

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dismissed as withdrawn.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. 785 of 2016

Javaid Iqbal 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 That the impugned order of suspension of service dated 02-03-2016 has been withdrawn by the respondents, and the appellate has been re-instated to his service.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.

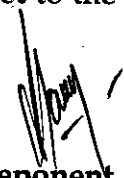
*DAF
MA*

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


Appellant
Javaid Iqbal

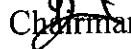
Certificate

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


Deponent
Javaid Iqbal


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. 785/2016

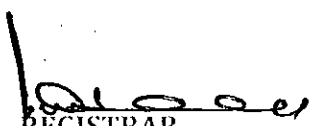
S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1.	02/08/2016	<p>The appeal of Mr. Javed Iqbal is resubmitted today Dr. Adnan Khan Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2.	<p>OS-08-2016</p> <p style="text-align: center;"> 08.09.2016</p>	<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>
	06.10.2016	<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> <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 appellants 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. 785 of 2016

Javed Iqbal.....Appellant

VERSUS

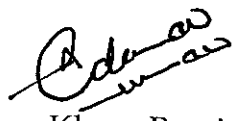
Government of Khyber Pakthunkhwa through Secretary Health and others

.....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: 03469415233

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KPK PESHAWAR

Khyber Pakhtukhwa
Service Tribunal

Service Appeal No. 785 of 2016

Diary No. 789

Dated 02/8/2016

Javed Iqbal s/o Rafi Ullah r/o Jouligram, P.O Dherai,
Tehsil Batkhela District Malakand

.....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.

Re-submitted to -day
and filed.

[Signature]
Registrar Respectfully Sheweth:

1. That the appellant being diploma holder in Pathology of medical technologies, was appointed as Para-medic after passing through the required scrutiny and fulfillment of codal formalities.

2/8/16

2. That prior to the impugned order, the appellant was serving in DHQ Hospital Batkhela, District Malakand (Copy of attendance sheet from relevant register is attached as Annexure "A").
3. 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 was held to be genuine (Copy of verification letter dated 02-03-2012 is attached as Annexure "B").
4. 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").
5. That on a dubious and anonymous complaint allegedly addressed to respondent No.2, salary 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").
6. 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.
7. 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.

8. 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").
9. 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").
10. 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 corum-non-judice 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


Javed Iqbal s/o Rafi Ullah

CERTIFICATE:

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

Appellant


Javed Iqbal s/o Rafi Ullah

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

Javed Iqbal s/o Rafi Ullah

.....Appellant

VERSUS

Government of Khyber Pakthunkhwa through Secretary Health and others

.....Respondents

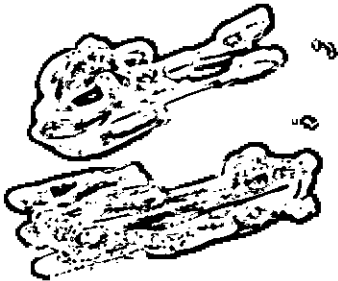
AFFIDAVIT

I, Javed Iqbal (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



Javed Iqbal s/o Rafi Ullah



ATTESTED

Muhammad Mushtaq Khan
OATH COMMISSIONER
District Courts Swat.

No. 17 upto 17/11/2017 Date 29-7-2016

7

BEFORE THE HONORABLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____ of 2016

Javed Iqbal s/o Rafi Ullah

.....Appellant

VERSUS

Government of Khyber Pakthunkhwa through Secretary Health and others

.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Javed Iqbal s/o Rafi Ullah r/o Jouligram, P.O Dherai, 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


Dr. Adnan Khan, Barrister-at-Law

Daily Attendance Register of the

DATE AND HOURS

For the Month of FEBRUARY

8

(2016) Part "A"

