

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT ABBOTTABAD

Service Appeal No. 285/2015

Date of Institution... 03.04.2015

Date of decision... 20.11.2017

Mst. Shazia Bibi D/O Lal Khan (Ex-PHC Technician) Health Department  
Batagram R/O village Gulzarabad Kuza Banda, Tehsil and District, Battagram.  
... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Health Peshawar and  
two others. .... (Respondents)

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MR. HAMAYUN KHAN,  
Advocate

... For appellant.

MR. MUHAMMAD BILAL  
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN,

... CHAIRMAN  
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned  
counsel for the parties heard and record perused.

FACTS

2. The appellant was served with show cause notice on 10.06.2014 under the  
Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rule, 2011. She  
submitted reply to the show cause notice and thereafter the impugned order dated  
03.07.2014 was passed by the competent authority, imposing major penalty of removal

from service. Against this impugned order, the appellants filed departmental appeal on 15.07.2014 which was not responded to and thereafter the present appeal on 03.04.2015.

### ARGUMENTS

3: On the point of limitation, the learned counsel for the appellant referred to an application for condonation of delay submitted with the memorandum of appeal. The reason for condonation are the illness of the appellant coupled with delivery of a girl baby on 09.11.2014. In this regard the learned counsel for the appellant filed additional documents today. The learned counsel for the appellant further argued that no specific charge has been leveled in the show cause notice. That the charge is only in general term regarding violation of the rules/standard criteria of the Government in the appointment. That in the show cause notice the regular enquiry has not been dispensed with nor any enquiry was conducted. That no charge sheet and statement of allegations were served on the appellant as there was no enquiry at all. That it is not made known to the appellant that under which specific charge show cause notice has been served upon her. That only in the reply of the respondents in present appeal in para-4 it has been mentioned that the appellant was terminated on the ground of ambiguity found in the appointment of the appellant. That even in the impugned order no specific detail of proof of any charge has been mentioned. That in the light of such casual approach of the authority, the penalty imposed on the appellant, cannot be sustained.

4. On the other hand, the learned Deputy District Attorney, argued that the present appeal is time barred. That the certificates annexed with the appeal and the documents submitted today are not sufficient for condonation of delay as these certificates do not give the result that the baby was born by the appellant. He further argued that the then DHO Batagram (Dr. Aqeel Bangash) had made certain appointments in violation of law and rules. That an enquiry was conducted against that DHO and in that enquiry certain

irregularities were pin pointed by the enquiry committee. That those illegalities/irregularities were made the basis of the show cause notices against the appellant. He further argued that there is no illegality in the disciplinary proceedings.

### CONCLUSION.

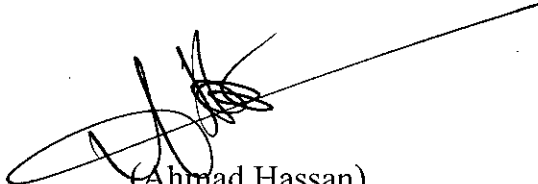
5. The appellant moved an application for condonation of delay as explained in the arguments portion of this judgment. The medical certificates regarding Hepatitis B and the delivery of the child of the appellant are sufficient reasons for condonation of delay. The delay is therefore, condoned.

6. The very show cause notice is in general term giving no specific detail of the charge/charges against the appellant. In absence of any specific charge/charges no proceedings could be initiated against the appellant. The authority has also not mentioned that why a regular enquiry was not being conducted. So much so that no order of dispensing with the regular enquiry was made by the authority much less the reasons for dispensing with the enquiry. It is clear from the above facts and circumstances' that the whole proceedings are illegal and cannot be sustained in the eyes of law. If any specific charge was leveled against the appellant, then that should have been mentioned in the show cause notice, at least. Non mentioning of this charge or any other charge, has deprived the appellant from defending herself in proper way.

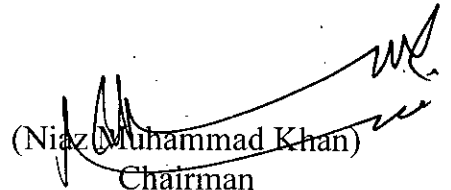
7. In view of the above, the appeal is accepted and the appellant is reinstated in service. However, the department is at liberty to conduct fresh enquiry by following the concerned law and rules and if the department decides that fresh proceedings should be initiated then those should be completed within a period of 3 months from the date of receipt of this judgment. The issue of back benefits of the appellants shall be subject to

the final outcome of denovo proceedings, if any. Parties are left to bear their own costs.

File be consigned to the record room.



(Ahmad Hassan)  
Member



(Niaz Muhammad Khan)  
Chairman  
Camp Court, A/Abad

ANNOUNCED

20.11.2017

285/2015

19.10.2017

\* Appellant with counsel and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Seeks adjournment. To come up for arguments on 20.11.2017 before the D.B at camp court, Counsel for the appellant seeks adjournment. To come for arguments on 20/11/2017 before the D.B at camp court, Abbottabad.

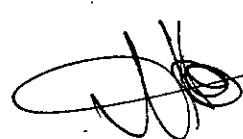
  
Member

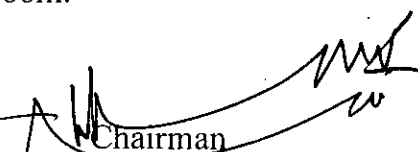
  
Chairman  
Camp court, A/Abad.

20.11.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Amjid Ali, Assistant for the respondents present. Arguments heard and record perused. .

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own cost. File be consigned to the record room.

  
Member

  
Chairman  
Camp Court, A/Abad.

ANNOUNCED  
20.11.2017

19.10.2017

Counsel for the appellant and Mr. Amjad Ali, Assistant and Feroz Khan, Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Counsel for the appellant seeks adjournment. To come up for rejoinder and final hearing on 15.3.2017 before the D.B at camp court, Abbottabad.

Member

Chairman  
Camp Court, A/Abad

15.03.2017

Appellant in person and Mr. Muhammad Siddique Sr.GP alongwith Mr. Amjad Ali, Assistant for the respondents present. Rejoinder not submitted. Requested for adjournment. To come up for rejoinder and final hearing before the D.B on 21.08.2017 at camp court, Abbottabad.

Chairman  
Camp Court, A/Abad

21.08.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Rejoinder submitted. The learned DDA seeks adjournment to go through the record. Adjourned. To come up for final hearing before the D.B on 19.10.2017 at camp court, Abbottabad.

Member

Chairman  
Camp court, A/Abad


20.08.2015

Counsel for the appellant and Mr., Muhammad Tahir Aurangzeb, GP for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 16.11.2015 before S.B at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad

16.11.2015

Counsel for the appellant and Mr. Amjad Ali, Assistant alongwith Mr. Muhammad Siddique, Sr.G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 16.5.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad.

16.05.2016

Counsel for the appellant and Mr. Muhammad Siddique, Sr.GP for the respondents present. Counsel for the appellant seeks adjournment being indisposed. Adjourned for rejoinder and final hearing to 19.10.2016 before D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad,

22.4.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as PHC Technician in BPS-9 on 1.10.2013 and vide impugned order dated 3.7.2014 her services were terminated after serving for about 8 months regarding which she preferred departmental appeal on 15.7.2014 which was not responded and that meanwhile the appellant fell ill and there-after preferred service appeal on 3.4.2015.

That the appointment of the appellant was made by the competent authority in the prescribed manners and as such the impugned order her removal from service is a nullity in the eye of law.

Points urged need consideration. Admit, subject to limitation.

Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 16.6.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

16.6.2015 Appellant with counsel and Mr. Shah Rehman, Assistant alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 20.8.2015 before S.B at camp court A/Abad.

  
Chairman  
Camp Court A/Abad

Appellant Deposited  
Security & Process Fee

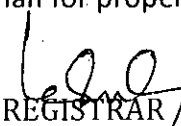





Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 285/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.04.2015	<p>The appeal of Mst. Shazia Bibi presented today by Mr. Hamayun Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper-order.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>22-4-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 285 /2015

Mst. Shazia Bibi daughter of Lal Khan (Ex-PHC Technician Health Department Battagram) resident of Village Gulzarabad Kuza Banda, Tehsil & District, Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Health, Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

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4.	Copy of show cause notice	18	"C"
5.	Copy of reply	19	"D"
6.	Copy of order dated 03/07/2014	20	"E"
7.	Copy of departmental appeal	21	"F"
8.	Copy of medical prescription	22-32	"G"
9.	Wakalatnama.		

