



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

No. SOH-III/7-262/2022(Zahid Ali Khan/Rangeen Shah)
Dated the Peshawar 6th September, 2023

To

The Director General
Health Services Khyber Pakhtunkhwa
Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

7934

Dated 26-09-23

SUBJECT: EXECUTION PETITION NO.95 AND 96/2023 IN RESPECT OF APPEAL NO.1685/2020 AND SERVICE APPEAL NO.8817/2020 TITLED AWAL BADSHAH KHATTAK CLINICAL TECHNOLOGIST (BS-17) VS GOVT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT.

I am directed to refer to the subject noted above and to state that Section Officer (Litigation-II) Health Department has forwarded a copy of the judgment of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.1685/2020 in respect of Mr.Awal Badshah Ex-Clinical Technologist (BS-18) wherein the honorable Tribunal has directed that he salaries with effect from 01.0-6.2018 to 17.01.2020 due of his compulsory retirement may be allowed to the appellatant

2. Mr.Awal Badshah Khattak Ex-Clinical Technologists BS-17 was regular employee of the Health Department. The officer concerned who has been relieved by Dean KMC Peshawar on administrative ground based on back to back inquiries conducted by KMC and Provincial Ombudsman KPK for his willful absence and submission of fake inquiry report in the name of Provincial Ombudsman Peshawar for release of his salary with effect from 16.06.2016. He remained absent from duty 26.11.2013 to 01.07.2015 and 14.07.2015 to 06.06.2016.

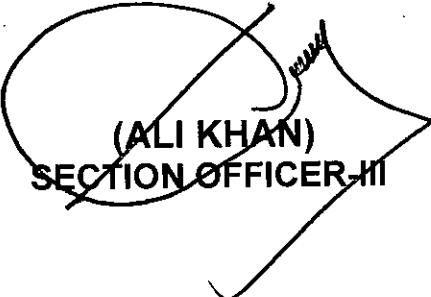
3. Health Department initiated disciplinary proceedings against the officer concerned under the E&D Rules, 2011 and the competent authority has imposed major penalty of Removal from Service upon the accused officer vide this Department Notification dated 17.01.2020 **(Copy enclosed)**.

4. The appellatant challenged this Department Notification dated 17.01.2020 in the Khyber Pakhtunkhwa through Service Appeal No.8817/2020 requesting therein for reinstatement into service. The Honorable Tribunal partially accepted the appeal of the appellatant and the major penalty of Removal From Service was converted into compulsory retirement from service vide judgment dated 19.10.2022.**(Copy enclosed)**. The subject case was sent to Law Department for filing of CPLA before the Supreme Court of Pakistan.

5. Subsequently Law Department thorough Advocate General Khyber Pakhtunkhwa filed CPLA No.152-P/2023 in the Supreme Court of Pakistan against the judgment of the Khyber Pakhtunkhwa Service Tribunal dated 19.10.2022. However, the decision of the August Court is pending.

6. The appellant filed another Service Appeal No.1685/2020 in the Khyber Pakhtunkhwa Service Tribunal requesting therein for release of his salary with effect from **01.06.2018 to 17.01.2020.** The Honorable Service Tribunal in its judgment dated 19.10.2022 directed the Department to release his salaries (**Copy enclosed**). The appellant filed Execution Petition No.95 and 96 in the Khyber Pakhtunkhwa Service Tribunal for implementation of the decision dated 19.10.2022. The next date of hearing is 15.09.2023,

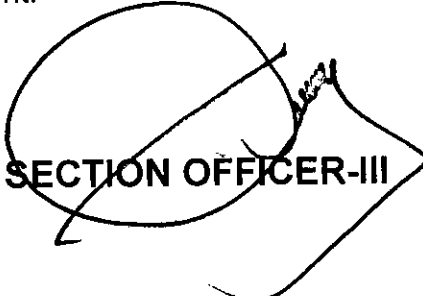
7. In view of the above it is therefore, requested that the salary in respect of Mr.Awal Badshah Khattak Ex- Clinical Technologist (BS-17) may be released with effect from **01.06.2018 to 17.01.2020** subject to the providing of Bank Surety Bond by the appellant, please.


(ALI KHAN)
SECTION OFFICER-III

Endst: of even no & date.

Copy forwarded to:-

- ✓ 1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar
2. Section Officer (Litigation-II) Health Department.
3. PS to Secretary Health Department, Peshawar.
4. PA to Deputy Secretary (Litigation) Health Department.
3. PA to Additional Secretary (E&A) Health Department.


SECTION OFFICER-III

EP 95,96/23

Amal Badshah

15-9

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