
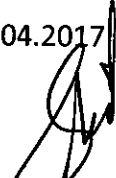


09.03.2017

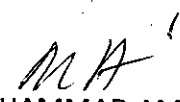
Clerk of counsel for the appellant present. Seeks adjournment as counsel for the appellant is indisposed. Adjourned for preliminary hearing to 06.04.2017 before S.B at camp court, Swat.


Chairman
Camp Court, Swat

06.04.2017


Appellant alongwith his counsel present. Learned counsel for the appellant submitted application for withdrawal of the instant appeal and stated that the grievances of the appellant have been redressed. The application is placed on record. The request is accepted. Signature of the appellant is taken on the side of order sheet as a token of proof. The appeal in hand stands dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
06.04.2017


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat.

Before the Service Tribunal KPK, Camp Court at Swat

Service Appeal No. 788 of 2016

Shahid Mohsin VS Govt. of KPK & others

APPLICATION FOR WITHDRAWAL OF APPEAL

Respectfully Sheweth:

1. That the above titled service appeal is pending before this Honorable Tribunal, which has been fixed for preliminary hearing for today i.e., 06-04-2017.
2. That the impugned order of suspension of service dated 02-03-2016 has been withdrawn by the respondents, and the appellate has been re-instated to his service.
3. That being so, satisfaction of the appellant has been made by the above mentioned withdrawal order and the instant appeal resultantly has become infructuous.

It is, therefore, most humbly prayed that on acceptance of this application, the appellant may be allowed to withdraw the instant appeal.



Appellant

Shahid Mohsin

Certificate

It is certified that the contents of this application are true and correct to the best of my knowledge and belief.




Deponent

Shahid Mohsin


10.11.2016

Agent of counsel for the appellant present. Seeks adjournment as learned counsel for the appellant is busy in Peshawar High Court, Mingora Bench (Dar-ul-Qaza). Adjourned for preliminary hearing to 08.12.2016 before S.B at camp court, Swat.


Chairman
Camp court, Swat


08.12.2016

Counsel for the appellant seeks adjournment in order to study as to whether suspension order dated 02.03.2016 amounts to final order within the meaning of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. Adjourned for preliminary hearing to 05.01.2017 at camp court, Swat.


Chairman
Camp court, Swat

05.01.2017

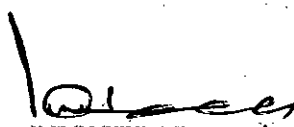



Counsel for the appellant present. As per request of the learned counsel for the appellant case is adjourned to 09.03.2017 for preliminary hearing before S.B at camp court, Swat.


Chairman
Camp court, Swat

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 788/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/08/2016	<p>The appeal of Mr. Shahid Mohsin is resubmitted today by Dr. Adnan Khan Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	05-08-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on. <u>08-09-2016</u></p> <p style="text-align: right;"> MEMBER</p>
	08.09.2016	<p>Junior to counsel for the appellant present. Seeks adjournment as counsel for the appellant has gone abroad. Adjourned for preliminary hearing to 06.10.2016 at camp court, Swat.</p> <p style="text-align: right;"> Chairman Camp Court, Swat.</p>
	06.10.2016	<p>Appellant present. Seeks adjournment as his counsel is stated busy before the august Supreme Court of Pakistan. To come up for preliminary hearing on 10.11.2016 at camp court, Swat.</p> <p style="text-align: right;"> Chairman Camp Court, Swat.</p>

The joint appeal of M/S. Javed Iqbal, Tariq Mehmood, Wasim Sajjad, Shahid Mohsin and Fawad Khan received to-day i.e. on 26.07.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellants & counsel.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Sub-rule-2 of rule-3 of appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately; therefore the appeal of the above named appellants may be filed separately/individually.
- 5- Three copies/sets of the appeal along with annexures i.e. compete in all respect for Tribunal and one for each respondent in each appeal may also be submitted.


No. 1189 /S.T,

DL. 27-7 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Adnan Khan Adv. Swat.

The objections raised as cited above have been ^{duly} addressed and filed.