  
...APPELLANT

Dated: 26/3 /2015

Through

  
(HAMAYUN KHAN)  
Advocates High Court Abbottabad

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

Service Appeal No. 285 /2015

Mst. Shazia Bibi daughter of Lal Khan (Ex-PHC Technician Health Department Battagram) resident of Village Gulzarabad Kuza Banda, Tehsil & District, Battagram.

...APPELLANT

VERSUS

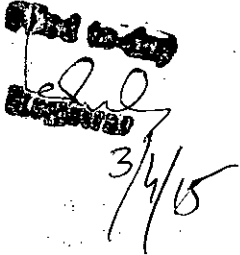
A.W.F. Province  
Service Tribunal  
Diary No 298  
Dated 03-11-2015

1. Govt. of Khyber Pakhtunkhwa, through Secretary Health, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Battagram.

...RESPONDENTS

**APPEAL** UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974,  
READ UPTO DATE AMENDMENT, AGAINST THE  
IMPUGNED ORDER DATED 03/07/2014 PASSED BY  
RESPONDENT NO. 3 WHICH IS ILLEGAL,  
UNLAWFUL, ABI-INITIO, VOID, AGAINST THE  
PRINCIPLE OF NATURAL JUSTICE, AND LIABLE  
TO BE SET ASIDE.

---

  
3/4/15

**PRAYER:** ON ACCEPTANCE OF THIS APPEAL,  
ORDER DATED 03/07/2014 MAY KINDLY BE  
DECLARED NULL AND VOID AND APPELLANT  
MAY GRACIOUSLY BE REINSTATED  
ALONGWITH ALL BACK BENEFITS.

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Respectfully Sheweth: -

Brief facts giving rise to the instant appeal are as under:-

1. That the appellant was appointed as ~~PHC~~ in BPS-09 in District Health Department, Battagram on the basis of LHV Diploma alongwith higher qualification of ~~M.A.~~ Copy of appointment order and academic documents are annexed as Annexure "A" & "B".
2. That thereafter appellant submitted her medical fitness certificate and made arrival.
3. That ~~after~~ jointing service appellant continuously performed duty with ~~full~~ devotion and liability. There had no complaint in respect of duty against the appellant.

4. That on 10/06/2014 respondent No. 3 issued show cause notice through order No. 8181-82/ENQ dated 10/10/2014 with fake and self made allegation (I am satisfied That your recruitment is violation of APT rules and punishable order the E&D rules as specified in rules 3 of the said rules without including (D&C). Copy of show cause notice is annexed as Annexure "C".
5. That after receiving show cause notice issued by respondent No. 3, appellant submitted reply of the said notice within due time and prescribed all detail of process which is conducted by respondents from advertisement to till final appointment letter. Copy of reply is annexed as Annexure "D".
6. That on 03/07/2014 respondent No. 3 issued impugned order imposed major penalty of removal from service through order dated 03/07/2014 without any reason, illegally on the basis of self made so-called inquiry and allegation. Copy of order dated 03/07/2014 is annexed as Annexure "E".
7. That against the impugned order dated 03/07/2014 appellant filed departmental appeal before the

respondent No. 2. Copy of departmental appeal is annexed as Annexure "F".

8. That after filing departmental appeal appellant became seriously ill and suffer Hepatitis-B&C and started treatment and still her Health not recovered and she is under treatment. Copy of medical prescription is annexed as Annexure "G".

9. That till date respondent No. 2 not passed any order on the departmental appeal and similarly not given any response hence the instant appeal on the following grounds;-

**GROUNDS:-**

- a. That the act of respondent No. 3 is illegal unlawful, against the principle of natural justice.
- b. That respondent No. 3 issued show cause notice in respect of appointment of the appellant after 8<sup>th</sup> month from the date of appointment and joining of duty which is shows malafide of the respondent No. 3, hence order dated 03/07/2014 is liable to be set aside.

- c. That respondent did all proceeding with out touching the legal requirement of law, and procedure.
- d. That the act of respondent No. 3 is against the fundamental rights which is guaranteed in the constitution.
- e. That respondent No. 3 imposed major penalty without inquiry and personal hearing, hence order dated 03/07/2014 is liable to be set aside.
- f. That respondent No. 3 made self made allegation and issued show cause notice on the basis of political interference.
- g. That the appellant have no concerned with all allegation mentioned in show cause notice.
- h. That respondent No. 3 conducted all proceeding against the appellant through arbitrary manner and for personal revenge issued impugned order dated 03/07/2014.

- i. That order dated 03/07/2014 is clear violation of natural justice and against the principle of locus potentia.
- j. That respondent ignored that legal right accrued in favour of appellant and the said proceeding could not be initiate after joining of service.
- k. That other point would be argued at the time of argument with the kind permission of this Honourable court.

It is, therefore, respectfully prayed that on acceptance of this appeal, order dated 03/07/2014 may kindly be declared null and void and appellant may graciously be reinstated alongwith all back benefits.



...APPELLANT

Dated: 26/3 /2015

Through;



(HAMAYUN KHAN)

Advocates High Court Abbottabad

**VERIFICATION: -**

*Verified on oath that the contents of forgoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court*

...APPELLANT





**BEFORE THE SERVICE TRIBUNAL KHYBPER**  
**PAKHTUNKHWA PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2015

Mst. Shazia Bibi daughter of Lal Khan (Ex-PHC Technician Health Department Battagram) resident of Village Gulzarabad Kuza Banda, Tehsil & District, Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Health, Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Mst. Shazia Bibi daughter of Lal Khan (Ex-PHC Technician Health Department Battagram) resident of Village Gulzarabad Kuza Banda, Tehsil & District, Battagram, do hereby affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



DEPONENT

7

Identified by:-



(HAMAYUN KHAN)

Advocate High Court, Abbottabad

**BEFORE THE SERVICE TRIBUNAL KHYBPER**  
**PAKHTUNKHWA PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2015

Mst. Shazia Bibi daughter of Lal Khan (Ex-PHC Technician Health Department Battagram) resident of Village Gulzarabad Kuza Banda, Tehsil & District, Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Health, Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**APPLICATION FOR SOLICITING CONDONATION OF  
DELAY DUE TO ILLNESS IF ANY.**

=====

Respectfully Sheweth: -

1. That the titled appeal is being filed before this Honourable Court and contents of this application may please be read as an integral part of the same.
2. That appellant since last 8<sup>th</sup> months suffered in Hepatitis-B&C and under treatment and still her health not recovered.
3. That appellant is poor lady and performing role as head of family in the House.
4. That appellant have 7 dependent family member and living helpless due to termination order as well as illness of the appellant.

5. That it is well known principle justice should be on merit not on the technicalities.
6. That valuable rights of the appellant is involved.

It is, therefore, humbly prayed on acceptance of the instant application delay ~~may~~ if any kindly be condoned.

  
...APPELLANT

Dated: 26/3 /2015

Through

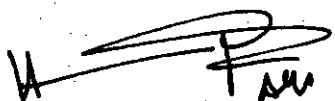
(HAMAYUN KHAN)  
Advocates High Court Abbottabad

**AFFIDAVIT:-**

I, Mst. Shazia Bibi daughter of Lal Khan (Ex-PHC Technician Health Department Battagram) resident of Village Gulzarabad Kuza Banda, Tehsil & District, Battagram, do hereby affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

  
DEPONENT

Identified by:-

  
(HAMAYUN KHAN)  
Advocate High Court, Abbottabad

Anneawe "A" 11

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: // (0997) 310507

Email: cdobtg@gmail.com

No. 2725-281 Dated 07/08/2013.

To,

Mrs Shahzia Bibi D/OLal Khan

R/O village Gulzar Abad Kuza Banda Tehsil District Battagram

Subject

APPOINTMENT AS PHC TECHNICIAN (MCH).

On the recommendation of Departmental Selection Committee Battagram held on 26.08 2013, you are hereby appointed as Primary Health Care Technician (MCH) in BPS- 09 (6200-380-17600) plus usual allowances as admissible under the rule on regular basis against the vacant post at Type D Hospital Banna with immediate effect with the following terms and conditions.

TERMS & CONDITION.

