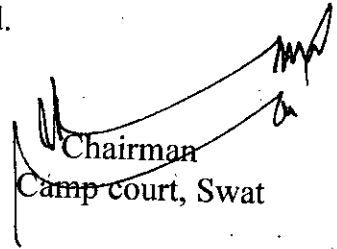


EP 218/2017

05.04.2018

Petitioner in person and Mr. Usman Ghani, Distinct Attorney alongwith Sana Ullah, Vice Principal for the respondents present. Implementation report submitted. The petitioner is satisfied and requested that the present execution petition may be disposed being executed.

The execution petition is disposed of being duly executed. File be consigned to the record.

  
Chairman  
Camp court, Swat

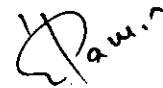
ANNOUNCED  
05.04.2018

Execution Petition No. 218/2017  
Faridullah VS Health

04.01.2018

Petitioner with counsel present. Learned AAG along with respondent No.2 and representative of respondent No.1 present. Learned counsel for the petitioner stated that in view of the judgment in question of this Tribunal, the petitioner is to be reinstated in his position i.e, Senior Clerk at Para Medical Technologies (PIMT) Said Sharif Swat. On the other hand learned AAG argued that the post of the petitioner is a provincial post hence the petitioner was rightly adjusted against the vacant post of Steno typist (BS-14) at PIMT D.I.Khan


Admittedly the petitioner was serving as Senior Clerk in Para Medical Technologies (PIMT) Saidu Sharif Swat when he was dismissed from service on 03.12.2015. Perusal of the judgment in question passed in appeal bearing No.367/2016 would show that this Tribunal has reinstated the appellant in his position with payment of salary of intervening period. As such the respondent department is directed that, in compliance with the judgment dated 05.10.2017 of this Tribunal, issue an order of reinstatement of petitioner/appellant in his previous position/posting i.e position/posting as Senior Clerk Para Medical Technologies (PIMT) Saidu Sharif, Swat. Needless to mention that under Section 10 of Khyber Pakhtunkhwa Civil Servants Act 1973, the competent authority is vested with the powers to issue posting/transfer orders of civil servants. To come up for implementation report on 06.03.2018 before S.B at camp court, Swat.



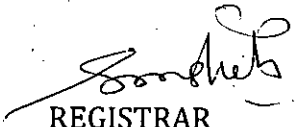


(Muhammad Hamid Mughal)  
Member  
Camp Court, Swat

06.03.2018

Counsel for the appellant and Addl. AG alongwith Sanaullah, Vice Principal for the respondents present. Departmental representative states that the implementation report is in progress and seeks time. To come up for implementation report on 05.04.2018 before S.B at camp court Swat.

  
Chairman  
Camp court, Swat

Execution Petition No. 218/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	22.11.2017	<p>The Execution Petition of Mr. Faridullah submitted to-day by Dr. Adnan Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27-11-2017	<p>This Execution Petition be put up before Touring S. Bench at Swat on <u>07-12-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
07.12.2017		<p>Counsel for the petitioner present. Notices be issued to the respondents. To come up for implementation report on 04.01.2018 before S.B at camp court, Swat.</p> <p style="text-align: right;"> Chairman Camp court, Swat</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR**

Execution Application No. 218 of 2017

In Service Appeal No.367 of 2016

Farid Ullah, Senior Clerk Para Medical Technologies (PIMT) Saidu Sharif,  
Swat

..... Applicant

**VERSUS**

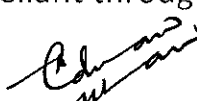
Dr Tahir Nadeem and another

..... Respondents

**INDEX**

S. No.	Description	Annexure	Pages No.
1.	Memo of Application		1-3
2.	Affidavit		4
3.	Copy of Appeal	A	5-7
4.	Copy of judgment dated 05-10-2017	B	8-11
5.	Copy of arrival report	C	12
6.	Wakalatnama		13

Appellant through Counsel

  
Dr. Adnan Khan, Barrister-at-Law  
Office: Adnan Law Associates,  
Opp. Grassy ground Mingora Swat.  
Cell: 03469415233

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWA AT PESHAWAR**

Execution Application No. 218 of 2017

In Service Appeal No. 367 of 2016

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 989

Dated 22/11/2017

Farid Ullah, Senior Clerk Para Medical Technologies (PIMT) Saidu Sharif,  
Swat

..... Applicant

**VERSUS**

1. Dr Tahir Nadeem, Director General Provincial Health Services Academy,  
Dauranpur, Peshawar.
2. Dr Inamullah, Principal Para Medical Institute Saidu Sharif, Swat.

..... Respondents

**APPLICATION UNDER SECTION 7(2)(d) OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT 1974, FOR  
EXECUTION OF DECISION DATED 05-10-2017.**

**Respectfully Sheweth:**

1. That the applicant being a Senior Clerk at Para-Medical Institute Saidu Sharif Swat, was dismissed from service by respondent No.2. After fling departmental appeal before the competent authority, which was not responded to, the applicant approached this Hon'ble Tribunal by filing the captioned appeal (Copy of appeal is annexed as annexure "A").

(2)

2. That this Hon'ble Tribunal after hearing both the parties in detail allowed the appeal in the following terms:


*"6. This Tribunal, therefore set aside both the orders dated 03.12.2015 and 04.08.2017 and reinstate the appellant in his position. The salary of the intervening period shall be paid to the appellant. The department is at liberty to initiate fresh departmental proceedings. Parties are left to bear their own costs."*

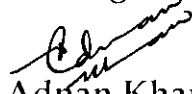
(Copy of judgment dated 05-10-2017 is attached as Annexure "B").

3. That in light of the above judgment, applicant reported to respondent No.3 and filed his arrival report on 10-10-2017 (Copy of arrival report is attached as Annexure "C").
4. That respondent No.3 boldly refused to abide by the valid order of this Honourable Tribunal. So much so, respondent No. 3 did not allow the applicant to resume the charge of his post or to accept his arrival report.
5. That this act of respondent No.3 is tantamount to undermine the authority of this Hon'ble Tribunal, which may not be overlooked or ignored at all.
6. That respondent No.3 deserves to be given exemplary punishment for undermining the judicial authority of this Honourable Tribunal. However, as a minimum step the judgment in question may be implemented at its earliest from protecting the applicant from further sufferings.
7. That further grounds with leave of this Hon'ble Tribunal will be raised at the time of oral submissions.

It is, therefore, humbly prayed that on acceptance of this application, the titled judgment dated 05-10-2017 be executed in its letter and spirit with any other remedy deemed just and proper in the circumstances.

Applicant  
Through Counsel

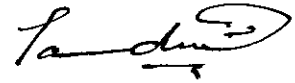


  
Dr Adnan Khan, Barrister-at-Law

CERTIFICATE:

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

Applicant  
Through Counsel



  
Dr Adnan Khan, Barrister-at-Law

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

Execution Application No. \_\_\_\_\_ of 2017

In Service Appeal No. 367 of 2016

Faridullah, Senior Clerk, Paramedical Institute of Medical Technologies,  
Saidu Sharif Swat

.....*Applicant*

VERSUS

Dr. Tahir Nadeem and another

.....*Respondents*

**AFFIDAVIT**

I, **Faridullah (Applicant)**, do hereby solemnly affirm and declare that the contents of the above titled Application are true and correct to the best of my knowledge and belief.

DEPONENT



Faridullah





(5)

Ann. 'A'  
1

BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK  
PESHAWAR

Service Appeal No. 367 of 2016

Farid Ullah, Senior Ex-Senior Clerk Para Medical  
Technologies (PIMT) Saidu Sharif, Swat..... *Appellant*

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Health at Peshawar.
2. Director Provincial Health Services Academy, Dauranpur, Peshawar.
3. Principal Para Medical Institute Saidu Sharif, Swat.

.....*Respondents*

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE ORDER OF DISMISSAL FROM SERVICE AND  
IMPOSITION OF MAXIMUM PENALTY

PRAYER:

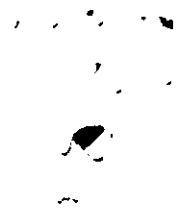
*On acceptance of this Appeal, the impugned order of dismissal dated 3/12/2015 may be set aside and the appellant be restored to his previous position as a Senior Clerk.*

Respectfully Sheweth:

1. That the appellant was appointed as Junior Clerk in the Health Department on 04-06-1991. Prior to the impugned order of dismissal, the appellant was serving as Senior Clerk (BPS-14) in Para Medical Institute of Medical Technologies Swat.
2. That the appellant has performed his duties with all dedication and devotion, and has used his blood and sweat

**CERTIFIED TO  
BE TRUE COPY**

*Adnan K.*  
Barrister  
*Dr. Adnan K.*  
Advocate High Court



CERTIFIED TO  
BE TRUE COPY

Advocate High Co.  
J. J. Johnson, Jr.  
Barrister

6

for the uplifting and betterment of his parent institution for long 25 years.

