

Sr. No	Date of order/ proceeding	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	23.11.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 782/2016</p> <p style="text-align: center;">Date of Institution ... 27.07.2016 Date of Decision ... 23.11.2017</p> <p>Allah Rakhi D/o Sharf Din Charge Nurse, Liaqat Memorial Hospital Kohat.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. The Government of Khyber Pakhtunkhwa through Secretary Health Civil Secretariat, Peshawar. 2. The Director General Health Civil Secretariat, Peshawar. 3. The Medical Superintendent Liaqat Memorial Hospital, Kohat. 4. The Deputy Commissioner, Kohat <p style="text-align: right;">Respondents</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant present. Learned Assistant Advocate General on behalf of the respondents present.</p> <p>2. The appellant has filed the present appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against respondents. Aggrieved against the order dated 31.08.2015 whereby the appellant (Charge Nurse) was relieved from W&C/LMH Kohat and was directed to report to Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting; the appellant first approached the Hon'ble Peshawar High Court Peshawar by filing writ petition and then instituted the present service appeal.</p>


Handwritten signature and initials.

3. Arguments of the learned counsel for the appellant and learned AAG heard.

4. Admittedly the impugned order dated 31.08.2015 is not in field. However learned counsel for the appellant agitated that the respondent department is reluctant to release monthly salary of the appellant. In the given circumstances, the present appeal against the order which is no more in field is not maintainable. However the respondent department is directed to release such amount of salary of the appellant to which she is lawfully entitled. Appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Gul Zeb Khan)
MEMBER

ANNOUNCED
23.11.2017


(Muhammad Hamid Mughal)
MEMBER

26.05.2017

Counsel for appellant present Mr. Muhammad Adeel Butt, Additional AG for respondents also present. Learned counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 18.09.2017 before D.B.

(GUL ZEB KHAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.09.2017

Learned counsel for the appellant present. Learned Deputy District Attorney for the respondent present. The instant appeal is already fixed before D.B. Admitted for regular hearing, and subject to all just exceptions. To come up for reply/further proceedings/arguments on ~~23-11-17~~ before D.B.

Member
(Executive)

Member
(Judicial)

23.11.2017

Learned counsel for the appellant present. Learned Assistant AG for the respondents present. Vide our separate judgment of today placed on file, the present appeal against the order which is no more in field is not maintainable. However the respondent department is directed to release such amount of salary of the appellant to which she is lawfully entitled. Appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

(Gul Zeb Khan)
MEMBER

(Muhammad Hamid Mughal)
MEMBER

782/2016

04.10.2016

Counsel for the appellant and Mr. Faridullah, Assistant Director for respondent No. 2 alongwith Mr. Kabirullah Khan Khattak, Assistant AG for respondents present. Record not produced. Respondents requested for further time to produce record. The respondents are directed to submit pre-admission reply. To come up for respondents reply and arguments on

1.11.16 .. before D.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

(PIR BAKHSH SHAH)
MEMBER

01.11.2016

Counsel for the appellant and Mr. Yar Gul, Senior Clerk alongwith Mr. Ziaullah, GP for respondents present. Requested for adjournment. To come up for arguments on 23.02.2017 before D.B.

Member

Chairman

23.02.2017

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment as counsel for the appellant was busy before Peshawar High Court, Peshawar. Request. To come up for arguments on 26.05.2017 before D.B.

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER



18.08.2016

Counsel for the appellant present and submitted application for release of pay of the appellant from 1.10.2015 till to date.

In the instant appeal the appellant has impugned her reliving order dated 31.8.2015. Appeal in hand seems time barred however, as per request of the learned counsel a pre-admission notice be issued to the learned Additional Advocate General. To come up for further proceedings on 26.9.2016 before S.B.


Member





26.09.2016



Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant submitted that by way of an unlawful order dated 31.08.2015, passed by M.S LMH, Kohat who was not competent to have done so, the appellant has been made a rolling stone from post to pillar and from pillar to post in between the office of the said M.S and D.G.H Peshawar. He urged that no salary has been paid to the appellant since 01.10.2015. The points before this Tribunal are that of limitation and payment of salary. It was requested by learned GP that he may be given certain time to consult the record about the duty of the appellant so that the point of salary could be properly resolved. In the circumstances of the case, the appeal be put up before D.B for appropriate order. The respondent-department should produce relevant record. To come up for arguments before D.B on 04.10.2016.


Member

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 782/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/08/2016	<p style="text-align: center;">The appeal of Mst. Allah Rakhi resubmitted today by Mr. Abdul Haleem Khattak 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> <p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>4.8.16</u></p> <p style="text-align: right;"> MEMBER</p> <p style="text-align: center;">No one present on behalf of the appellant. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on <u>18-8-16</u>.</p> <p style="text-align: right;"> Member</p>
2	04.08.2016	<p style="text-align: center;"></p>

The appeal of Mst. Allah Rakhi D/o Sharf Din Charge Nurse Liaqat Memorial Hospital Kohat received to-day i.e. on 27.07.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 1201 /S.T,

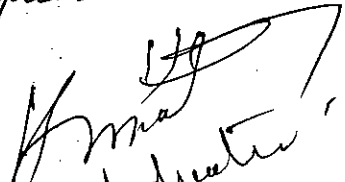
Dt. 27/7 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Haleem Khattak Adv. Pesh.

1/8/2016

Sir, Re-submitted after completion.


H. ma
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 782 /2016

Mst Allah Rakhi.....
.....Petitioner

Versus

Director General Health
Services and others
.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of <i>Appeal</i> alongwith Affidavit <i>with Application</i>			1-10
2.	Copy of Curriculum Vitae		A	11-12
3.	Copy of impugned relieving order.	31-08-2015	B	13
4.	Copy of the document under which the salary of the petitioner has been stopped.	01-10-2015	C	14-15
5.	Copy of letter No.1166/CE/2015.	11-09-2015	D	16
6.	Copy of Office order	07-09-2015	E	17
7.	Office Order No.5772/E.II dated 30-09-2015	30-09-2015	F	18
8.	Copy of Office Order	03-10-2015	G	19
9.	Copy of the application of the appellant	04-11-2015	H	20
10.	Copy of statement of allegation	11-11-2015	I	21
11.	Copy of office Order	23-11-2015	J	22

S.No.	Description of Documents	Date	Annexure	Pages
12.	Copy of office order	19-01-2016	K	23
13.	Copy of Departmental Appeal	02-02-2016	L	24
14.	Copy of officer order	29-02-2016	M	25
15.	Copy of Mr. Amir Ullah OTS Road Peer Khel, Chakar Kot, Kohat		N	26-28
16.	Copy of Order of H. Court		O	29-33
17.	Copies of press clippings		P	34-37
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Appellant

Through


Abdul Haleem Khattak
Advocate, Peshawar

Dated: _____ / 07/ 2016

BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 782/2016

Diary No. 768

Dated 27-7-2016

Allah Rakhi D/o Sharf Din Charge Nurse, Liaqat Memorial Hospital
Kohat.....Appellant.