Barrister
Dr. Adnan Khan
Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. 788 of 2016

Shahid Mohsin.....Appellant

VERSUS

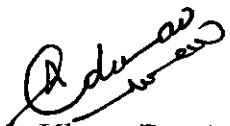
Government of Khyber Pakthunkhwa through Secretary Health and others

.....Respondents

INDEX

S. No.	Description	Annexure	Pages No.
1.	Memo of Appeal with certificate and Affidavit		1-6
2.	Addresses of the parties		7
3.	Copy of attendance sheet from relevant register	A	8
4.	Copy of verification letter dated 02-03-2012	B	9
5.	Copy of letter regarding release of salaries with better copy	C	10-11
6.	Copy of letter	D	12
7.	Copy of order dated 02-03-2016	E	13
8.	Copy of departmental appeal	F	14-15
9.	Wakalatnama		16

Appellant through Counsel


Dr. Adnan Khan, Barrister-at-Law
Office: Adnan Law Associates,
Opp. Grassy ground Mingora Swat.
Cell: 0346-9415233

BEFORE THE HONORABLE SERVICE TRIBUNAL, KPK**PESHAWAR**Khyber Pakhtukhwa
Service TribunalService Appeal No. 788 of 2016Diary No. 786Shahid Mohsin s/o Mohsin Khan/o Batkhela, Tehsil
Batkhela, District MalakandDated 02-8-2016

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health at Peshawar
2. District Health Officer Malakand at Batkhela
3. District Accounts Officer, District Malakand at Malakand Top
4. Director Anti Corruption at Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE ORDER OF SUSPENSION FROM SERVICE****PRAYER:**

On acceptance of this Appeal, the impugned order of suspension End: No. 1329-36 dated 02/03/2016 may be set aside and the Appellant be restored at his previous position.

Respectfully Sheweth:

1. That the Appellant being diploma holder in Surgical of medical technologies, was appointed as Para-medic after passing through the required scrutiny and fulfillment of codal formalities.
2. That prior to the impugned order, the Appellant was serving in Civil Hospital Dargai, District Malakand (Copy of

Re-submitted to -day
and filed.

Registrar

2/8/16

attendance sheet from relevant register is attached as Annexure "A").

2. That soon after his appointment, the concerned quarters sought verification of diploma/certificate of the Appellant from the Medical Faculty Peshawar. The said faculty issued verification letters of the Appellant, wherein the said Diploma and certificate were held to be genuine (Copy of verification letter dated 02-03-2012 is attached as Annexure "B").
3. That after the accomplishment of the required procedure as mentioned above, salary of the Appellant was released from the concerned accounts office (Copy of letter regarding release of salary is attached as annexure "C").
4. That on a dubious and anonymous complaint allegedly addressed to respondent No.2, salaries of the Appellant along with some other colleagues were stopped vide letter No. 2588-89 dated 13-06-2013 (Copy of letter is attached as Annexure "D").
5. That against the said stoppage of salary, the present Appellant and other colleagues in the Health Department approached the august Peshawar Court Mingora Bench through various writ petitions.
6. That during the pendency of the said petition, FIR was also lodged against the present Appellant. Afterwards the Appellant was arrested and detained in jail for a considerable time. Finally the Appellant was released on bail by the Hon'ble Peshawar High Court Mingora Bench. Subsequently, the

Appellant alongwith other colleagues filed another writ petition for quashment of the FIR against them.

7. That Respondent No.2, during the pendency of various constitutional petitions against him, without waiting for the court orders passed the impugned order on 02/03/2016, whereby the Appellant was suspended from his service till further orders (Copy of order dated 02-03-2016 is attached as Annexure "E").
8. That being a matter pertaining to the terms of conditions of civil servants, because of the subsequent developments, the Appellant filed departmental appeal before Respondent No. 1 on 15/04/2016 (Copy of departmental appeal is attached as Annexure "F").
9. That the departmental appeal filed by the Appellant was not responded and hence, this appeal, inter-alia on the following grounds:

GROUND:

- A) That the Appellant has become victim of highhandedness and suppression at the hands of respondents. The impugned act of suspension from service is an illegal and unconstitutional act of Respondent No.2.
- B) That the proceedings in question have been a result of colourful exercise of authority and personal vendetta against the Appellant. Hence, the same are liable to be set aside.