3. That the appellant was performing his duties in normal routine that all of a sudden received a letter No.42/PHSA/Admn/Enquiry File/2015/16/ dated 03-12-2015, wherein it was mentioned that the appellant has been dismissed from service under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules (Copy of dismissal order is attached as Annexure "A").
4. That subsequently, the appellant preferred a departmental appeal to Respondent No. 1 for setting aside the order of dismissal on 18/12/2015. The same was not responded to and hence, this appeal. (Copy of departmental appeal is attached as Annexure "B").
5. That the appellant now assails the order of dismissal through this appeal inter alia on the following grounds;

**GROUND:**

1. That the appellant has been condemned unheard and has not been informed or allowed to participate in the so called enquiries conducted against him. Similarly, no opportunity of personal hearing whatsoever was provided to the appellant.
2. That no show cause notice, charge sheet, statement of allegation or final show cause notice whatsoever was served on the appellant. The whole proceedings being against the principals of natural justice and due process of law are liable to be set aside.
3. That the allegations leveled against the appellant are not only ill-founded but extremely vague as well. In the first Para of the impugned order, the appellant has been blamed for inefficiency and non co-operation, while in the operative part of the impugned order, the appellant has been charged for corruption and embezzlement of institutional funds.
4. That no detail whatsoever has been given as to when the alleged embezzlement took place and how much of institutional funds were embezzled by the appellant. Needless

**CERTIFIED  
BE TRUE COPY**

*Adman Khan*  
Barrister  
Advocate High Court

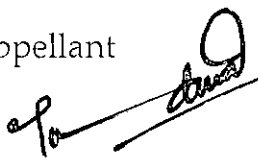
to say that the appellant being junior in the hierarchy of the institution was not a custodian or responsible personnel of accounts and funds.

5. That the accounts of the institution have been regularly and properly audited by internal and external auditors. Had there been any embezzlement or misappropriation of funds on behalf of the appellant, the auditors should have unearthed the same. In this respect Audit Report dated 30/06/2014 prepared by Mr. Rabnawaz, Audit Officer is worth mentioning. At present copy of the said report is in the possession of respondents who refused to provide copy of the same to the Appellant.
6. That imposition of a major and severe most penalty without any probe is the worst example of highhandedness and non judicious exercise of authority. Therefore on this score as well the impugned proceedings are liable to be set aside.
7. That the proceedings in question have been a result of colourful exercise of authority and personal vendetta against the appellant. Hence; the same are liable to be set aside.
8. That further grounds will be raised at the time of oral submissions before the worthy tribunal.

It is therefore, humbly prayed that on acceptance of this appeal, the impugned order of dismissal from service may be set aside and the appellant be restored to his previous position of Senior Clerk.

**CERTIFIED TO BE TRUE COPY**

Appellant



Farid Ullah

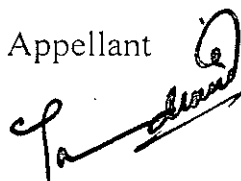


Barrister  
**Dr. Adnan Khan**  
Advocate High Court

**CERTIFICATE:**

Certified that the contents of this appeal are true to the best of my knowledge and belief.

Appellant



(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT SWAT

Service Appeal No 367/2016

Date of Institution... 05.04.2016  
Date of decision... 05.10.2017



Faridullah, Senior Ex-Senior Clerk Para Medical Technologies (PIMT) Saidu Sharif, Swat. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Health at Peshawar and 2 others. ... (Respondents)

DR. ADNAN KHAN,  
Advocate ...

For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney ...

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. GUL ZEB KHAN, ...

CHAIRMAN  
MEMBER

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on 03.12.2015 against which he filed departmental appeal on 18.12.2015 which was not responded to and thereafter the appellant filed the present service appeal on 05.04.2016. The allegations against the appellant were that he was incompetent, inefficient and non-cooperative but in the operative part of the impugned order he has been found guilty of corruption, embezzlement of institutional funds, inefficiency, and incompetence.

**CERTIFIED TO  
BE TRUE COPY**

Barrister  
*Dr. Adnan Khan*  
Advocate High Court



CERTIFIED TO  
BE TRUE COPY

Avoca High School  
Dr. Glenn  
Bartlett

(9)

ARGUMENTS

3. The learned counsel for the appellant argued that there was no formal enquiry nor any show cause notice was issued to the appellant and on record annexed alongwith reply of the respondents there is a preliminary enquiry not holding the present appellant responsible but the administration of the Khyber Pakhtunkhwa was held responsible for the whole charge. That the Audit Officer in his letter dated 23.11.2015 to the Government of Khyber Pakhtunkhwa Health Department has not pin pointed the name of the appellant. Above all the competent authority has violated the mandatory provisions of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 by not issuing any show cause notice to the appellant. There is no order much less reasonable order regarding dispensing with the regular enquiry and no personal hearing was afforded to the appellant. That on the basis of such summary proceedings, the appellant could not have been awarded any penalty much less major punishment. At the last the learned counsel for the appellant pressed into service a letter received by the appellant during pendency of the present appeal on 04.08.2017 from the competent authority setting aside the impugned order by admitting the above mentioned illegalities. In this very order the authority has ordered for denovo enquiry in accordance with the spirit of the law and rules by treating the intervening period of the appellant as extraordinary leave without pay.

4. On the other hand, the learned District Attorney argued that the embezzlement has been made by the appellant. That the illegalities/irregularities pin pointed by the learned counsel for the appellant have been detected by the department that is why fresh order has been made for denovo enquiry.

**CERTIFIED TO  
BE TRUE COPY**

*Dr. Adnan Khan*  
Barrister  
Advocate High Court

**ATTESTED**

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

10

CONCLUSION

5. There is no need to elaborately discuss the objection of the learned counsel for the appellant as admittedly, the whole proceedings were illegal being against the well established due processes. The only point for determination is whether the authority or the appellate authority could have passed any order by recalling the earlier order and ordering for denovo enquiry. Coming to the rules on the subject there is no such provision whereby the authority could have reviewed its own order. Review being creation of statute can be resorted to by an authority specifically permitted by law. Secondly under the established principle of *locus poenitentiae* after passing of the order and filing of departmental appeal and during pendency of service appeal before this Tribunal, the authority passing the original order could not have taken any decision. The order is an order which has been acted upon and attained <sup>ed</sup> ~~ing~~ finality. This provision can be gathered from sub rule 2 of Rule 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 wherein it has <sup>ed</sup> ~~been~~ specifically provided that whenever a service matter is filed before the Service Tribunal then the authority with whom the departmental appeal or review petition is pending shall not take any further action. In the present case the departmental appeal was pending before the appellate authority and when it was not responded to within the statutory period, the present service appeal was filed before this Tribunal. Nothing was pending before the authority passing the original order then it is strange that when the departmental appeal could not be decided due to pendency of service appeal before this Tribunal then how could the competent authority can pass an order reversing his earlier order on the basis of being illegal.

6. This Tribunal, therefore set asides both the orders dated 03.12.2015 and 04.08.2017 and reinstate the appellant in his position. The salary of the intervening period shall be paid to the appellant. The department is at liberty to initiate fresh

CERTIFIED TO  
BE TRUE COPY

*Dr. Adnan Khan*  
Barrister  
Advocate High Court

ATTESTED

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



11

departmental proceedings. Parties are left to bear their own costs. File be consigned to the record.

Announced SD/- Niaz Muhammad Khan,  
05.10.2017 Chairman  
camp court swat

SD/- Gul Zeb Khan,  
Member

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 10-10-2017  
Number of Words 1600  
Copying Fee 10-  
Urgent 2-  
Total 12-  
Name of Copyist  
Date of Completion of Copy 10-10-2017  
Date of Delivery of Copy 10-10-2017

**CERTIFIED TO  
BE TRUE COPY**  
Barrister  
Dr. Adnan Khan  
Advocate High Court

12

To

The Principal  
Paramedical Institute of Medical  
Technologies Saidu Sharif Swat.

Subject: ARRIVAL REPORT.

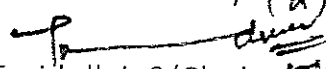
R/Sir,

In compliance of the decision of the honorable court of  
Service tribunal on 05-10-2017.

In the light of the above honorable court decision regarding  
My re-instatement, therefore I beg to submit my arrival report  
With immediate effect.

You are requested to kindly obey the order of the honorable court  
And accept my arrival report on my original position before 03-12-2015 please.

Yours obediently

  
Faridullah S/Clerk 10/11/2017  
PIMT Swat.

C.C.