15. Initially you will be on probation for a period of one year's extendable for a further period of not exceeding one year.
16. Your service can be dispensed with during the probation period if you work and conduct is found unsatisfactory.
17. Your appointment will be subject to provide a Medical Fitness Certificate (Health & Age) From Medical Superintendent DHQ Hospital Battagram and verification of character and Antecedents/Educational Qualification etc.
18. No TA/DA will be allowed for joining the duty or obtaining the Medical fitness certificate
19. You will be governed by such rule and orders as may be issued by the Govt: from time to time for the category of Govt: Servant to which they belong.
20. You shall for all intents and purposes be Civil Servants except for the purpose of pension and gratuity. In lieu of the same you will be entitled contributory provident fund as per Govt: rules/instructions.
21. If you wish to resign from service you should submit 2 month prior notice or two month salary in lieu of.
22. Where you remain absent without leave for a period of seven (7) day you shall be deemed to have violated the relevant rule.
23. You shall be responsible for all utility bills and other charges of the residential accommodation as is applicable to the category of staff.
24. You shall be subject to all rules of Govt; pertaining to a civil servant in respect to efficiency and Discipline, conduct, Liability to criminal proceeding etc, and any special rules, Instruction issued by the Health Department specified to employee for breach of discipline or unsatisfactory service, The Health Department shall be competent to terminate the services of culprit without notice or compensation.
25. You are not permitted to do private practice open any clinics, Private dispensary or have any interest in any such private institutions.
26. No employee shall indulge in any trades, business or occupation or any activity, which is prohibited for a regular Govt; servants.
27. Your pay will be released on the verification of your professional or academic qualification certificates/degrees
28. If you accept the offer of appointment on above terms and conditions, you should report to undersigned office within 15 days from the issuance of this offer.

District Health Officer  
Battagram.

Copy forwarded to the:-

1. Director General Health Services KPK Peshawar for information.
2. District Accounts Officer Battagram for information
3. Accounts Section office of the undersigned.
4. Incharge Type D Hospital Banna Said for information

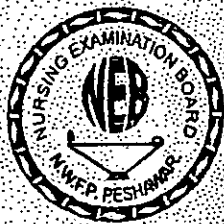
Attested  
[Signature]

District Health Officer  
Battagram.

Annexure <sup>or</sup> B<sup>or</sup> 12

S. No. 2337

# NURSING EXAMINATION BOARD



LHV Section 2 Examination

April 2005

Detailed Marks Certificate

Name: Miss Shazia Bibi D/O Lal Khan

Roll No. 172

The candidate secured the following marks and is placed in Second division.

Subjects	Marks		
	Allotted	Obtained	In words
Obstetrics			
Theory	100	50	FIFTY
Practical	100	50	FIFTY
Obstetrical Nursing			
Theory	100	59	FIFTY NINE
Practical	100	50	FIFTY
Total	400	209	TWO HUNDREDS AND NINE

Date 21-Jul-2005

Prepared by \_\_\_\_\_

*[Signature]*  
Controller

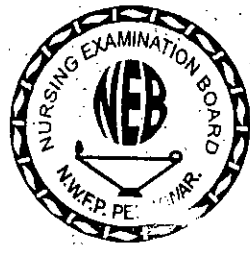
Nursing Examination Board  
NWFP, Peshawar

NOTE: Errors & Omission are Subject to subsequent rectification.

*Attested*  
*[Signature]*

S. No. 2100

# NURSING EXAMINATION BOARD



## LHV Section 3 Examination Session : April 2006 Detailed Marks Certificate

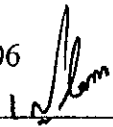
Name: Miss Shazia Bibi D/O Lal Khan


Roll No. : 89

The candidate secured the following marks and is placed in First division.

Subject	Allotted	Obtained	Marks
			In words
Group I			
Theory	100	60	SIXTY
Practical	100	70	SEVENTY
Group II			
Theory	100	67	SIXTY SEVEN
Practical	100	55	FIFTY FIVE
Group III			
Theory	100	68	SIXTY EIGHT
Practical	100	75	SEVENTY FIVE
Group IV			
Theory	100	59	FIFTY NINE
Practical	100	50	FIFTY
English 'A'	100	33	THIRTY THREE
English 'B'	100	39	THIRTY NINE
<b>Total</b>	<b>1000</b>	<b>576</b>	<b>FIVE HUNDREDS AND SEVENTY SIX</b>

Note: The marks obtained in English 'A' and English 'B' are not counted in division.

Date 28-May-2006  
Prepared by 

  
Controller  
Nursing Examination Board  
NWFP, Peshawar.

NOTE: Errors & Omission are Subject to subsequent rectification.

  
Attested

# Board of Intermediate & Secondary Education ABBOTTABAD



## DETAILED MARKS CERTIFICATE Intermediate Examination (Humanities Group) Part - II

S. No: A 93278

Session 200 / (Annual/Supplementary)

Name Shajira Bito

Father's Name Lal Khan

Roll No. 1578

SUBJECT	Subjects Marks	MARKS OBTAINED				REMARKS
		Part - I	Part - II	Total in		
				Figures	Words	
1. English	200			86		
2. Urdu	200			84		
3. Islamic Education	50			38		
4. Pakistan Studies	50					
5. Civ	200			97		
6. IS	200			99	Four Hundred &	
7. WA	200			92	Thirty Six only	
<b>Total</b>	<b>1100</b>			<b>436</b>	<b>EA</b>	

Note: Errors/Omissions/Cuttings excepted

Date 20 / 11 / 2002

Prepared by: [Signature]

Checked by: [Signature]

Controller of Examinations  
Board of Intermediate & Secondary Education  
Abbottabad

Attested  
[Signature]

GG. No. 58261

**Board of Intermediate & Secondary Education  
ABBOTTABAD**

**DETAILED MARKS CERTIFICATE  
Secondary School Certificate Examination  
(GENERAL GROUP)**



Session 19 97 (Annual/Supplementary)

Name Shazia Bibi  
Father's Name Lahd Khan Roll No. 2696

SUBJECT	Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
1. English	150	59	Four Hundred & eighty eight
2. Urdu	150	103	
3. Islamiyat Comp:	75	60	
4. Pakistan Studies	75	38	
5. Gen. Mathematics	100	37	
6. General Science	100	59	
7. <u>EHE</u>	100	61	
8. <u>IS.</u>	100	71	
<b>Total</b>	<b>850</b>	<b>488</b>	<b>C</b>

This Certificate is issued errors and omission excepted.

Prepared by: [Signature]  
Date 19

Checked by: [Signature]  
26 NOV 1997

Controller of Examinations  
Board of Intermediate & Secondary Education  
Abbottabad

Attested  
[Signature]



30035

S.B. /PC

Roll No. 1578

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

ABBOTTABAD  
N.W.F.P. PAKISTAN  
PROVISIONAL CERTIFICATE

INTERMEDIATE EXAMINATION

Session-2001

Annual/Supplementary

Human

Group

Shahzaib Babbar

THIS IS TO CERTIFY THAT

Son/daughter of

and a candidate of

Registered No.

has passed the INTERMEDIATE EXAMINATION of the

Board of Intermediate & Secondary Education, Abbottabad held in Oct 2001

as a Regular/Private candidate. He/She obtained

436

Marks out of 1100 and has

been placed in Grade (C-1) Representing

The Examination was taken as a whole/in parts

Prepared by

Checked by

Date of Preparation


Asstt. Secretary (certificates)

Attested  
[Signature]

SNo: 15739

**REVISED**

**HAZARA UNIVERSITY, MANSEHRA, NWFP, PAKISTAN**



**DETAILED MARKS CERTIFICATE**  
**BA ANNUAL 2006**

Roll No: 31557

Registration No: 03-P-794

Student's Name: Shazia Bibi

Father's Name: Lal Khan jadoon

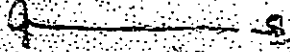
Institution/District: Mansehra

Part: Second

Course Name	Maximum Marks	Marks Obtained	Marks In Words	Remarks
1. English Compulsory	75	25	Twenty-Five	Pass
2. Pakistan Studies	40	23	Twenty-Three	Pass
3. Urdu	75	28	Twenty-Eight	Pass
4. Islamic Studies	75	40	Forty	Pass
5. Part I Marks (A) 2007	285	116	One Hundred & Sixteen	Pass
** Total	550	232		
Percentage	42.18 %			
Division	Third			



Prepared by: Cabar Khan

Checked by: 


Controller Examination  
Hazara University, Mansehra  
September 26, 2007

Attested  
H. J. Khan


**SHOW CAUSE NOTICE**

I, Dr. Mushtaq Ahmed Khan, District Health Officer, Battagram, as competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve you Mrs Shahzia Bibi D/O Lal Khan JPHCT (MCH) Department of Health District Battagram as follows:-

"You have been appointed in violation of the rules/standard criteria of the Government and therefore is guilty of misconduct as provided under Rules-2 Sub: para K(vi) of the E&D Rules 2011"

**I am satisfied that your recruitment is violation of the APT rules and punishable under the E&D Rules as specified in Rule-3 of the said rules. (without including her name in merit list and approval of DSC)**

1. In terms of Rules-5 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules-2011, I, as Competent Authority dispense with the enquiry as the charge is proved against you beyond any doubt and serve you with a show cause notice under Rule-7 of the ibid Rules.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-
  - a. Removal from Service.
3. You are therefore, 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 person.
4. If no reply to this notice is received within seven days or not more than of fifteen days of its delivery, it shall be presumed that you have no defence to put in, and in that case an ex-parte action shall be taken against you.