- C) That the Appellant was regularly appointed in the Health Department after fulfilling all the requisite formalities. Certificate/diploma of the Appellant was also held to be genuine by the concerned faculty. Hence, there was no reason whatsoever for taking punitive action against the Appellant.
- D) That the impugned order is discriminatory, unilateral and violative of due process as well. No show cause notice or statement of allegations whatsoever was issued to the Appellant prior to the impugned order.
- E) That as per the version of high-ups in Health Department, the impugned order has been taken upon the directions of Anti-corruption authorities. As per the relevant law, it is for the concerned parent department to initiate disciplinary proceedings against its employees and not for the Anti-corruption Establishment whose job is limited to investigate corruption and corrupt practices and nothing else. Hence, the impugned order being made upon the directives of common-law is liable to be set aside on this score as well.
- F) That further grounds with leave of this Hon'ble Tribunal will be raised at the time of oral submission.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order of suspension from service may be declared as illegal and unconstitutional. The same may be set aside and the Appellant be held entitled to continue his duties as per law of the

land. Any other remedy though may not specifically prayed for but which canons of justice would demand in the circumstances may also be granted.

Appellant



Shahid Mohsin s/o Mohsin Khan

CERTIFICATE:

Certified that no such like appeal has earlier been filed before this Honourable Tribunal on the subject matter.

Appellant



Shahid Mohsin s/o Mohsin Khan

Through
Barrister
Dr. Adnan Khan



Barrister
Dr. Adnan Khan
Advocate High Court

6

BEFORE THE HONORABLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____ of 2016

Shahid Mohsin s/o Mohsin Khan

.....Appellant

VERSUS

Government of Khyber Pakthunkhwa through Secretary Health and others

.....Respondents

AFFIDAVIT

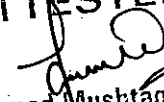
I, Shahid Mohsin (Appellant), do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Honourable Tribunal or elsewhere on this subject matter.

DEPONENT



Shahid Mohsin s/o Mohsin Khan

ATTESTED


Muhammad Mushtaq Khan
OATH COMMISSIONER
District Courts Swat.
upto 17/11/2017
No. 20 Date 29-7-16

7

BEFORE THE HONORABLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____ of 2016

**Shahid Mohsin s/o Mohsin Khan/o Batkhela, Tehsil Batkhela , District
Malakand**

.....Appellant

VERSUS

Government of Khyber Pakthunkhwa through Secretary Health and others

.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

**Shahid Mohsin s/o Mohsin Khan/o Batkhela, Tehsil Batkhela , District
Malakand**

RESPONDENTS:

- 1. Government of Khyber Pakthunkhwa through Secretary Health at
Peshawar**
- 2. District Health Officer Malakand at Batkhela**
- 3. District Accounts Officer, District Malakand at Malakand Top**
- 4. Director Anti Corruption at Peshawar**

Appellant through Counsel

Adnan Khan

Dr. Adnan Khan, Barrister-at-Law

Daily Attendance Register of the

DATE AND HOURS

For the Month of FEBRUARY

(8) (2016) Part "A"

OF ATTENDANCE

Sr. No.	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks
01	Mohammad Durr	P/Tk																																	
02	Mian Akber ulha	P/Tk																																	
03	Sabir Khan	Epi																																	
04	Shahid Khan	Epi																																	
05	Afzal Rehman	Eca/Tk																																	
06	M. Saleem	ST/Tk																																	
07	Fazal Khan	ST/Tk																																	
08	MUJAHID KHAN	Lab/Tk																																	
09	ZAFER KHAN	Lab/Tk																																	
10	Ammal malk	DITk																																	
11	M. Fakir Khan	X-By/Tk																																	
12	Shahjad	A/Tk																																	
13	Javed Iqbal	L/Tk																																	
14	Jawad Shahid	OT/AN																																	
15	Usman Ghani	OT/AN																																	
16	Wajid Shah	N/B																																	
17	Sajid Najat	N/B																																	
18	Javed Iqbal	N/B																																	
19	Shah Afzal	Swp																																	
20	Saltani Gan	Swp																																	
21	Nasim Khan	Swp																																	
22	M. Tariq	Am/D																																	
23	Zafar Iqbal	Am/D																																	
24	Azharud	SIK																																	
25	Muqti Safiq	Lab/Co																																	
26	Inamullah	Lab/Co																																	
27	Falak Naz	N/B																																	
28	Khalid ulha	N/B																																	
29	Adil Khan	N/B																																	

