENTIFIED BY

Advocate General,  
Khyber Pakhtunkhwa,  
Peshawar

**ATTESTED**

  
Azmat Ali  
Notary Public  
Judicial Complex Peshawar

9-2023

**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR**

**SERVICE APPEAL No.1617 of 2023**

Rani Naz..... Appellant

**Versus**

**Director General Health services Khyber Pakhtunkhwa&Others**  
..... Respondents

Khyber Pakhtunkhwa  
Service Tribunal  
Case No. 7805  
Dated 25/09/23

**Respectfully Sheweth:**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS:**

**PRELIMINARY OBJECTIONS:**

1. That the Appellant has got no cause of action or locus standi to file the service appeal.
2. That the appeal is not maintainable in its present form.
3. That the appellant is estopped by her own conduct to file the instant appeal.
4. That the Appellant has not come to the tribunal with clean hands.

**ON FACTS:**

1. Pertains to record.
2. Correct to the extent of removal order dated 07.05.2014.
3. Correct to the extent of Service Appeal No. 1241/2014 which was decided vide judgment dated 05.03.2018 whereby the appellant was re-instated into service however, the department was given option for conducting a de-nova inquiry in accordance with law whereas the issue of back benefit was subjected to the outcome of the de-nova inquiry.
4. Correct to the extent of re-instatement order dated 19.07.2019 in implementation of the judgment of the Service Tribunal dated 05.03.2018 in Service Appeal No. 1241/2014 however, respondent No. 03 as per judgment of the Honorable Tribunal initiated de-nova inquiry in accordance with law and rules.
5. Correct to the extent that the competent authority vide order dated 18.08.2022 constituted an inquiry committee to conduct de-nova inquiry as per spirit of the judgment dated 05.03.2018 of Service Tribunal who conducted proper inquiry in accordance with law and rules and declared the appellant as irregular in the performance of her duty and recommended that the gap period w.e.f 08.08.2015 to 18.07.2019 may be treated as leave without pay. As the appellant was found guilty therefore, the intervening period i.e 08.08.2015 to 18.07.2019 was treated as leave without pay however, period w.e.f 08.05.2014 to 07.08.2015 was treated as leave with pay vide order dated 11.01.2023. (**Annexure-A**)

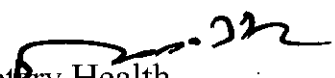
- 6. Incorrect. Already replied in para 05 above.
- 7. Incorrect. Already replied in para 05 above.
- 8. Incorrect. The appellant was in the knowledge of the impugned order dated 11.01.2023 detail reply has given in para 05 above.
- 9. Incorrect. The replying respondents acted as per law, rules and verdict of the Honorable Service Tribunal dated 05.03.2018 in Service Appeal No. 1241/2014.
- 10. Pertains to record. However, the appellant is not an aggrieved person as no vested right of the appellant has been violated by the replying respondents.
- 11. As per above paras.

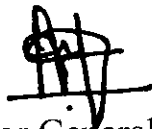
**GROUNDS:**

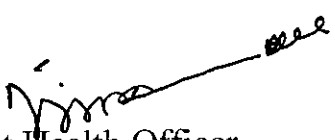
- A. Incorrect. Already replied in para 09 of the facts.
- B. Incorrect. Already replied in para 09 of the facts.
- C. Incorrect. Already replied in para 05 of the facts.
- D. Incorrect. Already replied in para 09 of the facts.
- E. Incorrect. Already replied in para 05 of the facts.
- F. Incorrect. Already replied in para 09 of the facts.
- G. The replying respondents also seek permission of this honorable Tribunal to adduce other grounds during final hearing of the case.

**PRAYER:**

As the appellant did not come with clean hands, so it is therefore prayed that the appeal may be dismissed with cost.

  
 Secretary Health,  
 Khyber Pakhtunkhwa.  
**Respondent No. 01**

  
 Director General Health Services,  
 Khyber Pakhtunkhwa.  
**Respondent No. 02**

  
 District Health Officer  
 Mardan.  
**Respondent No. 03**

(ANNEXED - A)

5



حکومت خیبر پختونخوا

**DISTRICT HEALTH OFFICER**  
**MARDAN (Khyber Pakhtunkhwa)**  
**Ph: # (0937) 9230030 Fax: # (0937) 9230283**  
**Email: [mardandho@gmail.com](mailto:mardandho@gmail.com)**

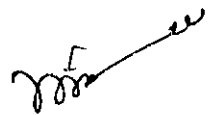
All communications should be addressed to the District Health Officer Mardan and not to any official by name

No: 1005-10 DHO dated

// /01/2023.

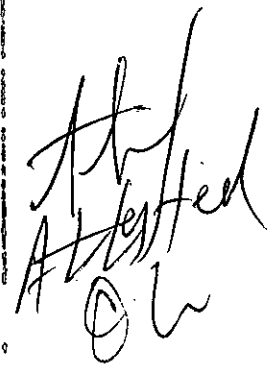
OFFICE ORDER.

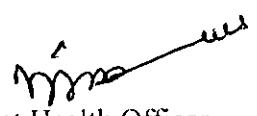
As per letter received from Director General Health Services Khyber Pakhtunkhwa KP Peshawar vide his letter No. 14202/Personnel dated 21.12.2022, The Gap period services in respect of Mst Rani Naz W/O Emmanuel Javed Dai BS-04 attached to Civil Dispensary Guli Bagh and working at Leprosy Centre DHQ Hospital Mardan under Service Appeal No.1241/2014 dated 05.03.2018 with effect from 08.08,2015 to 18.07.2019 (03 years & 11-month) is hereby treated as EOL without pay and period from 08.05.2014 to 07.08.2015 is hereby treated as leave with pay with immediate effect.

  
District Health Officer  
Mardan

Copy forwarded to the:

1. Deputy DHO Mardan
2. District Monitoring Officer, IMU Health Mardan.
3. Medical Officer Incharge CD Guli Bagh
4. District Coordinator DHIS Mardan.
5. Official Concerned.
6. Dealing Assistant Account Section DHO office Mardan



  
District Health Officer  
Mardan

# DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR



E-Mail Address: [nwfdgls@yahoo.com](mailto:nwfdgls@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # . 091-9210230  
No. 14808 /Personnel Dated: 21/12/2022

To

The District Health Officer  
Mardan.

Subject: APPLICATION FOR GAP PERIOD  
Memo:-

Reference to your letter No. 20278/DHO dated 23.11.2022 on the subject noted above.

You are hereby directed to implement the recommendation of Inquiry Committee being Court matter, by treating the period from 08.08.2015 to 18.07.2019 (03-years & 11-months) EOL without pay and period from 08.05.2014 to 07.08.2015 may be treated as leave with pay.

ADDITIONAL DG (HRM)  
DIRECTORATE GENERAL HEALTH  
SERVICES, KP PESHAWAR

25/12/2022

DAIRY CLERK  
DHO OFFICE, MARDAN  
NO. 3366  
DATE 26/12/2022

*Abul*  
*Abul*  
O/A

RK  
put up reference  
P

*[Signature]*  
District Health Officer  
Mardan



مکملہ صحت نیہرہ پختونخوا

**DISTRICT HEALTH OFFICER  
MARDAN (Khyber Pakhtunkhwa)**

Ph: # (0937) 9230030 Fax: # (0937) 9230283  
Email: mardan.dho@gmail.com

*All communications should be addressed to the District Health Officer Mardan and not to any official by name*

No. 20278 /DHO Dated: 23/11 /2022

To

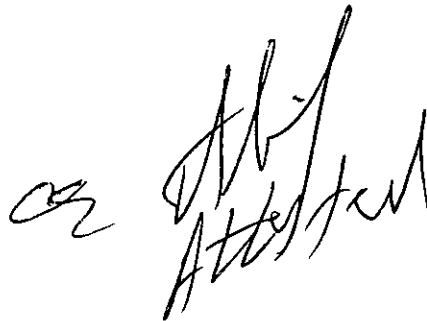
The Director General, Health Services,  
Khyber Pakhtunkhwa, Peshawar.