  
(Dr. Mushtaq Ahmad Khan)  
District Health Officer Battagram.

No 8181-82 /Enq.

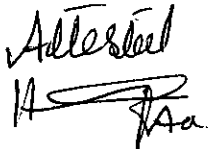
Dated Battagram,

the 10/06/2014

Copy forwarded to the

1. Director General Health Services KPK Peshawar with reference his No. 1206-09/Complaint Cell/2511/2014 dated 29.05.2014 for information please.
2. Official concerned for compliance.

(Dr. Mushtaq Ahmad Khan)  
District Health Officer Battagram



Annexure<sup>o</sup> D<sup>o</sup>

19

The District Health Officer,  
Battagram.

Subject: - REPLY OF SHOW CAUSE NOTICE.


Respect Sir,

Reference your office letter No. 8181-82 dated 10.06.2014.


In this regard my reply is as under.

1. Reference advertisement in Daily News Paper Mashriq and Aaj Peshawar dated 05.06.2013 in which the post of JPHCT (MCH) was advertised. I submitted my application alongwith relevant documents.
2. I was called for screening test and interview to the post. I appeared in written test and interview on due date and time.
3. I was appointed as JPHCT (MCH) and posted at Type D Hospital Banna Allai. I am working there regularly and honestly from the date of my arrival to till date.
4. As the your concern is about my appointment is violation of ATP rules, DHO being competent authority, appoint me as JPHCT (MCH) he is responsible for my appointment.
5. Your are therefore requested to please reconsider show case and it may please be filed accordingly.

Your obediently,

  
**Mrs. Shazia Bibi**  
JPHCT (MCH)  
Type D Hospital Banna Allai.

Dated. June 20, 2014

Attested  


Anneuve<sup>10</sup> E<sup>20</sup> 20

**OFFICE OF THE DISTRICT HEALTH OFFICER  
Battagram (Khyber Pakhtunkhwa)**

Phone & Fax: # (0997) 310507

No. \_\_\_\_\_ / Dated 3/7 /2014.

**OFFICE ORDER**

WHEREAS, Miss Shahzia Bibi D/O Lal Khan attached to Type D Hospital; Banna, was proceeded against under the E&D Rules 2011 for the charges mentioned below:-

1. YOU HAVE BEEN APPOINTED IN VIOLATION OF THE RULES/STANDED CRITERIA OF THE GOVT: AND THERE FORE GUILTY OF MISCONDUCT AS PROVIDED UNDER RULE-2 SUB PARA K (VI) OF THE E&D RULE 2011. (WITHOUT INCLUDING HER NAME IN THE MERIT LIST AND APPROVAL OF DSC)
2. You did not appear before the undersigned for personal hearing showing that you have no defense.

AND WHEREAS, a show cause notice was served upon him vide this office latter No. 8167-68/enq dated 10.6.2014 wherein major penalty of Removal from service was proposed to be imposed upon him.

AND WHEREAS upon receipt of reply to the show cause notice he was personally heard on 26.06.2014. His reply to the show cause was not found satisfactory. He also could not prove himself as innocent in the personal hearing.

NOW WHEREAS, the undersigned being the competent authority in exercise of powers conferred under the Khyber Pakhtunkhwa Peshawar E&D Rules 2011 am pleased to impose major penalty of removal from service upon Miss Shahzia Bibi D/O Lal Khan with the immediate effect..

Sd/xx xx' xx

DISTRICT HEALTH OFFICER  
BATTAGRAM.

8381-84

No. \_\_\_\_\_ /Personnel

Date: \_\_\_\_\_ /07/2014

Copy forwarded to the:-

1. Director General Health Service Khyber Pakhtunkhwa Peshawar.
2. DAO Battagram.
3. Accountant DHO Office Battagram.
4. Miss Shahzia Bibi D/O Lal Khan *LM*  
For information and necessary action.

*[Signature]*  
DISTRICT HEALTH OFFICER  
BATTAGRAM.

*Attest*  
*[Signature]*  
*[Signature]*

Annexure 'F'

21

To

The Director General Health Services  
Khyber Pakhtunkhwa Peshawar

Subject: APPEAL FOR REINSTATEMENT IN GOVT. SERVICE

Sir,

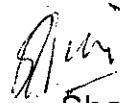
It is stated that I was terminated from service on 3/7/2014 vide District Health Officer office order No. 8381-84 dated 3/7/2014.

In this context it is stated that:-


1. I possess the requisite qualification and diploma which fulfill the requirements for LHVs. I was appointed as LHV by fulfilling the criteria like eligibility, test for the post and interview.
2. I was appointed by Dr. Aqeel Bangish Ex- District Health Officer Battagram vide appointment letter No. 2775-79 dated 7/10/2013.
3. I was removed from the service after serving 08 months as LHV at Type D Hospital Banna Allai, on the allegation that of violating the standing rules/criteria of Government.
4. District Health Officer being competent authority and Head of Department appoint me, despite the fact that I was not appointing authority; you served me the major penalty removal from service.
5. This is the fact that District Health Officer Being competent authority, appoint me and he is answerable for his act. Preparedness of merit list is the job of District Health Officer and selection committee. I appear before the selection committee as a candidate not appointing authority.

In the light of above facts it is requested to your goodself that I may please be restored in to the service, so that I can serve the poor, needy and suffering peoples.

Your faithfully,

  
Miss. Shazia Bibi  
D/o Lal Khan Ex- LHV  
Type D Hospital Banna Allai.

Dated:-15/07/2014

Attested  


Copy Annexure <sup>6</sup> 22

57

Book No



Value Rs/5

82

**OUT PATIENT DEPARTMENT**

Issued by : Male/Female Filter Clinic

Yearly No 60305

Date 2/1/2015

Name Shazja bibi

Disease \_\_\_\_\_

Fever  
Rigors  
Hx of  
ALT = 20



Inj Vit K  
1000 - 1/2  
Hepamuz Inj  
1000 - 1/2

Tbc Ciprox  
1000 - 1, 1

Tbc Bivora  
1000 - 1

Ad Betnot x 0.2 Mntas bid  
will renew

*Dr. Ijaz Shabir*  
MBBS, FCPS  
ASST. PROF. MEDICINE & CONSULTANT PHYSICIAN  
Ayub Medical College & Hospital Complex  
Abbottabad

Attested  
*[Signature]*

23

37

Book No

Value  
Rs/5  
20



OUT PATIENT DEPARTMENT  
Issued by : Male/Female Filter Clinic

Yearly No 3509

Date 30/1/19

No: Shezfa Robi

Disease

CLD  
2<sup>o</sup> HCV

Ing Uniform 3HU

۱۶۰۳۵۲۰ ۳/۴

Cap Rubizole  
۱۶ ۱ ۲ ۱

Syp Leupin  
p.p

Ad. Bed rest x 02 weeks band R

Dr. *[Signature]* Shabbir  
MBBS, FICS  
ASST. PROFESSOR  
Ayub Medical College  
Abbottabad

Attestal  
*[Signature]*  
Taru



24 36

Book No

Value 45 Rs/5



OUT PATIENT DEPARTMENT

Issued by : Male/Female Filter Clinic

Yearly No 170100

Date 25/2/15

Name SHAZIB

Disease

CLD  
20  
HCV

Inj Uniform  
1/2

Cap Ribazole  
1/2

Inj Vit K  
1/2

At Bed rest x 02 Mths and 8

Dr. Hassan Sheikh  
MBBS, FCPS  
ASST. PROF. MEDICINE & CONSULTANT PHYSICIAN  
Ayub Medical College & Hospital Complex  
Abbottabad.