CERTIFIED TO BE TRUE COPY

Barrister
Dr. Usman Khan
Advocate High Court
Faisalabad

21-02-2016

ed

16-2-16

12-30 PM

Shifted in evening



(9) Annex B

KHYBER PAKHTONKHTWA MEDICAL FACULTY PESHAWAR
 BUNGALOW NO. 86/D-5 ABDARA ROAD UNIVERSITY TOWN PESHAWAR
 PHONE NO. 091-9216008 FAX NO. 091-9218630

No. 2901 /MF Dated:- 2 - 3 - 2012.

To: The Executive,
 District Officer Health
 Malakund at Baskhela.

Subject:- VERIFICATION OF DIPLOMA/CERTIFICATE.

Memo:

Reference to your letter No.646 dated. 18-02-2012 on the Subject noted above.
 The particular of the following certificate/Diploma have been checked with the official record and the remarks are as under.

S. No	Name	F/ Name	Category	Roll No	Session	Remarks
01	Ijaz Mohammad	Aziz Mohammad	Dispenser	34	11-2006	VERIFIED
02	Fayaz Mohd	Shad Mohammad	Pathology	28139	10-2009	VERIFIED
03	Murad Ali Shah	Bakht Rawan	Dispenser	1453	05-1994	VERIFIED
04	Amjad Ali	Muhammad Faqir	Dispenser	402	08-1999	VERIFIED
05	Waqar Mohammad	Khulata Mohud	Pharmacy	30163	04-2010	VERIFIED
06	Mohammad Qasim	Hassan Khan	Dispenser	367	10-1995	VERIFIED
07	M Naeem	Gul Ghani	Pharmacy	1045	10-2009	Provide DMC
08	Aziz ur Rehman	Taj Mohammad Khan	Pharmacy	28299	10-2010	VERIFIED
09	Tariq Mehmood	Ali Mohammad	Surgical	50825	04-2010	VERIFIED
10	Zeeshan	Afsar Nawab	Surgical	30222	10-2010	VERIFIED
11	Nawab Ali	Ghant Rehman	O.T Assis	160/SMF	12-2008	VERIFIED
12	Waseem Sajjad	Afsar Mohammad	Surgical	30169	10-2009	VERIFIED
13	Fawad Khan	Naik Zada	Surgical	30331	02-2011	VERIFIED
14	Syed Shahid Ishaq	Mohammad Ishaq	Surgical	58296	04-2010	VERIFIED
15	Shahid Mohsin	Mohsin Khan	Surgical	1049	01-2010	VERIFIED
16	Ashraf Ali	Sherin Taj	Surgical	5242	2009	VERIFIED
17	Zahir Shah	Yaqoot Shah	Surgical	30156	07-2011	VERIFIED
18	Ali Rehman	Rehman Gul	Pathology	2106	10-2009	VERIFIED
19	Mohammad Iqbal	Talimund	Pathology	30056	04-2010	VERIFIED
20	Arshad Khan	Shah Zamir	Pathology	30031	01-2009	VERIFIED
21	Arshad Iqbal	Jalut Iqbal	Pathology	991	01-2009	VERIFIED
22	Aziz Ul Haq	Taza Khan	Pathology	30033	04-2010	VERIFIED
23	Taimoor Nazir	Bakht Nazir	Pathology	30065	10-2009	VERIFIED
24	Farman Ali	Amir Nawab	Pathology	28344	10-2010	VERIFIED
25	Javed Iqbal	Rafi Ullah	Pathology	30845	10-2009	VERIFIED
26	Shahab ud Din	Ashraf Ud Din	Pathology	30035	10-2010	VERIFIED
27	Farid Gul	Nawab Gul	Pathology	30036	10-2009	VERIFIED
28	Naeem Ullah	Bakht Zamin Khan	Surgical	30135	04-2010	VERIFIED

(DR. SIRAJ MUHAMMAD)
 SECRETARY
 KHYBER PAKHTONKHTWA
 MEDICAL FACULTY PESHAWAR

No. 2901-03 /MF Dated: 21/3/2012.