Subject:

APPLICATION FOR GAP PERIOD

Reference Director (Admn), Directorate General Health Services KP, Peshawar letter No. 2738/Personnel dated 01/06/2022, the Inquiry report along with other relevant documents in respect of Mst. Rani Naz, Dai regarding the above captioned subject are hereby submitted for your information and further necessary action, please.

  
District Health Officer  
Mardan

  
Attestation



# Inquiry Report 07<sup>th</sup> Oct 2022

8

## BACKGROUND

Mst. Rani Naz W/O Javed House # 07 DHQ Hospital Mardan was appointed as Dai (BPS-02) on regular basis at Mardan Medical Complex Mardan by the Executive District Officer Health Mardan via Appointment Order No.9371-74/EDO (H) Mardan Dated the 11/07/2007 (Copy attached as annexure A). She was removed from service via office order No.3591-96/MMC, Dated 7/5/2014, (Copy attached as annexure B), on the charges of a) Inefficient in duties, b) Guilty of misconduct, c) Guilty of habitually absenting herself from duty without prior approval of the competent authority, specified in Charge sheet via letter NO.3261/MMC, Dated 24/4/2014, by the then Chief Executive Officer of MMCTH Mardan, (Copy attached as annexure C). She filed a case before the Khyber Pakhtunkhwa Service Tribunal Peshawar via service appeal No. 1241/2014, dated 16.10.2014, in which the judgment was passed on 05.03.2018 in favor of Mst. Rani Naz W/O Khan Masih Dai (BPS-02) by reinstating her into service, (Copy attached as annexure D). Her arrival report was accepted by the Hospital Director via letter No.4842-43/MMC/MTI Dated 19/7/2019 (Copy attached as annexure G1) while relieved again to Director General Health Services Khyber Pakhtunkhwa Peshawar via letter No.5054-55/MMC/MTI Dated 30/7/2019 (Copy attached as annexure G2). Mst. Rani Naz (Dai) was reinstated into Govt. service in the light of service appeal No.1241/2014 dated 05.03.2018, at BHU Baghicha Dheri Mardan by the District Health Officer Mardan via office order No.1113-18/DHO Dated Mardan the 19/7/2019 (Copy attached as annexure H). Now she has requested for regularization of gap period multiple times, (Copy attached as annexure I1-2) and The Director ADMN of the Director General Health Services Khyber Pakhtunkhwa Peshawar has directed District Health officer to implement the judgment of the Honorable Khyber Pakhtunkhwa Peshawar Service Tribunal Peshawar in letter & Spirit via letter No.2738/Personnel Dated 01/06/2022 (Copy attached as annexure J). In Compliance to the directions of Director ADMN, District Health Officer constituted an inquiry committee vide Officer Order No.14078-80/DHO dated Mardan the 18/08/2022, to probe into this matter and submit a fact finding report (Copy attached as annexure K).

## PURPOSE

- Regularization of Gap Period for Mst. Rani Naz Dai BPS-04 previously working at MMCTH Mardan now at the disposal of District Health Officer Mardan, w.e.f 08/05/2014 to 18/07/2019.

## INQUIRY OFFICER

- Dr. Muhammad Ishaq, District Coordinator LHWs Program Mardan.
- Dr. Sadia Liaqat, Surveillance Officer-DHO office Mardan.

## METHODOLOGY

01/12  
District Health Officer  
Mardan

Attested

The inquiry officer outlined the following strategic points to be executed during the collection and analysis of evidence for a transparent procedure.

- Visit Mardan Medical Complex and Teaching Hospital Mardan Physically and Collect the personal file of the Mst. Rani Naz (Dai) from record section for collecting information relevant to this inquiry.
- Collect verbal and written statement of Mst. Rani Naz (Dai) BPS-04 for her point of view.
- Collect verbal and written statement of HR Manager at MMCTH Mardan.
- Collect verbal and written statement of the Hospital Director of MMCTH Mardan.
- Collect verbal and written statement of the accountant at DHO Office Mardan.

**PROCEDURE**

The inquiry officers visited the Record section of the Mardan Medical Complex Teaching Hospital Mardan to collect the personal file of Mst. Rani Naz (Dai) BPS-04. Then the inquiry officers collect the verbal and written statement of Mst. Rani Naz (Dai) (Copy attached as annexure P). However, the inquiry officers could not collect the verbal and written statement of the HR Manager and Hospital Director at MMCTH Mardan due to the reason that it the Hospital Director was newly appointed on temporary basis and the HR Manager had only record of MTI employees. Then the inquiry officers collected the verbal and written statement of the accountant at DHO Office Mardan (Copy attached as annexure P2).

**FINDINGS**

After all the procedures were followed, the inquiry officers outlined the following findings by going through all the relevant documents

1. After a comprehensive study of the personal file of Mst. Rani Naz (Dai) BPS - 04 it was found that she was reinstated back into service by The Khyber Pakhtunkhwa Service Tribunal Peshawar in a judgment passed on 05.03.2018 (Copy attached as annexure D), however she resumed her services on 19/07/2019.
2. In the same judgment, it was also stated that, the respondent-department is at liberty to conduct de-novo inquiry against the appellant in accordance with law and rules within a period of three months from the date of receipt of the judgment and the issue of back benefits was subjected to the outcome of the de-novo inquiry (Page 3 of annexure D).
3. The inquiry was conducted by the Hospital Director MMCTH Mardan in compliance to the judgment passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar. During the de-novo inquiry Mst. Rani Naz (Dai) was called for Personal Hearing via letter No.6807-08/MMC/MTI Dated 24/9/2018 and letter No.7629-30/MMC/MMC/MTI Dated 29/10/2018 (Copy attached as annexure F1 & F2 respectively), but she did not appear before the inquiry committee.
4. The inquiry was submitted by the Hospital Director MMCTH Mardan to the Registrar, via letter No.7487-91/MTI/MMC Dated 22-10/2018 (Copy attached as annexure E).

*Handwritten signature*

- 10
5. A letter No.8918-19/MTI/MMC Dated 29/12/2018, was sent by the Hospital Director to Director General Health Services Khyber Pakhtunkhwa Peshawar outlying the points as,
    - a) The posts of Dais are filled by MTI, MMC whereas her arrival cannot be accepted at this hospital.
    - b) It is requested to adjust Mst. Rani Naz out of MTI, MMC as per honorable court orders (Copy attached as annexure X1).
  6. Another letter No.3556-57/MTI/MMC Dated 12/06/2019, was sent by the Hospital Director to Director General Health Services Khyber Pakhtunkhwa Peshawar outlying the points as,
    - a) Honorable Khyber Pakhtunkhwa Peshawar has directed that the judgment to be implemented by Respondent No.2 i.e. Director General Health Services Khyber Pakhtunkhwa Peshawar as the appellant is a civil servant,
    - b) As per Para No.04, of the decision of the Honorable Khyber Pakhtunkhwa Service Tribunal that the appellant is a civil servant therefore, competent authority is the District Health Officer and not the Chief Executive/HD MTI-MMC Mardan.
    - c) MMC Mardan is declared as MTI in 2016, wherein the HD has filled all the position of Dai at MTI-Mardan (Copy attached as annexure X2).
  7. It was found from the record of MMCTH Mardan that there was no recruitment done on the post of Dai BPS-02 since the removal from service of Mst. Rani Naz Dai BPS-02 till August 2015.
  8. It is worth mentioning here that The Chief Executive MMCTH Mardan was not the competent authority as per there letter of the Hospital Director specified in annexure X1, still the post of civil servant of Dai BPS-02 were filled in August 2015, by the Chief Executive Mardan.
  9. It was also found that the arrival of Mst. Rani Naz Dai BPS-02 was accepted by the Hospital Director MMCTH Mardan post re-instatement on 19-07-2019, while relieved to Director General Health Services Khyber Pakhtunkhwa Peshawar on 30-07-2019 (Copy attached as annexure G1-G2), surprisingly Mst. Rani Naz was re-instated by the District Health Officer into service on 19/07/2019 (as in annexure H).
  10. In her written statement Mst. Rani Naz (Dai) has said that, She was terminated by the MS MMCTH Mardan on false allegations without fulfilling all the Codal formalities and that The Khyber Pakhtunkhwa Service Tribunal Peshawar in their judgment have reinstated her with the directions to pay the arrears of the gape period i.e 5 years (Highlighted in annexure P).
  11. It was also found in the personal file of Mst. Rani Naz BPS - 04 that she was called upon explanations multiple times for her willful absence post re-instatement, the detail of which is further elaborated in the following table-1. (Copy of each is attached as annexure Z1-5)