Attested  
H. F. Rashid

Book No

Value Rs/5



64

OUT PATIENT DEPARTMENT  
Issued by : Male/Female Filter Clinic

Yearly No 90800

Date 20/3/15

Name Shazia Pabi

Disease \_\_\_\_\_

Female  
Anti HCV Ab  
7110

Cap Primox  
10 1 1

ALT 1.5x  
? CLD

Tes Ribazole  
10 1 1



Tes Silver  
10 1 1

Results  
awaiting

Inj Uniform 3MIU  
Ad Bed rest x 02 Mxth. bands  
s/c

E

Dr. S. J. Khan  
Asst. Dir. Health & Family Welfare  
Ayub Medical College & Hospital  
Faisalabad

Attested  
H. J. Khan

TEACHING HOSPITAL

Established by Male Female Filter Clinic

Yearly No. 270 Date 11/4/84

Name Shezva B. Dae

Disease \_\_\_\_\_

CLD  
2° HCV

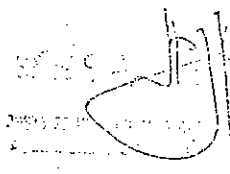
inj Unifem  
3 ml  
1/2

100 Rengole  
1/2 1/2 1/2

inj Vit K  
1/2 1/2

Ad Bed rest x 01 Mins. band

4.



Attested

*[Handwritten signature]*

27



Value  
Rs/5

02 X

Issued by: Male/Female Filter Clinic

Yearly No 60305

Date 28/9/14

Name Shoza Bibi

Disease \_\_\_\_\_

ser  
ap  
7  
2-28

Inj Vik

205 - 10

Hepameg Infus

205 - 10

Tab Capox

205 - 1, 1, 1

Tab Siliver

205 - 1

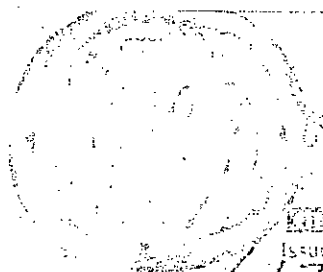
Ad Patient & 2 months back  
will receive

*[Faint, illegible text]*

Attested

*[Signature]*

28



TEACHING HOSPITAL

Value  
Rs. 5/-

Issued by: Male/Female Filter Clinic

Yearly No. 172 Date 15-10  
Name SHAZIA I  
Disease \_\_\_\_\_

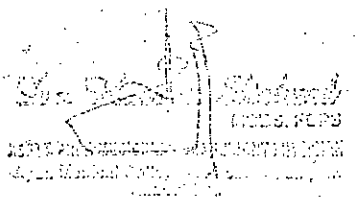
Female

Hepatitis  
B virus

my vit K  
- - - - -

Sup  
CP  
Q-P

Ad. Bel... of Mark



Attested

29

Book

Value  
Rs. 3/-



AYUB TEACHING HOSPITAL

Issued by: Male/Female Filter Clinic  
Serial No. 163520 Date 11-11-14  
Name SHAZIA BIBI  
Disease \_\_\_\_\_

LD  
Active Hepatitis  
LT ↑ Cap. Pimens

U/L 10.1

Ing Vit K  
UB - 1/m

Tes. Siltien  
also -

AA Bed mt x 0.1 ml-0.2

*[Signature]*  
Ayub Teaching Hospital  
Peshawar

Attested  
*[Signature]*  
Faruq

30



Value  
Rs/5

ISSUED BY: Male/Female Filter Clinic

Date: 18/12/14

Shazim Bibi

1kg Uniform 240

2013 5 200 3/4

Cap Rebig

2013 1 100

Syp 1kg  
P.P

at x 22 mark band 1/2

Signature and stamp of the issuing authority.

2014

Attested  
Signature

31



Value  
Rs/5

ISSUED BY  
Issued by : Male/Female Filter Clinic

84

No 90900

Date \_\_\_\_\_

to

to  
no

Cap Pink

1 1 1

Top Red

1 1 1

Top Green

1 1 1

Inf Uniform

2/110  
S/C

Ad Bed rest x 02 M. K. B. B. B.

7

Attested



Book No

Value  
Rs/5



EDUCATION DEPARTMENT  
Issued by : Male/Female Filter Clinic

Yearly No 33714

Date 10/3/15

Name Shazia Bibi

Disease \_\_\_\_\_

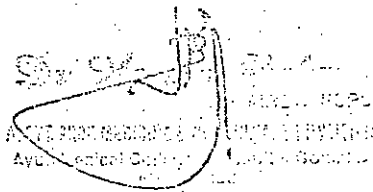
Ch. Liver Disease  
2° HCV virus  
on R


1ng Uniform  
223026 5/6

Cap Redigite  
10 1 1 1

10. Silver  
10 1 1

At Bedant x 02 Mmth band 9



Attested  
  
Aun

# وکالت نامہ

کورٹ فیس  
قیمتی

Before the Khuzdar Pukhtoon Khawaja Jenice Tribunal  
Peshawar

Appellant مخائب

Mst Shazia Bibi نام Court of L.P.K & other

ABBOTABAD دعویٰ یا جرم Appeal باعث تحریر آنکہ

Hamayun Khan Advocate

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی و جوکیدی  
High Court ABBOTABAD میں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو رو عدالت  
حاضر ہونا اور بوقت پکارنے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر  
حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف کے کسی طرح ذمہ دار نہ  
ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے  
یا بروز تعطیل بیرونی کر نیلے مجاز نہ ہونگے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے  
اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ داریاں اسکے واسطے کسی معاوضہ ادا کرنے مختار نامہ  
واپس کرنے کے بھی صاف و موصوف ذمہ دار نہ ہونگے۔ جسے کل ساختہ پر داخستہ صاحب مشل کردہ ذات خود منظور و  
قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم  
کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کارروائی  
وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد تالی و راضی نامہ و فیصلہ بر خلاف کرنے و  
اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل ویر آمدگی مقدمہ یا منسوخی ڈگری ایک طرفہ درخواست حکم امتناعی یا  
ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو شرط ادا ایسی علیحدہ بیرونی مختار نامہ کرنے کا مجاز ہوگا۔ ار  
بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر  
قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب موصوف کو پوری فیس تاریخ پیش سے پہلے ادا  
کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب  
موصوف کے برخلاف نہیں ہوگا لہذا اختیار نامہ لکھ دیا ہے کہ سند رہے۔ مضمون مختیار نامہ سن لیا ہے اور اچھی طرح  
سمجھ لیا ہے اور منظور ہے۔

الرقوم: 26/3/2015

Accepted  
H. Khan

Mst. Shazia ... Appellant  
H. Khan

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR AT ABBOTTABAD CAMP.**

**Appeal NO. 285/ 2015**

**Mst. Shazia Bibi -----Appellant**

**VERSUS**

**Secretary Health Khyber Pakhtunkhwa & other -----Respondents**

**SERVICE APPEAL**

**JOINT COMMENTS ON BEHALF OF RESPONDENT NO. 1 to 3.**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

1. That the appellant did not come to this Service Tribunal with clean hands.
2. That the appellant have no cause of action/ locus standi to file the instant appeal.
3. Laches and hopelessly time bared.
4. That the appeal has been filed to pressurize the respondents.

**FACTUAL OBJECTIONS:-**

1. Correct to the extent that the appointment of the appellant was made provisional subject to the condition of verification of diplomas/antecedents etc.
2. Correct
3. Correct
4. Correct to the extent that respondent No. 3 issued a show cause notice on the recommendation of enquiry conducted by Director General Health Services Khyber Pakhtunkhwa on the grounds of ambiguity found in the appointment of the appellant.
5. The reply of the appellant was not satisfactory which do not pertain cogent reasons.
6. Incorrect and hence denied that the appointment of the appellant was terminated on the recommendation of enquiry Vide Director General Health Services Khyber Pakhtunkhwa Letter No. 1206-09/Complaint Cell/2511/2014 dated 29-5-2014 and on the grounds of violation of ATP Rules of Civil Servant act.