Copy forwarded to the:-

- Secretary to Govt. of KPK Health Department / Chairman, KPK Medical Faculty, Peshawar
- Director General Health services KPK Peshawar.

[Handwritten signature]

**CERTIFIED TO
 BE TRUE COPY**

SECRETARY
 KHYBER PAKHTONKHTWA
 MEDICAL FACULTY PESHAWAR

Barrister
Dr. Siraj Khan
 Advocate High Court

19

OFFICE OF THE EXECUTIVE DISTRICT OFFICER,
HEALTH MALAKAND AT BARKHLELA

AnnⁿC

No. / 2012

Dated 11/01/2012

To: The Agency Accounts Officer,
Malakand

Subject: PAY RELEASE

It is certified that the documents of the following Jr. Clinical Technicians has been verified from Medical Faculty Boards and found correct. Their salaries are hereby released with effect from the date of taking over charge

No	Name	Father	Designation
1	Sarajuddin	Faiz Sultan	B.T Pharmacy
2	Sajjad Ali	Abdul Gul	JCT Pathology
3	Tariq Mehmood	Abul Mahammad	JCT Surgical
4	Waseem Saad	Abul Mahammad	JCT Surgical
5	Fawad Khan	Naik Zada	JCT Surgical
6	Javed Akbar	Rajiv Malik	JCT Pathology
7	Imad Khan	Fazal Chishti	JCT Surgical
8	Shahid Mehmood	Mohsin Khan	JCT Surgical
9	Muhammad		JCT Pathology
10	Zawahir	Ajfar Nadeem	JCT Surgical

Executive District Officer,
Health Malakand at Barkhela

(Handwritten notes and signatures)

CERTIFIED TO
BE TRUE COPY

(Signature)

Bar. 155
Dr. Adnan Khan
Advocate High Court

(Official stamp)

(Official stamp)

(11)



BETTER COPY

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER
HEALTH MALAKAND AT BATKHELA**

No. _____/_____/_____

Dated:

To

**The Agency Accounts Officer
Malakand.**

Subject: - **PAY RELEASE**

It is certified that the documents of the following Junior Clinical Technician has been verified from Medical Fitness Faculty Board and found correct. Their salaries are hereby released with effect from the date of taking over charge.

S. No.	Name	Father Name	Designation
1.		Fazli Subhan	JCT Pharmacy
2.	Sajjad Ali	Amin Gul	JCT Pathology
3.	Tariq Mehmood	Ali Muhammad	JCT Surgical
4.	Wasim Sajjad	Afar Muhammad	JCT Surgical
5.	Fawad Khan	Naik Zada	JCT Surgical
6.	Javed Iqbal	Rafiullah	JCT Pathology
7.	Imad Khan	Fazal Ghaffar	JCT Surgical
8.	Shahid Mohsin	Mohsin Khan	JCT Surgical
9.	Ali Ahmed		JCT Pathology
10.	Zeeshan	Afsar Nawab	JCT Surgical

**CERTIFIED TO
BE TRUE COPY**

Adnan Khan

Barrister
Dr. Adnan Khan
Advocate High Court

Executive District Officer
Health Malakand AT Batkhela

(12)

Annex D

OFFICE OF THE DISTRICT HEALTH OFFICER
MALAKAND AT BATKHELA

No. 2588-29

Dated 23/06/2013

To: The Agency Account Officer,
Malakand

Subject: STOPPAGE OF SALARY

Memo: An enquiry is under process against the following Para Medics, by the Co ACE Malakand. Therefore it is requested that their salary may please be stopped till the decision of the authority concerned.