Copy of the above forwarded to the :

- 01- The Honourable Chairman Service Tribunal vide SA-367/2017 decision on 05-10-2017.
- 02- Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
- 03- Director General Provincial Health Services Academy Khyber Pakhtunkhwa Peshawar.
- 04- The District Accounts Officer Swat, for information

**CERTIFIED TO  
BE TRUE COPY**

  
Barrister

**Dr. Adnan Khan  
Advocate High Court**

100-21133



**BEFORE THE**  
**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR, CAMP COURT AT SWAT**

**Execution Application No. 218/2017**

**In Service Appeal No. 367/2016**

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

..... **APPLICANT**

**Versus**


1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

..... **RESPONDENTS**

**INDEX**

S.No.	Description	Annexure	Pages No.
1	Rejoinder to the Execution Application		1-3
2	Affidavit		4
3	Copy of the reinstatement order of the Applicant	A	5
4	Copy of the Letter to Health Department for de novo inquiry	B	6-10

Respondent No.1 through Litigation Officer



Mr. Faiz Muhammad

PHSA, Health Department Peshawar

**BEFORE THE**  
**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR, CAMP COURT AT SWAT**

**Execution Application No. 218/2017**

**In Service Appeal No. 367/2016**

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

.....**APPLICANT**

**Versus**

1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

.....**RESPONDENTS**

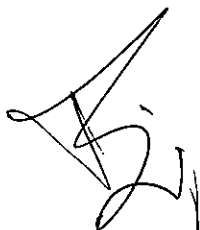
**PARA WISE COMMENTS BY THE RESPONDENT NO.1 TO THE APPLICATION FILED UNDER SECTION 7(2)(d) OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974, FOR THE EXECUTION OF DECISION DATED 05-10-2017**

**FACTS:**

1. Matter pertains to record. However, it is clarified that the Applicant along with all other suchlike employees of Provincial Health Services Academy (PHSA), which is an attached department to Health Department Government of KP, are provincial employees and liable to serve anywhere in the province of Khyber Pakhtunkhwa.
2. Correct, being a matter on record. However, it is further submitted that the decision of Honourable Tribunal in Service Appeal No. 367/2016 of dated 05/10/2017 has been fully implemented by the concerned authorities as elaborated below:




- a. The applicant, Mr. Faridullah as in Service Appeal No. 367/2016, has been reinstated into service vide Office Order No. PF/PHSA/Admn/Farid Ullah/2017-18/4512 dated 21/12/2017 (Annex-A); and
  - b. As per provisions contained in the judgment ibid, the Health Department, Khyber Pakhtunkhwa has been requested for conduction of a comprehensive de novo enquiry to conclude the issue of financial embezzlement in Paramedical Institute of Medical Technologies (PIMT), Swat to its logical end (Annex-B).
3. Any Respondent No. 3 does not exist in the instant Execution Application.
  4. The so-called Respondent No. 3 does not exist in the instant Execution Application. However, none in the PHSA has refused to obey the orders of this Honourable Tribunal, as referred to in Para-2 of the instant Execution Application.
  5. As in Para-4 above.
  6. In view of Para-4 and 5 above, the Applicant deserves an exemplary punishment but also for wasting the precious time and resources of Honourable Tribunal and the government offices.
  7. In view of the foregoing, the instant application may graciously be turned down along with ordering a punishment for the Applicant, as in Para-6 above. However, if the Honourable Tribunal accepts the instant Execution Application in its existing form, additional or further grounds may be raised as per due process of law.



**PRAYER:**

In light of the foregoing, it is humbly prayed that the instant Execution Application may graciously be dismissed along with cost and lawful punishment for the Applicant accordingly, please.

 20/12/2017

(Dr. Tahir Nadeem Khan)  
**Director General**  
**Provincial Health Services Academy, Peshawar**  
**Respondent No. 1**



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

**Execution Application No. 218/2017**

**In Service Appeal No. 367/2016**

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

.....**APPLICANT.**

**Versus**

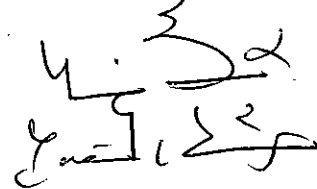
1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

.....**RESPONDENTS.**

**AFFIDAVIT**

I, Mr. Faiz Muhammad Litigation Officer PHSA, do hereby solemnly affirm and declare that the contents of parawise comments to the instant execution application is true and correct to the best of my knowledge and belief.

DEPONENT



17301-1376838-1



**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Department of Health

**ANNEXURE "A"**

**OFFICE ORDER**

**WHEREAS** Mr. Farid Ullah Senior Clerk attached to PIMT Swat was dismissed from Service by the then Director Provincial Health Services Academy Khyber Pakhtunkhwa Peshawar for being found guilty of corruption, embezzlement of institutional funds, inefficiency and incompetence vide dismissal order no. 42/PHSA/Admn/Enquiry File/2015-16/5729-37 dated 03/12/2015; and

**WHEREAS** departmental appeal was put up before the Secretary Health (Appellate Authority) on 18/12/2015 by the official concerned for restoration of his government service resulting from the above mentioned dismissal order but was not honored; and

**WHEREAS** later on a Service Appeal No. 367/2016 was lodged by Mr. Faridullah in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Branch) at Saidu Sharif Swat for re-instatement into service; and

**WHEREAS** he was re-instated into service in view of deficiencies in the E&D proceedings and was adjusted against vacant post of Accounts Assistant (BPS-14) but he did not report arrival and refused compliance to re-instatement order in writing; and

**WHEREAS** on 05/10/2017 the honorable Service Tribunal Khyber, Pakhtunkhwa Peshawar (Mingora Bench) at Saidu Sharif Swat re-instated him into his position vide judgment dated 05/10/2017; and

**WHEREAS** CPLA has not been allowed by the law department in this case; and

**WHEREAS** presently no vacant post of Senior Clerk (BPS-14) is available in PHSA network as his post was filled by transfer of Mr. Fazal Ali Senior Clerk (BPS-14). However the post of Steno Typist (BS-4) is lying vacant in PHSA, PIMT DI Khan, Abbottabad and Swat; and

**WHEREAS** presently no ministerial staff is available at PIMT DI Khan due to retirement of Mr. Fazal Rehman Assistant and the institute is in dire need of ministerial staff due to non availability of any one; and

**NOW THEREFORE** in pursuance of judgment passed by honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Bench) at Saidu Sharif Swat dated 05/10/2017 in Service Appeal No. 367/2016, the competent authority is pleased to re-instate Mr. Farid Ullah Senior Clerk (BS-14) in his position. However, to conclude the case of alleged financial corruption and embezzlement at PIMT Swat to its lawful, final and logical end, further processing of the matter/de novo enquiry will be conducted later on in due course of time.

Consequent upon the above, and keeping in view the requirement of services of ministerial staff, he is adjusted against the vacant post of Steno Typist (BS-14) at PIMT DI Khan in his own pay & scale.

**DIRECTOR GENERAL**

Dated: 21/12/2017

No PF/PHSA/Admn/Farid Ullah/2017-18/ 4512

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the judgment dated 05/10/2017 in Service Appeal No. 367/2016.
3. District Accounts Officer DI Khan.
4. District Accounts Officer Swat.
5. Principal Paramedical Institute of Medical Technologies (PIMT) DI Khan.
6. Principal Paramedical Institute of Medical Technologies (PIMT) Swat.
7. Mr. Farid Ullah, Senior Clerk (BS-14).

**DIRECTOR GENERAL**

21/12/2017  
**Page-05**



**PROVINCIAL HEALTH SERVICES ACADEMY**

Government of Khyber Pakhtunkhwa  
Department of Health

**Annexure "B"**

No. 43/Admn/Secretary Health/ 4552

Dated: 28/12/2017

To,  
The Secretary Health  
Government of Khyber Pakhtunkhwa  
Peshawar.

Sub: SERVICE APPEAL NO. 367/2016 FARIDULLAH VS GOVT OF KHYBER PAKHTUNKHWA AND OTHERS.

Sir

Please refer to the minutes of the meeting of CPLA Scrutiny Committee as held on 29-11-2017 (copy attached) in the office Additional Secretary (Opinion) Law Department on above captioned appeal vide No. SOH(lit-II)13-4041/2016 dated. 11/12/2017.

In this regard, it is stated that the appellant Mr. Faridullah Senior Clerk has been re-instated into service vide No. PF/PHSA/Admn/Faridullah/2017-18 dated. 21/12/2017 (copy attached) as per decision of the meeting. However to conclude the issue of alleged financial embezzlement to a logical end in Paramedical Institute of Medical Technology (PIMT) Swat, a comprehensive de novo enquiry is needed in public interest.

It is therefore requested to please constitute a committee comprising of one officer each from Health Secretariat, PHSA and Accountant General Office Khyber Pakhtunkhwa for the purpose of de novo enquiry please.

**DIRECTOR GENERAL  
PHSA Peshawar.**

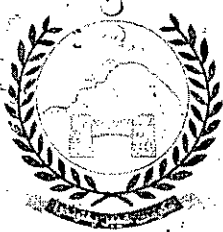
Cc:

1. Principal PIMT Swat.
2. Section Officer (Lit-II) Health Department with reference to the letter No. SOH(lit-II)13-4041/2016 dated. 11/12/2017.

**DIRECTOR GENERAL  
PHSA Peshawar.**

Address: Near Northern Bypass, Dauranpur, Peshawar, Ph:091-2614223-5, Fax:091-26143609  
Website: [www.phsa.edu.pk](http://www.phsa.edu.pk) Email: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)

**Page-06**



MOST IMMEDIATE  
COURT MATTER.

F.T.S. PHSA  
52206

Diary No 3595  
Date 21/12/17  
Prov. Health Services Acad  
Department of Health  
Govt. of KPK Peshawar.

Page-07

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT  
NO. SOH (Lit-II)13-4041/2016  
Dated Pesh: the, 11/12/2017

To

The Director,  
Provincial Health Services Academy,  
Peshawar.

Subject:- SERVICE APPEAL NO. 367/2016 – FAREEDULLAH VERSUS GOVT. OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT & OTHERS.

I am directed to refer to the subject noted above and to forward herewith a copy of letter No. SO(Lit)/LD9-11(9)Health/2017/32226-29/w/e, dated 06.12.2017 alongwith minutes of the meeting received from the Govt. of Khyber Pahtunkhwa, Law Department which is self explanatory for further necessary action under intimation to this department immediately.