  
Attested

~~(ANNEXED III)~~

(11)

Table-1

Sr	Explanation letter No./Dated	Place of Duty	Allegations/Charges	Reply	Remarks
1	No.907-08/DHO Dated 21/1/2020	CD Guli Bagh	Absence	Not Submitted	-
2	No.11025/DHO Dated 24/08/2020	CD Guli Bagh	Absence	Not Submitted	-
3	No.17150-52/DHO Dated 21/09/2021	CD Guli Bagh	Absence	Not Submitted	-
4	No.4839/DHO Dated 10/03/2022	CD Guli Bagh	Absence	Not Submitted	Warning with 01 day salary deduction
5	No.16111/DHO Dated 14/09/2022	CD Guli Bagh	Absence	Not Submitted	Warning

### CONCLUSION

Keeping in view the above findings the inquiry officers have reached the following conclusion

- The inquiry officers concluded that Mst. Rani Naz was recruited by the Executive District Officer Health in July 2007 when he was the competent authority for the whole District Health Department including MMCTH Mardan and DHQ Hospital Mardan. However, the Chief Executive was the competent authority for MMCTH Mardan since 01/07/2010 till 2016 when MTI act was implemented when Mst. Rani Naz was removed from service.
- It was concluded that Mst. Rani Naz was reinstated by the District Health Officer Mardan 1 year 4 months and 14 days later then the date of Judgment was passed i.e. 05.03.2018 by The Khyber Pakhtunkhwa Service Tribunal Peshawar as there were no post vacant both in MMCTH-MTI and at the disposal of DHO.
- It was also concluded that the gap period was from 8/5/2014 to 18/07/2019 i.e. 5 years 2 months and 11 days.
- In the opinion of the inquiry officers, the recruitment done in MMCTH Mardan on the posts of Dai in August 2015 are illegal if he was not the competent authority.
- It was also concluded that the de-novo inquiry ordered by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar was never completed and the record of recommendations outlined by the committee were not followed (as on 2<sup>nd</sup> page of annexure E).
- It was concluded that Mst. Rani Naz (Dai) in her statement misinterpreted the judgment of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar about the back benefits of the gap period.
- Mst. Rani Naz (Dai) is not regular in her duties after her re-instatement and has been found absent multiple times without prior permission of the reporting officer/competent authority, as elaborated in table 1.

*Atty Seal*

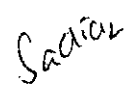
- It was also concluded that the post of Dai-BPS 02 under the control of the District Health Officer was not vacant prior to 04/07/2019.
- Finally the inquiry officers are of the opinion that there exist gaps and loop holes in the roles and responsibilities of the competent authorities in different sections of the Health Department during transition periods i.e. from the transition of Executive District Officer Health to District Health Officer and Chief Executives (On 01-07-2010, MMCTH was declared autonomous) and the fate of civil servants during the transition phase of MMCTH Mardan to MTI.

**RECOMMENDATIONS**

- As Mst. Rani Naz Dai was removed from service at MMCTH Mardan by the Chief Executive Mardan and the post was supposed to be vacant until August 2015, it is recommended that her back benefits may be withdrawn from MMCTH for the period 8/5/2014 to 07/08/2015 i.e. 1 year 3 months and 0 days.
- As Mst. Rani Naz Dai was irregular in her duties and she is still irregular, the inquiry officers are of the opinion that the rest of the Gap period i.e. from 08/08/2015 to 18/07/2019, 3 years, 11 months and 10 days may be adjusted / considered as leave without pay, however, if the Director General Health Services Khyber Pakhtunkhwa deems indispensable on humanitarian grounds, her back benefits can be withdrawn against a vacant post of Dai from anywhere in the Province.



Dr. Muhammad Ishaq  
Coordinator LHWs Program  
District Mardan



Dr. Sadia Liaqat  
Surveillance Officer  
District Mardan



## TABLE OF CONTENT

S#	CONTENT	Page number
01	Inquiry Report	1-5
02	Annexure A	6
03	Annexure B	7
04	Annexure C	8
05	Annexure D	9-11
06	Annexure G1	12
07	Annexure G2	13
08	Annexure H	14
09	Annexure I1	15
10	Annexure I2	16
11	Annexure J	17
12	Annexure K	18
13	Annexure P1	19
14	Annexure P2	20-21
15	Annexure F1	22
16	Annexure F2	23
17	Annexure E	24-25
18	Annexure X1	26
19	Annexure X2	27
20	Annexure Z	28-33

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صراحتاً لائی ناز ہے اور میں بطور ڈائریکٹوریٹ میں ڈیوٹی سرٹیفکیٹ میں  
 سرانجام دے رہی تھی۔ اسی دوران میں اپنی ٹرانسفر کے لئے درخواست لے کر (M-S)  
 صاحب کے پاس گئی تھی اور میری درخواست اہم ایس صاحب نے (P.A) نے مجھ سے  
 لے لی تھی۔ یہ وقت گزرنے کے بعد میں جب دوبارہ آفس گئی تو اہم ایس صاحب کے  
 پی اے نے دفتر میں جا کر اہم ایس صاحب کو میرے بارے میں ناخوش کیا لکھنا اس کے بعد  
 جیسے ہی مجھے اہم ایس صاحب نے اندر بلا یا اور میں نے ابھی کوئی بات نہیں کی کہ اہم  
 ایس صاحب نے مجھ پر ہاتھ اٹھا یا جسی وجہ سے میں نے شیخ مسنون مکان میں اس پر  
 رپورٹ درج کروائی اس کے بعد اہم ایس نے مجھ اپنی طرف سے ٹرمینٹ کر دیا تھا۔ میں  
 ڈیوٹی کے لیے جانے لگی تھی مگر ڈیوٹی کرنے نہیں دی جاتی تھی۔ ٹرمینٹیشن کا اپنا ایک پروپیر  
 طریقہ کار ہونا ہے مگر مجھے خود سے ہی اہم ایس نے کرنا تھا۔ اسی دوران میں نے کورٹ  
 میں تقریباً (2014) میں کیس کھولا اور تقریباً (5) سال تک چلا جس کے  
 بعد کورٹ میں ہدایت ہوا کہ میرا کوئی قہور نہیں لگا اور کورٹ نے مجھے پھر سے میری  
 اپنی ڈیوٹی پر بحال کر دیا اور ساتھ میں یہ حکم نامہ بھی جاری کیا کہ لائی ناز دانی  
 کے تمام 5 سالوں کے وہ تمام ایسے اٹنڈانے جائیں مگر مجھے ابھی تک صرف دفاتر کے  
 حکم دئے جا رہے ہیں۔ میں دوبارہ کورٹ سے رجوع کر سکی تھی مگر میں ایک ٹریپ  
 عورت ہوں اور یہی چاہتی ہوں کہ مجھے میرے کیپ پیریوڈ کے تمام رقم ادائیگی  
 کیونکہ یہ ٹریپ ہے دفاتر کے حکم لگاتے ہوئے MMC والے ہیں کہ یہ تمام  
 MTA سے لیا جاتا ہے یہ رقم نہیں ملے سکتی آپ DG، بشو کی ملازم ہیں اسے رجوع کر رہے  
 ہیں میری آپ صاحبان سے اجازت لیں کہ میرے لئے کرم مجھ غریب عورت پر  
 کرم کی نگاہ کر رہے ہیں، میں ہمیشہ آپ صاحبان کو دعا دیتی رہوں۔

رائی ناز - 8-22

*(Handwritten signature)*

It is certified that Mrs Rani Nath was adjusted against the post Dai BKM Baghicha Dheri on eve of transfer of <sup>Mrs</sup> Channat Dai to Sasabi.