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	Muhammad Diyar	P/Tec																																	
02	Mian Akber ulha	P/Tec																																	
03	Sabir Khan	Epi																																	
04	Shahid Khan	Epi																																	
05	Afzal Rehman	ECG/K																																	
06	M. Saleem	CT/Tec																																	
07	Fawad Khan	CT/Tec																																	
08	Muhammad Khan	Lab/Tec																																	
09	Zafar Khan	Lab/Tec																																	
10	Aamir Malik	DITec																																	
11	M. Fahim Khan	X-Ray/Tec																																	
12	Shahzad	A/Tec																																	
13	Tawad Iqbal	L/Tec																																	
14	Tawad Shahid	OT/AN																																	
15	Usman Ghani	OT/AN																																	
16	Wazir Shah	N/B																																	
17	Sajid Najat	N/B																																	
18	Tawad Iqbal	N/B																																	
19	Shah Afzal	Swp																																	
20	Sultani Gani	Swp																																	
21	Nadeem Khan	Swp																																	
22	M. Tariq	Swp/D																																	
23	Zafar Iqbal	Swp/D																																	
24	Ayshaad	Swp																																	
25	Muhammad Tariq	Lab/Tec																																	
26	Inamullah Khan	Lab/Tec																																	
27	Falak Naz	N/B																																	
28	M. Tariq	Swp/D																																	
29	Adil Khan																																		

Handwritten notes and signatures in the Remarks column, including "16-2-16" and "12-30 PM".

21-03-2016

CERTIFIED TO BE TRUE COPY

Signature of the certifier.

Barrister
Dr. Sidran Khan
Advocate High Court
Special Pleader to Bench

No. 2901 /MF

Dated: 2/3/2012



Ann "B"

The Executive,
District Officer Health
Malakand at Batkhela.

Subject:- VERIFICATION OF DIPLOMA/CERTIFICATE.

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	Eyaz Mohd	Shad Mohammad	Pathology	28139	10-2009	VERIFIED
03	Murad Ali Shah	Bakht Rawan	Dispenser	1453	05-1994	VERIFIED
04	Anjad Ali	Muhammad Faqir	Dispenser	402	08-1999	VERIFIED
05	Waqas Mohammad	Khaista Mohad	Pharmacy	30163	04-2010	VERIFIED
06	Muhammad Qasim	Hassan Khan	Dispenser	367	10-1995	VERIFIED
07	Al Naeem	Gul Ghani	Pharmacy	1045	10-2009	Provide DMC
08	Aziz ur Rehman	Taj Mohammad Khan	Pharmacy	28299	10-2010	VERIFIED
09	Fariq Melmood	Ali Mohammad	Surgical	50825	04-2010	VERIFIED
10	Zeeshan	Afsar Nawab	Surgical	30222	10-2010	VERIFIED
11	Nawab Ali	Ghani 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 Shaliid Ishaq	Mohammad Ishaq	Surgical	58296	04-2010	VERIFIED
15	Shaliid 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	2306	10-2009	VERIFIED
19	Mohammad Iqbal	Talimand	Pathology	30056	04-2010	VERIFIED
20	Arshad Khan	Shah Zamir	Pathology	30031	01-2009	VERIFIED
21	Arshad Iqbal	Jalat Iqbal	Pathology	991	01-2009	VERIFIED
22	Aziz Ull 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 PAKHTUNKHWA
MEDICAL FACULTY PESHAWAR

CERTIFIED TO BE TRUE COPY

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

Copy forwarded to the:-

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

CERTIFIED TO BE TRUE COPY

Dr. Adnan Khan
Barrister
Advocate High Court

SECRETARY
KHYBER PAKHTUNKHWA
MEDICAL FACULTY PESHAWAR

Barrister
Dr. Siraj Muhammad Khan
Advocate High Court

OFFICE OF THE EXECUTIVE DISTRICT OFFICER,
HEALTH MALAKAND AT BATAKHELA

Ann "C"

