

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 31/2016

Date of Institution... 07.01.2016

Date of decision... 19.09.2017

Ejaz Ali, Receptionist BPS-5, DHQ Hospital Batagram. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar and 4 others. (Respondents)

MR. MUHAMMAD MAAZ MADNI,

Advocate

... For appellant.

MR. MUHAMMAD BILAL

Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,

MR. MUHAMMAD AMIN KHAN KUNDI,

... CHAIRMAN

... MEMBER

JUDGMENT

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

FACTS

2. The appellant was appointed as Receptionist (BPS-5) on 28.12.2012 in District Headquarter Hospital Batagram. His pay is stopped from 01.7.2015.

ARGUMENTS

3. The learned counsel for the appellant argued that the pay of the appellant was stopped without any reason. That no enquiry etc. has been initiated against the appellant.

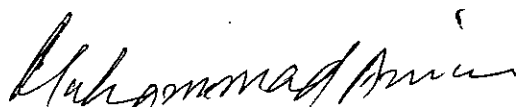
That the appellant is still working as Receptionist in the office.

4. On the other hand, the learned District Attorney argued that the pay of the appellant was stopped for the reason that an enquiry was conducted against the then Dr. Aqeel Bangash, DHO Batagram who had made certain illegal appointments.

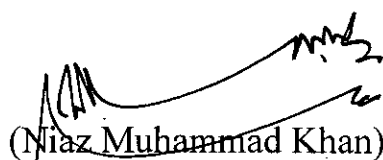
CONCLUSION.

5. The learned Deputy District Attorney has not been able to show any rule or law under which the pay can be stopped for the last two years. Even during suspension period, full pay is to be paid to the delinquent but in the present case no disciplinary proceedings have been initiated against the appellant nor any suspension order is there on the file.

6. As a consequence of the above discussion, this appeal is accepted and it is ordered that pay of the appellant be released forthwith. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Amin Khan Kundi)
Member

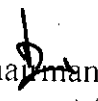

(Niaz Muhammad Khan)

Chairman
Camp Court, A/Abad

ANNOUNCED
19.09.2017

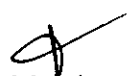
19.04.2017

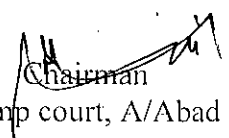
Appellant in person, M/S Amjad Ali, Asstt. & Yar Gul, Assistant alongwith Mr. Muhammad Bilal, Government Pleader for the respondents present. Appellant seeks adjournment to submit rejoinder. D.B is also incomplete. To come up for rejoinder and final hearing before the D.B on 19.07.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

19.07.2017

Clerk of counsel for the appellant and Mr. Muhammad Bilal, DDA for the respondents present. Due to general strike of the Bar, counsel for the appellant is not in attendance. Adjourned. To come up for final hearing on 19.09.2017 before the D.B.


Member

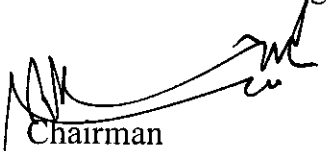

Chairman
Camp court, A/Abad

19.09.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Dr. Muhammad Irshad, Dr. Ashfaq, Amjad Ali, Assistant and Yar Gul, Senior Clerk for the respondents present. Arguments heard and record perused.

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


Member


Chairman
Camp Court, A/Abad.

ANNOUNCED
19.09.2017

31:16


25.05.2016

Counsel for the appellant and Mr. Muhammad Arshad, SO alongwith Addl. AG for the respondents present Written reply by respondents No. 1 to 4 submitted. Fresh notice to respondent No. 5 be issued. Since the case pertains to territorial limits of Hazara Division as such the same is fixed for written reply of respondent No. 5 on 22.09.2016 before S.B at camp court, A/Abad.


Chairman

22.09.2016

None for the appellant present. M/S Muhammad Tufail, SO, Amjad Ali, Assistant and Muhammad Ayaz, DAO alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Respondent No. 5 requested for further adjournment. To come up for written reply of respondent No. 5 on 25.11.2016 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

25.11.2016

Clerk of counsel for the appellant and Mr. Shah Rahman, Assistant and Saifur Rahman, AAO alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.04.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

25.1.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Receptionist (BPS-5) in Health Department after fulfilling the codal formalities vide appointment order dated 28.12.2012 where-after he assumed the charge of his duty on 1.1.2013 and was receiving the salary but the same stopped vide impugned order dated 1.7.2015 without any justification where-against he preferred departmental appeal on 31.7.2015 which was not responded and hence the instant service appeal after lapse of statutory period.

Appellant Deposited
Security & Process Fee

That the appellant is entitled to receive salary and withholding of the same by the respondents without any lawful justification is against law and facts. Places reliance on Article-11 of the Constitution of the Islamic Republic of Pakistan.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.3.2016 before S.B.

Chairman

28.03.2016

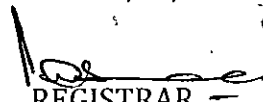

Agent of counsel for the appellant, M/S Muhammad Arshed, SO and Saif-ur-Rehman, Assistant Accountant alongwith Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 25.5.2016 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 31/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.01.2016	<p>The appeal of Mr. Ejaz Ali presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-1-16</u>.</p> <p> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 31 /2016

EJAZ ALI

VS

HEALTH DEPTT:

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 31 /2016

K.W.P. Provincial
Service Tribunal
Disty No. 17
Date 07-1-2016

Mr. Ejaz Ali, Receptionist (BPS-05),
DHQ Hospital Batagram, District Batagram.

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa Peshawar.
- 2- Director General Health Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Health Officer, District Batagram.
- 4- The Medical Superintendent , DHQ Hospital Batagram
- 5- The District Accounts Officer, Batagram.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W.E.F. 01/07/2015 TILL DATE AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondents may very kindly be directed to release the monthly salaries of the appellant w.e.f 01-07-2015 till date. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellant.

[Handwritten signature]
7/1/16.