Before that no post of Dai was lying vacant at the disposal of DHO Mardan therefore we are not in a position to adjust the Back Benefits of Mrs Rani Nath for Gap period from this office.

(Note). Transfer order of Mrs Channat Bagum Dai attached ready reference.

Accountant  
DHO Mardan.

Attested



**DIRECTORATE GENERAL HEALTH SERVICES**

**KHYBER PAKHTUN KHWA PESHAWAR**



E-Mail Address: [info@kpk.gov.pk](mailto:info@kpk.gov.pk) Phone: 091-9210187, 9210196 Fax: 091-9210230

**OFFICE ORDER**

As approved by the concerned authority the services of M/s. Ghalib Begum Dai attached to the Bhawalpur District Mardan are hereby placed at the disposal of DHO Swabi for further posting under his control against the vacant post of Dai in the interest of public service with immediate effect.

Arrival/ departure report should be submitted to this Directorate for record.

Sd/xxxxxxx

**DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR.**

No 8474-28 /Personnel

Dated 4 /07/2019

Copy forwarded to the:-

- 1. DHO Mardan w/r to his letter No. 10204/DHO dated 03.07.2019.
- 2. DHO Swabi w/r to his letter No. 2841/G-Dai/DHO Swabi dated 11.06.2019.
- 3. DAO Swabi/ Mardan.
- 4. Official concerned.

For information and necessary action.

**ASSISTANT DIRECTOR (Ministerial)  
DIRECTORATE GENERAL HEALTH SERVICES, K.P PESHAWAR.**

*No 10426-20 DHO Dated 9-7-19  
Cpi forwarded to*

- 1- DHO Mardan:
- 2- 1/c BHU Bagh-e-cha Dheri
- 3 - Accountant DHO
- 4 - DHO civil
- 5 - Mst Shanzat Begum Jai

*District Health Officer  
Mardan*

*Not Attested*

**Hospital Director  
MTL Mardan**

MARDAN MEDICAL COMPLEX  
TEACHING HOSPITAL MARDAN

Date: 24/9/2018

To: Miss Rani Naz-Dhi (BPS-02)  
MTI MMC Mardan

Subject: Personal Hearing

Reference to the Service Tribunal announced decision on the removal case of Miss Rani Naz-Dhi (BPS-02) a de-novo inquiry to be held against your service.

Therefore, you are directed to appear in person to the Committee Room of Hospital Director at 10:00 am on dated 25/09/2018 in order to justify your position in this regard, please.

  
Nursing Director  
MTI MMC Mardan

forwarded for information to;

- Hospital/Medical Director, MTI MMC, Mardan
- Manager HR& OD, MTI MMC, Mardan
- All committee members
- Secretary BoGs, MTI MMC, Mardan



Hospital Director  
MTI Mardan

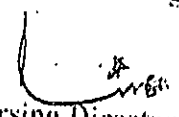
MARDAN MEDICAL COMPLEX  
TEACHING HOSPITAL MARDAN  
No. 762-9-30/MC/9/17  
Date: 29/10/2018

1. Director, Medical Superintendent  
MMC Mardan  
2. Miss. Rani Naz-Dhi (BPS-02)  
MTI MMC Mardan

Subject: Personal Hearing

Reference to the Service Tribunal announced decision on the removal case of Miss Rani Naz-Dhi (BPS-02) a de-novo inquiry is to be held for further proceeding the matter.

Therefore, you are requested to appear in person to the Committee Room of Hospital Director at 10:00 am on dated 06/11/2018 in order to justify your position in this regard, please

  
Nursing Director  
MTI MMC Mardan

is forwarded for information to;

- Hospital Medical Director, MTI MMC, Mardan
- Manager HR& OD, MTI MMC, Mardan
- All committee members
- Secretary BoGs, MTI MMC, Mardan



Hospital Director  
MTI Mardan

(24)

Annexure (E)

(1989)

MARDAN MEDICAL COMPLEX  
TEACHING HOSPITAL MARDAN

No. 7487-91/MTI/MMC  
Dated: 22-10/2018

The Registrar,  
Khyber Pakhtunkhwa-Service Tribunal  
Peshawar.

ORDER/JUGEMENT IN APPEAL No.1241/2014,Mst.Rani Naz

Reference to your kind office letter No.723/ST dated 14-04-2018 on the subject cited above. Enclosed please find here the De-novo-inquiry report for further necessary action, please.

Hospital Director  
MTI/MMC-Mardan

Copy forwarded to:

- 1. Medical Director,MTI,MMC-Mardan
- 2. All committee members
- 3. Dr.Mohammad Zaheen (Ex-MS-MMC)
- 4. Miss.Rani Naz Dhari, MTI,MMC-Mardan

Hospital Director  
MTI/MMC-Mardan

*Handwritten signature*  
Attested

MARDAN MEDICAL COMPLEX  
TEACHING HOSPITAL MARDAN

No. 2466/MTI/MMC  
Dated: 20-10/2018

COMMITTEE RECOMMENDATION

Introduction:

In light of the seriousness of these allegations against Miss: Rani Naz Dhai (BPS-02), this committee was constituted by the competent authority on dated 03-09-2018, to probe into the matter by conducting a de-novo inquiry as per direction of the Hon: Service Tribunal.

This committee was comprised on Nursing Director-Miss:Mehrunnisah, Manager (M&Q) Mr.Hameed zaib and OT technician Mr.Afrasiyab.

Methodology:

The committee issued a notice to Miss.Rani Naz for personal hearing and proceeded the matter accordingly.

Unfortunately, Miss.Rani Naz did not appear in person for hearing to the inquiry committee.

Conclusion:

After thoroughly reviewed the decision of the Hon:Service Tribunal ,this committee suggested the following to facilitate the employee and to make sure compliance on the direction of Hon: Service Tribunal :

1. The legal advisor MMC may be directed to put a request on the behalf of institution for at least one month extension of the court proceeding, to provide maximum opportunity to the employee for defense.
2. The Hon: Service Tribunal may intimate the employee for personal hearing to the inquiry committee.
3. The Manager-HR may guide the competent authority in exercise of the powers/on prescribed rules regarding Efficiency & Discipline) in this regard.
4. The ex-legal advisor MMC Mr.Dolat khan may be directed to handover the personal file of employee-Miss:Rani Naz to MMC for further proceeding of this inquiry.

Submitted for approval & further necessary action, please

Manager (M&Q) Mr.Hameed:zaib (Member)      OT Technician Mr.Afrasiyab (Member)

Chairperson of the Committee  
Nursing Director Miss:Mehrunnisah

Hospital Director

Copy to:

1. Medical Director,MTI,MMC-Mardan
2. All committee members
3. Miss.Rani Naz Dhai, MTI,MMC-Mardan

*Handwritten signature*  
Attested

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawer.
2. Section Officer (Lit-II),Health Department, Khyber Pakhtunkhwa, Peshawer
3. PA to Director General Health Services, Khyber Pakhtunkhwa,Peshawer

Hospital Director  
MTI Mardan

(26) (18) 3  
Mardan Medical Complex,  
Teaching Hospital Mardan  
No. 8918-19/III, MMC

Dated, 29/12 /2018

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

Subject: REINSTATEMENT OF MST. RANI NAZ DAI

Dear Sir,

Mst. Rani Naz was working as Dai BPS-02 at MMCTH from 07/07/2007 to 06/05/2014 on regular basis. She was removed from services on 07/05/2014 under E&D Rules 2011.

She appealed in service tribunal and the KPK Service Tribunal Peshawar ordered for re-instatement of Mst. Rani Naz.

The posts of Dais are filled by MTI, MMC whereas her arrival cannot be accepted at this hospital.

Therefore it is requested to adjust Mst. Rani Naz out of MTI, MMC as per honorable court orders.

Her personal file and Honorable Court Judgment will be provided as and when required.