Versus

1. The Govt: of Khyber Paktunkhwa through Secretary Health Civil Secretariat, Peshawar.
2. The Director General Health Civil Secretariat, Peshawar.
3. The Chief Executive Officer DHQ Hospital, Kohat.
4. The Medical Superintendent Liaqat Memorial Hospital, Kohat.
5. The Deputy Commissioner, KohatRespondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974.

Prayer:- On acceptance of the instant service appeal this Honourable Tribunal may graciously be pleased to declare the impugned relieving order as unlawful, illegal, without lawful authority and void abinito and set aside the same or direct the respondents to withdraw the impugned Relieving order and allow the appellant to serve against her post at Liaqat Memorial Hospital, Kohat and stop the illegal harassment of the appellant.

Filed to-day

Registrar
27/7/16

Re-submitted to -day
and filed.

Registrar

01/8/16

2

This Honourable Tribunal may also graciously be pleased to direct the respondents to release her salaries which have been stopped through an illegal manner since 1st October, 2015 till date and onwards.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

- 1) That appellant has been serving as Charge Nurse at Liaquat Memorial Hospital, Kohat. She has longstanding service at her credit with unblemished and clean sheeted conduct record (Curriculum Vitae is attached as Annexure-A).
- 2) That respondent No.4 vide Office Order No.2998-3000/PF dated 31-08-2015 (Annexure-B) relieved the appellant from her lawful duty without assigning any lawful reason and directed her to report to Director General Health Services KPK, Peshawar for further posting. Appellant salaries have also been stopped with effect from 01-10-2015 (Annexure-C).
- 3) That appellant being aggrieved from the above referred order submitted his grievances in shape of application before the respondent No.3, who vide letter No.1166/CE/2015 dated 11-09-2015 (Annexure-D) asked the respondent No.4 to, appraise him as to whether respondent No.4 is competent to relieve grade 16 officer.
- 4) That respondent No.4 paid no heed to the direction of respondent No.3.
- 5) That it is pertinent to mention here that appellant submitted application for medical leave but the same was regretted on the ground that since she has been relieved from LMH, Kohat and no more on the strength

of LMH therefore respondent No.4 is unable to entertain her request (Annexure-E).

- 6) That if it is presumed that appellant is not on the strength of LMH, Kohat that how could she be subjected to the so called inquiry.
- 7) That appellant than submitted her grievances before the respondent No.2, who vide Office Order No.5772/E.II dated 30-09-2015 (Annexure-F) directed the respondent No.4 to withdraw the impugned relieving order and if the appellant has committed any misconduct than proper inquiry may be initiated against her and that too with intimation to respondent No.2.
- 8) That respondent No.4 with out withdrawing the relieving order as per directions of respondent No.2 constituted a committee to conduct inquiry against the appellant (Annexure-G) and directed the appellant to appear before the committee for recording her statement.
- 9) That appellant submitted application that since she has not been served with charge sheet and statement of allegation therefore, she is unable to record her statement (Annexure-H). Appellant was served with statement of allegation (Annexure-I).
- 10) That Appellant requested the respondent No.4 to withdraw the relieving order as per directions of respondent No.2 so that she may be brought up on the strength of LMH, Kohat as no disciplinary action could legally be taken against her, unless the appellant is not brought up on the strength of LMH.
- 11) That it is very astonishing that respondent No.4 vide office order dated 23-11-2015 (Annexure-J) directed the appellant to appear before the so

called constituted inquiry committee and record her statement and that too on the same day i.e 23-11-2015 at 11 am. This office order has never been communicated to the appellant. The appellant has obtained the same office order through her own efforts.

12) That being subjected to continual harassment; appellant again knocked the door of respondent No.2 for interference and justice, who vides Office Order dated 19-01-2016 (Annexure-K), directed the respondent No.4 to withdraw the impugned relieving order immediately with intimation to his office and complete the inquiry process within stipulated period and submit the inquiry report before him.

13) That appellant submitted departmental appeal (Annexure-L) before respondent No.2, which is still pending without disposal.

14) That respondent No.4 paid no heed to the direction of his superior and without withdrawing the impugned relieving order again vides office order dated 29-02-2016 (Annexure-M) directed the appellant to appear before the so called inquiry committee on 04-03-2016 at 10.00 am. This Office order has never been communicated to the appellant and appellant has obtained a copy of the same on 21-03-2016 and more so without bringing the appellant on the strength of the employee of LMH, Kohat; how can an inquiry be initiated against her?

15) That it is very important to bring into the notice of this Honourable Tribunal that one Mr. Amir Ullah OTS Road Peer Khel, Chakar Kot, Kohat vide his application before the respondent No.5 has requested him to interfere with affairs of LMH, Kohat and save the Hospital from corrupt mafia (Annexure-N). The application is worth perusal. The appellant has

5

arrayed the respondent No.5 as party in order to bring the real picture of respondent No.4 before this Honorable Court.

16) That appellant has been continuously subjected to harassment by respondent No.4 with connivances of other corrupt mafia and has deprived her not only from his legal duty but also from his salaries since 01-10-2015. Appellant filed writ petition, but the same was dismissed on the ground of jurisdiction (Annexure-O). The appellant is in hanging position and therefore, need interference from this Honourable Tribunal.

GROUNDS:-

- A. That respondents have not treated the appellant in accordance with law, rules and policy and acted in violation of Article 4 of the Constitution 1973. Appellant has not committed any sort of misconduct. She has been subjected to illegal and ill manner treatment and has been made an escape goat. How could she be subjected to inquiry by respondent No.4, when she is not on the strength of LMH, Kohat. It is necessary to bring the appellant on the strength of LMH, Kohat. She is voluntary to face any sort of inquiry. This Honourable Tribunal has got the jurisdiction to direct the respondent No.4 to withdraw his relieving order and then probe the matter in accordance with law and rules.
- B. That respondent No.4 is not competent to issue any relieving order and to initiate any inquiry proceedings against the appellant as she is grade 16 officers. As per law only the appointing authority can initiate inquiry proceedings therefore the whole process initiated by respondent No.4 is illegal, unlawful, without lawful authority and void ab initio and therefore, liable to be sit aside.