R/SHEWETH:

ON FACTS:

- 1- That the respondent No.3 advertised the post of Receptionist BPS-05 in daily 'AAJ' News paper vide dated 30-10-2012. That the appellant having the requisite qualification and experience applied for the said post and after participated in test and interview the appellant was declared successful. Copy of the advertisement is attached as annexure **A.**
- 2- That in result the appellant was appointed as Receptionist BPS-05 on the proper recommendation of Departmental

Committee vide dated 28-12-2012. That on 01-01-2013 the appellant submitted his arrival report and started performing his duty as Receptionist BPS-05 quite efficiently and up to the entire satisfaction of his superiors. Copies of the appointment order, arrival report, Medical certificate and Education Testimonials are attached as annexure **B, C, D & E.**

3- That right from appointment till date the appellant is regularly performing his duty as Receptionist BPS-05 but unfortunately the salaries of the appellant were stopped/with held w.e.f 01-07-2015 till date on the pretext that the appointment of the appellant is irregular. That it is very pertinent to mention that the respondents has properly verified the documents of the appellant from the concern board but inspite of that the respondents stopped/with held the monthly salaries of the appellant. Copies of the attendants, verification and pay slips are attached as annexure **F & G.**

4- That Two colleagues namely Mr. Sher Bahadar and Mr. Tufail who were also appointed in light of the said advertisement and whose salaries were also stopped/with held by the respondents on the pretext of irregular appointment, their salaries has been released but the salaries of the appellant has not been released till date. Copy of the list is attached as annexure **H.**

5- That appellant feeling aggrieved from the inaction of the respondents by not releasing the monthly salaries of the appellant w.e.f 01-07-2015 till date preferred Departmental appeal but no reply has been received so far. Hence the present appeal inter alia amongst the others. Copy of Departmental appeal is attached as annexure **I.**

GROUND:

- A- That the inaction of the respondents by not releasing the monthly salaries of the appellant is against the law, facts and norms of natural justice.
- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That it is the consistent view of the Apex Court that one should not be punished on the fault of others. That the illegality has been committed by the respondent Department

and not the appellant, therefore the appellant can not be held guilty for the fault of others.

- D- That the respondents acted in arbitrary and malafide manner by not releasing the monthly salaries of the appellant w.e.f 01-07-2015 till date.
- E- That the appellant has been discriminated by the concerned authority on the subject noted above and as such the concerned authority violated the principle of natural justice.
- F- That so far verification of Diploma/Certificate as concerned the same has already been verified by the concerned quarter.
- G- That not releasing the monthly salaries of the appellant the respondents certainly violated Article 11 of the Constitution of Pakistan 1973.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 5.1.2016

APPELLANT



EJAZ ALI

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

آسامیاں خالی ہیں

ایگزیکٹو ڈسٹرکٹ آفیسر ہیڈ کوارٹرز کے زیر نگرانی مختلف مراکز صحت اور دیگر کاموں میں ذیل آسامیاں خالی ہیں۔ جس کے لئے ریٹائرنگ کر کے سالانہ امیدواروں سے درخواستیں مطلوب ہیں۔

A-4

نمبر	فصلی قابلیت اور کارہیگی	نمبر کی بنیادی تکمیل	نمبر شمار آسامی کا نام
18-30 سال	میٹرک ماسٹریس بیچ متعلقہ شعبہ میں گورنمنٹ کے حکور شدہ ادارے سے ڈپلومہ اسٹریٹجک جو میڈیکل ٹیکنی غیر ہنوز خواستہ جسرڈ شدہ ہوں۔	BPS-09	(1) جوئیئر ٹیکنیکل ٹریننگ (ڈاکٹری سسر)
ایضاً	میٹرک ماسٹریس بیچ متعلقہ شعبہ میں گورنمنٹ کے حکور شدہ ادارے سے ڈپلومہ اسٹریٹجک جو میڈیکل ٹیکنی غیر ہنوز خواستہ جسرڈ شدہ ہوں۔	BPS-09	(2) جوئیئر ٹیکنیکل ٹریننگ (ڈاکٹری سسر)
ایضاً	میٹرک ماسٹریس بیچ متعلقہ شعبہ میں گورنمنٹ کے حکور شدہ ادارے سے ڈپلومہ اسٹریٹجک جو میڈیکل ٹیکنی غیر ہنوز خواستہ جسرڈ شدہ ہوں۔	BPS-09	(3) جوئیئر ٹیکنیکل ٹریننگ (ڈاکٹری سسر)
ایضاً	میٹرک ماسٹریس بیچ متعلقہ شعبہ میں گورنمنٹ کے حکور شدہ ادارے سے ڈپلومہ اسٹریٹجک جو میڈیکل ٹیکنی غیر ہنوز خواستہ جسرڈ شدہ ہوں۔	BPS-09	(4) جوئیئر ٹیکنیکل ٹریننگ (ڈاکٹری سسر)
ایضاً	میٹرک بیچہ ٹیکنیک اور کیمپوٹر جانتا ہوں۔	BPS-05	(5) ڈیٹا اینٹری
ایضاً	میٹرک ماسٹریس بیچ متعلقہ شعبہ میں گورنمنٹ کے حکور شدہ ادارے سے ڈپلومہ اسٹریٹجک جو میڈیکل ٹیکنی غیر ہنوز خواستہ جسرڈ شدہ ہوں۔	BPS-09	(6) جوئیئر ٹیکنیکل ٹریننگ (ڈاکٹری سسر)
ایضاً	میٹرک ماسٹریس بیچ متعلقہ شعبہ میں گورنمنٹ کے حکور شدہ ادارے سے ڈپلومہ اسٹریٹجک جو میڈیکل ٹیکنی غیر ہنوز خواستہ جسرڈ شدہ ہوں۔	BPS-09	(7) جوئیئر ٹیکنیکل ٹریننگ (ڈاکٹری سسر)

شرائط

- 1) نیشنل مگرام سے تعلق رکھنے والے امیدواروں کو ترجیح دی جائے گی۔
- 2) تقرری صوبائی حکومت کے پوزیشن آؤنڈر سٹاف کے تحت عمل درآمد کی جائے گی۔
- 3) تمام سرکاری ملازمین خصوصاً پوزیشن ہولڈرز کے ملازمین اپنے اپنے ادارے کے لئے درخواستیں ارسال کریں۔
- 4) تمام امیدوار اپنی درخواست کے ساتھ ہی وی کی پیسٹرز اور ذاتی شناختی کارڈ کے ساتھ دو فتول پھر ایک عدد جڑہ تصویر زبردستی کے دفتر کو 11-2012-8 تک ارسال کریں۔
- 5) نام لکھ اور مقررہ تاریخ کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا نیز پہلے سے بیچ شدہ درخواست بھی قابل قبول نہیں ہوتے۔
- 6) شہادت لیسنگ کے بعد شدہ امیدواروں کو انٹرویو کے لئے بلایا جائے گا۔
- 7) انٹرویو کے وقت امیدوار اپنے اسٹی کاٹڈلٹ اسٹارڈ سٹوڈنٹس اور سٹوڈنٹس ہونگا۔
- 8) مگرام کے مقامی امیدواروں کے دفتر کے دفتر میں ہی کام سے تعلق رکھنے والی جوں کی جو کہ تین سال سے اس سے زیادہ عمر کے حامل امیدواروں کو عمر میں فرق کا پتہ کارڈ کام سے تعلق رکھنے والی جوں کی جو کہ لازمی ہونگا۔
- 9) نیشنل انٹرویو کے لئے آؤنڈر سٹاف کے لئے کوئی سٹارڈ سٹوڈنٹس ہونگا۔
- 10) ڈاکٹر کی اسٹریٹجک کے لئے آؤنڈر سٹاف کے لئے کوئی سٹارڈ سٹوڈنٹس ہونگا۔
- 11) پوزیشن آؤنڈر سٹاف کے لئے آؤنڈر سٹاف کے لئے کوئی سٹارڈ سٹوڈنٹس ہونگا۔

ATTESTED



INF (P) 3308 www.jkhydpakhtunkhwa.gov.pk

© Daily Aaj Newspaper

Date: 30/10/2012



B-5

OFFICE OF THE EXECUTIVE DISTRICT
OFFICER HEALTH BATTAGRAM.