Encl: As Above

Section Officer (Lit-II)

Endstt: Even No. & Date

Copy forwarded to :-

1. The Section Officer (Lit) Govt. of Khyber Pakhtunkhwa, Law Department w/r to his letter quoted above.
2. The P.S to Secretary Health, Government of Khyber Pakhtunkhwa, Peshawar.
3. The P.A to Additional Secretary (Dev) Health Department.

Section Officer (Lit-II)

Urgent

Impdt. The reinstatement letter has already been issued today. Pl. Put up DFA of letter to SH for constituting an enquiry committee with representation from Health Secretariat, PHSA and AG, KP Office Senior Accounts Officer for de novo enquiry. 21/12/17



L.No. 2043/1  
Date 2/12/17  
Secretary Health

Page 08

GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

No.SO(Lit)/LD/9-11(9)Health/2017/32226-39412  
Dated Peshawar the 06/12/2017

To

1. The Advocate General,  
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Health Department.

Subject:

SERVICE APPEAL NO.360/2016 FAREEDULLAH VS  
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH  
SECRETARY HEALTH DEPARTMENT AND OTHERS.

Dear Sir,

I am directed to refer to Government of Khyber Pakhtunkhwa Health letter NO.SOH(Lit-I)13-4041/2016, dated 22/11/2017 on the subject noted above and to forward herewith minutes of the meeting held on 29-11-2017 under the Chairmanship of Secretary Law Department (which are self explanatory) for perusal and further necessary action, please

Yours faithfully,

*(Signature)*  
(ALAM ZEB)  
SECTION OFFICER (Lit)  
6-72/17

Endst: No.& Date Even.

Copy is forwarded to the:

1. PS to Secretary Law Department Khyber Pakhtunkhwa.
2. PA to Deputy Solicitor Law Department.

SECTION OFFICER (Lit)

*SO-Lit-11*

SERVICE APPEAL NO.360/2016 FAREEDULLAH VS GOVT. OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH DEPARTMENT AND OTHERS.

A meeting of the Scrutiny Committee was held on 29-11-2017, at 14:00 hours in the office of Additional Secretary (Opinion) Law Department under his Chairmanship, authorized by Secretary Law to chair the meeting of the Committee in order to determine the fitness of the subject case for filing of appeal / CPLA in the proper forum. Additional Advocate General (Mr. M.Sohail) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The meeting started with the recitation from the Holy Quran and thereafter Chairman of the Committee invited the representative of Health Department Mr. Taufique Admn Officer Provincial Health Services Academy alongwith Mr. Bakhtiar Ali Section Officer (Lit) to apprise the Committee about the background of the case. The representative informed the Scrutiny Committee that:-Being aggrieved from the order of dismissal from service the appellant filed a service appeal after his departmental representation was not responded within the stipulated time During the pendency of the service appeal the competent authority vide order dated 04/08/2017 set aside the impugned order of dismissal and directed denovo inquiry by treating the intervening period of the appellant as extraordinary leave without pay. The service tribunal accepted the appeal of the appellant and set-aside both the orders and directed the department to pay the salary of the intervening period and further placed the department at liberty to initiate fresh departmental proceeding. Now the department wanted to file CPLA against the judgment on the following grounds. At the very outset of the meeting the representative informed the scrutiny committee that the department has no objection on the reinstatement of the appellant, however the pay allowed by the tribunal is objectionable and is a huge loss to government exchequer, therefore the case may be declared as fit for filing CPLA in the apex court. On a query from the scrutiny committee that whether the competent authority is of the view that all the proceeding were not in accordance with the law and the rules. In response the representative informed that the order dated 04/08/2017 of the competent authority was based on the facts that the proceeding were not in accordance with law and the Rules therefore the competent authority ordered to hold denovo inquiry.

DECISION:-

3. After threadbare discussion it was decided with consensus by the Scrutiny Committee as the competent authority himself admitted that the proceeding against the accused official were not in accordance with prevailing law and rules, therefore the subject case is not a fit case for filling CPLA, however the department may hold denovo inquiry against the appellant in accordance with the law and rules.

  
(TAHIR IQBAL KHATTAK)  
DEPUTY SOLICITOR



**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Department of Health

**Page-10**

**OFFICE ORDER**

**WHEREAS** Mr. Farid Ullah Senior Clerk attached to PIMT Swat was dismissed from Service by the then Director Provincial Health Services Academy Khyber Pakhtunkhwa Peshawar for being found guilty of corruption, embezzlement of institutional funds, inefficiency and incompetence vide dismissal order no. 42/PHSA/Admn/Enquiry File/2015-16/5729-37 dated 03/12/2015; and

**WHEREAS** departmental appeal was put up before the Secretary Health (Appellate Authority) on 18/12/2015 by the official concerned for restoration of his government service resulting from the above mentioned dismissal order but was not honored; and

**WHEREAS** later on a Service Appeal No. 367/2016 was lodged by Mr. Faridullah in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Branch) at Saidu Sharif Swat for re-instatement into service; and

**WHEREAS** he was re-instated into service in view of deficiencies in the E&D proceedings and was adjusted against vacant post of Accounts Assistant (BPS-14) but he did not report arrival and refused compliance to re-instatement order in writing; and

**WHEREAS** on 05/10/2017 the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar (Mingora Bench) at Saidu Sharif Swat re-instated him into his position vide judgment dated 05/10/2017; and

**WHEREAS** CPLA has not been allowed by the law department in this case; and

**WHEREAS** presently no vacant post of Senior Clerk (BPS-14) is available in PHSA network as his post was filled by transfer of Mr. Fazal Ali Senior Clerk (BPS-14). However the post of Steno Typist (BS-14) is lying vacant in PHSA, PIMT DI Khan, Abbottabad and Swat; and

**WHEREAS** presently no ministerial staff is available at PIMT DI Khan due to retirement of Mr. Fazal Rehman Assistant and the institute is in dire need of ministerial staff due to non availability of any one; and

**NOW THEREFORE** in pursuance of judgment passed by honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Bench) at Saidu Sharif Swat dated 05/10/2017 in Service Appeal No. 367/2016, the competent authority is pleased to re-instate Mr. Farid Ullah Senior Clerk (BS-14) in his position. However, to conclude the case of alleged financial corruption and embezzlement at PIMT Swat to its lawful, final and logical end, further processing of the matter/de novo enquiry will be conducted later on in due course of time.

Consequent upon the above, and keeping in view the requirement of services of ministerial staff, he is adjusted against the vacant post of Steno Typist (BS-14) at PIMT DI Khan in his own pay & scale.

**DIRECTOR GENERAL**

Dated: 21/12/2017

No PF/PHSA/Admn/Farid Ullah/2017-18/ 4512

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the judgment dated. 05/10/2017 in Service Appeal No. 367/2016.
3. District Accounts Officer DI Khan.
4. District Accounts Officer Swat.
5. Principal Paramedical Institute of Medical Technologies (PIMT) DI Khan.
6. Principal Paramedical Institute of Medical Technologies (PIMT) Swat.
7. Mr. Farid Ullah, Senior Clerk (BS-14).

**DIRECTOR GENERAL**

**BEFORE THE**  
**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR, CAMP COURT AT SWAT**

**Execution Application No. 218/2017**

**In Service Appeal No. 367/2016**

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

.....**APPLICANT**

**Versus**

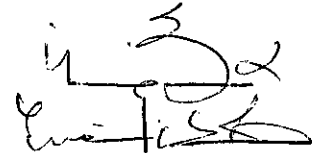
1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

.....**RESPONDENTS**

**INDEX**

S.No.	Description	Anne xure	Pages No.
1	Rejoinder to the Execution Application		1-3
2	Affidavit		4
3	Copy of the reinstatement order of the Applicant	A	5
4	Copy of the Letter to Health Department for de novo inquiry	B	6-10

Respondent No.1 through Litigation Officer



Mr. Faiz Muhammad

PHSA, Health Department Peshawar



**BEFORE THE**  
**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR, CAMP COURT AT SWAT**

**Execution Application No. 218/2017**

**In Service Appeal No. 367/2016**

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

..... **APPLICANT**

**Versus**

1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

..... **RESPONDENTS**

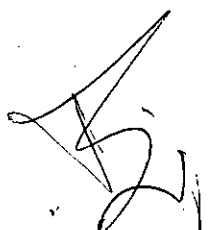
**PARA WISE COMMENTS BY THE RESPONDENT NO.1 TO THE APPLICATION FILED UNDER SECTION 7(2)(d) OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974, FOR THE EXECUTION OF DECISION DATED 05-10-2017**

**FACTS:**

1. Matter pertains to record. However, it is clarified that the Applicant along with all other suchlike employees of Provincial Health Services Academy (PHSA), which is an attached department to Health Department Government of KP, are provincial employees and liable to serve anywhere in the province of Khyber Pakhtunkhwa.
2. Correct, being a matter on record. However, it is further submitted that the decision of Honourable Tribunal in Service Appeal No. 367/2016 of dated 05/10/2017 has been fully implemented by the concerned authorities as elaborated below:




- a. The applicant, Mr. Faridullah as in Service Appeal No. 367/2016, has been reinstated into service vide Office Order No. PF/PHSA/Admn/Farid Ullah/2017-18/4512 dated 21/12/2017 (**Annex-A**); and
  - b. As per provisions contained in the judgment *ibid*, the Health Department, Khyber Pakhtunkhwa has been requested for conduction of a comprehensive de novo enquiry to conclude the issue of financial embezzlement in Paramedical Institute of Medical Technologies (PIMT), Swat to its logical end (**Annex-B**).
3. Any Respondent No. 3 does not exist in the instant Execution Application.
  4. The so-called Respondent No. 3 does not exist in the instant Execution Application. However, none in the PHSA has refused to obey the orders of this Honourable Tribunal, as referred to in Para-2 of the instant Execution Application.
  5. As in Para-4 above.
  6. In view of Para-4 and 5 above, the Applicant deserves an exemplary punishment but also for wasting the precious time and resources of Honourable Tribunal and the government offices.
  7. In view of the foregoing, the instant application may graciously be turned down along with ordering a punishment for the Applicant, as in Para-6 above. However, if the Honourable Tribunal accepts the instant Execution Application in its existing form, additional or further grounds may be raised as per due process of law.