S.No	Name	F/Name	P.No	Remarks
1	Mohd Fayaz	Mohd Nawaz	659150	Attached to this office
2	Nawab Ali	Ghani Rehman	659141	do.
3	Mujahid Khan	Dost Mohd	396191	do.
4	Javid Iqbal	Rafiullah	688766	do.
5	Imad Khan	Fazli Ghafar	686106	do.
6	Wasim Sajjad	Afsar Mohd	688635	do.
7	Shahid Mohsin	Mohsin Khan	688818	do.
8	Fawad Khan	Naik Zada	688815	do.
9	Mohammad Ayaz	Maqbool Ali		MS DHQ: Batkhela
10	Tariq Mehmood	Ali Mohammad	689000	do.
11	Zeeshan	Afsar Nawab	68812	do.

638812

Miel

District Health Officer,
Malakand at Batkhela

No. _____

Copy to:-

1. Medical Superintendent DHQ: Hospital Batkhela
2. A/Clerk of this office.

For information and stop their pay through computer source.

*Advised
19/6/13*

District Health Officer,
Malakand at Batkhela

CERTIFIED TO
BE TRUE COPY

Adnan

Barrister
Dr. Adnan Khan
Advocate High Court

ATTESTED

[Signature]



13

OFFICE OF THE DISTRICT HEALTH OFFICER ALAKAND
 PHONE No.0932-410399, FAX No.0932-413110
 E-mail dhomalakand279@gmail.com

SUSPENSION ORDER.

Circle Officer Anti-Corruption Malakand registered FIR against the following Paramedics under section PPC 409-419-420-468/471-(5)2 PC ACT, dated 22.02.2016, are hereby suspended from their services from date of FIR i.e. 22.02.2016.

- | | |
|--------------------|----------------|
| 1-Mr.Javed Iqbal | JCT Pathology. |
| 2-Mr.Zeeshan | JCT Surgical |
| 3-Mr.Amad Khan | JCT Surgical |
| 4-Mr.Wasim Sajjad | JCT Surgical |
| 5-Mr.Fawad Khan | JCT Surgical |
| 6-Mr.Tariq Mehmood | JCT Surgical |
| 7-Mr.Shahid Muhsin | JCT-Surgical |

District Health Officer
 Malakand.

No. 1329-36 Dated Batkhela the 02/3 /2016.

Copy to:

- 1- Circle Officer Anti Corruption Malakand for information w/r to his letter No.26-5A.ACE. MKD.
 - 2- Director General Health Services, Khyber Pakhtunkhwa Peshawar.
 - 3- Deputy Commissioner Malakand.
 - 4- Account Section of this office for information and necessary action.
 - 5- Medical Superintendent DHQ: Hospital Batkhela.
 - 6- Principal Medical Officer Incharge THQ: Hospital Dargai.
 - 7- Medical Officer Incharge Cat-D Hospital Totakan.
 - 8- The above named officials
- For information.

CERTIFIED TO
 BE TRUE COPY

Adnan Khan

Barrister:
 Dr. Adnan Khan
 Advocate High Court

[Signature]
 District Health Officer
 Malakand.

بخدمت جناب سیکرٹری ہیلتھ گورنمنٹ اف خیبر پختون خواہ بمقام پشاور

L.No. 3580
Date 15.4.16
Secretary Health

- (1) جادیداقبال (لیبارٹری ٹیکنیشن ڈسٹرکٹ ملاکنڈ)
(2) طارق محمود (سرجیکل ٹیکنیشن ڈسٹرکٹ ملاکنڈ)
(3) نوادخان (سرجیکل ٹیکنیشن ڈسٹرکٹ ملاکنڈ)
(4) وسیم سجاد (سرجیکل ٹیکنیشن ڈسٹرکٹ ملاکنڈ)
(5) شاہد محسن (سرجیکل ٹیکنیشن ڈسٹرکٹ ملاکنڈ)

(کسانان اسپتال)

بنام

- (1) DHO (ڈسٹرکٹ ہیلتھ افسر) بمقام بٹ خیل ضلع ملاکنڈ
(2) ڈائریکٹرانٹی کرپشن بمقام پشاور

اپیل بناراضگی آرڈر مجازیہ ازان رسپانڈنٹ نمبر 1

جناب عالی!