To,

Mr. Ijaz Ali S/O Mohammad Khateeb
R/O Village Chapargram P.O, District and Tehsil Battagram

Subject

APPOINTMENT AS RECEPTIONIST

On the recommendation of Departmental Selection Committee Battagram, You are hereby appointed as RECEPTIONIST in BPS- 05 (5400-260-13200) plus usual allowances as admissible under the rule on regular basis against the vacant post at DHQ Hospital Battagram Battagram with immediate effect with the following terms and conditions.

TERMS & CONDITION.

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

ATTESTED

No. 2707-12 / Dated Battagram the,
Copy forwarded to the:-

1. District Coordination Officer Battagram
2. Director General Health Services KPK Peshawar.
3. District Accounts Officer Battagram
4. Accounts Section office of the undersigned.

Executive District Officer (Health)
Health Battagram.

28/12/2012.

Executive District Officer (Health)

ATTESTED

Handwritten signature/initials

1-1-2013
Office Ballgown
Receptionist EDO Ltd
Agas Ali s/o M. Khadke
Jas

I have the honor to submit my answer
for duty at your office on 1st 2013
Report in submitted for your kind information
r m/r please

No. 15-19 dt 1-1-2013
Appointments order 2707-12 dt 28th 2012 + order
with reference to your office order No.

Subject: Answer Report
Ballgown
Mc EDO Ltd

C-6

MEDICAL CERTIFICATE

Name of official

Ijaz Ali

Caste of Race

Swati

D-7

Fathers Name

Mohammad Akhtar

Resident of Village

Chappay gram, Tehsil Distt.

Balaghan

Exact Height by measurement

5-2

Date of Birth

03-01-1983

Personal Mark of Identification

Nil

Signature of Official

[Signature]

Signature of head of office

Signature /Seal of the Office.

I do hereby certify that I have examined Mr Ijaz Ali candidate for employment in the office of Health Department and can not discover that he had any disease communicable or other constitutional affection or bodily infirmity, except Nil.

I do not consider this as disqualification for employment in the office of as above. His/ according to his/her own statement 23 years by appearance about 23 (Twenty Three) years.

LEFT HAND THUMB AND FINGER IMPRESSION.....

ATTESTED



[Signature]

DHO Hospital, Balaghan

[Signature]

DHO Hospital, Balaghan

E-8

DOMICILE

CERTIFICATE



I declare that I was born of parents who are permanently domiciled in N.W.F.P. having belonged to in by birth / settled in it.
 I belong by birth to Village/Mohallah Chappargram
 Tehsil Battagram District Battagram.

[Signature]
 Signature of Applicant
 Dated 08/06/2006

Pursuance to the declaration dated _____
 filed by Ajaz Ali S/D/W/of Muhammad Khateeb
 domiciled in the N.W.F.P. It is hereby certified that
 the said Mr. Ajaz Ali
 is born of parents who are permanent residents of the N.W.F.P.
 having belonged to it by birth/settled in it.

I have satisfied myself personal/my knowledge verification
 that the above declaration is true and certify.

This _____ day of _____ 20

COUNTERSIGNED

DEPUTY DISTRICT REVENUE OFFICER

21965

[Signature]
 Medical Officer
 D.H.Q. Hospital
 Battagram

DISTRICT REVENUE OFFICER

[Signature]
 District Revenue Officer

Certified that Mr. Ajaz Ali s/o Muhammad Khateeb
 R/o village Chappargram has passed his primary
 Examination from Govt. primary school Chappargram
 Tehsil & District Battagram.

12-06-06

گزارش کاغذی علی محمد علی و ملا محمد علی صاحب قوم سواتی سائنس و ریاضیات
 اور اردو میں امتحان میں حصہ لیا اور اس میں اچھے نمبروں پر پاس ہوا ہے۔

Mahmud Ajaz Khan
 Mambardar Chappargram

Muhammad Khateeb
 GENERAL COUNCILOR
 BGS Chappargram

حاجت عالی صاحب لعل خان محمد ایاز خان محمد درویش و علیہ الغفار خان نوشہر
 پور میں کونسل ایگزیکٹو کمیٹی ایچ ایاز علی و ملا محمد علی صاحب قوم سواتی سائنس و ریاضیات
 اور اردو میں امتحان میں حصہ لیا اور اس میں اچھے نمبروں پر پاس ہوا ہے۔

12/6
 06

12/6/06

ADS 053347

Roll No. 4247

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



Abbottabad N.W.F.P. - Pakistan
SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION SUPPLEMENTARY 2006

This is to certify that AJAZ ALI

Son of MUHAMMAD KHATIB

A candidate from BATTAGRAM DISTRICT

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in Sept / Oct, 2006 as a private candidate. He has obtained 507 marks out of 1050 and has been placed in Grade D Representing FAIR.

The candidate passed in the following subjects:

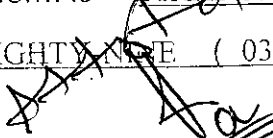
- | | | | |
|------------|------------|--------------|----------------|
| 1. ENGLISH | 2. URDU | 3. ISLAMIYAT | 4. PAK STUDIES |
| 5. MATHS | 6. PHYSICS | 7. CHEMISTRY | 8. BIOLOGY |

Date of Birth according to admission-form is THIRD JANUARY

One Thousand Nine Hundred and EIGHTY NINE (03-01-1989)


Asstt. Secretary

This certificate is issued without alteration or pressure.