- (16)
- C. That the Executive Authority is not above the law and it must on challenge to its action, show the legal authority from where it derives the source of its authority. In case the executive fails to show the source of its power, its acts, as so far they conflict with legal protected interests of individuals, must be declared by courts Ultra vires and without jurisdiction. Reliance is placed on reported judgment PLD 1990 Kar 9.
- D. That appellant has highly been discriminated as her other colleagues have continuously been appointed as against their choice postings as are evident from the press clipping and duty roasters (Annexure-P) and whereas the appellant being highly professional in her job is treated in ill manner which is not only against law but also in my humble view highly unwarranted and undesirable and need interference from this Honorable Tribunal.
- E. That appellant belongs to lower class of society and has no means to satisfy the needs of her dependents. The monthly pay of the appellant has been stopped since 01-10-2015 till the date. This unprecedented behavior on the part of respondent No.4 is not only condemnable but also very undesirable.
- F. That appellant has been in hanging position since September 2015 as she is neither on the strength of respondent No.2 nor on the strength of respondent No.4 and more so her salaries have been also stopped since 01-10-2015 therefore need early indulgence on the part of this Honorable Tribunal.
- G. That appellant would like to seek the permission of this Honorable Tribunal to advance further grounds at the time of hearing.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

(9)

Service Appeal No. _____/2016

Allah Rakhi D/o Sharf Din Charge Nurse, Liaqat Memorial Hospital
Kohat.....Appellant.

Versus

The Govt: of Khyber Paktunkhwa through Secretary Health Civil
Secretariat, Peshawar and others.....Respondents.

Application for condonation of delay if any

Respectfully Sheweth,

1. That accompanying appeal has been filed today, which is yet to be fixed for hearing.
2. That appellant has been deprived from her lawful salaries and duty and as such she has been continuously aggrieved from the acts and omission of the respondents till the date therefore, continual cause of action has been rising in her favour.
3. That appellant has very prima facie case in her favour and therefore could not be unsuited on the ground of limitation as per judgment of the Honourable Supreme Court of Pakistan.

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4. That the aversion made by the appellant in her accompanying service appeal may kindly be considered as part and parcel of the instant application.

In view of the above, it is humbly requested that the bar of the law of limitation if any may kindly be condoned in favour of the applicant/appellant.

[Signature]
Appellant

Through

[Signature]
Abdul Haleem Khattak
Advocate, Peshawar

Dated: _____ / 07/ 2016

Affidavit

I, Abdul Haleem Khattak counsel for the appellant on her behalf and as per her instruction, do hereby solemnly affirm and declare that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Deponent

25.7


(11)

A

A-1

CURRICULUM VITAE

OBJECTIVE:

A challenging and rewarding position in a reputed organization that not only utilize my Educational Knowledge and skill, but also provide opportunity for personal growth and career development.

PERSONAL INFORMATION:

Name : Allah Rakhi
Father's Name : Sharf Din
Marital Status : Married
Gender : Female
Religion : Islam
Date of Birth : 15-03-1988
CNIC No : 40589016139
Contact No : 0346-9779153
City : Sialkot
Domicile : Peshawar
Nationality : Pakistani
Permanent Address : Near Govt Girls Higher Secondary School
Chawinda, Teh, Pasrur Dist: Sialkot.

QUALIFICATION:

	Division	Years	Marks	Institution
S.S.C	3 rd	1979	314/900	BISE Lahore
General Nursing	2 nd	1987	329/600	Nursing Examination Board
Diploma in Midwifer	2 nd	1988	---	Nursing Examination Board
Homeopathic	---	1998	" ---	Kohat Homeopathic Medical College and hospital Kohat (DIIMS)
Diploma in Community Nursing	1 st	2002	294/400	Nursing Examination Board Peshawar
BSc (Nursing)	---	2009	106/250	University of Peshawar
Diploma in W Management	---	2009	" ---	College of Nursing Peshawar
Diploma in Teaching	---	2010	---	College of Nursing Peshawar

ATTESTED

ATTESTED

12

LANGUAGES:

Languages	Speak	Write	Understand
Urdu	Good	Good	Good
English	Good	Good	Good
Pushto	Good	Good	Good
Panjabi	Good	Good	Good
Hindko	Good	Good	Good

EXPERIENCE:

- ✓ Provincial AIDS Control Programme (2002).
- ✓ Training of Health Care Providers (2003).
- ✓ Pakistan Village Development Programme (2004).
- ✓ Organized by Development Programme (GDP) in Collaboration with women Health Project, Ministry of Health Government of NWFP).
- ✓ District Government Health Department with the support of UNFPA 7th Country Programme 18th June (2007).
- ✓ District Government Health Department with the support of UNFPA 7th Country Programme November 21-22-2007.
- ✓ Department of Nephrology and Hypertension Postgraduate Medical Institute Peshawar 01-06-2004- to 31-07-2004.
- ✓ Antenatal/Postnatal care for private practitioners (2nd March 2010).
- ✓ Normal labor & emergency Obstetric care for private practitioners (24th March 2010).
- ✓ Has successfully completed the Training of Post Abortion counseling (24th March 2010).
- ✓ Has successfully completed Training of Neonatal Care for Private Practitioners (24th March 2010).
- ✓ Has successfully completed the Training of Emergency Contraception for Private Practitioners (21st April 2010).
- ✓ Has successfully completed training of Child Care for Private Practitioners (22nd April 2010).

ATTESTED

ATTESTED

ATTESTED

MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / AMH KOHAT

[Signature]

ATTESTED

for information

C/N Allah Rakhi

Head Nurse W&C/AMH Kohat

Director General Health Services, KPR Peshawar

copy forwarded to

Dated Kohat the 31/08/2015

No. 2998-3000

MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / AMH KOHAT

Sd/-----

further postings.

friends and directed to report to Director General Health Services, KPR Peshawar for further postings. She is hereby relieved from W&C/AMH Kohat on administrative problems. Mrs. Allah Rakhi (Charge Nurse is unwilling worker and creates problems

OFFICE ORDER

MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / AMH KOHAT

OFFICE OF THE

[Handwritten signature]

(1)

(13)

(1)

(2)

To

The Director General Health Services
Khyber Pakhtunkhwa Peshawar.

Subject: APPEAL

Respected Sir,

Reference my previous application regarding retention of my services at LMH Kohat.

I have the honor to state that on response to my previous Appeal, your honor had directed the Medical Superintendent LMH Kohat vide your office letter No 3772/E-II, dated 30.9.2015, to withdraw the relieving order of Mst Allah Rakhi Charge Nurse and start disciplinary proceeding under intimation to your good office but it is noted with great concern that Medical Superintendent instead of withdrawal of relieving order started enquiry against me, which is illegal /malafied, as I am no more on the strength of Medical Superintendent LMH Kohat. Further more. the Medical superintendent LMH Kohat has stopped my monthly salary, while I was daily attend the hospital.