7. D. Appeal was hopelessly bared by time.
8. As reply given in previous para.
9. No comments


**GROUND:-**

- a. In correct and denied. It is stated that the act of respondents was according to the law/rules of ATP Rules.
- b. In correct and hence denied. It is stated that the termination order of the appellant was made on the recommendation of enquiry of the enquiry officer.
- c. Law was strictly followed which passing impugned order.
- d. In correct and hence denied that the appellant was terminated on the grounds of violation of ATP rules of civil servant act 2011.
- e. In correct and hence denied that respondent No.2 terminated the services of appellant on the grounds of recommendation enquiry and appellant was given a chance of Personnel hearing.
- f. No, responded No 3 issued show cause notice on the recommendation of enquiry committee.
- g. In correct and hence denied on the grounds that the appellant service was terminated on the grounds of violation of ATP Rules 2011.
- h. No responded No 3 issues show cause notice on the recommendation of enquiry committee and not on personal like/ dislike.
- i. In correct
- j. No rules and law framed for ATP and responded follow the same.
- k. No Comments

It is therefore in the light of above stated facts very humbly prayed that the appeal in hand being against the law/rules and policy of the Govt of Khyber Pakhtunkhwa be dismissed with cost throughout.

  
District Health Officer  
Battagram

  
Director General  
Health Services  
KPK Peshawar

  
Secretary  
Government of Khyber Pakhtunkhwa  
Health Department Peshawar.

**BEFORE THE HONORABLE COURT KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR AT ABBOTT ABAD BENCH.**

Subject:- WRIT PETITION NO. 285/ 2015.


Shazia Bibi \_\_\_\_\_ Appellant

VERSUS

Government of Khyber Pakhtunkhwa \_\_\_\_\_ Respondents

AFFIDAVIT.

I Dr. Saifullah Khalid District Health Officer Battagram do hereby affirm and declare that the comments of parawise writ petition are true and correct as per my knowledge and available record that nothing material has been suppressed this honorable court.

  
Respondent No. 1



## DIRECTORATE GENERAL HEALTH SERVICES

### KHYBER PAKHTUN KHWA PESHAWAR.

E-Mail Address: [nwfdghs@yahoo.com](mailto:nwfdghs@yahoo.com) Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

CONFIDENTIAL/IMMEDIATE.

NO: 1206-09 /Complaint Cell/2511/2014  
Dated 29<sup>th</sup> May, 2014

To:-

The District Health Officer,  
Battagram.

Subject: ENQUIRY REPORT IN TO THE IRREGULAR RECUITMENTS IN DOH BATTAGRAM

Memo:

Please find enclosed enquiry report conducted by Mr. Muhammad Jamil Assistant Director (Personnel-II) Directorate General Health Services, Khyber Pakhtunkhwa Peshawar and Dr. Niaz Muhammad SMO Civil Hospital Battal Battagram, with the remarks that recommendations of the Enquiry committee (re-produced below) may be implemented in letter and spirit under intimation to this Directorate immediately:-

#### RECOMMENDATIONS OF THE ENQUIRY COMMITTEE

##### 1-EPI TECHNICIANS

All EPI Technicians recruited in 2013 may be served upon show cause notices as required under the E&D Rules, 2011, for termination of their services on account of violation of the approved service rules as well as standard criteria laid down in the civil servant Act and APT rules:-

##### 2- JUNIOR CLINICAL TECHNICIANS (PATHOLOGY)

Mr. Amjed son of Qasim Khan at SL: No.2 may be terminated from service on account of producing bogus diploma (if not already done); Rest of the three candidates may be allowed to continue service inspite of procedural lacunae or as the competent authority deems fit.

##### 3-JCT (DENTAL)

Amraiz Khan son of Rozi Khan at SL: No.1 of the merit list may be terminated from service on account of producing bogus diploma (if not already done), while Mr. Bacha Khan son of Sardar Khan having valid documents may be allowed to continue service inspite of procedural lacunae or as the competent authority deems fit.

#### 4-JCT (RADIOLOGY)

Diplomas of the three selected candidates may once again be got verified from the Medical Faculty Peshawar through a confidential letter by the Directorate General Health Services and if found bogus, all of them may be terminated.

#### 5-JCT (ANAESTHESIA)

Diplomas of the two selected candidates may once again be got verified from the Medical Faculty Peshawar through a confidential letter by the Directorate General Health Services and if found bogus, all of them may be terminated.

#### 6-JCT (SURGICAL)

Both Mr. Hussain son of Abdul Ghafar and Mr. Shahid Mahmood son of Yaqub Shah having no valid diplomas may be terminated from service after serving show cause notice upon them (if not already terminated).

#### 7-JUNIOR PHC TECHNICIANS (MCH) LHV

Miss Zainab daughter of Ashraf Khan at Sl: No.14 of the Merit list having no valid diploma and Miss Shazia Bibi daughter of Lal Khan appointed without including her name in the merit list and approval of the DSC may be terminated from service after serving show cause notices upon them.

All the Junior PHC Technicians (MCH) formerly known as LHVs who are qualified from the Nursing Examination Board but possess matric with arts may be allowed to continue service in the far flung area like district Battagram as they had been allowed to undergo the LHV training course in the Government recognized Public Health Schools, prior to 2008 when the revised service rules containing the condition of matric with science was made mandatory. This is pertinent to mention here that all such LHVs had undergone training for LHV course with the approval of the competent authority prior to 2008.

Similarly the LHVs who possess matric with science with LHV valid diploma may also be allowed to continue service, inspite of procedural lacunae in the merit list or as the competent authority deems fit. (All the Junior PHC Technicians (MCH) formerly known as LHVs will, however, be asked to give bond on stamp paper duly attested by the Magistrate 1st Class to the effect that they will serve in District Battagram for at least five years)

#### 8-CLASS-IV

All the Class-IV employees either recruited by Dr. Aqeel Bangash or Dr. Shahzad Ali Khan, the Ex-DHOs after 1/7/2013 in violation of the standing instructions of the Government may be served upon show cause notices as required under the E&D Rules, 2011 for termination of their services. The posts ibid should be advertised and recruitment process completed through the Departmental Selection Committee under the Chairmanship of DHO Battagram with Representative of the Administrative Deptt/DG Health Services, Khyber Pakhtunkhwa Peshawar and one member to be nominated by the appointing authority (DHO).

As regard documents of the all Class-III and Class-IV employees appointed prior to 17/3/2014, the same may be collected from the concerned employees within fifteen days but not later than 20<sup>th</sup> June, 2014, to be produced before the Enquiry Committee alongwith original service books for perusal and submission its report accordingly.

After availability of the relevant record/original service books, this Directorate may please be informed so that the Enquiry Committee could come to your Office for its checking/scrutiny.

Director General Health Services,  
Khyber Pakhtunkhwa Peshawar.

CC:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. Dr. Niaz Muhammad SMO Civil Hospital, Battal C/O DHO Mansehra.
3. Mr. Muhammad Jamil Assistant Director (Personnel-II) Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar.
4. Assistant Director (P-III) ) Directorate General Health Services, Khyber Pakhtunkhwa, Peshawar. He is directed to collect the relevant certificates/diplomas from the DHO Battagram for verification at the Directorate level, as mentioned above.



documents may be allowed to continue service inspite of procedural lacunae or as the competent authority deems fit.

#### JCT (RADIOLOGY)

Diplomas of the three selected candidates may once again be got verified from the Medical Faculty Peshawar through a confidential letter by the Directorate General Health Services and if found bogus, all of them may be terminated.

#### JCT (ANAESTHESIA)

Diplomas of the two selected candidates may once again be got verified from the Medical Faculty Peshawar through a confidential letter by the Directorate General Health Services and if found bogus, all of them may be terminated.

#### JCT (SURGICAL)

Both Mr. Hussain son of Abdul Ghafar and Mr. Shahid Mahmood son of Yaqub Shah having no valid diplomas may be terminated from service after serving show cause notice upon them (if not already terminated)

#### JUNIOR PHC TECHNICIANS (MCH) LHV

- i) Miss Zainab daughter of Ashraf Khan at Sl: No. 14 of the Merit list having no valid diploma and Miss Shazia Bibi daughter of Lal Khan appointed without including her name in the merit list and approval of the DSC may be terminated from service after serving show cause notices upon them.
- ii) All the Junior PHC Technicians (MCH) formerly known as LHVs who are qualified from the Nursing Examination Board but possess matric with arts may be allowed to continue service in the far flung area like district Battagram as they had been allowed to undergo the LHV training course in the Government recognized Public Health Schools, prior to 2008 when the revised service rules containing the condition of matric with science was made mandatory. This is pertinent to

**ENQUIRY REPORT INTO THE ALLEGED IRREGULARITIES IN THE RECRUITMENT  
PROCESS OF PARAMEDICS/OTHER CLASS-III STAFF AND CLASS-IV EMPLOYEES IN  
THE OFFICE OF THE DISTRICT HEALTH OFFICER BATTAGARAM.**

**BACK GROUND.**

Vide Director General Health Services Khyber Pakhtunkhwa office order bearing endorsement No.647-53/complaint cell-2514 dated 14/4/2014 an inquiry committee comprising Dr.Niaz Muhammad SMO CH Battal and Mr.Muhammad Jamil Assistant Director (Personnel-II) Directorate General Health Services Khyber Pakhtunkhwa Peshawar has been constituted to probe the alleged irregularities in the recruitment process of the employees in Department of Health District Battagram.