Medical Officer
P. O. Hospital


Secretary

S.No. 18

(10)

GOVERNMENT DEGREE COLLEGE BATTAGRAM



PROVISIONAL CERTIFICATE

SESSION 2008, 9

Roll No. 55868

Admission No. _____

This is to certify that Mr. Ajaz Ali
son of Muhammad Whatib
has passed the F-A
Examination from the BISE - ATD Registration No 007231125
held in April / May 2009 as a Regular / Late College Student
He obtained 491 marks out of 1100
marks and was placed in "C D" Grade/Division

SUBJECTS PASSED

- | | |
|-----------------------------|---------------------------|
| 1. <u>Engl</u> | 4. <u>Pak. Studies</u> |
| 2. <u>Urdu</u> | 5. <u>edics</u> |
| 3. <u>Islamic Education</u> | 6. <u>Islamic Studies</u> |
| | 7. <u>Pashto</u> |

Prepared by _____

Checked by M M

Date of issuance 25/7/09

(Handwritten signature)
 GOVT DEGREE COLLEGE
 Battagram

Medical C.
D.H.Q. Hospit
Battagram

Serial No. 013036

Registration No. 10-PM-2181

Roll No. 78206

جامعة hazards

HAZARA UNIVERSITY

Mansehra, Pakistan

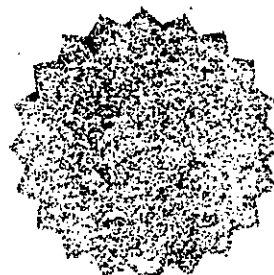


The University in recognition of the fulfilment of prescribed requirements has conferred upon

Mr / Ms Ajaz Ali Son / Daughter of Muhammad Khalib

The Degree of **BACHELOR OF ARTS** in the examination
held in June 2014 session Annual 2014 (Private)

He / She was placed in Second Division / Grade / CGPA.



Ajaz Ali
Controller of Examinations

Date 03-09-2014

Ajaz Ali
Medical Officer
D.H. Hospital
Battagram
Vice Chancellor

Muhammad Khalib
Registrar

Serial No. 3889

GOVERNMENT OF KHYBER PAKHTUNKHWA

Roll No. 48662

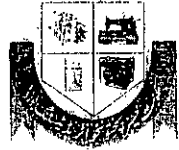
12

Registration No. PVC/BTRM/

COMP-M/11/22

KHYBER PAKHTUNKHWA TRADE TESTING BOARD

Directorate of Technical Education & Manpower Training



Special & Short Duration Vocational Training Course



Certified that Mr./Miss/Mrs. IJAZ ALI S.O/D.O./W.O MUHAMMAD KHATIB

Resident of the BATTAGRAM Institute PAK IT & V C BATTAGRAM

appeared and passed the trade proficiency test in accordance with the requirements of the National Occupational Skill Standards of
(06 Months) Months duration prescribed the National Training Board, Government of Pakistan in the Trade of COMPUTER

The test was conducted by the KHYBER PAKHTUNKHWA Trade Testing Board in the month of AUGUST, 2011

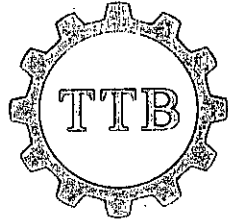
His/Her proficiency in the trade test is as under:-

1. Theory 70/100 2. Practical 165/200

The examination was taken as a whole / in parts.

And in recognition thereof this Trade Certificate is issued on the 7th Day of the month of SEPTEMBER, 2011

SECRETARY



Medical Officer
D.H.O. Hospital
Battagram
CHAIRMAN

G-18

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD

No. 389 /CERT/BISE/ATD.

Dated 25-3-2014

To

Dist. In-charge, Head Office
Office, Baitun-Nabi

Subject: VERIFICATION OF CERTIFICATES

Reference letter No. 921, 257-82 dated 4/9/2013

12 number of photocopies of the certificate (s) issued by this office are returned herewith after necessary verification

25/3
Assistant Secretary (Certificates)
Board of Intermediate & Secondary
Education, Abbottabad

ATTESTED

[Handwritten signature]



OFFICE OF THE CONTROLLER OF EXAMINATIONS
HAZARA UNIVERSITY MANSEHRA

Phone: 0997-414177

(19)

No: HU/CE/2015/5434

Date: 18/05/2015

To

District Health Officer
Battagram

Subject: Verification of Degree/ Detail marks Certificates

- 1 Reference is made to your letter No. 1571 Date 7/5/2015
- 2 Enclosed please find verified Degree/DMC bearing Roll/No. 78206
for further necessary action.
- 3 Kindly acknowledge receipt.

No 1868 dt- 8/6/15
Forwarded to M-S DHO Hospital
Battagram for n/a plan

Assistant Controller of Examinations
Hazara University, Mansehra

ATTESTED

District Health Officer
BATTAGRAM

DS

053347

Roll No. 4247

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

Abbottabad N.W.F.P. Pakistan

SECONDARY SCHOOL EXAMINATION CERTIFICATE

SESSION SUPPLEMENTARY 2006

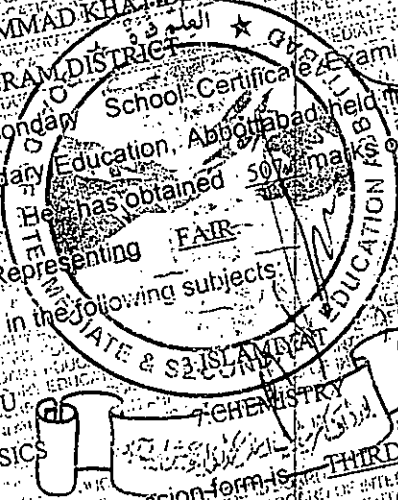


This is to certify that

Son of

AJAZ ALI
MUHAMMAD KHATIB

A candidate from **BATTAGRAM** District School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in Sept./ Oct. 2006 as a private candidate. He has obtained **50%** marks out of 1050 and has been placed in Grade **D** Representing **FAIR**



- The candidate passed in the following subjects:
- 1. ENGLISH
 - 2. URDU
 - 3. CHEMISTRY
 - 4. PAK STUDIES
 - 5. MATHS
 - 6. PHYSICS
 - 7. BIOLOGY

Date of Birth according to admission form is **THIRD JANUARY**
One Thousand Nine Hundred and EIGHTY NINE (03-01-1989)

[Signature]
 Asstt. Secretary

[Signature]
 Secretary

ATTESTED

S#: 21

Batagram

Pers #: 00697293

Buckle:

Name: IJAZ ali

Dsg.: RECEPTIONIST

CNIC No. 1320296713615

GPF Interest Applied

05 Vocational Permanent

PAYS AND ALLOWANCES:

2174-Adhoc Relief Allow-2014

5002-Adjustment House Rent

5011-Adj Conveyance Allowance

5012-Adjustment Medical All

5102-Adj Unattractive Area All

5309-Adj. 15% Adhoc Allowance

5898-Adj. Adhoc Allowance 50%

5911-Adj. Adhoc Relief 2011

5938-Adj. Adhoc Relief All 2012

Gross Pay and Allowances

DEDUCTIONS:

GPF Balance 12,869.00

P Sec:001 Month:June 2015

BM7005 -MS District Head Quarter H

Min: Min. Of Health

NTN:

GPF #:

Old #:

21

BM7005

592.00

5,010.00

9,660.00

6,000.00

5,000.00

4,440.00

2,505.00

8,350.00

5,920.00

95,334.00

Subrc:

Total Deductions

2,814.00

92,520.00

D.O.B

03.01.1989

02 Years 06 Months 001 Days

LFP Quota:

BANK ALFALAH LIMITED BATTAGRAM BRANCH (Sh
1002935665

ATTESTED





22

EXPERIENCE CERTIFICATE

This is to certify that Mr. Ijaz Ali S/O Muhammad Khateeb working in this hospital as Receptionist BPS_05 on regular bases since 28 Dec 2012 to 17 March 2015. He performed duty in OPD Counter, casualty and polio center. He is obedient and regular in his duty, hard working staff. His performance in his field is good and he also bears good moral character.