Hospital Director  
MTI, MMC Mardan

CC to:

1. Litigation officer MTI, MMC Mardan
2. Personal file of Mst. Rani Naz

OC  
Attested

Medical Teaching Institute

Mardan Medical Complex, Mardan

Tariq Mehmood  
Hospital Director

3556-57

MTI/MMC

Dated 12/6 /2019

Director General

Health Services Khyber Pakhtunkhwa Peshawar

Subject: EXECUTION PETITION NO.200/2018 IN SERVICE APPEAL  
NO.1241/2014- RANI NAZ VERSUS GOVERNMENT OF  
KHYBER PAKHTUNKHWA AND OTHERS.

Dear Sir,

With reference letter No. 2895-96/personnel dated 26/03/2019 and refer to letter no.496-500/AD (Lit) Dated 29/01/2019 on the subject, it is stated that the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar has directed that orders of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar to be implemented by Respondent No.2 i.e. Director General Health Services Khyber Pakhtunkhwa as the appellatant is a Civil Servant.

Furthermore as per Para No.04. of the decision of the Honorable Khyber Pakhtunkhwa Service Tribunal that the appellatant is a civil servant therefore, competent authority is the District Health officer and not the Chief Executive/HD MTI-MMC Mardan.

It is worthy to note that MMC Mardan is declared as MTI in 2016, wherein the undersigned has filled all the position of DAI at MTI- Mardan.

Keeping in view, the above points the undersigned has no remedy to adjust her at MTI-Mardan.

It is suggested that her services may be put on the disposal of District Health officer being declared as competent authority by the Honorable Court.

Hospital Director  
MTI, Mardan

CC to:

1. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Section Officer (Lit-II), Health Department, Khyber Pakhtunkhwa, Peshawar
3. PA to Director General Health Services, Khyber Pakhtunkhwa, Peshawar

Hospital Director  
MTI, Mardan

District Health Department - Mardan  
DISTRICT HEALTH OFFICER  
Mardan (Khyber Pakhtunkhwa)  
Phone: (9937) 9230030 Fax: (9937) 9230283  
Email: mardandho@gmail.com

All communications should be  
addressed to the District Health  
Officer and not to any other  
name.

No. 907-08 /DHO dated 21/1/2020

- 1. Rani Naz (Dai)
- 2. Shahzeb Khan (Ward Orderly)
- CD Guli Bagh

Subject: Warning

As per visit of Independent Monitoring Unit Mardan, and communicated vide no. IMU/Health  
2019-20/68 DMO, Mardan. Monthly Report December, dated 09-01-2020, you were found late  
for duty on 13.12.2019.

You are warned to be careful in future otherwise strict action will be initiated against you as per  
rules.

District Health Officer  
Mardan

No. 909-10 /DHO Dated: 21/1/2020

Copy forwarded to the:

- 1. Divisional Monitoring Officer, IMU Mardan.
- 2. DHIS Cell, DHO office Mardan.

District Health Officer  
Mardan



24

DISTRICT HEALTH OFFICER  
MARDAN (Khyber Pakhtunkhwa)

All communications should be addressed to the District Health Officer Mardan and not to any other office.

2/5

No. 11025

/DHO

Dated: 21/08/2020

To

Mst. Rami Naz, Dai  
CD Guli Bagh Mardan

EXPLANATION

During the visit of the undersigned on dated 15.08.2020 to CD Guli Bagh, you were found absent from your place of duty because you left the hospital early before the closing hours i.e 2:00 pm without any information or prior permission from the In-charge of your health facility. Your attitude toward duty is not accepted and against the rules/regulations.

You are directed to explain your position within 03 days of the receipt of this communication; otherwise, disciplinary action will be taken against you under E&D rules.

District Health Officer  
Mardan

No. 11026

/DHO

Copy forwarded to the In-charge CD Guli Bagh Mardan for information.

District Health Officer  
Mardan

**DISTRICT HEALTH OFFICER  
MARDAN (Khyber Pakhtunkhwa)**

Ph: H (0937) 9230030 Fax: H (0937) 9230283  
Email: mardandho@gmail.com

All communications should be addressed to the District Health Officer Mardan and not to any official by name

No. 1715052 /DHO Dated: 21/09 /2021

1. Dr. Akif Jehangir, MO
2. Mr. Sadre Alam, Pharmacy Technician
3. Mst. Rani Naz, DA  
CD Guli Bagh.

**EXPLANATION :**

On the directions of the undersigned, Mr. Riaz Ali, DSV EPI has paid visit to CD Guli Bagh on 19/09/2021. He reported that you all were found absent from your place of duties without any information/prior permission from the competent authority. Your such irresponsible attitude towards Govt: duty is not accepted and against the rules/regulations.

You are directed to explain your position within 03 days of the receipt of this letter. Otherwise, strict disciplinary action will be taken against you.

District Health Officer  
Mardan

17153 /DHO

Copy forwarded to the:

1. Accountant DHO Office Mardan is directed to deduct one day pay from the above named officer/officials.

District Health Officer  
Mardan

*(Handwritten signature)*



District Health Department - Mardan  
**DISTRICT HEALTH OFFICER**  
**Mardan (Khyber Pakhtunkhwa)**  
 Ph: # (0937) 9230030 Fax: # (0937) 9230283  
 Email: mardandho@gmail.com

All communications should be addressed to the District Health Officer and not to any official by name.

26

No. 4839 /DHO dated 10/10/3/2022

Facility Incharge,

**Warning and deduction of 01 day Salary**

As per visit of Independent Monitoring Unit Mardan in the month of Feb 2022, following health staffs were found absent from duty on the dates mentioned in front of their names.

S.#	Name	Designation	Health Facility	Absentee date
1.	Hajira	LHV	BHU Shamoza	01.02.2022
2.	Sajjad Ali	Ward Orderly	BHU Shamoza	01.02.2022
3.	Siyab Khan	Sweeper	BHU Shamoza	01.02.2022
4.	Jamila	LHV	BHUMian Khan	01.02.2022
5.	Abbas Khan	Ward Orderly	BHU Akbar Abad	11.02.2022
6.	Zakarya	Ward Orderly	BHU Chargulli	10.02.2022
7.	Dr. Noorul Karim	MO	BHU Jamal Garhi	22.02.2022
8.	Nagina Firdos	LHV	BHU Pir Saddo	21.02.2022
9.	Dr. Sundas Gul	WMO	BHU Baghicha Dheri	19.02.2022
10.	Bakht Zaman	EPI Technician	BHU Garhyala	19.02.2022
11.	Abdur Rehman	Ward Orderly	BHU Kati Garhi	21.02.2022
12.	Baroz Khan	Ward Orderly	BHU Kati Garhi	21.02.2022
13.	Yasir	Ward Orderly	BHU Kati Garhi	21.02.2022
14.	Abid Ali	MT	THQH Takht Bhai	09.02.2022
15.	Dr. Shafiq	MO	THQH Takht Bhai	09.02.2022
16.	Gulnaz	MT	THQH Takht Bhai	09.02.2022
17.	Haslat	MT	THQH Takht Bhai	09.02.2022
18.	Dr. Kalsoom	WMO	THQH Takht Bhai	09.02.2022
19.	Dr. Faheem	MO	THQH Takht Bhai	09.02.2022
20.	Javed	Dai	THQH Takht Bhai	09.02.2022
21.	Dr. Munira Shah	WMO	CD Sikandari	05.02.2022
22.	Shazia	Dai	CD Sikandari	05.02.2022
23.	Rani Naz	Dai	CD Tambulak	16.02.2022
24.	Dr. Reema Gul	WMO	CD Guli Bagh	19.02.2022
25.	Dr. Malceha Farhat	WMO	CD Sheikh Yousaf	23.02.2022
26.	Sumaira	Dai	CD Sheikh Maltoon	24.02.2022
27.	Sameena Jabcen	LHV	CD Sheikh Maltoon	24.02.2022
28.	Dr. Uzma Ihsan	WMO	CD Daga Piran	23.02.2022
29.	Khursheed Alam	MT	CD Daga Piran	23.02.2022
30.	Ahmad Nabi	MT	TDH Shahbaz Garhi	03.02.2022
31.	Atta Ullah	MT	TDH Katlang	07.02.2022
32.	Ibrahim	MT	TDH Katlang	07.02.2022
33.	Ravaid	Sweeper	TDH Katlang	07.02.2022
34.	Dr. Usman	Ward Orderly	TDH Katlang	07.02.2022
35.	Zawar	Dental Surgeon	TDH Katlang	07.02.2022
36.	Dr. Imtiaz	MT	TDH Katlang	07.02.2022
37.	Irfan Sr.	PMO	TDH Toru	07.02.2022
38.	Islam	MT	TDH Toru	07.02.2022
39.	Dr. Faiza Maqsood	Lab Technician	TDH Katlang	08.02.2022
		WMO	TDH Shahbaz Garhi	23.02.2022