**PRAYER:**

In light of the foregoing, it is humbly prayed that the instant Execution Application may graciously be dismissed along with cost and lawful punishment for the Applicant accordingly, please.

 20/12/2017

(Dr. Tahir Nadeem Khan)  
**Director General**  
**Provincial Health Services Academy, Peshawar**  
**Respondent No. 1**

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

**Execution Application No. 218/2017**

**In Service Appeal No. 367/2016**

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

..... **APPLICANT.**

**Versus**

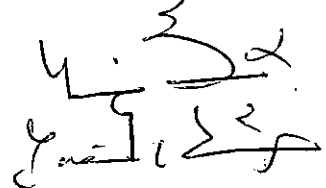
1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

..... **RESPONDENTS.**

**AFFIDAVIT**

I, Mr. Faiz Muhammad Litigation Officer PHSA, do hereby solemnly affirm and declare that the contents of parawise comments to the instant execution application is true and correct to the best of my knowledge and belief.

DEPONENT



17301-1376838-1



PROVINCIAL HEALTH SERVICES ACADEMY  
Government of Khyber Pakhtunkhwa  
Department of Health



OFFICE ORDER

WHEREAS Mr. Farid Ullah Senior Clerk attached to PIMT Swat was dismissed from Service by the then Director Provincial Health Services Academy Khyber Pakhtunkhwa Peshawar for being found guilty of corruption, embezzlement of institutional funds, inefficiency and incompetence vide dismissal order no. 42/PHSA/Admn/Enquiry File/2015-16/5729-37 dated 03/12/2015; and

WHEREAS departmental appeal was put up before the Secretary Health (Appellate Authority) on 18/12/2015 by the official concerned for restoration of his government service resulting from the above mentioned dismissal order but was not honored; and

WHEREAS later on a Service Appeal No. 367/2016 was lodged by Mr. Faridullah in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Branch) at Saidu Sharif Swat for re-instatement into service; and

WHEREAS he was re-instated into service in view of deficiencies in the E&D proceedings and was adjusted against vacant post of Accounts Assistant (BPS-14) but he did not report arrival and refused compliance to re-instatement order in writing; and

WHEREAS on 05/10/2017 the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar (Mingora Bench) at Saidu Sharif Swat re-instated him into his position vide judgment dated 05/10/2017; and

WHEREAS CPLA has not been allowed by the law department in this case; and

WHEREAS presently no vacant post of Senior Clerk (BPS-14) is available in PHSA network as his post was filled by transfer of Mr. Fazal Ali Senior Clerk (BPS-14). However the post of Steno Typist (BS-4) is lying vacant in PHSA, PIMT DI-Khan, Abbottabad and Swat; and

WHEREAS presently no ministerial staff is available at PIMT DI Khan due to retirement of Mr. Fazal Rehman Assistant and the institute is in dire need of ministerial staff due to non availability of any one; and

NOW THEREFORE in pursuance of judgment passed by honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Bench) at Saidu Sharif Swat dated 05/10/2017 in Service Appeal No. 367/2016, the competent authority is pleased to re-instate Mr. Farid Ullah Senior Clerk (BS-14) in his position. However, to conclude the case of alleged financial corruption and embezzlement at PIMT Swat to its lawful, final and logical end, further processing of the matter/de novo enquiry will be conducted later on in due course of time.

Consequent upon the above, and keeping in view the requirement of services of ministerial staff, he is adjusted against the vacant post of Steno Typist (BS-14) at PIMT DI Khan in his own pay & scale.

DIRECTOR GENERAL

Dated: 21/12/2017

No PF/PHSA/Admn/Farid Ullah/2017-18/ 4572

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the judgment dated. 05/10/2017 in Service Appeal No. 367/2016.
3. District Accounts Officer DI Khan.
4. District Accounts Officer Swat.
5. Principal Paramedical Institute of Medical Technologies (PIMT) DI Khan.
6. Principal Paramedical Institute of Medical Technologies (PIMT) Swat.
7. Mr. Farid Ullah, Senior Clerk (BS-14).

DIRECTOR GENERAL

21/12/2017  
Page-05



**PROVINCIAL HEALTH SERVICES ACADEMY**

Government of Khyber Pakhtunkhwa  
Department of Health



**Annexure "A"**

No. 43/Admn/Secretary Health/4552

Dated: 28/12/2017

To,  
The Secretary Health  
Government of Khyber Pakhtunkhwa  
Peshawar.

Sub: SERVICE APPEAL NO. 367/2016 FARIDULLAH VS GOVT OF KHYBER PAKHTUNKHWA AND OTHERS.

Sir

Please refer to the minutes of the meeting of CPLA Scrutiny Committee as held on 29-11-2017 (copy attached) in the office Additional Secretary (Opinion) Law Department on above captioned appeal vide No. SOH(lit-II)13-4041/2016 dated. 11/12/2017.

In this regard, it is stated that the appellant Mr. Faridullah Senior Clerk has been re-instated into service vide No. PF/PHSA/Admn/Faridullah/2017-18 dated. 21/12/2017 (copy attached) as per decision of the meeting. However to conclude the issue of alleged financial embezzlement to a logical end in Paramedical Institute of Medical Technology (PIMT) Swat, a comprehensive de novo enquiry is needed in public interest.

It is therefore requested to please constitute a committee comprising of one officer each from Health Secretariat, PHSA and Accountant General Office Khyber Pakhtunkhwa for the purpose of de novo enquiry please.

**DIRECTOR GENERAL  
PHSA Peshawar.**

Cc:

1. Principal PIMT Swat.
2. Section Officer (Lit-II) Health Department with reference to the letter No. SOH(lit-II)13-4041/2016 dated. 11/12/2017.

**DIRECTOR GENERAL  
PHSA Peshawar.**

Address: Near Northern Bypass, Dauranpur, Peshawar, Ph:091-2614223-5, Fax:091-26143609  
Website: [www.phsa.edu.pk](http://www.phsa.edu.pk) Email: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)

**Page-06**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**CAMP COURT SWAT.**

**Service Appeal No. 367/2016**

**Date of Institution..... 05.04.2016**

**Date of decision..... 05.10.2017**

*M. B. M.*  
*5-6-18*

Faridullah Senior Clerk Para Medical Technologies (PIMT) Saidu Sharif, Swat.  
(Appellant)

1. Government of Khyber Pakhtunkhwa through Secretary Health at Peshawar and 2 others (Respondents).

Respected Sir,


Whereas the Orders of the Honorable Court was passed that: -

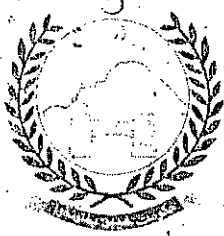
- i. The appellant, Mr. Faridullah, Senior Clerk may be re-instated in his position. The salary of the intervening period shall be paid to the appellant.

It is brought in the kind notice of the Honorable Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat that:-

- a) The appellant has been re-instated in service in his position from the date of termination from service i.e. 1/12/2015. (Orders of the Director General, PHSA, Khyber Pakhtunkhwa, Peshawar bearing No. F-42/Admn:/Enquiry/274 dated 21/02/2018 is enclosed).
- b) The salaries of the appellant have been paid from 1/12/2015 to 31/03/2018 and nothing is outstanding on behalf of Government up-till now. (Photo copy of office of the District Comptroller of Accounts Swat, Credit Advice to the Manager, Habib Bank Ltd: New Road, Minogra, Swat(Branch Code-221276) A/c No. CA-6271-9 amounting to Rs.1101708/- is enclosed please.
- c) In the light of the above, it is humbly requested that there is nothing outstanding as per orders of the Honorable Court.

Submitted for further orders please.

  
Principal  
Govt. Paramedical Institute  
Saidu Sharif, Swat



**MOST IMMEDIATE  
COURT MATTER.**

**F.T.S. PHSA  
52206**

Diary No. 3595  
Date: 21/12/17  
Prov. Health Services Acad.  
Department of Health  
Govt. of K.P.K. Peshawar.

**Page-07**

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT  
NO. SOH (Lit-II)13-4041/2016  
Dated Pesh: the, 11/12/2017**

To

The Director,  
Provincial Health Services Academy;  
Peshawar.

Subject:- **SERVICE APPEAL NO. 367/2016 – FAREEDULLAH VERSUS GOVT. OF  
KHYBER PAKHTUNKHWA HEALTH DEPARTMENT & OTHERS.**

I am directed to refer to the subject noted above and to forward herewith a copy of letter No. SO(Lit)/LD9-11(9)Health/2017/32226-29/w/e, dated 06.12.2017 alongwith minutes of the meeting received from the Govt. of Khyber Pahtunkhwa, Law Department which is self explanatory for further necessary action under intimation to this department immediately.