Worthy sir, There is no such material available on the record but some staff, who are under the blue eyes of Medical Superintendent LMH Kohat are submitting fake complaints to the medical Superintendent LMH Kohat.

It is therefore requested that the Medical Superintendent LMH Kohat may be directed to withdraw my relieving order and then conduct impartial enquiry.

I shall be thankful to you for this act of kindness.

Thanks

Yours Obediently

ALLah RaKhi

Charge Nurse LMH Kohat.

ATTESTED

ATTESTED



Government of Khyber Pakhtunkhwa
 Divisional Headquarter / Women & Children (Baqat Memorial)
 Teaching Hospital, Kohat
 Ph# +92-922-9260325, Fax # +92-922-9260365

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OFFICE OF THE CHIEF EXECUTIVE

No. 1166 / C.E / 2015

Dated: 11th September 2015

174

The Medical Superintendent
 W&C/LM Teaching Hospital,
 Kohat.

Amir D

Subject: Relieving Order in respect of Ms. Allah Rakhi (Charge Nurse)

The office order vide letter No. 2998-3000/PF 3rd August, 2015 regarding the relieving of Ms. Allah Rakhi (charge nurse) issued from your office. It is to be clarified whether Medical Superintendent has power to relieve grade-16 official. If such rules exist the same may be communicated to the undersigned to probe further into the matter.

Shahzad
 Chief Executive
 DHQ & W&C/LM Teaching Hospitals,
 Kohat

g
ATTESTED

h
ATTESTED

Anx-E

(17)

OFFICE OF THE
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

No. 3106-09 / PF
Dated the 07.09.2015.

(15)

TO:

Ms. Allah Rakhi
Charge Nurse

SUBJECT; APPLICATION FOR ONE WEEK MEDICAL REST.
Memo:

Your application for One week medical rest cannot be entertained as your services had already been relieved to Director General Health Services, KPK Peshawar, vide this office order No.2998-3000/PF,dated,03.09.2015.

You are therefore directed to submit the Medical Certificate along with Charge report to Director General Services, KPK Peshawar.

M.M.
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

Endst.No.& Date Even:

Copy forwarded to:-

1. Director General Health Services, KPK Peshawar for information w/r to this office order No.2998-3000/PF,dated,03.09.2015.
2. Head Nurse, W&C/LMH Kohat
3. Accounts Clerk W&C/LMH Kohat

For information.

ATTESTED

M.M.
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

ATTESTED



①

Annex-F

18

**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services, Peshawar and not to any official by name.

No. 5772 /E.H.
Dated 30/09 /2015.

E-Mail Address: dg@kphs.gov.pk
Office Ph# 9210789
Exchange# 021 2210107, 0210120

To:-

The Medical Superintendent,
Women & Children /LMH, Kohat.

Subject:- OFFICE ORDER.
Memo :-

Mst. Allah Rakhi Charge Nurse (BPS-16) W & C LMH Kohat has been relieved from the hospital with the direction to report to this Directorate for further posting vide your office order bearing Enclst. No. 2996-3000/PF dated 03.08.2015.

Please withdraw your above quoted office order and start disciplinary proceeding against the Charge Nurse concerned under intimation to this Directorate.

S. Saeed
DEPUTY DIRECTRESS (NURSING),
DGHS KHYBER PAKHTUNKHWA
PESHAWAR.

dh
29/9

dh
ATTESTED

dh
ATTESTED

Annex - G

19

OFFICE OF THE MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LM TEACHING HOSPITAL KOHAT.

OFFICE ORDER

In pursuance of Director General Health Services Khyber Pakhtunkhwa Peshawar letter No.5772/E-II dated 30/9/2015, the following committee is hereby constituted to conduct impartial inquiry and submit inquiry report within 15-days positively.

Sd/xxxxxxx
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN/ LM TEACHING HOSPITAL,
KOHAT.

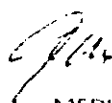
1. Dr. Sajid Hanif Principal Medical Officer (Chairman)
2. Dr. Sajjad Rauf Senior Medical Officer

Endst: No. 3408-10/10-10

Dated 03 Oct 2015

Copy forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar w/r to his letter No.5772/E-II dated 30/9/2015.
2. Dr. Sajid Hanif Principal Medical Officer
3. Dr. Sajjad Rauf Senior Medical Officer


MEDICAL SUPERINTENDENT
WOMEN & CHILDREN/ LM TEACHING HOSPITAL,
KOHAT.

ATTESTED

ATTESTED

Annex - H

20

To:-

The Medical Superintendent
Women & Children Hospital Kohat.

SUBJECT:- STATEMENT OF ALLEGATIONS

Sir,

I have been directed by the inquiry Officer to appear before the committee and record statement. Sir I have not been communicated the charges leveled against me. So I am unable to record my statement and reply the cross questions without statement of allegations.

Kindly communicate me all the charges leveled against me so as I may be able to prepare the reply accordingly.

Yours Obediently

Ch
4-11-2015
Allah Rakhi Charge Nurse

C.C

Director General Health Services Khyber Pakhtunkhwa Peshawar.
Chief Executive DHQ & W&C/LM Teaching Hospital Kohat.

Ch
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Annex-I

29

STATEMENT OF ALLEGATION

You Mrs. Allah Rakhi Charge Nurse are involved in:-

1. Creating problems for the administration.
2. Behaviour with colleagues is not good.
3. Staff Nurses are not willing to work with you.
4. Only interested to work in Labour room
5. Pressurise the administration for assigning duty in labour room
6. Misbehave with Medical Superintendent in front of staff.
7. Refused to perform duty in Casualty night shift


DR. SAJJID HANIF PMO


DR. SAJJAD RAUF SMO
Enquiry Officers

To: Allah Rakhi CN
No. 3222/PF
11/11/10


ATTESTED


ATTESTED

~~Amx J~~ **Amx J**
OFFICE OF THE
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

OFFICE ORDER.

With reference to this office letter No. 3736 /K-18, dated, 31.10.2015, and this office letter No. 3888/PF, dated, 11.11.2015.

Mrs. Allah Rakhi Charge Nurse is hereby directed to appear before Dr. Sajid Hanif, PMO & Dr. Sajjad Rauf, SMO Enquiry Officer today on, 23.11.2015 at 11.00am for recording her statatment.

Sd/---
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

No. 4006-07 /PF

Dated Kohat the ²³ .11.2015

Copy forwarded to:

1. Director General Health Services KPK Peshawar for informartion w/r to his letter No. 5772/E-II, dated, 30.09.2015
2. Dr. Salid Hanif, PMO
3. Dr. Sajjad Rauf,
4. Mrs. Allah Rakhi Charge Nhurst,

For information.