سانکان حسب ذیل عرض رسال ہیں

- (1) یہ کہ سانکان نے بعدالت عالیہ پشاور بیچ میٹاورہ میں رٹ پٹیشن دائر کی ہے۔ جو کہ زیر سماعت ہے۔
(2) یہ کہ بدوران سماعت رسپانڈنٹ نمبر 2 نے غیر قانونی اور خلاف ضابطہ طور پر FIR درج کیا۔ (نقل FIR ٹف ہے)۔
(3) یہ کہ بعد از FIR درج کرنے سانکان کو گرفتار کیا گیا۔
(4) یہ کہ درخواست سانکان بغرض رہائی بعدالت انٹی کرپشن بمقام پشاور خارج ہوئی۔
(5) یہ کہ سانکان نے بعدالت ہائی کورٹ بیچ میٹاورہ میں درخواست رہائی بغرض ضمانت فائل کی جو کہ مورخہ 31.03.2016 کو منظور ہوئی۔
(6) یہ کہ بعد از رہائی سانکان کو طوم ہوا کہ رسپانڈنٹ نمبر 1 نے سانکان کو suspend کرنے کا آرڈر جاری کیا ہے۔

(PTO)

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Barrister
Dr. Adnan Khan
Advocate High Court

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سائلان بعد از رہائی متعلقہ دفتر جا کر علم ہوتے ہی حکمانہ اپیل بوجوہات ذیل دائر کرتے ہیں

وجوہات اپیل!

- (1) یہ کہ رسپانڈنٹ نمبر 1 غیر قانونی، خلاف ضابطہ اور اصولوں کے خلاف ہو کر قابل اخراج ہے۔
- (2) یہ کہ مقدمہ سائلان رو بروئے عدالت عالیہ میٹاورہ بیچ آڈار القضاء زیر سماعت ہے جس بارے رسپانڈنٹ نے comments بھی فائل کئے ہیں لیکن رسپانڈنٹ نے انتظار کئے بغیر غیر قانونی طور پر بد اساس FIR سائلان کو suspend کیا ہے جو کہ ہرگز قابل پزیرائی نہ ہے۔
- (3) یہ کہ جیسا کہ ریکارڈ سے ظاہر ہے کہ سائلان جیل میں مقید تھے۔ نہ سائلان کو نوٹس جاری کیا گیا ہے اور نہ سائلان کو hearing کا موقع دیا گیا ہے۔ اس وجہ سے بھی آرڈر بحوالہ suspension ہرگز قانونی نہ ہے۔
- (4) یہ کہ FIR جو کہ رسپانڈنٹ نمبر 2 نے lodge کیا ہے حالانکہ رسپانڈنٹ نمبر 2 کو اس قسم کے مقدمات میں ہرگز اختیارات حاصل نہ ہے لیکن رسپانڈنٹ نمبر 1 نے مبینہ FIR کو جواز بنا کر سائلان کو suspend کر کے قانونی غلطی کر کے اختیارات خود سے تجاوز کیا ہے۔ جو کہ قابل اخراج ہے۔
- (5) یہ کہ دیگر امور ادجوبات بدوران بحث زیر غور لائے جائیں گے۔

عالات بالا استدعا ہے کہ منظور کی حکمانہ اپیل ہذا حکم مجاز یہ رسپانڈنٹ نمبر 1 کو منسوخ، کالعدم، غیر قانونی، خلاف ضابطہ گردانی جا کر خارج فرمایا جائے۔

سائلان۔

14.04.2016

Copy forwarded to:

- (1) DG health government of KPK for information and necessary action please.
- (2) DHO malakand for information and necessary action please.
- (3) all concerned hospitals incharge for information please.

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Adnan Khan

BARRISTER
Dr. Adnan Khan
Advocate High Court

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بعدالت خیر بختونخواہ سروس ٹریبونل پشاور



مورخہ 30 جولائی 2016ء منجانب اپیدانٹ
مقدمہ شاہد محسن منیرہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام مندرہ سوات کیلئے بیئر سٹریٹ ڈائریکٹریاں خان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل احتیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقریر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہر جائزہ التوا ایے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا گ سند رہے

المعبد گواہ شہدہ العبد

کے لئے منظور ہے



Attested
Accepted
Adnan

Barrister
Dr. Adnan Khan
Advocate High Court

بمقام مندرہ سوات/پشاور

شاہد محسن منیرہ خان