Encl: As Above

Section Officer (Lit-II)

Endstt: Even No. & Date

Copy forwarded to :-

1. The Section Officer (Lit) Govt. of Khyber Pakhtunkhwa, Law Department w/r to his letter quoted above.
2. The P.S to Secretary Health, Government of Khyber Pakhtunkhwa, Peshawar.
3. The P.A to Additional Secretary (Dev) Health Department.

Section Officer (Lit-II)

Urgent

Copy The reinstatement letter has already been issued today. Pl. Put up DFA of letter to SH for constituting an enquiry committee with representation from Health Secretariat, PHSA and AG, KP n. File Senior Accounts Officer denovo enquiry 21/12/17





L.No. 20431  
Date 2/12/17  
Secretary Health

Page 01

GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

No.SO(Lit)/LD/9-11(9)Health/2017/32326-29/17  
Dated Peshawar the 06/12/2017

To

1. The Advocate General,  
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Health Department.

Subject:

SERVICE APPEAL NO.360/2016 FAREEDULLAH VS  
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH  
SECRETARY HEALTH DEPARTMENT AND OTHERS.

Dear Sir,

I am directed to refer to Government of Khyber Pakhtunkhwa Health letter NO:SO(Lit-I)13-4041/2016, dated 22/11/2017 on the subject noted above and to forward herewith minutes of the meeting held on 29-11-2017 under the Chairmanship of Secretary Law Department (which are self explanatory) for perusal and further necessary action, please

Yours faithfully,

(ALAM ZEB)

SECTION OFFICER (Lit)  
6.12.17

Endst: No.& Date Even.

Copy is forwarded to the:

1. PS to Secretary Law Department Khyber Pakhtunkhwa.
2. PA to Deputy Solicitor Law Department.

SECTION OFFICER (Lit)

SO-Lit-11

SERVICE APPEAL NO.360/2016 FAREEDULLAH VS GOVT. OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH DEPARTMENT AND OTHERS.

A meeting of the Scrutiny Committee was held on 29-11-2017 at 14:00 hours in the office of Additional Secretary (Opinion) Law Department under his Chairmanship, authorized by Secretary Law to chair the meeting of the Committee in order to determine the fitness of the subject case for filing of appeal / CPLA in the proper forum. Additional Advocate General (Mr. M.Sohail) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The meeting started with the recitation from the Holy Quran and thereafter Chairman of the Committee invited the representative of Health Department Mr. Taufique Admn Officer Provincial Health Services Academy alongwith Mr. Bakhtiar Ali Section Officer (Lit) to apprise the Committee about the background of the case. The representative informed the Scrutiny Committee that:-Being aggrieved from the order of dismissal from service the appellant filed a service appeal after his departmental representation was not responded within the stipulated time. During the pendency of the service appeal the competent authority vide order dated 04/08/2017 set aside the impugned order of dismissal and directed denovo inquiry by treating the intervening period of the appellant as extraordinary leave without pay. The service tribunal accepted the appeal of the appellant and set-aside both the orders and directed the department to pay the salary of the intervening period and further placed the department at liberty to initiate fresh departmental proceeding. Now the department wanted to file CPLA against the judgment on the following grounds. At the very outset of the meeting the representative informed the scrutiny committee that the department has no objection on the reinstatement of the appellant, however the pay allowed by the tribunal is objectionable and is a huge loss to government exchequer, therefore the case may be declared as fit for filing CPLA in the apex court. On a query from the scrutiny committee that whether the competent authority is of the view that all the proceeding were not in accordance with the law and the rules. In response the representative informed that the order dated 04/08/2017 of the competent authority was based on the facts that the proceeding were not in accordance with law and the Rules therefore the competent authority ordered to hold denovo inquiry.

DECISION:-

3. After threadbare discussion it was decided with consensus by the Scrutiny Committee as the competent authority himself admitted that the proceeding against the accused official were not in accordance with prevailing law and rules, therefore the subject case is not a fit case for filling CPLA, however the department may hold denovo inquiry against the appellant in accordance with the law and rules.

  
(TAHIR IQBAL KHATTAK)  
DEPUTY SOLICITOR



**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Department of Health

**Page-10**

**OFFICE ORDER**

**WHEREAS** Mr. Farid Ullah Senior Clerk attached to PIMT Swat was dismissed from Service by the then Director Provincial Health Services Academy Khyber Pakhtunkhwa Peshawar for being found guilty of corruption, embezzlement of institutional funds, inefficiency and incompetence vide dismissal order no. 42/PHSA/Admn/Enquiry File/2015-16/5729-37 dated 03/12/2015; and

**WHEREAS** departmental appeal was put up before the Secretary Health (Appellate Authority) on 18/12/2015 by the official concerned for restoration of his government service resulting from the above mentioned dismissal order but was not honored; and

**WHEREAS** later on a Service Appeal No. 367/2016 was lodged by Mr. Faridullah in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Branch) at Saidu Sharif Swat for re-instatement into service; and

**WHEREAS** he was re-instated into service in view of deficiencies in the E&D proceedings and was adjusted against vacant post of Accounts Assistant (BPS-14) but he did not report arrival and refused compliance to re-instatement order in writing; and

**WHEREAS** on 05/10/2017 the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar (Mingora Bench) at Saidu Sharif Swat re-instated him into his position vide judgment dated 05/10/2017; and

**WHEREAS** CPLA has not been allowed by the law department in this case; and

**WHEREAS** presently no vacant post of Senior Clerk (BPS-14) is available in PHSA network as his post was filled by transfer of Mr. Fazal Ali Senior Clerk (BPS-14). However the post of Steno Typist (BS- 4) is lying vacant in PHSA, PIMT DI Khan, Abbottabad and Swat; and

**WHEREAS** presently no ministerial staff is available at PIMT DI Khan due to retirement of Mr. Fazal Rehman Assistant and the institute is in dire need of ministerial staff due to non availability of any one; and

**NOW THEREFORE** in pursuance of judgment passed by honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Bench) at Saidu Sharif Swat dated 05/10/2017 in Service Appeal No. 367/2016, the competent authority is pleased to re-instate Mr. Farid Ullah Senior Clerk (BS-14) in his position. However, to conclude the case of alleged financial corruption and embezzlement at PIMT Swat to its lawful, final and logical end, further processing of the matter/de novo enquiry will be conducted later on in due course of time.

Consequent upon the above, and keeping in view the requirement of services of ministerial staff, he is adjusted against the vacant post of Steno Typist (BS-14) at PIMT DI Khan in his own pay & scale.

**DIRECTOR GENERAL**

Dated: 21/12/2017

No PF/PHSA/Admn/Farid Ullah/2017-18/ 4512

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the judgment dated. 05/10/2017 in Service Appeal No. 367/2016.
3. District Accounts Officer DI Khan.
4. District Accounts Officer Swat.
5. Principal Paramedical Institute of Medical Technologies (PIMT) DI Khan.
6. Principal Paramedical Institute of Medical Technologies (PIMT) Swat.
7. Mr. Farid Ullah, Senior Clerk (BS-14).

**DIRECTOR GENERAL**

BEFORE THE  
KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR, CAMP COURT AT SWAT

Execution Application No. 218/2017

In Service Appeal No. 367/2016

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

..... APPLICANT

**Versus**

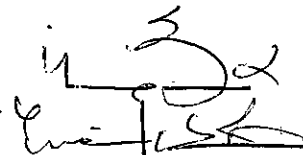
1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

..... RESPONDENTS

**INDEX**

S.No.	Description	Anne xure	Pages No.
1	Rejoinder to the Execution Application		1-3
2	Affidavit		4
3	Copy of the reinstatement order of the Applicant	A	5
4	Copy of the Letter to Health Department for de novo inquiry	B	6-10

Respondent No.1 through Litigation Officer



Mr. Faiz Muhammad

PHSA, Health Department Peshawar

**BEFORE THE**  
**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR, CAMP COURT AT SWAT**

**Execution Application No. 218/2017**

**In Service Appeal No. 367/2016**

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

..... **APPLICANT**

**Versus**

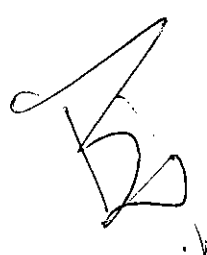
1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

..... **RESPONDENTS**

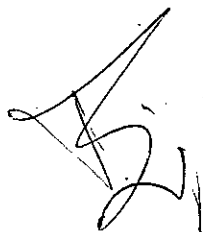
**PARA WISE COMMENTS BY THE RESPONDENT NO.1 TO THE APPLICATION FILED UNDER SECTION 7(2)(d) OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974, FOR THE EXECUTION OF DECISION DATED 05-10-2017**

**FACTS:**

1. Matter pertains to record. However, it is clarified that the Applicant along with all other suchlike employees of Provincial Health Services Academy (PHSA), which is an attached department to Health Department Government of KP, are provincial employees and liable to serve anywhere in the province of Khyber Pakhtunkhwa.
2. Correct, being a matter on record. However, it is further submitted that the decision of Honourable Tribunal in Service Appeal No. 367/2016 of dated 05/10/2017 has been fully implemented by the concerned authorities as elaborated below:




- a. The applicant, Mr. Faridullah as in Service Appeal No. 367/2016, has been reinstated into service vide Office Order No. PF/PHSA/Admn/Farid Ullah/2017-18/4512 dated 21/12/2017 (Annex-A); and
  - b. As per provisions contained in the judgment *ibid*, the Health Department, Khyber Pakhtunkhwa has been requested for conduction of a comprehensive de novo enquiry to conclude the issue of financial embezzlement in Paramedical Institute of Medical Technologies (PIMT), Swat to its logical end (Annex-B).
3. Any Respondent No. 3 does not exist in the instant Execution Application.
  4. The so-called Respondent No. 3 does not exist in the instant Execution Application. However, none in the PHSA has refused to obey the orders of this Honourable Tribunal, as referred to in Para-2 of the instant Execution Application.
  5. As in Para-4 above.
  6. In view of Para-4 and 5 above, the Applicant deserves an exemplary punishment but also for wasting the precious time and resources of Honourable Tribunal and the government offices.
  7. In view of the foregoing, the instant application may graciously be turned down along with ordering a punishment for the Applicant, as in Para-6 above. However, if the Honourable Tribunal accepts the instant Execution Application in its existing form, additional or further grounds may be raised as per due process of law.