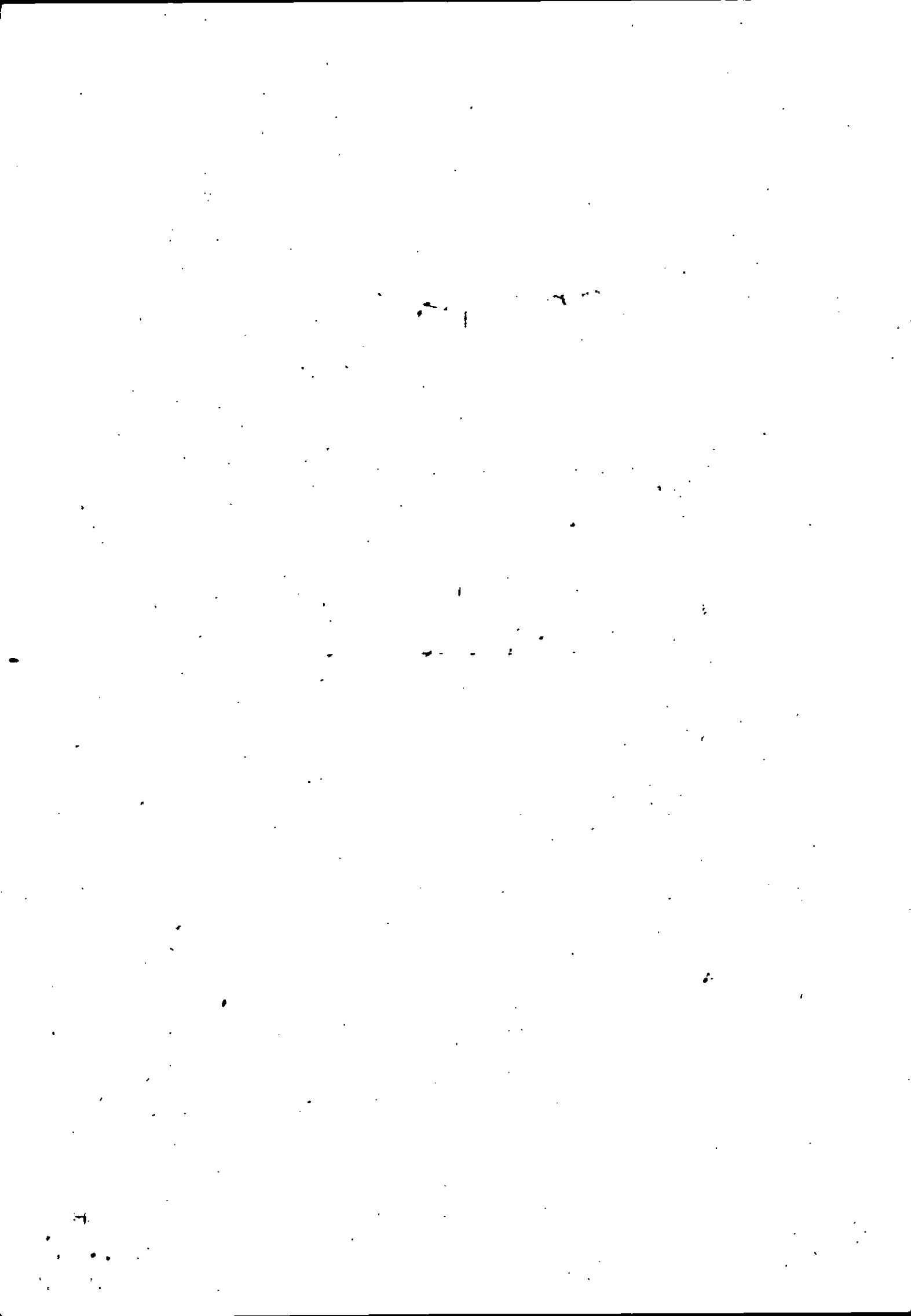
I wish him all the success in the future.

Dated 17/03/2015.

Medical Superintendent
DHQ Hospital Battagram

Medical Superintendent
DHQ Hospital Battagram

ATTESTED



OFFICE OF THE MEDICAL SUPERINTENDENT DHO HOSPITAL BATTAGRAM

FOR THE MONTH OF 07 /2015

DDO Code
(Cost Centre)

B	M	7	0	0	5
---	---	---	---	---	---

A = 23

Personnel Number

--	--	--	--	--	--

Employee Name

National ID#
Card Number

Grade (Pay)

0	4
---	---

Salary

--

Pay Group

Status Start

Stop

CHANGE IN PAYMENTS/DEDUCTIONS

New Contents	Wage Type	Amount	Effective Date	Remarks
PLAZA SALT RECEPTIONIST	PAY STOP		01-7-2015	TILL THE DECT
SHER BAHDUR GENERATOR OPERATOR	PAY STOP		01-7-2015	do
PLAZA TUBE WELL OPERATOR	PAY STOP		01-7-2015	do
				OF Enquiry Report

ATTESTED

[Signature]

Audit /Checked By

[Signature]
Medical Officer

(24) - آخدمت جناب قابل احترام ڈائریکٹر جنرل صاحب ہیلتھ سروسز خیبر پختونخوا پشاور

عنوان:- اپیل برائے دادرسی۔

سائل ذیل عرض گزار ہے۔

یہ کہ سائل بمطابق اشتہار 30 اکتوبر 2012 روزنامہ آج پشاور رولز ریگولیشن کے تحت بعد تصدیق متعلقہ

تعلیمی اسناد میرٹ پر Receptionist پوسٹ پر بھرتی ہوا تھا جملہ متعلقہ مطلوبہ کوائف ہمارے ہاں ہے۔

یہ کہ سائل نے حکم کے مطابق یکم جنوری 2013 کو DHQ ہسپتال بگرام میں متعلقہ پوسٹ پر حاضری کی ہے اور اب تک اپنی ڈیوٹی نہایت دیانتداری، خوش اسلوبی اور جانفشانی سے سرانجام دیتا چلا آ رہا ہے اور ہر گھڑی سرکاری ڈیوٹی کو ذاتی کام پر مقدم رکھا ہے کبھی بھی لاپرواہی اور غفلت کا مرتکب نہیں ہوا ہوں بلکہ کسی آفسر مجاز کو شکایت کا موقع بھی نہیں دیا ہے۔