*[Handwritten signature]*  
 Attested

S.#	Name	Designation	Health Facility	Absentee date
42	Dr. Hosh Abid	WMO	TDH Rustam	25.02.2022
43	Dr. Beenish	WMO	TDH Rustam	09.02.2022
44	Noor Ul Islam	MT	TDH Rustam	09.02.2022

No. /DHO Dated: / /20

District Health Officer  
Mardan

Copy forwarded to the:

1. Divisional Monitoring Officer, IMU, Mardan.
2. DHIS Cell, DHO office Mardan.
3. Accountant DHO office Mardan.
4. Officers/ Official concerned.

District Health Officer  
Mardan

*[Handwritten signature]*

District Health Department - Mardan  
**DISTRICT HEALTH OFFICER**  
 Mardan (Khyber Pakhtunkhwa)  
 Ph: (0937) 9230031 Fax: (0937) 9230283  
 Email: mardan.dho@imall.com

All communications should be addressed to the District Health Officer, Mardan Officially by name.

No. 16112-14 / DHO dated 7/8/2022

Facility In-charge  
 Subject: Warning

As per visit of Independent Monitoring Unit Mardan in the month of Aug 2022, the following health staffs were found late for duty on the date mentioned in front of their names.

S.#	Name	Designation	Health Facility	Date
1.	Musa Khan	EPI Technician	BHU Kodinaka	04.08.2022
2.	Dr. Sadaf Mobin	WMO	BHU Kodinaka	04.08.2022
3.	Noor Ullah	Ward Orderly	BHU Sharnet Pur	03.08.2022
4.	Dr. Abdul Wali	MO	BHU Baghicha Dheri	16.08.2022
5.	Imran Khan	Ward Orderly	CD Chamtar	02.08.2022
6.	Dr. Shaha	WMO	CD Guli Bagh	16.08.2022
7.	Rani Nazia	Dai	CD Guli Bagh	16.08.2022
8.	Dr. Farah Huma	WMO	TDH Toru	03.08.2022
9.	Haris	Electrician	TDH Toru	03.08.2022
10.	Sulaiman	MT	TDH Toru	03.08.2022
11.	Shah Faisal	Ward Orderly	TDH Toru	03.08.2022
12.	Saqib	Dental Technician	RHC Shergarh	03.08.2022
13.	Hayat	Lab Technician	RHC Manga	05.08.2022
14.	Dr. Inam Ullah	MO	RHC Manga	05.08.2022
15.	Irfan Habib	MT	RHC Manga	05.08.2022
16.	Dr. Sadaf Zeb	Dental Surgeon	RHC Manga	05.08.2022
17.	Seema Gul	EPI Technician	RHC Manga	05.08.2022

No. 16112-14 DHO Dated: 7 / 8 / 2022

*[Signature]*  
 District Health Officer  
 Mardan

- Copy forwarded to the
1. Divisional Monitoring Officer, IMU Mardan.
  2. DHIS Cell, DHO office Mardan.
  3. Officers/ Official concerned.

*[Signature]*  
 District Health Officer  
 Mardan

*[Handwritten signature]*  
*[Handwritten signature]*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH MARDAN.

APPOINTMENT ORDER  
(As Female Quota)

As a result of interview held on 30/4/2007 & on the recommendation of the Departmental Selection Committee Mst. Rani Naz W/O Khan Masih House #7 DHQ Hospital Mardan is hereby appointed as DA (BPS-2) on regular basis plus usual allowances as admissible. Her under the rule she will be allowed Govt fund instead of Pension fund which will be paid by both Govt & Govt at the rate of 10% according to the Civil Servant Act 1973 and according to the 2002 contract policy & Amendment Act 2005 rules No. 19 vide his S&GAD Notification No. SO-6 (E&AD) 1-13 dated 10/8/2005 and also according to the Finance Notification No. 801/5-8/2006-07 /FD dated 13/12/2006 and also according to the Govt : of NWFP Establishment Department Peshawar vide his letter No. 6 (E&AD 1-3 2007 dated 22/3/2007 received through DCO Mardan vide his letter No. 4136-42 dated 9/4/2007 and posted at Mardan Medical Complex Mardan on the following terms and conditions:-

TERMS & CONDITION

- 1 Her appointment is purely on contract basis for a probation period of one year and is liable to termination at any time without assigning any notice or reason
- 2 She will not be entitled to any TA/DA for her medical examination.
- 3 She is declared medically fit for Govt; Service.
- 4 She is liable to serve any where in the District as well as in NWFP.
- 5 She will be governed by such Service rules and order as framed by the Government from time to time for the category of government servants to which she belongs
- 6 If She intends to resign his services, she will give two months notice in advance or Deposit one-month salary in lieu thereof to Government
- 7 Her probation period can be regularized after one year according to the Govt Policy if her performance is found satisfactory.
- 8 If She wishes to resign her service, She should give two months notice in advance or forfeit one-month pay in lieu thereof to government.

If She accepts the above-mentioned terms and conditions, she should report to the Deputy Administrator MMC Mardan for duty on hir own expenses within seven days after the receipts of this letter otherwise her appointment order will be considered as cancelled.

Executive District Officer  
Health Mardan.  
11/10/2007.

No. 9371-74 /EDO(H) Mardan Dated The  
A copy is forwarded to the: -

1. District Coordination Officer Mardan
2. District Account Officer Mardan
3. Deputy Administrator MMC Mardan
4. Mst. Rani Naz W/O Khan Masih House #7 DHQ Hospital Mardan  
for information and n/action

*[Signature]*  
Executive District Officer  
Health Mardan

*[Signature]*  
Attested

7 Annexure (B)



MARDAN MEDICAL COMPLEX  
TEACHING HOSPITAL MARDAN

No. 3591-96/MMC

Dated 7/5/2014

OFFICE ORDER

In exercise of the powers conferred by Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, after observance of all codal formalities, the charges have been proved against Mst Rani Naz Dai (BPS-02) Mardan Medical Complex Teaching Hospital Mardan. Thus the undersigned being a competent authority is hereby ordered to impose upon her the penalty specified under Rule 4 (b) iii Removal from Service with immediate effect.

Zulwan  
CHIEF EXECUTIVE

Copy forwarded to;

- 1. PS to Secretary to Govt. of KPK Health Department Peshawar.
- 2. Director General Health Services KPK, Peshawar
- 3. M.S. MMCTH, Mardan
- 4. DAO Mardan
- 5. Accounts Officer MMCTH Mardan
- 6. Mst Rani Naz Dai.

*[Handwritten signature]*  
Attested

Received from *[Handwritten name]*  
~~by hand to my~~  
by hand to my 29/5/2014  
*[Handwritten signature]*  
S/O *[Handwritten name]*



Dated 24/4/2014

SHOW CAUSE NOTICE

Dr. Ziauddin Khan, Chief Executive, Mardan Medical Complex Teaching Hospital, Mardan, as competent authority, under the Khyber Pakhtunkhwa Govt. (Penalty and Discipline) Rules, 2011, do hereby serve you, Mst Rani Naz, DA/BPS-2 MMCTH Mardan as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing.
- (ii) on going through the findings and recommendations of the inquiry committee, the material on record and other concerned papers including your defence before the inquiry committee.

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules.

- a. Inefficient about your duties
- b. Guilty of Misconduct
- c. Guilty of habitually absenting herself from duty without prior approval of the competent authority.