**PROCEEDINGS**

The Committee proceeded to Battagram on 23/04/2014 and remained there upto 26/4/2014. The Committee scrutinized the relevant record pertaining to recruitments made by Dr. Aqeel Bangash and Dr. Shehzad Ali Khan Ex-DHOs Battagram for the periods with effect from 1/7/2013 till their tenures.

The merit lists along with observations of the committee with effect from 1/7/2013 till their tenure may please be perused at (Flag/A). This is worthwhile to mention that merit lists and documents pertaining to the recruitment issued by Dr.Aqeel Bangash Ex-DHO Battagram prior to 1-7-2013 were not produced by the DHO Office Battagram; saying that the same were taken away by the Ex-DHO Dr.Aqeel Bangash as per their written statements mentioned below. On enquiry from Dr.Aqeel Bangash, although he produced photo copies of the merit lists at F/B but showed ignorance about the documents.

Statements of the following were recorded:-

- i. Dr. Aqeel Bangash Ex-DHO Battagram at (Annex-I)
- ii. Dr. Shehzad Ali Khan Ex-DHO Battagram at (Annex-II)

- iii. Mr. Shah Rehman Office Assistant DHO Office Battagram at (Annex-III & Annex:IV)
- iv. Mr. Feroz Khan Senior Clerk DHO office Battagram at Annex-V & Annex:VI.
- v. Mr.Muhammad Humayun Junior Clerk DHO Office Battagram(Annex-VII)
- vi. Mr.Shah Faisal Junior Clerk DHO Office Battagram(Annex-VIII)
- vii. Mr.Muhammad Haroon Office Assistant DHO Office Battagram.Annex-IX)
- viii. Mr.Zakir Rahman Jr:Clerk DHO Office Battagram(Annex-X)
- ix. Mr.Muhammad Bilal Computer Operator MNCH Programme DHO Office Battagram at Annex-XI)
- x. Mr.Saeed Rashid Accounts Assistant MNCH Prgoramme DHO Office Battagram at Annex-XII)

#### FINDINGS.

The Committee after scrutiny found various irregularities in the recruitment process which are mentioned against each selected candidate mentioned at flag/A. Main irregularities found by the committee are as under:-

- a. The selection committee constituted for the selection of Paramedics/Other Class-III staff after 1/7/2013 is not in accordance with the policy of the Provincial Government, because representative of the DC office Battagram had attended and signed merit lists, while after withdrawal of local Government Ordinance 2001, the DC office had got no role in the process of the recruitments.
- b. Format of the merit list is not according to the standard criteria of the Government wherein the following discrepancies were noted.
  - As required under the relevant criteria of the Government at Flag-C, Diploma marks not included in the merit list after the marks of prescribed qualification i.e. matric. More so the marks allotted for the prescribed qualification were not according to standard criteria, e.g certain candidates with 2<sup>nd</sup> division were allotted the marks of first division and vice versa.

- Written test marks included in the merit list although the same is not prescribed in the approved Service Rules.
- In some cases more than 8 marks allotted to the candidates in the column of interview marks, in violation of the criteria fixed by the Government.
- Experience marks are not given as per Government criteria and in some cases experience marks are given on the basis of experience certificates of unregistered private institutions; even in some cases marks given without experience certificate.
- Minutes of the Departmental Selection Committees duly signed by chairman and members of the DSC, are not recorded.
- Candidates in various categories have been recruited by Dr. Aqeel Bangash without valid certificates/diplomas.
- Certain LHVs having valid diplomas from Pakistan Nursing Board have been recruited, albeit they possessed matric certificate with arts, while after notification of the revised Service Rules for Paramedics in 2008, Matric with Science is required.
- Class-IV employees have been appointed by both the Ex-DHOs viz: Dr. Aqeel Bangash and Dr. Shehzad Ali Khan without inviting applications through employment exchange (not available in District Battagram) or press advertisement, although the Class-IV employees recruited by Dr. Shehzad Ali Khan are registered with the employment exchange of District Mansehra, which is not covered under the rules.
- Ward Ayas (nomenclature thereof not available in the sanctioned strength of District Battagram) have been appointed by Dr. Aqeel Bangash against the posts of Dais without observance of codal formalities which is again violation of the rules/regulations and policy of the Government. The Committee noted with concern as to how their salaries have been allowed by the DAO Battagram.
- As a matter of fact the educational qualification/technical diplomas etc of paramedics are required to be verified by the concerned Board of Intermediate and Secondary Education and Khyber Pakhtunkhwa Medical Faculty Peshawar. To the utter surprise of the committee salaries of certain paramedics etc have been activated without verification from the above institutions; while

- salaries of rest of the similar employees have not been paid to them.
- In spite of the fact, meeting of the DSC was attended and merit list signed by the Representative of DC Battagram (although not applicable after withdrawal of the LGO 2001 on 1st January, 2013) and Medical Superintendent DHQ Hospital, Battagram as representative of the DG Health Services, in pursuance of the Directorate letter No. 4828-31/Personnel dated 2-8-2013 at F/D, but none of them were able to pin point the irregularities mentioned above.

c. Statements of the officers/officials are briefly discussed as under.

1. Statement of Mr. Feroz Khan Senior Clerk Office of the DHO Battagram Annex-VII and VIII.

- ✓ The documents of all the recruited employees who were interviewed on 27 August 2013 along with photocopies of the merit list have been produced to the enquiry committee.
- ✓ The record/merit list pertaining to the recruitments made before 1/7/2013 was kept by Dr. Aqeel Bangash Ex-DHO Battagram and that was not available in the office.
- ✓ To a cross question he told that the merit lists produced by him regarding the recruitments made after 1/7/2013 was displayed on the notice board at that time and thereafter was kept in the record of the office.
- ✓ To another cross question he told that the merit lists were prepared by him and Ex-DHO Dr. Aqeel Bangash jointly, rather he typed the same.
- ✓ Record pertaining to the recruitments issued in 2012 is under custody of the then DHO Dr. Aqeel Bangash and was not handed over to him at the time of his departure from the post of DHO and till date.

2. Statement of Dr. Ageel Bangash Ex-DHO Battagram at Annex-III.

✓ Posts of the paramedics and Class-III were advertised in daily mashriq and AAj News paper from Peshawar after obtaining NOC obtaining from DCO Batagram on 5/11/2011 and 6/2/2011. The second list was advertised in the same newspapers. Selection Committee was constituted as per rules prior to August 2013 as under:-

- |                      |          |
|----------------------|----------|
| 1. DHO(EDO-Health)   | Chairman |
| 2. Rep: of DG Health | Member   |
| 3. Rep: of DCO       | Member   |
| 4. Rep: of M.S       | Member   |

✓ After his transfer from District Battagram he had handed over all documents and merit list to Dr. Shahzad Ali Khan in original. He later on produced photo copies of different categories of Paramedics and Class-III containing 33 pages duly signed by the Committee Members which were recruited during his tenure.

✓ Class-IV employees were recruited without advertisement, although registration cards of employment exchange from adjacent district Mansehra were presented by them.

✓ He recruited EPI Technicians in accordance with the Secretary Health Letter No. Est(H)ST.Co.12/2011/LRH dated 12/6/2012 at Flag/E.

OBSERVATIONS OF THE COMMITTEE.

a) No Registration card of employment exchange Mansehra was found attached with the applications of the Class-IV employees appointed by him, albeit the same if were produced, would have not been a valid document, as Employment Exchange did not exist in District Battagram and in that case the posts ibid should have been advertised.

b) Taking the plea of the Govt. letter at F/E as mentioned in his statement with regard to recruitment of EPI Technicians in relaxation of rules, it is

pointed out that one time relaxation was granted by Govt. in June, 2012 that is too for the posts of EPI Technicians and not Jr:PHC Technicians (multi-purpose) in 2013. Interestingly no post with the nomenclature of EPI Technician exist on the strength of whole Health Department in 2013.