**PRAYER:**

In light of the foregoing, it is humbly prayed that the instant Execution Application may graciously be dismissed along with cost and lawful punishment for the Applicant accordingly, please.

 28/12/2017

(Dr. Tahir Nadeem Khan)  
**Director General**  
**Provincial Health Services Academy, Peshawar**  
**Respondent No. 1**

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

**Execution Application No. 218/2017**

**In Service Appeal No. 367/2016**

Mr. Farid Ullah, Senior Clerk (BS-14), PHSA, Peshawar

.....**APPLICANT.**

**Versus**

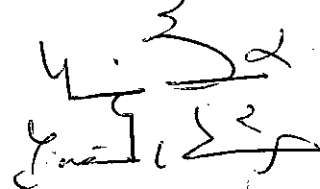
1. Dr. Tahir Nadeem, Director General Provincial Health Services Academy, Peshawar
2. Dr. Inamullah Principal, Paramedical Institute of Medical Technologies saidu Sharif, Swat

.....**RESPONDENTS.**

**AFFIDAVIT**

I, Mr. Faiz Muhammad Litigation Officer PHSA, do hereby solemnly affirm and declare that the contents of parawise comments to the instant execution application is true and correct to the best of my knowledge and belief.

**DEPONENT**



17301-1376838-1





**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Department of Health



**OFFICE ORDER**

**WHEREAS** Mr. Farid Ullah Senior Clerk attached to PIMT Swat was dismissed from Service by the then Director Provincial Health Services Academy Khyber Pakhtunkhwa Peshawar for being found guilty of corruption, embezzlement of institutional funds, inefficiency and incompetence vide dismissal order no. 42/PHSA/Admn/Enquiry File/2015-16/5729-37 dated 03/12/2015; and

**WHEREAS** departmental appeal was put up before the Secretary Health (Appellate Authority) on 18/12/2015 by the official concerned for restoration of his government service resulting from the above mentioned dismissal order but was not honored; and

**WHEREAS** later on a Service Appeal No. 367/2016 was lodged by Mr. Faridullah in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Branch) at Saidu Sharif Swat for re-instatement into service; and

**WHEREAS** he was re-instated into service in view of deficiencies in the E&D proceedings and was adjusted against vacant post of Accounts Assistant (BPS-14) but he did not report arrival and refused compliance to re-instatement order in writing; and

**WHEREAS** on 05/10/2017 the honorable Service Tribunal Khyber, Pakhtunkhwa Peshawar (Mingora Bench) at Saidu Sharif Swat re-instated him into his position vide judgment dated 05/10/2017; and

**WHEREAS** CPLA has not been allowed by the law department in this case; and

**WHEREAS** presently no vacant post of Senior Clerk (BPS-14) is available in PHSA network as his post was filled by transfer of Mr. Fazal Ali Senior Clerk (BPS-14). However the post of Steno Typist (BS-4) is lying vacant in PHSA, PIMT DI Khan, Abbottabad and Swat; and

**WHEREAS** presently no ministerial staff is available at PIMT DI Khan due to retirement of Mr. Fazal Rehman Assistant and the institute is in dire need of ministerial staff due to non availability of any one; and

**NOW THEREFORE** in pursuance of judgment passed by honorable Khyber, Pakhtunkhwa Service Tribunal Peshawar (Mingora Bench) at Saidu Sharif Swat dated 05/10/2017 in Service Appeal No. 367/2016, the competent authority is pleased to re-instate Mr. Farid Ullah Senior Clerk (BS-14) in his position. However, to conclude the case of alleged financial corruption and embezzlement at PIMT Swat to its lawful, final and logical end, further processing of the matter/de novo enquiry will be conducted later on in due course of time.

Consequent upon the above, and keeping in view the requirement of services of ministerial staff, he is adjusted against the vacant post of Steno Typist (BS-14) at PIMT DI Khan in his own pay & scale.

**DIRECTOR GENERAL**

Dated: 21/12/2017

No PF/PHSA/Admn/Farid Ullah/2017-18/ 4572

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the judgment dated 05/10/2017 in Service Appeal No. 367/2016.
3. District Accounts Officer DI Khan.
4. District Accounts Officer Swat.
5. Principal Paramedical Institute of Medical Technologies (PIMT) DI Khan.
6. Principal Paramedical Institute of Medical Technologies (PIMT) Swat.
7. Mr. Farid Ullah, Senior Clerk (BS-14).

**DIRECTOR GENERAL**

Page-05



**PROVINCIAL HEALTH SERVICES ACADEMY**

Government of Khyber Pakhtunkhwa  
Department of Health

**Annexure "B"**

No. 43/Admn/Secretary Health/ 4552

Dated: 28/12/2017

To,  
The Secretary Health  
Government of Khyber Pakhtunkhwa  
Peshawar.

Sub: SERVICE APPEAL NO. 367/2016 FARIDULLAH VS GOVT OF KHYBER PAKHTUNKHWA AND OTHERS.

Sir

Please refer to the minutes of the meeting of CPLA Scrutiny Committee as held on 29-11-2017 (copy attached) in the office Additional Secretary (Opinion) Law Department on above captioned appeal vide No. SOH(lit-II)13-4041/2016 dated. 11/12/2017.

In this regard, is stated that the appellant Mr. Faridullah Senior Clerk has been re-instated into service vide No. PF/PHSA/Admn/Faridullah/2017-18 dated. 21/12/2017 (copy attached) as per decision of the meeting. However to conclude the issue of alleged financial embezzlement to a logical end in Paramedical Institute of Medical Technology (PIMT) Swat, a comprehensive de novo enquiry is needed in public interest.

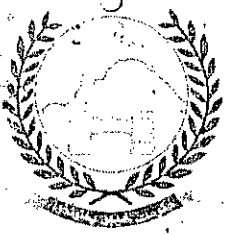
It is therefore requested to please constitute a committee comprising of one officer each from Health Secretariat, PHSA and Accountant General Office Khyber Pakhtunkhwa for the purpose of de novo enquiry please.

**DIRECTOR GENERAL  
PHSA Peshawar.**

Cc:

1. Principal PIMT Swat.
2. Section Officer (Lit-II) Health Department with reference to the letter No. SOH(lit-II)13-4041/2016 dated. 11/12/2017.

**DIRECTOR GENERAL  
PHSA Peshawar.**



**MOST IMMEDIATE  
COURT MATTER.**

**F.T.S. PHSA  
52206**

Diary No. 3595  
Date: 21/12/17  
Prov: Health Services Acad  
Department of Health  
Govt. of KPK, Peshawar.

**Page-07**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT  
NO. SOH (Lit-II)13-4041/2016  
Dated Pesh: the, 11/12/2017

To

The Director,  
Provincial Health Services Academy,  
Peshawar.

Subject:- SERVICE APPEAL NO. 367/2016 – FAREEDULLAH VERSUS GOVT. OF  
KHYBER PAKHTUNKHWA HEALTH DEPARTMENT & OTHERS.

I am directed to refer to the subject noted above and to forward herewith a copy of letter No. SO(Lit)/LD9-11(9)Health/2017/32226-29/w/e, dated 06.12.2017 alongwith minutes of the meeting received from the Govt. of Khyber Pahtunkhwa, Law Department which is self explanatory for further necessary action under intimation to this department immediately.

Encl: As Above

Section Officer (Lit-II)

Endstt: Even No. & Date

Copy forwarded to :-

1. The Section Officer (Lit) Govt. of Khyber Pakhtunkhwa, Law Department w/r to his letter quoted above.
2. The P.S to Secretary Health, Government of Khyber Pakhtunkhwa, Peshawar.
3. The P.A to Additional Secretary (Dev) Health Department.

Section Officer (Lit-II)

Urgent

Copy: The reinstatement letter has already been issued today. Pl. Put up DFA of letter to SH for constituting an enquiry committee with representation from Health Secretariat, PHSA and AG, KP n. File Senior Accounts Officer (Gen) denovo enquiry. 21/12/17



L.No. 20631  
Date 2/12/17  
Secretary Health

Page-01

GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

No.SO(Lit)/LD/9-11(9)Health/2017/32226-29412  
Dated Peshawar the 06/12/2017

To

1. The Advocate General,  
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Health Department.

Subject:

SERVICE APPEAL NO.360/2016 FAREEDULLAH VS  
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH  
SECRETARY HEALTH DEPARTMENT AND OTHERS.