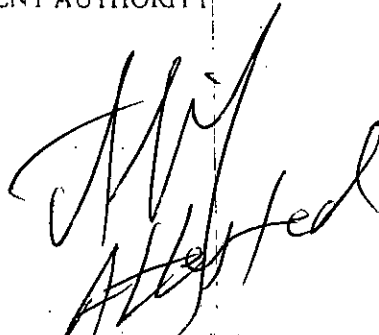
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of **Removal from Service** under rule 4 of the said rules.

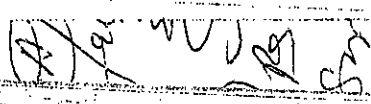
3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry committee is enclosed.

  
COMPETENT AUTHORITY

  
Attested





BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. 1241/2014

Date of institution ... 16.10.2014  
Date of judgment ... 05.03.2018



Mst. Rani Naz W/o Emmanuel Javed.  
No House No. 7 District Head Quarter Hospital Mardan.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Health, Civil Secretariat, Peshawar.
2. Director General Health, Civil Secretariat Peshawar.
3. Chief Executive Mardan Medical Complex, Teaching Hospital Distt: Mardan.
4. M.S Zaeen Khan, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
5. Professor Dr, Muhammad Israr, Mardan Medical Complex, Teaching Hospital Distt: Mardan.
6. Gul Afsar Khan, Wardan Mardan Medical Complex, Teaching Hospital Distt: Mardan.

(Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT 1974 AFTER LAPSE OF THE ACQUIRED PERIOD BY LAW AGAINST THE DEPOSED ORDER OF REMOVAL FROM SERVICE OF APPELLANT BY LETTER NO. 3591-96 DATED 07.05.2014 WHICH PASSED AGAINST THE LAW AND WITHOUT LAWFUL AUTHORITY AS WELL AS AGAINST THE NATURAL LAW.

Mr. Muslim Shah Aryani, Advocate.  
Mr. Ziaullah, Deputy District  
Barrister Babar Shehzad Imran, Advocate

For appellant.  
For respondents No. 1 & 2.  
For respondent No. 3 to 6.

Mr. MUHAMMAD AMIN KHAN KUNDI  
MR. MUHAMMAD HAMID MUGHAL

MEMBER (JUDICIAL)  
MEMBER (JUDICIAL)

ATTESTED

JUDGMENT

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

MUHAMMAD AMIN KHAN KUNDI, MEMBER:- Learned counsel for the  
appellant present. Mr. Ziaullah, Deputy District Attorney for respondents No. 1 and 2  
and Barrister Babar Shehzad Imran, Advocate for respondents No. 3 to 6 also.

Wakalatnama is placed on record.

*[Handwritten Signature]*  
Attested

(10) 193

(2)

2/3

2. Brief facts of the case as per appeal are that the appellant was serving in Health Department as Dai (BPS-2). She was removed from service by respondent No.

3 i.e Chief Executive Mardan Medical Complex, Teaching Hospital Mardan on the allegation that she submitted application against M.S in police station Sheikh Maltoon as well as absence from duty vide order dated 07.05.2014. The appellant filed departmental appeal on 19.05.2014 but the same was also regretted by the departmental authority vide order dated 25.07.2014 hence, the present service appeal on 16.10.2014.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Health Department. It was further contended that the appellant was removed from service by respondent No. 3 i.e Chief Executive Mardan Medical Complex, Teaching Hospital Mardan on the allegation that she had filed complaint against respondent No. 4. It was further contended that the appellant is a civil servant therefore, competent authority is the District Health Officer and not the Chief Executive therefore, the impugned order was passed by the incompetent authority hence, same is illegal and liable to be set-aside on this ground alone. It was further contended that neither proper inquiry was conducted nor opportunity of hearing defence was provided to the appellant therefore, the appeal is liable to be accepted.

5. On the other hand, learned Deputy District Attorney for respondents No. 1 & 2 and Barrister Babar Shehzad Imran, Advocate for respondents No. 3 opposed the contention of learned counsel for the appellant and contended that appellant was disobedience and the impugned order was rightly passed by competent authority.

Perusal of the record reveals that departmental inquiry proceeding initiated against the appellant Mst. Rani Naz on the allegation that she

ATTESTED

neither charge sheet and statement of allegation were served on her nor the inquiry officer has recorded the statement of any witness during the inquiry proceeding nor opportunity of cross examination and defence was provided to the appellant during the inquiry proceeding. Meaning thereby that the inquiry proceeding was not conducted by the inquiry officer according to the prescribed rules and law. Furthermore, the appellant is admittedly a civil servant therefore, the Chief Executive who is not competent authority to issue any removal order of the appellant from service rather District Health Officer is the competent authority therefore, the impugned order has been passed by the incompetent authority is void and liable to be set-aside. As such we are constrained to accept the appeal and reinstate the appellant into service. However, the respondent-department is at liberty to conduct de-novo inquiry against the appellant in accordance with law and rules within a period of three months from the date of receipt of this judgment. The issue of back benefits will be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
05.05.2018

*Ed. M. Amin Khan Kundli*  
Member

*Ed. M. Hamid Rughal*  
Member

Certified to be true copy

Kh. M. A. Khan  
Secretary  
Peshawar

Date of Presentation of Petition 07-05-18  
 Number of Words 1200  
 Copying Fee 8-00  
 Urgent 7-00  
10-00

*Ali*  
Attended

Mardan Medical College

19/7/2019

Dated, 19/7/2019

To  
The Director General  
Health Services Khyber Pakhtunkhwa  
Peshawar

PROVIDENT PETITION NO. 200/2018 IN SERVICE APPEAL NO.  
12417/2019 - RANI NAZ VERSUS GOVERNMENT OF KHYBER  
PAKHTUNKHWA AND OTHERS

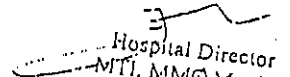
Sir,

With reference to Services Tribunal Khyber Pakhtunkhwa Judgment dated 5/3/2018 &  
DG Health letter No. 4416-20/Lit dated 9/7/2019. The arrival report of Mrs. Rani Naz is hereby  
accepted.

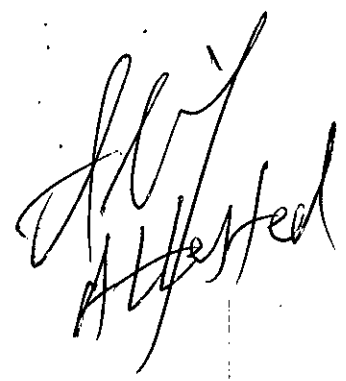
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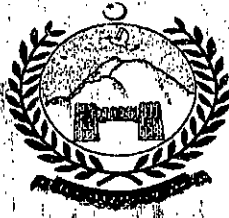
- 1. Deputy Hospital Director MTI, MMC Mardan
- 2. Director Finance MTI, MMC Mardan
- 3. Manager HR&OD MTI, MMC Mardan
- 4. Legal advisor MTI, MMC Mardan

2/3

  
Hospital Director  
MTI, MMC Mardan

  
Hospital Director  
MTI, MMC Mardan

  
Attested



**Mardan Medical Complex,  
Teaching Hospital Mardan**

No. 50-54-55/MMC/MTI

Dated, 30/7/2019

To

The Director General  
Health Services Khyber Pakhtunkhwa  
Peshawar

Sub; MST: RANI NAZ (DAI)

Sir,

In compliance to Honorable Service Tribunal decision and your office letter No.4416-20/Lit dated 09/07/2019 on the subject cited above, the arrival report of Mst Rani Naz Dai has been accepted. However as this hospital was declared as MTI in 2016, wherein all the position of Dai are already filled, so it is difficult for this institution to adjust her--.

Keeping in view the above Mst Rani Naz is hereby relived and her service are placed on the disposal of DG Health Services, Peshawar being decided as competent authority by the honorable Court with effect from date of her arrival.