STATEMENT OF Dr.SHAHZAD ALI KHAN EX-DHO BATTAGRAM(ANNEX-IV)

1. He has served as DHO Battagram from 1st October, 2013 till 10<sup>th</sup> January, 2014.
2. During his tenure he had issued appointment letter to one JCT Pathology on 19/12/2013 from the merit list already prepared by the previous DHO, Dr.Aqeel Bangash on 26-27/8/2013.
3. He appointed Class-IV employees during his tenure on the recommendations of the MPAs/Health Minister/DC Battagram, in accordance with the policy verbally conveyed by the Minister Health in the meetings with the all the DHOs/MSs at the Health Secretariat from time to time.
4. Posts of Class-IV were not advertised as per previous practice in District Battagram.

OBSERVATIONS OF THE COMMITTEE

Class-IV posts were not advertised as per instructions of the Government and therefore the whole process was/is irregular.

In reply to a cross question, he informed that Dr.Aqeel Bangash the outgoing DHO did not hand over the recruitment documents to him, on assuming charge of the post of DHO Battagram by him.

Statement of Mr.Shah Rahman office assistant DHO Office Battagram at (Annex-V)

1. He is posted in the DHO Office Battagram since 2004 and has been entrusted with the job of dealing cash and court cases.
2. Mr. Muhammad Riaz and Mr.Pervez Gul Office Assistants have also served over there.
3. Merit lists of all the recruited employees have been prepared by Mr.Feroz Senior Clerk and Mr.Shah Faisal Junior Clerk.

4. After posting of Dr. Shahzad Ali Khan as DHO Battagram he was entrusted with the job of court/development cases.
5. Record pertaining to the recruitments issued in 2012 is under custody of the then DHO Dr. Aqeel Bangash and was not handed over to him at the time of his departure from the post of DHO and till date.

#### OBSERVATIONS OF THE COMMITTEE

Mr. Shah Rahman Office Assistant was never involved in the recruitment process.

#### STATEMENTS of:-

- i. Mr. Muhammad Humayun Junior Clerk DHO Office Battagram (Annex-IX)
- ii. Mr. Shah Faisal Junior Clerk DHO Office Battagram (Annex-X)
- iii. Mr. Muhammad Haroon Office Assistant DHO Office Battagram. Annex-XI)
- iv. Mr. Zakir Rahman Jr: Clerk DHO Office Battagram (Annex-XII)
- v. Mr. Muhammad Bilal Computer Operator MNCH Programme DHO Office Battagram at Annex-XIII)
- vi. Mr. Saeed Rashid Accounts Assistant MNCH Programme DHO Office Battagram at Annex-XIV)

All of them have informed the Committee with regard to taking away the record pertaining to recruitment issued in 2012 by Dr. Aqeel Bangash Ex-DHO Battagram and not handing over the same to them at the time of his departure from the post of DHO and till date.

#### CONCLUSION

The Committee after thorough examination of the record and keeping in view the statements of the relevant Officers/Officials has come to the conclusion that the whole process of recruitment lacks procedural lacunae perhaps owing to non-awareness of the Ex-District Health Officers of the rules/regulations on the subject. Interestingly the representatives of the Directorate and DCO/DC Office have also not been able to guide the DHO in



preparing the merit lists in accordance with the approved service rules, APT Rules/standard criteria fixed by the Government for initial recruitment.

As far as recruitment of Class-IV employees, the same is totally in violation of the standing instructions of the Government. Since Office of the Employment Exchange did not exist in District Battagram, these posts should have been advertised and filled through the Department Selection Committee in accordance with the rules/instructions of the Government at F/C.

Both Dr.Aqeel Bangash and Dr.Shahzad Ali Khan ex-District Health Officers District Battagram are responsible for the irregular recruitments. Dr. Aqeel Bangash is also responsible for not producing the record pertaining to the recruitments issued by him prior to 1-7-2013 and we are afraid, serious irregularities would have been occurred in the previous recruitments too.

#### RECOMMENDATIONS

In view of the foregoing the Enquiry Committee recommends that the following categories of staff may be served upon show cause notices as required under the E&D Rules,2011, for termination of their services on account of violation of the approved service rules as well as standard criteria laid down in the civil servant Act and APT rules:-

#### EPI TECHNICIANS

All EPI Technicians recruited in 2013.

#### JUNIOR CLINICAL TECHNICIANS (PATHOLOGY)

- i) Mr.Amjed son of Qasim Khan at SL: No.2 may be terminated from service on account of producing bogus diploma (if not already done); Rest of the three candidates may be allowed to continue service inspite of procedural lacunae or as the competent authority deems fit.

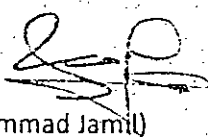
#### JCT (DENTAL)

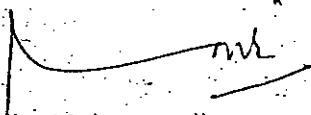
Amraiz Khan son of Rozi Khan at Sl:No.1 of the merit list may be terminated from service on account of producing bogus diploma(if not already done), while Mr.Bacha Khan son of Sardar Khan having valid

- iii) Similarly the LHVs who possess matric with science with LHV valid diploma may also be allowed to continue service, inspite of procedural lacunae in the merit list or as the competent authority deems fit. (All the Junior PHC Technicians(MCH) formerly known as LHVs will, however, be asked to give bond on stamp paper duly attested by the Magistrate 1st Class to the effect that they will serve in District Battagram for at least five years)

CLASS-IV

All the Class-IV employees either recruited by Dr.Aqeel Bangash or Dr.Shahzad Ali Khan, the Ex-DHOs after 1/7/2013 in violation of the standing instructions of the Government/<sup>at F/G</sup> may be served upon show cause notices as required under the E&D Rules, 2011 for termination of their services. The posts ibid should be advertised and recruitment process completed through the Departmental Selection Committee under the Chairmanship of DHO Battagram with Representative of the Administrative Deptt/DG Health Services, Khyber Pakhtunkhwa Peshawar and one member to be nominated by the appointing authority (DHO).

  
(Muhammad Jamil)  
Assistant Director (P-II)  
Directorate General Health  
Services, Khyber Pakhtunkhwa  
Peshawar. 09-5-2014

  
Dr. Niaz Muhammad)  
SMO, Civil Hospital Battal District Manshera.

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

Service Appeal No. 285-A/2015

Shahzia Bibi

**VERSUS**

Govt. KPK etc.

**SERVICE APPEAL**

**REJOINDER**

Respectfully Sheweth;-

Brief facts of the instant rejoinder are as under;-

**REPLY OF PRELIMINARY OBJECTIONS;**

1. Para No. 1 of comments is incorrect.
2. Para No. 2 of comments is incorrect.
3. Para No. 3 of comments is incorrect.
4. Para No. 4 of comments is incorrect.

**REPLY OF FACTUAL OBJECTION;-**

1. Para No. 1 is incorrect hence denied.
2. Para No. 2 need no comments.

3. Para No. 3 need no comments.
4. Para No. 4 is correct to the extent of show cause notice rest of para is incorrect hence denied.
5. Para No. 5 is incorrect hence denied.
6. Para No. 6 is incorrect hence denied.
7. Para No. 7 is incorrect hence denied.
8. Para No. 8 is incorrect hence denied.
9. Para No. 9 need no comments.

**REPLY OF GROUNDS:-**

- a. Para No. a is incorrect hence denied.
- b. Para No. b is incorrect hence denied.
- c. Para No. c is incorrect hence denied.
- d. Para No. d is incorrect hence denied.
- e. Para No. e is incorrect hence denied.
- f. Para No. f is incorrect hence denied.
- g. Para No. g is incorrect hence denied.

h. Para No. h is incorrect hence denied.

i. Para No. i is incorrect hence denied.

j. Para No. j is incorrect hence denied.

k. Para No. k need no comments.

In the light of above submission the appeal of appellant may kindly be accepted alongwith back benefits, in the interest of justice and fair play.

...APPELLANT

Through

Dated: 21/08/2017

  
(HAMAYUN KHAN)

Advocate High Court, Abbottabad

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 2568 /ST

Dated 28/11/2017


To

The District Health Officer,  
Government of Khyber Pakhtunkhwa,  
Battagram.

Subject: **JUDGEMENT IN APPEAL NO. 285/15, MR.SHAZIA BIBI.**

I am directed to forward herewith a certified copy of Judgment dated 20/11/2017 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

ole