Dear Sir,

I am directed to refer to Government of Khyber Pakhtunkhwa Health letter NO.SOH(Lit-I)13-4041/2016, dated 22/11/2017 on the subject noted above and to forward herewith minutes of the meeting held on 29-11-2017 under the Chairmanship of Secretary Law Department (which are self explanatory) for perusal and further necessary action, please

Yours faithfully,

(ALAM ZEB)  
SECTION OFFICER (Lit)

Endst: No.& Date Even.

Copy is forwarded to the:

1. PS to Secretary Law Department Khyber Pakhtunkhwa.
2. PA to Deputy Solicitor Law Department.

SECTION OFFICER (Lit)

SO-Lit-11

SERVICE APPEAL NO.360/2016 FAREEDULLAH VS GOVT. OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH DEPARTMENT AND OTHERS.

A meeting of the Scrutiny Committee was held on 29-11-2017, at 14:00 hours in the office of Additional Secretary (Opinion) Law Department under his Chairmanship, authorized by Secretary Law to chair the meeting of the Committee in order to determine the fitness of the subject case for filing of appeal / CPLA in the proper forum. Additional Advocate General (Mr. M.Sohail) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The meeting started with the recitation from the Holy Quran and thereafter Chairman of the Committee invited the representative of Health Department Mr. Taufique Admn Officer Provincial Health Services Academy alongwith Mr. Bakhtiar Ali Section Officer (Lit) to apprise the Committee about the background of the case. The representative informed the Scrutiny Committee that:-Being aggrieved from the order of dismissal from service the appellant filed a service appeal after his departmental representation was not responded within the stipulated time During the pendency of the service appeal the competent authority vide order dated 04/08/2017 set aside the impugned order of dismissal and directed denovo inquiry by treating the intervening period of the appellant as extraordinary leave without pay. The service tribunal accepted the appeal of the appellant and set-aside both the orders and directed the department to pay the salary of the intervening period and further placed the department at liberty to initiate fresh departmental proceeding. Now the department wanted to file CPLA against the judgment on the following grounds. At the very outset of the meeting the representative informed the scrutiny committee that the department has no objection on the reinstatement of the appellant, however the pay allowed by the tribunal is objectionable and is a huge loss to government exchequer, therefore the case may be declared as fit for filing CPLA in the apex court. On a query from the scrutiny committee that whether the competent authority is of the view that all the proceeding were not in accordance with the law and the rules. In response the representative informed that the order dated 04/08/2017 of the competent authority was based on the facts that the proceeding were not in accordance with law and the Rules therefore the competent authority ordered to hold denovo inquiry.

DECISION:-

3. After threadbare discussion it was decided with consensus by the Scrutiny Committee as the competent authority himself admitted that the proceeding against the accused official were not in accordance with prevailing law and rules, therefore the subject case is not a fit case for filling CPLA, however the department may hold denovo inquiry against the appellant in accordance with the law and rules.

  
(TAHIR IQBAL KHATTAK)  
DEPUTY SOLICITOR



**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Department of Health



**Page-10**

**OFFICE ORDER**

**WHEREAS** Mr. Farid Ullah Senior Clerk attached to PIMT Swat was dismissed from Service by the then Director Provincial Health Services Academy Khyber Pakhtunkhwa Peshawar for being found guilty of corruption, embezzlement of institutional funds, inefficiency and incompetence vide dismissal order no. 42/PHSA/Admn/Enquiry File/2015-16/5729-37 dated 03/12/2015; and

**WHEREAS** departmental appeal was put up before the Secretary Health (Appellate Authority) on 18/12/2015 by the official concerned for restoration of his government service resulting from the above mentioned dismissal order but was not honored; and

**WHEREAS** later on a Service Appeal No. 367/2016 was lodged by Mr. Faridullah in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Branch) at Saidu Sharif Swat for re-instatement into service; and

**WHEREAS** he was re-instated into service in view of deficiencies in the E&D proceedings and was adjusted against vacant post of Accounts Assistant (BPS-14) but he did not report arrival and refused compliance to re-instatement order in writing; and

**WHEREAS** on 05/10/2017 the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar (Mingora Bench) at Saidu Sharif Swat re-instated him into his position vide judgment dated 05/10/2017; and

**WHEREAS** CPLA has not been allowed by the law department in this case; and

**WHEREAS** presently no vacant post of Senior Clerk (BPS-14) is available in PHSA network as his post was filled by transfer of Mr. Fazal Ali Senior Clerk (BPS-14). However the post of Steno Typist (BS-4) is lying vacant in PHSA, PIMT DI Khan, Abbottabad and Swat; and

**WHEREAS** presently no ministerial staff is available at PIMT DI Khan due to retirement of Mr. Fazal Rehman Assistant and the institute is in dire need of ministerial staff due to non availability of any one; and

**NOW THEREFORE** in pursuance of judgment passed by honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Bench) at Saidu Sharif Swat dated 05/10/2017 in Service Appeal No. 367/2016, the competent authority is pleased to re-instate Mr. Farid Ullah Senior Clerk (BS-14) in his position. However, to conclude the case of alleged financial corruption and embezzlement at PIMT Swat to its lawful, final and logical end, further processing of the matter/de novo enquiry will be conducted later on in due course of time.

Consequent upon the above, and keeping in view the requirement of services of ministerial staff, he is adjusted against the vacant post of Steno Typist (BS-14) at PIMT DI Khan in his own pay & scale.

**DIRECTOR GENERAL**

Dated: 21/12/2017

No PF/PHSA/Admn/Farid Ullah/2017-18/ 45712

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the judgment dated. 05/10/2017 in Service Appeal No. 367/2016.
3. District Accounts Officer DI Khan.
4. District Accounts Officer Swat.
5. Principal Paramedical Institute of Medical Technologies (PIMT) DI Khan.
6. Principal Paramedical Institute of Medical Technologies (PIMT) Swat.
7. Mr. Farid Ullah, Senior Clerk (BS-14).

**DIRECTOR GENERAL**



**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Department of Health



**OFFICE ORDER**

WHEREAS Mr. Farid Ullah Senior Clerk attached to PIMT Swat was dismissed from Service by the then Director Provincial Health Services Academy Khyber Pakhtunkhwa Peshawar for being found guilty of corruption, embezzlement of institutional funds, inefficiency and incompetence vide dismissal order no. 42/PHSA/Admn/Enquiry File/2015-16/5729-37 dated 03/12/2015; and

WHEREAS departmental appeal was put up before the Secretary Health (Appellate Authority) on 18/12/2015 by the official concerned for restoration of his government service resulting from the above mentioned dismissal order but was not honored; and

WHEREAS later on a Service Appeal No. 367/2016 was lodged by Mr. Faridullah in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Branch) at Saidu Sharif Swat for re-instatement into service; and

WHEREAS he was re-instated into service in view of deficiencies in the E&D proceedings and was adjusted against vacant post of Accounts Assistant (BPS-14) but he did not report arrival and refused compliance to re-instatement order in writing; and

WHEREAS on 05/10/2017 the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar (Mingora Bench) at Saidu Sharif Swat re-instated him into his position vide judgment dated 05/10/2017; and

WHEREAS CPLA has not been allowed by the law department in this case; and

WHEREAS presently no vacant post of Senior Clerk (BPS-14) is available in PHSA network as his post was filled by transfer of Mr. Fazal Ali Senior Clerk (BPS-14). However the post of Steno Typist (BS-14) is lying vacant in PHSA, PIMT DI Khan, Abbottabad and Swat; and

WHEREAS presently no ministerial staff is available at PIMT DI Khan due to retirement of Mr. Fazal Rehman Assistant and the institute is in dire need of ministerial staff due to non availability of any one; and

NOW THEREFORE in pursuance of judgment passed by honorable Khyber Pakhtunkhwa Service Tribunal Peshawar (Mingora Bench) at Saidu Sharif Swat dated 05/10/2017 in Service Appeal No. 367/2016, the competent authority is pleased to re-instate Mr. Farid Ullah Senior Clerk (BS-14) in his position. However, to conclude the case of alleged financial corruption and embezzlement at PIMT Swat to its lawful, final and logical end, further processing of the matter/de novo enquiry will be conducted later on in due course of time.

Consequent upon the above, and keeping in view the requirement of services of ministerial staff, he is adjusted against the vacant post of Steno Typist (BS-14) at PIMT DI Khan in his own pay & scale.

**DIRECTOR GENERAL**

Dated: 21/12/2017

No PF/PHSA/Admn/Farid Ullah/2017-18/4512

Copy forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar.
2. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the judgment dated. 05/10/2017 in Service Appeal No. 367/2016.
3. District Accounts Officer DI Khan.
4. District Accounts Officer Swat.
5. Principal Paramedical Institute of Medical Technologies (PIMT) DI Khan.
6. Principal Paramedical Institute of Medical Technologies (PIMT) Swat.
7. Mr. Farid Ullah, Senior Clerk (BS-14).

**DIRECTOR GENERAL**

*[Handwritten Signature]*  
21/12/2017