Amx
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

Amx
ATTESTED

Amx
ATTESTED

Anx: K DATE SERVICES

All communications addressed to the Director General Health Services Peshawar and not to any other office.



DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.

No. 11213 /E.H.
Dated 19/01 /2016.

23

All communications should be addressed to the Director General Health Services Peshawar and not to any other office.
Ministry of Health, Government of Khyber Pakhtunkhwa, Peshawar.
Office # 091 921018, 921019
Exchange# 091 921018, 921019
Fax # 091 9210230

To:-

Mst. Allah Rakhi Charge Nurse
Women & Children Hospital
LMH Kohat.

[Handwritten signature]

Subject: - OFFICE ORDER
Memo:-

As reported by Medical Superintendent, Women & Children Hospital Kohat you are reluctant to appear before the enquiry officer.

You are hereby directed to appear before the enquiry officer immediately.

DEPUTY DIRECTRESS (NURSING),
DGHS KPK PESHAWAR

18/1

C.C

Medical Superintendent Women & Children Hospital LMH Kohat for information w/r to his letter No. 4084/PE (Allah Rakhi) dated 01.12.2015 with the remarks to furnish a copy of withdrawal order of Mst. Allah Rakhi Charge Nurse for record purpose.

PE (Allah Rakhi)

PE (Allah Rakhi)

ATTESTED



ATTESTED

info with Char

99

BETTER COPY

DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

No.11273/EII
Dated 10.01.2016

All communications should be addressed to the Director General Health Services and not to any official by name.
Office Ph: 091-9210269
Exchange# 091-9210187, 0210100
Fax# 091-9210230

To,
Mst. Allah Rakhi Charge Nurse.
Women & Children Hospital
LMH Kohat.

Subject: OFFICE ORDER

Memo:-

As reported by Medical Superintendent Women & Children Hospital Kohat you are reluctant to appear before the enquiry officer.

You are hereby directed to appear before the enquiry officer immediately.

Sd/-
DEPUTY DIRECTRESS (NURSING)
DGHS KPK PESHAWAR

CC.

Medical Superintendent Women & Children Hospital LMH Kohat for information w/r to his letter No.4084/PF (Allah Rakhi) dated 01.12.2015 with the remarks to furnish a copy of withdrawal order of Mst. Allah Rakhi Chare Nurse for record purpose.

ATTESTED

ATTESTED

To

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

Subject: OFFICE ORDER APPEAL

Respected/ Sir,

I have the honour to state that I was relieved by the Medical Superintendent W&C (LMH) Kohat vide order No 2998-3000 dated 31.08.2015. He was directed by your office vide your order No 5772/E-II dated 30.9.2015, to withdraw my relieving order and submit report.

Instead of withdrawal of my relieving order he (MS LMH) constituted an enquiry committee, while I had been relieved from the strength. Your good office also ask from the M S LMH Kohat vide letter No 01/E-II, dated 04.01.2016, to intimate the latest position of the case but he the M S (LMH) Kohat filed the case.

Respected Sir,

Your office has directed me to appear before the enquiry committee vide letter No 112-13/E-II, dated 19.01.2016, with copy to M S LMH Kohat with the direction to furnish a copy of withdrawal order of Mst. Allah Rakhi, Charge Nurse but the MS LMH has become personal and do not withdraw my order in spite of your repeated orders.

Sir,

I will appear before the enquiry committee as and when the M.S. LMH Kohat withdrawn my order and release my pay and take on strength or his order may be cancelled direct from your good office.

Your honour is further requested to constitute impartial enquiry through Senior Officer other than staff of LMH Kohat.

I shall be thankful to you for this act of kindness.

Thanks

Yours Obediently

eln / Allah Rakhi
2-2-2016
Allah Rakhi (Charge Nurse)

LMH Kohat

ATTESTED

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Anx: M

OFFICE OF THE
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

No. 680-81 /PF (C/N Allah Rakhi)
Dated, Kohat 29 .02.2016

23

TO

C/N Allah Rakhi

SUBJECT: OFFICE ORDER.

Memo:

With reference to Director General Health Services, KPK Peshawar office order No. 11213/E-II dated, 19.01.2016, on the subject noted above.

You are hereby directed to appear before the following enquiry officers for recording your statement on, 04.03.2016, at 10.00 am, without fail as the higher authority is pressing hard for the same.

Dr. Sajid Hanif PMO

Dr. Sajjad Raul SMO

Am
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

Copy forwarded to :

The Director General Health Services, KPK Peshawar for information w/r to his letter No. referred to above.

ATTESTED

MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

Received at 3 pm

ATTESTED

eliv
21-3-2016

ATDC
Kindly send copy of
KIMS to take records
and report please
be kind.

جناب ڈپٹی کمشنر صاحب گواہات

26

GN

Put up

Aug 11/13

جناب عالی!

ہندو اراثات اسہا کے سامنے لانا چاہتا ہوں۔ لیاقت ہسپتال میں دو حالات ہیں ان کے بارے میں:

ہندو تریں اپنے زور پر پکی مارنگ ڈیوٹی کرتی ہیں۔ اپنی - عمارت اور رشوت دے کر اپنی مرضی کی ڈیوٹیاں لگواتی ہیں۔ اور اکثر بیابان

سائل سے مسلسل کر رہی ہیں۔ مارنگ ڈیوٹی کے مادہ کو ڈیوٹی پر لگوانا نہیں کرتیں۔ ان کے منہ پر ڈیل نام ہیں۔

1- شاہوہ (۲) رنسانہ (۳) زکیون (۴) رائیڈہ (۵) روڈینہ (۶) شازیہ (۷) سن زری

(۸) رضوانہ (۹) نمبرہ (۱۰) سیکڑہ (۱۱) آبیہ (۱۲) سیرا ان سب نے اپنے اپنے وارڈ پر قبضہ کیا ہوا ہے۔

ہر ایک نرس وارڈ کا چارج سنبھال سکتی ہے لیکن ان سب نے وارڈ چارج کا بہانہ بنا کر قبضہ کیا ہوا ہے۔ کوئی کہتا ہے ہم یونین کی نرسیں ہیں۔ اس

کے علاوہ ان میں کچھ میٹرن کی رشتہ دار ہیں اس وجہ سے ہر ایک ڈیوٹی پر میٹرن کو رشوت دی جاتی ہے۔ اور ان کو کوئی مافی کا عمل نہیں بنا سکتا۔ ان

سب نے ہسپتال کو ڈرائنگ روم بنایا ہوا ہے۔ وارڈ میں کوئی نرس کام نہیں کرتی۔ سب نے وارڈوں پر قبضہ کیا ہوا ہے، دو دوائی گھروں کو لے کر جاتی