Copy to:

1. Deputy Hospital Director MTI, MMC Mardan
2. Director Finance MTI, MMC Mardan
3. Manager HR&OD MTI, MMC Mardan
4. Legal advisor MTI, MMC Mardan
5. Mst. Rani Naz Dai

Hospital Director  
MTI, MMC Mardan

Hospital Director  
MTI, MMC Mardan

*Attested*  
5/7



حکومت خیبر پختونخوا

**DISTRICT HEALTH OFFICER  
MARDAN (Khyber Pakhtunkhwa)**

Ph: # (0937) 9230030 Fax: # (0937) 9230283  
Email: [mardandho@gmail.com](mailto:mardandho@gmail.com)

(14) Annexure (H)

All communications should be addressed to the District Health Officer Mardan and not to any official by name

37

**OFFICE ORDER:**

Reference to the Director General Health Services Khyber Pakhtunkhwa Peshawar letter No. 8525-27/Personnel dated 10/07/2019, Mst. Rani Naz W/O Emmanuel Javed, Dai (BS-04) is hereby reinstated into Govt. service in the light of Service Appeal No. 1241/2014 dated 05.03.2018 against the vacant post of Dai (BS-04) at BHU Baghicha Dheri Mardan with immediate effect in the best public interest.

District Health Officer  
Mardan

No. 113-18 /DHO dated Mardan the 19 / 7 /2019

Copy forwarded to the:

1. Director General Health Services Khyber Pakhtunkhwa Peshawar for information w/ref: to his letter No. quoted above.
2. District Comptroller of Accounts Mardan.
3. Hospital Director MTI-MMC Mardan.
4. Incharge BHU Baghicha Dheri Mardan.
5. DHIS Cell, DHO Office Mardan.
6. Accounts Section, DHO Office Mardan.
7. Official concerned.

District Health Officer  
Mardan

*Accepted*

محکمہ ٹریڈ ڈی. بی. سیٹیج آفسیسر کے پاس

مقامی

Annexure I

1

Handwritten signature

6-285

25/11/20

درخواست برائے ٹریڈ ڈی. بی. سیٹیج آفسیسر کے پاس

کہہ رہے ہیں۔ کہ ٹریڈ ڈی. بی. سیٹیج آفسیسر نے پہلے بھی آپ صاحبان کو درخواستیں  
 بھیجی ہیں۔ کہ مہنگی بجالی کے بعد عیرو لفتینہ تھوڑی نہیں ملی۔ جس  
 درخواست ٹریڈ ڈی. بی. سیٹیج آفسیسر نے 14 اگست کو جمع کروائی تھی۔ جس  
 پر آپ صاحبان نے ایک لیٹر کیا D.H.O والوں کو۔ وہ لیٹر آپ  
 صاحبان کی مہربانی سے سب کو بھی ملا۔ اس لیٹر کو لے کر ٹریڈ ڈی. بی. سیٹیج  
 آفسیسر کے جواب میں ان کا کہنا تھا  
 D.H.O ڈیپارٹمنٹ گئی۔ جس کے جواب میں وہ ان کا کہنا تھا  
 آپ کا مسئلہ MMC ڈیپارٹمنٹ کے حل کر دے گا۔ کیونکہ آپ  
 وہاں پر جا کر مڑی تھیں۔ اور آپ کا سارا ریکارڈ وہاں کے پاس  
 ہے۔ اور آپ نے پاس ایچ کیو میں پہلے Arrival کیا ہے۔  
 آپ ڈی. بی. سیٹیج آفسیسر صاحب کو اپنی درخواست دی ہے۔ کہ  
 ایک لیٹر آپ کے ٹریڈ ڈی. بی. سیٹیج آفسیسر کے پاس  
 لکھیں۔ تاکہ MMC کے مسئلے کو حل کر سکیں۔ مہنگی  
 صاحبان سے لیا گیا ہے۔ کہ ٹریڈ ڈی. بی. سیٹیج آفسیسر نے  
 لکھا ہے۔ تاکہ ٹریڈ ڈی. بی. سیٹیج آفسیسر کے مسئلے کو حل کر دے۔  
 آپ صاحبان سے لیا گیا ہے۔ تاکہ ٹریڈ ڈی. بی. سیٹیج آفسیسر کے  
 مسئلے کو حل کر دے۔

20/02/2020

رانی ناز ( )

Handwritten signature

میرے ایک بندے کی سزاؤں سے آپ سے التماس  
کرتا ہوں کہ اسے سزا سے چھٹکارا جائے۔

میرا نام محمد عزیز ہے۔ نہ میری سزا کی جائے۔ عمر ۲۰ سال  
۱۵/۱۰/۲۰۱۴ سے ۲۵/۰۳/۲۰۱۸ تک عزیز بھٹی سے عدالت کے فیصلے کے تحت

عزیز عدالت نے جی عزیز بھٹی کو بحالی کا آرڈر دیا  
۱۵/۱۷/۲۰۱۹ لپیٹ لیا۔

لپیٹ لیا۔ کہ اس عزیز بھٹی کا مسئلہ حل  
D.H.O کو لپیٹ لیا۔ لیکن وہ بھی سزا سے چھٹکارا نہیں  
ہوا۔ لیکن وہ بھی سزا سے چھٹکارا نہیں

۲۵/۰۲/۲۰۲۰ کو آپ صاحبان سے درخواست  
بندی سے ۲۵/۰۲/۲۰۲۰ کو آپ صاحبان سے درخواست  
لیکن آج تک میری سزا نہیں ہوئی۔ ایک بار پھر عزیز بھٹی

آپ صاحبان سے التماس کرتی ہے کہ میری سزا  
آپ صاحبان سے التماس کرتی ہے کہ میری سزا  
پھر سزا دیا جائے عزیز بھٹی آپ کی یہ درخواست  
ہوگی۔ اور آپ صاحبان کی لپیٹ لپیٹ لپیٹ لپیٹ

اپنی سزا سے چھٹکارا  
الواد علیہ

Handwritten signature and name



**DIRECTORATE GENERAL HEALTH SERVICES**  
**KHYBER PAKHTUN KHW A PESHAWAR**



Postal Address: [info@kphs.gov.pk](mailto:info@kphs.gov.pk) Office Phn 091-9210260 Ext. Exchange 09-9210127, 9210128 Fax # 091-9210225  
No. 2228 / Personnel Dated: 01 / 06 / 2022

The District Health Officer  
Mardan.

**Subject: APPLICATION FOR GAP PERIOD**

Enclosed please find herewith a copy of an application alongwith its enclosure submitted by Mst. Rani Naz Dai which is self explanatory for further necessary action with the remarks to implement the judgement of Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar in letter & spirit under intimation to this Directorate.

*[Signature]*  
DIRECTOR (ADMIN)  
DIRECTORATE GENERAL HEALTH  
SERVICES, K.P PESHAWAR.  
*[Signature]*

*Conduct de-novo  
Beneficiary of Two Officer*

*[Signature]*

*[Signature]*  
Attested



حکومت خیبر پختونخوا

~~ANNEXURE~~  
DISTRICT HEALTH OFFICER  
MARDAN (Khyber Pakhtunkhwa)

Ph: # (0937) 9230030 Fax: # (0937) 9230283  
Email: mardandho@gmail.com

All communications should be  
addressed to the District Health  
Officer Mardan and not to any  
official by name

**OFFICE ORDER:**

Reference Director General Health Services, KP Peshawar letter  
No. 2738/Personnel dated 01/06/2022 regarding implementation of the Judgement of  
Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar into the application of  
Mst. Rani Naz, Dai for her Gap Period, the following officers are hereby appointed as Inquiry  
Officers to conduct de-novo inquiry into the aforementioned case.

1. Dr. Ishaq, Coordinator IHP – DHO Office Mardan.
2. Dr. Sadia Liaqat, Surveillance Officer – DHO Office Mardan.

The Inquiry Officers are directed to submit a fact-finding report along with  
recommendations to the undersigned within 07 days positively.

District Health Officer  
Mardan

No. 14078-80 /DHO dated Mardan the 18/08/2022

Copy forwarded to the:

1. Director General Health Services, KP Peshawar for information w/ref: to letter  
No. quoted above.
2. Dr. Ishaq, Coordinator IHP – DHO Office Mardan.
3. Dr. Sadia Liaqat, Surveillance Officer – DHO Office Mardan.

District Health Officer  
Mardan

*[Handwritten Signature]*