No. 1797

Dated 11/04/2012

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

S.No	Name	Rank	Designation
1	Sirajuddin	Fazli Subhan	JCT Pharmacy
2	Sairad Ali	Amir Gul	JCT Pathology
3	Tariq Mehmood	Ali Mohammad	JCT Surgical
4	Wasim Sajjad	Afarin Mohammad	JCT Surgical
5	Fawad Khan	Naik Zada	JCT Surgical
6	Javed Akbar	Rajiwallah	JCT Pathology
7	Imad Khan	Fazal Ghajjar	JCT Surgical
8	Shahid Nadeem Mohsin	Mohsin Khan	JCT Surgical
9	Aftab Ahmad		JCT Pathology
10	Zaheer	Afsar Nawab	JCT Surgical

Executive District Officer,
Health Malakand at Batakhele

CERTIFIED TO
BE TRUE COPY

Adnan Khan

Barrister
Dr. Adnan Khan
Advocate High Court

Stamp: HEALTH MALAKAND AT BATAKHELA

Stamp: 11/04/2012

Stamp: SECTION OFFICER

Only highlighted part relevant.

Adnan Khan

Barrister
Dr. Adnan Khan
Advocate High Court



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



Executive District Officer
Health Malakand AT Batkhela

**CERTIFIED TO
BE TRUE COPY**

Barrister
Dr. Adnan Khan
Advocate High Court

(12)

Ann'D

OFFICE OF THE DISTRICT HEALTH OFFICER
MALAKAND AT BATKHELA

No. 2-588-29-1

Dated 23/06/2013

To: The Agency Accounts 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	Rafiqullah	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: Batkhele
10 /	Tariq Mehmood	Ali Mohammad	689000	...do...
11 /	Zeeshan	Afsar Nawab	68812	...do..

638812

Mel
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.

District Health Officer,
Malakand at Batkhela

Adnan
19/6/13

CERTIFIED TO
BE TRUE COPY

Adnan Khan
Barrister
Dr. Adnan Khan
Advocate High Court

ATTESTED

CERTIFIED

CERTIFIED

[Signature]



Ann "E"

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.

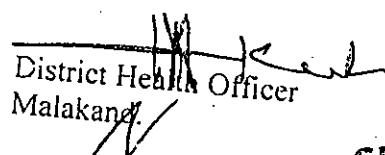
- | | |
|--------------------|----------------|
| 1-Mr.Javed Iqbal | JCT Pathology. |
| 2-Mr.Zeeshan | JCT Surgical |
| 3-Mr.Amad Khan | JCT Surgical |
| 4-Mr.Wasim Sajjad | JCT Surgical |
| 5-Mr.Fawad Khan | JCT Surgical |
| 6-Mr.Tariq Mehmood | JCT Surgical |
| 7-Mr.Shahid Muhsin | JCT-Surgical |

District Health Officer
Malakand:

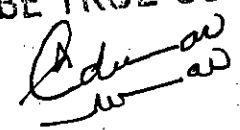
No. 1329-36 Dated Batkhela the 02/3 /2016.

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.


District Health Officer
Malakand

**CERTIFIED TO
BE TRUE COPY**


Barrister
Dr. Adnan Khan
Advocate High Court

بخدمت جناب سیکرٹری ہیلتھ گورنمنٹ اف خیبر پختون خواہ بمقام پشاور

No. 3580

Date ... 15.4.16

Secretary Health

(1) جاوید اقبال (لیبارٹری ٹیکنیشن ڈسٹرکٹ ملاکنڈ)

(2) طارق محمود (سر جیکل ٹیکنیشن ڈسٹرکٹ ملاکنڈ)

(3) نواز خان (سر جیکل ٹیکنیشن ڈسٹرکٹ ملاکنڈ)

(4) وسیم سجاد (سر جیکل ٹیکنیشن ڈسٹرکٹ ملاکنڈ)

(5) شاہد محسن (سر جیکل ٹیکنیشن ڈسٹرکٹ ملاکنڈ)

(کسانان / اسپتال)

بنام

(1) DHO (ڈسٹرکٹ ہیلتھ افسر) بمقام بٹ خیلہ ضلع ملاکنڈ

(2) ڈائریکٹرانٹی کریپشن بمقام پشاور

اپیل بناراضگی آرڈر مجازیہ ازان رسپانڈنٹ نمبر 1

جناب عالی!