ہیں اور گھروں میں اپنے کلینک بنائے ہوئے ہیں۔

اس کے علاوہ دو میٹرن (۱) گل نسرین (۲) حاجرہ ان کو لیبر روم سے بھتہ ملتا ہے۔ بھتے کے بغیر کوئی ڈیوٹی نہیں لگتی۔ ان میں ایک نرس

جس کا نام عاصمہ ہے مکمل لیبر روم میں نائٹ ڈیوٹی کرتی ہے۔ اس کے علاوہ کہیں بھی ڈیوٹی نہیں کرتی یہ بھی ایک ریکارڈ ہے۔

اس کے علاوہ اس ہسپتال میں ایک مینٹل نرس ہے جس کا نام پروین ہے، اس کو چیک کریں کاغذ تک نہیں پڑھ سکتی، لیکچیشن وغیرہ بھی

نہیں لگا سکتی۔ اس نرس کے والد میٹرن گل نسرین کو ہر ماہ کا بھتہ دیتے ہیں۔ اس کو نوکری سے برخاست کیا جائے، کیونکہ ہر ماہ پچاس ہزار تنخواہ

لیتی ہے اور یہ ملت کی تنخواہ لیتی ہے، کسی مریض کو جاہ کر دے گی، پھر کون ذمہ دار ہوگا۔

ایوننگ اور نائٹ میں اسٹاف کا بڑا مسئلہ ہوتا ہے کیونکہ مارنگ میں اسٹاف بہت زیادہ ہے۔ کیونکہ مارنگ ڈیوٹی میں سب سفارش اور

رشوت دینے والی نرسیں کام کرتی ہیں اس لئے اسٹاف کی کمی ہوتی ہے۔ ان سب نرسوں کی ڈیوٹی روٹیشن میں اور ہر ایک وارڈ میں ہونی چاہئے،

کسی کو مستقل وارڈ نہیں ملنا چاہئے۔ پچھلے گم سے گم وصول کا ڈیوٹی ریکارڈ چیک کیا جائے۔ یہاں پر بہت سی نرسوں کے ساتھ نا انسانی اور ظلم ہوتا

ہے۔ بہت پر ڈیوٹیاں ہونی چاہئیں۔

اس کے علاوہ یہاں پر KDA ہسپتال والی نرسیں کام کر رہی ہیں لیکن وہ KDA ہسپتال سے تنخواہ لیتی ہیں۔ بعض نرسیں

KDA میں کام کر رہی ہیں اور تنخواہ یہاں لیاقت ہسپتال سے لے رہی ہیں۔ ان سب کو اپنی اپنی جگہ واپس بھیج دیا جائے۔

اس کے علاوہ صبح میں یہاں پر دو میٹرن ہیں، ایوننگ اور نائٹ پر کوئی میٹرن وغیرہ نہیں ہوتی۔ تاکہ اسٹاف کو کنٹرول وغیرہ یا اسٹاف کی

کمی کو سنبھال سکے، ان میں ایک کو ایوننگ یا نائٹ پر لگا دیا جائے۔ ان دونوں میٹرن نے نرسیوں کے ساتھ بڑا ظلم شروع کیا ہوا ہے۔ رشوت کے

بغیر کوئی ڈیوٹی نہیں لگتی۔ ہسپتال کو ڈیوٹیوں کے معاملے میں تباہ کر دیا ہے۔ اس کے علاوہ ایک آؤٹ سائڈ رزلٹی نرس بن کر کام کرتی ہے، منہ تو اس

نے کوئی کورس کیا ہوا ہے اور نہ ہی کچھ جانتی ہے، اور ہر جگہ پر ڈیوٹی لگتی ہے۔ اس کا نام لیزب ہے، اگر اس سے کوئی مریض خراب یا مر گیا تو کون

ذمہ دار ہوگا۔ یہ سب باتیں MS کے علم میں ہیں لیکن وہ کوئی ایکشن نہیں لیتا۔ یہ بے بس MS ہے، اس کو سب نے شکایت لی لیکن ان بات

ATTESTED

ATTESTED

نے کوئی ایکشن نہیں لیا۔

پچھلے دنوں ہمارا مریض چھوٹا بچہ تھا، وارڈ میں خراب تھا اور اس کو چیک کرنے والا کوئی ڈاکٹر اور کوئی نرس موجود نہیں تھی۔

لہذا آپ صاحبان سے گزارش ہے کہ ان سب چیزوں کی انکوائری کر کے یہ سب مسائل آپ حل کرادیں۔

یہ سب کچھ ان دو میٹرن کی وجہ سے ہو رہا ہے۔ اگر ہو سکے تو ان سے پیئر اور نرس بھی موجود ہیں، تو ان کو میٹرن بنایا جائے۔ یہ دونوں غیر قانونی ہیں۔ بس میرٹ اور انصاف ہونا چاہئے اور ان کا مکمل احتساب ہونا چاہئے، ہم سب آپ کے شکر گزار ہیں گے، اور آپ صاحبان سے بڑی امید ہے۔

میں نوازش ہوگی۔

مورخہ: منگل ۹ فروری ۲۰۱۶

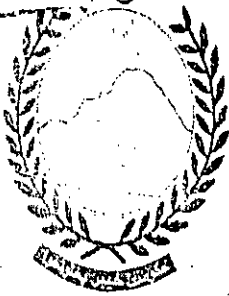
ان تشریح

عامر اللہ OTS روز پیر خیل، کوہاٹ

حفیظ خان کینٹ کالونی، چکر کوٹ، کوہاٹ

ATTESTED

ATTESTED



27

AS

AK

**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 1286 /E.H.
Dated 24/02/2016.

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwipdghs@yahoo.com
Office Ph# 091-9210209
Exchange# 091-9210187, 9210190

To :-

The Medical Superintendent,
Women & Children / LM Hospital,
Kohat.

Subject:
Memo:

PRIVILEGE OF MATRON POST.

Reference your letter No. 271/W&C/LM11 dated 25.01.2016, on the subject noted above.

Please direct Mst. Hajra Yasrab Charge Nurse (BPS-16) to perform duty against her original post of Charge Nurse (BPS-16) under intimation to this Directorate.