یہ کہ سائل BA پاس ہے۔ BA کا سند جناب DHO صاحب بگرام نے متعلقہ ادارے سے Verified کی ہے جسکی نقل کاپی تصدیق شدہ ہمارے ہاں ہے۔ علاوہ ازیں اشتہار متعلقہ مذکورہ میں صرف میٹرک درج ہے۔ اور اسی طرح اشتہار متعلقہ میں میٹرک ڈویژن کا کوئی ذکر نہ ہے۔ بلکہ اشتہار میں صرف سادہ میٹرک درج ہے۔

یہ کہ سائل کا جملہ تعلیمی اسناد تصدیق شدہ ہے۔ اس حوالے سے سائل کی طرف سے کوئی غلطی وغیرہ نہیں ہوئی ہے۔ سائل اس حوالہ سے بالکل بے گناہ اور معصوم ہے۔

یہ کہ سائل ایک شریف خاندان سے تعلق پذیر ہے، نہایت ہی غریب ہے، ملازمت ذریعہ معاش کا واحد ذریعہ ہے اہل و عیال کا بمشکل گزارہ ہوتا ہے۔

لہذا ملجبانہ استدعا ہیکہ حالات اور واقعات بالا کے پیش نظر سائل کے حال پر رحم فرما کر ماتحت پروری اور خداترسی کے بناء پر سائل کے تنخواہیں دینے اور جملہ متعلقہ اعتراضات ختم فرما کر بروس جاری کرنے کے احکامات صادر فرما کر مشکور فرما دیں۔ سائل تادیات دعا گو رہے گا۔

العارض

مورخہ 31-07-2015

ATTESTED

اعجاز علی ولد محمد خطیب

ریسپشنٹ BPS-05

ڈی ایچ کیو ہسپتال بگرام



mc (25)


OFFICE OF THE MEDICAL SUPERINTENDENT DHO HOSPITAL BATTAGRAM
MS Office Phone No. 0997-311518 Email Address: dhqbtg518@yahoo.com
Casualty Dept Phone No. 0997-310018 Fax No. 0997-311518

No, 2617-18 /Staff dated 31.07.2015


Director General Health Services,
Khyber Pakhtunkhwa Peshawar

Subject: DEPARTMENTAL APPEAL.

Enclosed please find herewith an application submitted by Mr. Ajaz Ali S/O Muhammad Khatib receptionist BPS-05 of this hospital, which is self explanatory for a sympathetic & favorable consideration please.


Medical Superintendent
DHO Hospital Battagram

✓ Cc to Mr. Ajaz Ali S/O Muhammad Khatib receptionist BPS-05 for information.

ATTESTED


VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

_____ OF 2016

Ejaz Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Ejaz Ali

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2016



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

5- Correct to the extent that appellant filed appeal which was forwarded to respondent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.31/2016.

Ejaz Ali

Versus.

Appellant.

Govt: of KPK Health Department etc:

Respondents.

JOINT PARAWISE COMMENTS FROM RESONDENTS NO. 1 TO 4

Respectfully sheweth.

Preliminary Objections.

1. That the applicant has no cause of action nor locus standi to file the instant appeal.
2. That the appellant has concealed the material facts from this Honorable Tribunal.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the instant appeal of appellant is time barred.
5. That the appellant has suppressed the material facts from this Honorable Tribunal hence not entitled for any relief and appeal is liable to be dismissed.

ON FACTS.

- 1- Para No 1 is relates the record.
- 2- Para No.2 is correct to extent that appellant was appointed as Receptionist in BPS.05, infact at the time of selection process the appellant produced bogus degree of B.A and on the basis of bogus Degree of BA the merit position of appellant was determined and he was given qualification marks, hence the appeal is liable to be dismissed.
- 3- Para No.3 is incorrect. The matter was brought into the notice of respondents when the appellant qualification documents were sent to concern Board/University for verification. Though the qualification documents were verified by the concerned Board/University, but it was noticed that appellant passed his B.A Examination in 2014 whereas at the time of selection process in 2012 the B.A degree provided by appellant was bogus. Hence enquiry against the appellant was ordered to be conducted. After conducting proper enquiry the inquiry officer recommended that appellant be removed from service, therefore pay of appellant was stopped, but formal order of removal was in process, the appellant filed the instant appeal. Therefore, removal ordered of appellant is kept pending. Copy of B.A Degree provided in 2012 by appellant is attached at Annexure-A, copy of enquiry report along with other relevant paper attached at Annexure-B.
- 4- Correct to the extent that sairy of colleagues of appellant, after finalization of enquiry the pay of colleagues of appellant was released.

5- Correct to the extent that appellant filed appeal which was forwarded to respondent No.2 on 31.07.2015, whereas the instant appeal was filed on 29.01.2016 which is time barred.

GROUND.

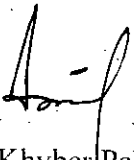
A) Incorrect. The enquiry officer recommended removal from service of appellant, therefore, salary of appellant was stopped.


B) Incorrect. As per reply given in Para No.3 of facts.


C) Incorrect. The appellant submitted bogus BA Degree at the time of appointment, therefore, qualification numbers were given to the appellant hence, the appellant obtained appointment on bogus documents. In this respect an Enquiry against appellant was conducted and it was found that appellant got inducted into Govt. service on bogus documents.


D-H) Incorrect. As per reply given in preceding Para.

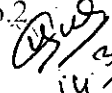
It is therefore, humbly prayed that on acceptance of above written statement the instant appeal may graciously be dismissed with costs and respondents may also be allowed to proceed against the appellant as recommended by Enquiry Officer.


Secretary
Govt: of Khyber Pakhtunkhwa
Health Department, Peshawar
Respondent No.1


Director General,
Health Service,
Khyber Pakhtunkhwa,
Respondent No.2


District Health Officer,
Battagram
Respondent No.3


Medical Superintendent,
DHQ Hospital Battagram.
Respondent No.4.


14/03/16

BEFORE THE HONORABLE COURT KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR ABBOTTABAD BENCH.

SUBJECT:- WRIT PETITION NO.31/2016

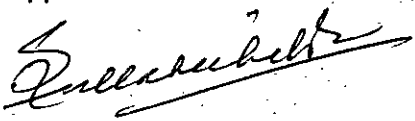

Ejaz Ali Appellant

VERSUS.

GOVERNMENT OF KHYBER PKHTUNKHWA Respondent.

AFFIDAVIT.