سانلان حسب ذیل عرض رسال ہیں

- (1) یہ کہ سانلان نے بعدالت عالیہ پشاور بیچینگ میٹاورہ میں رٹ پیشین 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 لفٹ ہے)۔
- (3) یہ کہ بعد از FIR درج کرنے سانلان کو گرفتار کیا گیا۔
- (4) یہ کہ درخواست سانلان بغرض رہائی بعدالت انٹی کریپشن بمقام پشاور خارج ہوئی۔
- (5) یہ کہ سانلان نے بعدالت ہائی کورٹ بیچینگ میٹاورہ میں درخواست رہائی بغرض ضمانت فائل کی جو کہ مورخہ 31.03.2016 کو منظور ہوئی۔
- (6) یہ کہ بعد از رہائی سانلان کو علم ہوا کہ رسپانڈنٹ نمبر 1 نے سانلان کو suspend کرنے کا آرڈر جاری کیا ہے۔

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(PTO)

Barrister
Dr. Adnan Khan
Advocate High Court

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ساکنان بعد از رہائی متعلقہ دفتر جا کر علم ہوتے ہی محکمانہ 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 ساکنان رو بروئے عدالت عالیہ میں گورہ پنجم دارالقضاء زیر شاعت ہے جس بارے رسپانڈنٹ نے comments بھی فائل کئے ہیں لیکن رسپانڈنٹ نے انتظار کئے بغیر غیر قانونی طور پر بہ اساس FIR ساکنان کو suspend کیا ہے جو کہ ہرگز قابل پزیرائی نہ ہے۔
- (3) یہ کہ جیسا کہ ریکارڈ سے ظاہر ہے کہ ساکنان جیل میں مقید تھے۔ نہ ساکنان کو نوٹس جاری کیا گیا ہے اور نہ ساکنان 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 ساکنان کو suspend کر کے قانونی غلطی کر کے اختیارات خود سے تجاوز کیا ہے۔ جو کہ قابل اخراج ہے۔
- (5) یہ کہ دیگر امور اور وجوہات بدوران بحث زیر غور لائے جائیں گے۔

~~_____~~
~~_____~~
~~_____~~

عالات بالا استدعا ہے کہ بمنظوری محکمانہ اپیل ہذا حکم مجازیہ رسپانڈنٹ نمبر 1 کو منسوخ، کالعدم، غیر قانونی، خلاف ضابطہ گردانی جا کر خارج فرمایا جائے۔

ساکنان۔

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

بعد ازاں خیبرختونخواہ سروس ٹریبونل پٹا

(76)

کوٹ فیس قیمت ایک روپیہ

مورخہ 21 جولائی 2014ء منجانب ایڈیلٹیشن
مقدمہ جاوید اقبال وغیرہ بنام حکومت خیبرختونخواہ وغیرہ
دعویٰ سروس اریبل

باعث تحریر آنکہ

جرم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام مینگو سوات کیلئے عبیر سٹریٹ لٹریٹورن خان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر 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 اس کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی 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 جانہ 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 ک سند رہے

2014

جولائی

المرقوم 21

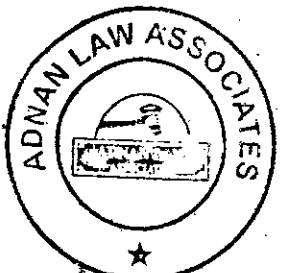
العبید گواہ شد

Attested

Accepted

کے لئے منظور ہے

مقام مینگو سوات / پٹا



Signature
Adnan Law Associates
High Court