[Signature]
DEPUTY DIRECTRESS (NURSING),
DGHIS KPK PESHAWAR

[Signature]
ATTESTED

33/2

[Signature]
ATTESTED

FINAL

(26)

DUTY ROASTER FOR CHARGE NURSES FOR THE MONTH OF APRIL 2016

UNIT	MORNING 08-AM TO 02-PM	Day Off	EVENING 02-PM TO 08-PM	Day Off	NIGHT 08-PM TO 08 AM	Day Off
SUPERVISOR	Gul Nusrreen II/Nurse Hajra Yasrab	Sunday	Amira Jan in additional to her duty	Sunday	Robina in additional to her duty	Sunday
LABOUR ROOM	Sakina Salra Jane Rose	Friday Tuesday Sunday	Amira Jan Rizwana Bushra	Sunday Friday Saturday	Asia Shehla Rehmi	Thursday Saturday Monday
CHILDREN WARD A	Rashida Lilly Rozeena	Sunday Friday Wednesday	Shabana Anop Rugia	Thursday Saturday	Shahnaz Shamshad	Friday Saturday
CHILDREN WARD B	Shuzia Rooh Afza	Friday Tuesday	Asma Zahida	Saturday Wednesday	Nousheen Hussain Zari	Sunday Thursday
GYNAE WARD	Shahida Sumaira	Friday Sunday	Shabana Lal Dil Afroz	Saturday Wednesday	Zaitoon Khadeeja	Sunday Wednesday
CASUALTY UNIT	Humira Nargis Musarrat	Friday Wednesday Sunday	Nomi Farkhanda Tabasom	Friday Sunday Monday	Fahmeeda Nuzrat Rubina	Thursday Saturday Sunday
ISOLATION WARD						
OPD COUNTER OF	Amna LHV Rukhsana	Sunday Sunday				
GYNAE OPD	Shamila Parveen	Sunday Sunday				

- Note: - 1: Change of duty is strictly ban. (No mutual allowed).
 2: If isolation ward is empty the staff will perform duty in Pends A in case of their duty off the staff of Gynae ward will cover the duty in additional to their own duty.
 3: Sunday supervision will be done by Lilly, Shabana Anop and Shahnaz Nurses.
 5. All the charge Nurse will be present on their respective place of duty. The Monitoring staff will check their attendance and the supervisors will be responsible to ensure the presence of Nurses.

MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT.

Dated 26/3/2016

Endst: No. 1030-32/C/Nurses//D/R

Copy forwarded to:-

1. All units
2. Head Nurse.
3. Notice Board

ATTESTED

ATTESTED

MEDICAL SUPERINTENDENT
WOMEN & CHILDREN / LMH KOHAT

IN THE PESHAWAR HIGH COURT, PESHAWAR

Aug 10 15

29



WRIT PETITION No. 1425P/2016

Allah Rakhi D/o Sharf Din, Charge Nurse,
Liaqat Memorial Hospital Kohat.....Petitioner.

Versus

1. The Govt: of Khyber Pakhtunkhwa through Secretary Health Civil Secretariat, Peshawar.
2. The Director General Health Civil Secretariat, Peshawar.
3. The Chief Executive Officer DHQ Hospital, Kohat.
4. The Medical Superintendent Liaqat Memorial Hospital, Kohat.
5. The Deputy Commissioner, KohatRespondents.

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF PAKISTAN, 1973

Prayer:- On acceptance of the instant writ petition this Honourable Court may graciously be pleased to direct the respondents to withdraw the impugned Relieving order and allow the petitioner to serve against her post at Liaqat Memorial Hospital, Kohat.

This Honourable Court may also graciously be pleased to direct the respondents to release her salaries stopped through an illegal manner since 1st October, 2015 till date and onwards.

FILED TODAY
Deputy Registrar
14 APR 2016

ATTESTED
EXAMINER
Peshawar High Court
15 JUL 2016

(30)

WJ

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
1	2
15.06.2016	<p><u>WP No.1425-P/2016.</u></p> <p><i>Present: Mr. Abdul Haleem Khattak Advocate, for the petitioner.</i></p> <p>****</p> <p><u>MUHAMMAD DAUD KHAN, J:-</u> Through instant Constitution petition, Allah Rakhi petitioner, seeks issuance of an appropriate Writ directing the respondents to withdraw the impugned relieving order No.2998-3000/PF dated 31.8.2015, whereby she was directed to report to Director General Health Services KPK, Peshawar (respondent No.2) for further posting. She also prayed for allowing her to serve against her post at Liaquat Memorial Hospital Kohat and release her salaries stopped since 1st October, 2015 till date and onwards.</p> <p>2. Admittedly, petitioner is a civil servant as she has been relieved for reporting to the Director General Health Services KPK, Peshawar for further posting vide impugned order No.2998-3000/PF dated 31.8.2015 issued by respondent No.4. Without dilating upon the merits of the case, suffice it to observe that the matters relating to the posting and transfer of a civil servant relates to the terms and conditions of her service. Disputes about these matters fall within the exclusive</p>

MDA

ATTESTED

EXAMINED
Peshawar High Court
15 JUL 2016

486

(31)

jurisdiction of the Service Tribunal. The jurisdiction of the High Court is barred by the express provisions of Article 212 (2) of the Constitution of Islamic Republic of Pakistan, 1973. The petitioner can knock the door of the Service Tribunal for redressal of her grievance. The Constitutional jurisdiction under Art.199 of the Constitution can be invoked only, when there is no alternate remedy, available to the aggrieved party. Keeping in view the nature of grievance of the petitioner, she has the right to invoke the jurisdiction of the Service Tribunal, especially established for the purpose. The jurisdiction of this Court is barred expressly by the constitutional provisions.

3. Accordingly, this petition being not maintainable is dismissed in limine. However, petitioner is at liberty to approach the proper forum, if so advised.

Announced. *sd/AVISAT Hussain Khan*

15.6.2016. *sd/ M - Dawood Khan*

[Signature]
JUDGE

[Signature]
JUDGE

CERTIFIED TO BE TRUE COPY

Examined
Peshawar High Court, Peshawar
Authorised Under Article 27
The Qanun-e-Shahadat Order 1988

15 JUL 2016

486

18/6/16

15-07-16

31

6-00

15-07-16

15-07-16

15-07-16

[Signature]

"A.Qayum"

IN THE PESHAWAR HIGH COURT, PESHAWAR

~~ET~~
32

WRIT PETITION No. 1425 /2016

Allah Rakhi D/o Sharf Din, Charge Nurse,
Liaquat Memorial Hospital Kohat.....Petitioner.

Versus

1. The Govt. of Khyber Pakhtunkhwa through Secretary Health Civil Secretariat, Peshawar.
2. The Director General Health Civil Secretariat, Peshawar.
3. The Chief Executive Officer DHQ Hospital, Kohat.
4. The Medical Superintendent Liaquat Memorial Hospital, Kohat.
5. The Deputy Commissioner, KohatRespondents.

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF PAKISTAN, 1973

Prayer:- On acceptance of the instant writ petition this Honourable Court may graciously be pleased to direct the respondents, to withdraw the impugned Relieving order and allow the petitioner to serve against her post at Liaquat Memorial Hospital, Kohat.

This Honourable Court may also graciously be pleased to direct the respondents to release her salaries stopped through an illegal manner since 1st October, 2015 till date and onwards.

Respectfully Sheweth,

(2) (33)

Facts giving rise to the present writ petition are as under:-

- 1) That petitioner has been serving as Charge Nurse at Liaquat Memorial Hospital, Kohat. She has longstanding service at her credit with unblemished and clean sheeted conduct record (Curriculum Vitae is attached as Annexure-A).
- 2) That respondent No.4 vide Office Order No.2998-3000/PF dated 31-08-2015 relieved the petitioner from her lawful duty without assigning any lawful reason and directed her to report to Director General Health Services KPK, Peshawar for further posting (Annexure-B). Petitioner salaries were also stopped with effect from 01-10-2015 (Annexure-C).
- 3) That petitioner being aggrieved from the above referred order submitted his grievances in shape of departmental appeal before the respondent No.3, who vide letter No.1166/CE/2015 dated 11-09-2015 (Annexure-D) asked the respondent No.4 to appraise him as to whether respondent No.4 is competent to relieve grade 16 officer.
- 4) That respondent No.4 paid no heed to the direction of respondent No.3.
- 5) That it is pertinent to mention here that petitioner submitted application for medical leave but the same was regretted on the ground that since the petitioner has been relieved from LMH, Kohat and no more on the strength of LMH therefore respondent No.4 is unable to entertain her request (Annexure-E).
- 6) That petitioner then submitted her grievances before the respondent No.2, who vide Office Order No.5772/E.II dated 30-09-2015 (Annexure-F) directed the respondent No.4 to withdraw the impugned relieving order and if the petitioner has committed any misconduct than proper inquiry may be initiated against her and that too with intimation to respondent No.2.

Amx = P

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Amx N 2

THE WEEKLY **قلم** KOHAT

ABC CENTRE

پہلی شنبہ

عزت و احترام

عبدالرحیم

15 ستمبر 2015

پہلی شنبہ 15 ستمبر 2015

دوسن ہسپتال کا ایم ایس بااثر شاف نرس کے سامنے بے بس

کوہاٹ (سٹیپ ٹاؤن) دوسن ایئر ہسپتال کا شاف نرس کے سامنے بے بس ہو گیا ہے۔ شاف نرس کے سامنے بے بس ہونے کی وجہ سے شاف نرس کے سامنے بے بس ہو گیا ہے۔ شاف نرس کے سامنے بے بس ہونے کی وجہ سے شاف نرس کے سامنے بے بس ہو گیا ہے۔

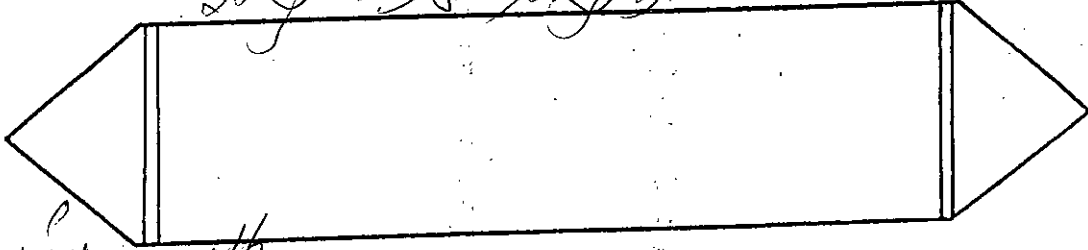
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ATTESTED

ATTESTED

بعد الت علیٰ علیہ السلام



2016ء منجانب سندھ
بنام ڈاکٹر علی علی

صحة الله ركنه

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

علی علیہ السلام

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام کیلئے ~~مقرر کر کے~~ مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کاش اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

بیتہ اللہ

علی علیہ السلام

Accepted
H. Ali

المرقوم _____ ماہ _____

_____ گواہ _____

بمقام

کے لئے منظور ہے۔

علی علیہ السلام
علی علیہ السلام
علی علیہ السلام



**DIRECTORATE
GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 6416 /E.II,
Dated 4/10 /2016

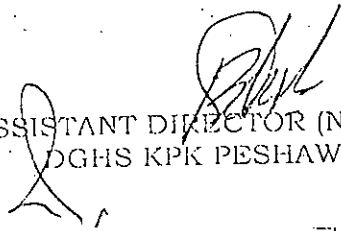
To:-

The Medical Superintendent,
Women & Children LMH Kohat.

Subject: - OFFICE ORDER.
Memo:-

Mst. Allah Rakhi Charge Nurse (BPS-16) was relieved from Women & Children LMH Kohat vide your office order bearing Endst: No. 2998-3000/PF, dated 03.08.2015, in response this Directorate had asked to withdraw your above quoted office order and start disciplinary proceeding against her under intimation to this Directorate, but you failed to withdraw her order.

She has filed writ petition in Khyber Pakhtunkhwa Service Tribunal Peshawar and the case is under process in the court, so you are hereby advised to withdraw her relieving order as well as release her salary and disciplinary proceeding may also be finalized against Charge Nurse concerned under intimation to this Directorate to proceed further.


ASSISTANT DIRECTOR (NURSING),
DGHS KPK PESHAWAR

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

E-Mail Address: nwlpdghs@y-tico.com
Office Ph# 091-9210269
Exchange# 091-9210187, 9210196
Fax # 091-9210230

OFFICE OF THE
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN /LMH KOHAT
No. 3168-09 /PF
Dated, Kohat the 12.09.2015

To:

Mrs. Allah Rakhi
Charge Nurse.

SUBJECT: MEDICAL REST.

Memo:

Your service strength has already been struck off from this end; vide this office order No.2998-3000/PF,dated,03.09.2015.

Your application of leave for one w.e.f. 03.09.2015 to 09.09.2015 has already been returned to you vide this office letter No.3106-09/PF,dated,07.09.2015 and application for medical rest w.e.f. 10.09.2015 to 16.09.2015 is also returned herewith with the remarks that submit the same to Director General Health Services,KPK Peshawar.

[Signature]
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN /LMH KOHAT

Endst.No.&Date even: *[Signature]*

Copy forwarded to Director General Health Services, KPK Peshawar for information W/r to this office order No.2998-3000/PF,,dated,31.08.2015 and No.3106-09/PF,dated,07.09.2015.

[Signature]
MEDICAL SUPERINTENDENT
WOMEN & CHILDREN /LMH KOHAT

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 2703 /ST

Dated 19 /12/2017


To

The Medical Superintendent Liaqat Memorial Hospital,
Government of Khyber Pakhtunkhwa,
Kohat.

Subject: **JUDGEMENT/ORDER IN APPEAL NO. 782/16, Mr. ALLAH RAKHI.**

I am directed to forward herewith a certified copy of Judgment/order dated 23/11/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

9/10