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


RESPONDANT NO. 3


Annex-A
33

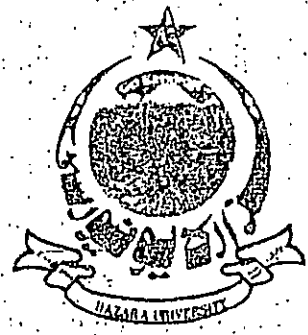
Serial No. 013036



Registration No. 10-PM-2181
Roll No. 78206

HAZARA UNIVERSITY

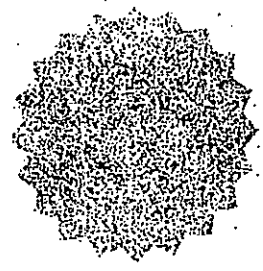
Mansehra, Pakistan



The University in recognition of the fulfilment of prescribed requirements has conferred upon
Mr / Ms Ajaz Ali Son / Daughter of Muhammad Khalib

The Degree of **BACHELOR OF ARTS** in the examination
held in June 2014 session Annual 2014 (Private)

He / She was placed in Second Division / Grade / CGPA.



[Signature]
Controller of Examinations
Date 03-09-2014

[Signature]
Medical Officer
D. H. Hospital
Battagram
Vice Chancellor

[Signature]
Registrar

Annex-B 34



**DIRECTORATE GENERAL HEALTH SERVICES,
KHYBERR PAKHTUNKHWA, PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Exchange # 091-9210187. ☎ Tele # 9210196 Fax # 091-9210230

Dated 14/11/2014

No. 3247 /CC/2514/2014

To,

The District Health Officer,
Battagram.

Subject: ENQUIRY OF IRREGULAR APPOINTMENTS.

In continuation, of this Directorate letter No.2717-20/cc/2511/2014 dated 08/09/2014, I am directed to forward an enquiry report conducted by Dr.Niaz Muhammad SMO Civil Hospital Battal Mansehra and Mr. Muhammad Jamil Assistant Director(P-II) DGHS Office KPK Peshawar for implementation and necessary action with the following remarks.

- I. After going through the enquiry report it is observed that the said recruitment has been made against the Esta Code of the Govt, almost against the merit and rules regulation of the Govt have been violated.
- II. All those recruited against the merit may be terminated w.e.f the date of recruitment, salaries made so far be recovered from the wrong selectees/ those officers/ officials who are responsible for this illegal appointments immediately.
- III. Disciplinary action may be initiated against the culprits (Responsible for this illegal appointment).
- IV. Fresh procedure as per Esta Code recruitment policy may be initiated for new recruitments.

Mr. Mohammad Hassan &
Shah Faizal & Inshid document
Class III employees only

DIRECTOR GENERAL HEALTH
SERVICES, KHYBER PAKHTUNKHWA,
PESHAWAR.

Stop the pay
of Class III MK And
DHO 14/11/15

13/11/14

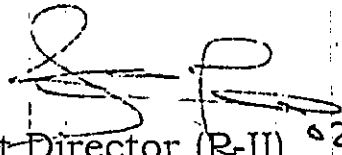


DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Office Ph (091 - 9210269 Exchange #: 091 - 9210187, 091 - 9210196 Fax # 091 - 9210230

SUBJECT ENQUIRY OF IRREGULAR APPOINTMENTS.

Will the Assistant Director (P-III) Paramedics, Directorate General Health Services Khyber Pakhtunkhwa, Peshawar, refer to the subject noted above and to forward a copy of enquiry report conducted by Dr. Niaz Muhammad SMO Civil Hospital Battal Manshra and Mr. Muhaminad Jamil Assistant Director (P-II) DGHS Office KPK Peshawar for implementation and necessary action.


Assistant Director (P-II)
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

Assistant Director(P-III) Paramedics
DGHS KPK, Peshawar.

U-O.No. 3384 /CC/2514/2014

Dated 02/12/2014.

2nd
second
Enquiry

363

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

BACK GROUND.

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

PROCEEDINGS

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

This is worthwhile to mention that merit lists and documents pertaining to the recruitment issued by Dr. Aqeel Bangash Ex-DHO Battagram prior to 1-7-2013 were not produced by the DHO Office Battagram; saying that the same were taken away by the Ex-DHO Dr. Aqeel Bangash as per their written statements mentioned below. On enquiry from Dr. Aqeel Bangash, although he produced photo copies of the merit lists at F/B but showed ignorance about the documents.

While forwarding the previous Enquiry Report, the District Health Officer Battagram was asked vide DGHS letter No.1206-09/Complaint Cell/2511/2014 dated 29th May 2014 for producing the remaining documents pertaining to recruitments of Class-III and Class-IV employees made by Dr. Aqeel Bangash the then DHO for the period prior to 1-7-2013 within fifteen days. But after protracted correspondence with the District Health Officer Battagram, he

...zen able to produce the documents ibid that is too in piecemeal upto 10th October 2014.

FINDINGS.

The Committee after scrutiny found various irregularities in the recruitment process which are mentioned below:-

- Format of the merit list is not according to the standard criteria of the Government.
- As required under the relevant criteria of the Government at Flag-C, Diploma marks not included in the merit list after the marks of prescribed qualification i.e. matric. More so the marks allotted for the prescribed qualification were not according to standard criteria, e.g. certain candidates with 2nd division were allotted the marks of first division and vice versa. In certain cases marks for higher qualification have been given to the candidates although no documentary proof was produced in this regard to the Enquiry Committee which makes selection/recruitment of some of the candidates doubtful.
- Written test marks included in the merit list in violation of the approved Service Rules.
- In some cases more than 8 marks allotted to the candidates in the column of interview marks, in violation of the criteria fixed by the Government.
- Experience marks are not given as per Government criteria and in some cases experience marks are given on the basis of experience certificates of unregistered private institutions; even in some cases marks given without experience certificate.
- Minutes of the Departmental Selection Committees duly signed by chairman and members of the DSC, are not recorded.
- Candidates in various categories have been recruited by Dr. Aqeel Bangash without valid certificates/diplomas.
- Class-IV employees have been appointed by the Ex-DHO viz: Dr. Aqeel Bangash without inviting applications through employment exchange (not available in District Battagram) or press advertisement.
- Ward Ayas (nomenclature thereof not available in the sanctioned strength of District Battagram) have been appointed by Dr. Aqeel Bangash against the posts of Dais without observance of codal

unfair merit list

Exp

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formalities which is again violation of the rules/regulations and policy of the Government. The Committee noted with concern as to how their salaries have been allowed by the DAO Battagram.

As a matter of fact the educational qualification/technical diplomas etc of paramedics are required to be verified by the concerned Board of Intermediate and Secondary Education and Khyber Pakhtunkhwa Medical Faculty Peshawar. To the utter surprise of the committee salaries of all paramedics/other employees have been activated without verification from the above institutions.

In spite of the fact, meeting of the DSC was attended and merit list signed by the Representative of DCO Battagram and representative of the DG Health Services, but none of them were able to pin point the irregularities mentioned above.

Who was this fellow

CONCLUSION

Dr. Aqeel Bangash ex-District Health Officer District Battagram is responsible for the irregular recruitments and a warning in this regard has already been issued to him.

only warning - what about the wrong selections?

RECOMMENDATIONS

In view of the foregoing the Enquiry Committee recommends action against various categories of employees as mentioned against each below:-

S.No	Nomenclature of the post	Names of employees appointed.	Observation of the Committee	Recommendation
1	Receptionist (merit list at Annex. I)	Ijaz Ali s/o Muhammad Khateeb(Battagram) Merit list at Annexure-I	a) BA marks added in the column of higher qualification but BA degree not produced. b) As per matric certificate, the Official has got 2 nd divn: but marks given of 1 st divn. c) Matric certificate not verified from the concerned	If the marks of prescribed/higher qualification irregularly added in the merit list are deleted, another candidate in the merit list would have been eligible for selection.

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		Board of Intermediate and Secondary Education but salary started.	Therefore, show cause notice may be served upon Mr. Ijaz for removal from service and his salary stopped.
ICT Cardiology (Merit list at Annex:II)	(Muhammad Wasim s/o Muhammad Bashir (Battagram) Merit list at Annexure-II)	a) Marks for higher qualification allotted two step above while the employee has qualified FA (one step above) b) No certificate/diploma in Cardiology produced from Medical Faculty KPK Pesh:	Beside irregularity at Sl:No.a of the observations, Muhammad Wasim has been appointed without having been qualified from the Medical Faculty; he may be served upon with show cause notice for removal from service and his salary stopped.
3 Malaria Supervisors (Merit list at Annex:II)	i. Sher Ali Khan s/o Ghulam Muhammad (Battagram)	He is matric with science and possess diploma from the Medical Faculty Peshawar.	May be allowed to continue service as Jr. PHC Tech (MP) being qualified but after verification of his matric certificates etc. and diploma from the Medical Faculty Peshawar. Till then his salary must be stopped and if found fake, show cause notice may be served upon him for removal from

BEFORE THE HONORABLE SERVICE TRIBUNAL
PESHAWR CMAP COURT
ABBOTTABAD,

CR.No. 31/2016

IJAZ ALI

...PETITIONERS

V E R S U S

GOVT OF KPK HEALTH DEPARTMENT / DHO BATAGRAM AND OTHERS

... RESPONDENTS

SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL ACT
1974 AGAINST THE IN ACTION OF THE RESPONDENCE
BY NOT RELAEASING THE MONTHLY SALARIES OF THE
APPILEANT WEF 1 JULY 2015 TILL DATE AND AGAINST
NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL
OF THE APPELLANT WITH IN THE STATUTORY PERIOD
OF 9 DAYS.

Respectfully Sheweth,

Comment on behalf of respondent No 5.

1. The district account officer is an exercising all financial transactions on behalf of drawing and dispersing officer on completion of all codal formalities to submission of source II towards payment. The medical superintendent DHQ Hospital Batagram being drawing and dispersing officer has stopped the pay and allowances of Ijaz Ali receptionist BPS-5. If the honorable court as well as concerned department released the pay and allowances

concerned department released the pay and allowances
receipts BPS-2. If the honorable court as well as
officer has stopped the pay and allowances of all
DHO Hospital Bagram being drawing and dispersing
source of towards payment. The medical superintendent
on completion of all other formalities to submission of
transactions on behalf of drawing and dispersing officer
The district account officer is exercising all financial

Comment on behalf of respondent No 2.

Respectfully Sheweth

OF 3 DAYS.
OF THE APPELLANT WITH IN THE STATUTORY PERIOD
NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL
APPELLANT WERE 1 JULY 2012 TILL DATE AND AGAINST
BY NOT RELEASESING THE MONTHLY SALARIES OF THE
1974 AGAINST THE IN ACTION OF THE RESPONDENCE
SERVICE APPEAL US 4 OF SERVICE TRIBUNAL ACT

... RESPONDENTS

GOVT OF KPK HEALTH DEPARTMENT \ DHO BATAGRAM AND OTHERS

VERSUS

... PETITIONERS

PLAINT

CP.No.

15078


ABBOTTABAD

PESHAWAR CIVIL COURT

BEFORE THE HONORABLE SERVICE TRIBUNAL

of the above petitioners, the district account officers will be honored the claim of pay and allowances as per directions of the courts / department.

It is requested that the district account officer may kindly be exempted.


28/11/16

District Account Officer Batagram Respondent No 5

of the above petitioners, the district account officers will
be honored the claim of pay and allowances as per
directions of the court's department.

It is requested that the district account officer may
kindly be exempted.

District Account Officer Batagram Respondent No 2

VAKALATNAMA

BEFORE THE KP Service Tribunal, Peshawar.

_____ OF 2017

Ejaz Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department

(RESPONDENT)
(DEFENDANT)

I/we Ejaz Ali

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 19 / 09 / 2017

Sia

CLIENT

18
ACCEPTED
NOOR MOHAMMAD KHATTAK

&
MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No.31/2016

EJAZ ALI

VS

HEALTH DEPTT:

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Incorrect and not replied accordingly. That appellant has not been submitted any bogus B.A degree for appointment on the post of Receptionist (BPS-05) because at that time appellant has not been completed his B.A. Moreover at the time of selection process appellant produced his Metric and F.A documents.
- 3- Incorrect and not replied accordingly. That appellant has completed his graduation in the year 2014 which has been verified from the concerned university. That the said degree has not been produced at the time of selection process because at that time appellant has not been completed his graduation. That appellant has produced required documents for the said post alongwith F.A certificate which was accepted by the appointing authority and appellant was appointed purely on merit.
- 4- Admitted correct by the respondents hence need no comments.
- 5- Admitted correct by the respondents to the extent of Departmental appeal of the appellant while the remaining para is incorrect and baseless.

GROUND:

(A to H):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That the respondent Department withheld the monthly salaries of the appellant without any reason and clear justification. That the respondents violated the principle of natural justice and also the principle of "WORK DONE MUST BE PAID". That the respondent Department acted in arbitrary and malafide manner by not releasing the monthly salaries of the appellant which is the clear violation of Article 11 of the Constitution of Islamic Republic of Pakistan 1973.

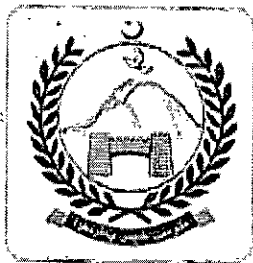
It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT

EJAZ ALI

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2157 /ST Dated: 3/10 /2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To,

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

Subject: - **JUDGMENT IN APPEAL NO. 31/2016, EJAZ ALI.**

I am directed to forward herewith a certified copy of judgment dated 19/09/2017 passed by this tribunal on the above subject for strict compliance.

Encl: as above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR