

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

SERVICE APPEAL NO. 1567/2023

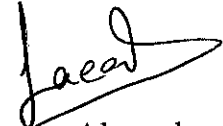
Shama Sohrab.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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Laeq Ahmad,
Focal Person (Litigation)
office of DGHS, Khyber
Pakhtunkhwa, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

8687

Dated

30/10/22

Service Appeal No. 1567 /2023

Mrs. Shama Sohrab, Ex-Lady Health Visitor BPS-09 North Waziristan Tribal District.

.....(Appellant)

Versus

1. Secretary to Government of KP Health Department Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
3. District Health Officer, District North Waziristan.

.....(Respondents)

Joint Para-wise comments on behalf of respondents No. 1, 2 & 3.

Preliminary objections.

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form.
5. That the appellant has filed the instant appeal with mala-fide intention, hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That this Honorable Tribunal has no jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder and non-joinder of necessary parties.
9. That the appeal is badly barred by law and limitation.
10. That the appellant is not "AGGRIEVED" person.

Respectfully Sheweth:-

1. Incorrect:- That the Appellant was appointed on contract basis and her appeal is not maintainable in its present form. Neither she had performed her duty for a single day nor her service record is available in the office of Respondent No.3, i.e DHO District North Waziristan, resultantly she was a ghost employee, hence denied.

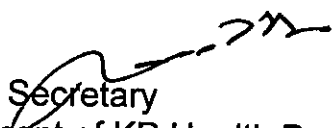
2. Incorrect:- That the appellant was absent from Government duty w.e. from 1st appointment without prior permission of the competent authority and her termination order dated 27.10.2022 has been issued in accordance with law, after adopting all codel formalities, hence denied (Codel formalities attached as Annexure-A).
3. Incorrect:- That her termination order dated 27.10.2022 was displayed on the office notice board at the moment, however no Departmental appeal of the appellant has been received in the office of Respondent No.3 till to date and the present Appeal of the Appellant has already been time barred, hence denied.


GROUNDS:-

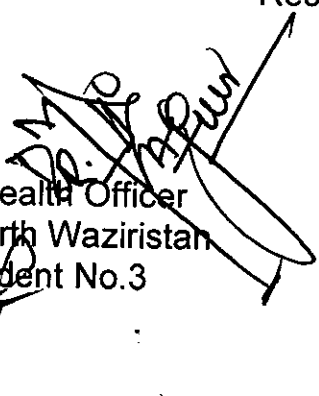
- A) Incorrect:- That termination order dated 27.10.2022 has been issued after adopting all codel formalities and appeal of the Appellant has not yet received so far, as the attached Appeal with the Service Appeal is fake, bogus and fabricated having no diary number, which is also time barred, hence denied.
- B) Incorrect:- That explanation and show cause notices has been communicated to the Appellant, beside also a show cause notice has been published to the Appellant through daily news paper " Aaj " dated 02/ 11/2021 (Attached as Annexure-B).
- C) Incorrect:- That case of the Appellant has been proceeded in accordance with Government prevailing rules and regulation.
- D) Incorrect:- That explanation of the Appellant was called again and again. At last the answering Respondents has issued a show cause notice in written and also in daily news paper " Aaj " but she failed to submit replies with cogent reasons or to be present for personal hearing. After adopting all codel formalities and failure of the Appellant to comply with the explanation as well as with the show cause notices, then answering Respondents has been issued her termination order dated 27.10.2022.
- E) Incorrect and misleading as already explained in preceding Paras.
- F) Incorrect and misleading as already explained in preceding Paras.
- G) Incorrect and misleading as already explained in preceding Paras.
- H) Incorrect and misleading as already explained in preceding Paras.
- I) Incorrect and misleading as already explained in preceding Paras.

- I) Incorrect and misleading as already explained in preceding Paras.
- J) Incorrect:- That if the Appellant is true in her statement, she will have to produce in the honorable Tribunal her attendance duly attested by the in-charge of Health Centre, where she was serving.
- K) Incorrect:- That charge sheets are clear cut mentioned in the show cause notice from serial No. 1 to 6, but the Appellant is misrepresenting the honorable Tribunal, which is punishable behaviors.
- L) Incorrect and misleading as already explained in preceding Paras.
- M) Incorrect:- That the aforementioned Annexure is clear cut evidence for opportunity of personal hearing and personal defense, which has losses by the Appellant.
- N) Incorrect:- That the Appellant was ghost employee and salaries received by her during her entire service is a huge number embezzlement, which is needs to be recovered back into Government treasury through proper challan.
- O) Incorrect and misleading as already explained in preceding Paras.
- P) The answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

Keeping in view of the above, the honorable Service Tribunal is humbly prayed that present Service Appeal of the appellant may kindly graciously be dismissed.


 Secretary
 to Government of KP Health Deptt:
 Respondent No.1


 Director General Health Services
 Khyber Pakhtunkhwa Peshawar
 Respondent No.2


 District Health Officer
 District North Waziristan
 Respondent No.3

(4)

**OFFICE OF THE AGENCY SURGEON
NORTH WAZIRISTAN AGENCY AT MIRANSHAH**

Tel: (0928) 300788 FAX: (0928) 311662

Email:agencyurgeonnwa2018@gmail.com

To,

- ✓ 1- Miss Shama Sohrab LHV BHU Adat Khan Kot.
- 2- Mst: Shareen Bibi LHV BHU Mameet Kot.
- 3- Miss Nasreen Wazir LHV RHC Spin Wam.

SUBJECT: **EXPLANATION**

Memo:-

It has been noted by the undersigned during visit on 20/04/2018, you were absent from your Govt: duties without prior permission/application.

You are directed to explain the reasons of your willful absence within 03 days of the receipt of this letter; otherwise strict disciplinary action will be taken against you. Your salaries are withheld till the decision of your absent report.

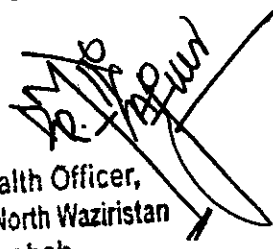

AGENCY SURGEON
NORTH WAZIRISTAN MIRANSHAH

No. 8266-69 / Miranshah dated the 24/4/2018.

Copy forwarded to the:-

- 1- The Director Health Services FATA, Peshawar for information please.
- 2- The Political Agent NWA Miranshah, for information please
- 3- - Head Clerk of this office for information and directed to stop the salaries of above staff till further orders.
- 4- Officials Concerned for necessary action.

Attended


District Health Officer,
Tribal District North Waziristan
Miranshah

AGENCY SURGEON
NORTH WAZIRISTAN MIRANSHAH

5

ATTENTION JAWAD SHAH EOL

**OFFICE OF THE AGENCY SURGEON NORTH WAZIRISTAN
TRIBAL DISTRICT AT MIRANSHAH**

Phone & Fax: 0928-300788-311662

Email: agencyurgeonnwa2018@gmail.com

No. _____ / A-S

dated: _____ /2018

To,

[Handwritten signature]

1. Miss. Shama Sohrab LHV CH Razmak
2. Mst. Kalsoom Bibi LHV CH Razmak

Subject: -
Memo:-

EXPLANATION

As reported by the higher authority and by the great concerned that you were absent from your Govt: duties since long and you were not interest in your Govt:duties regularly.

You are directed to explain the reasons of your wilfull absence within 03 days after receipt of this letter, otherwise strict disciplinary action should be taken against you.

Your salaries is also with held till the decision of absent report.

**AGENCY SURGEON
NORTH WAZIRISTAN TRIBAL
DISTRICT MIRANSHAH**

No. 1003842 /complaint dated the:

06 / 09 /2018

Copy forwarded to the:-

1. Director Health Services, Tribal District Peshawar.
2. Deputy Commissioner Tribal District Miranshah.
3. HQ 7 Div Camp Area Miranshah.
4. Incharge Medical Officer CH Razmak.

✓ S. JAWAD SHAH EOL

Attested

[Handwritten signature]

District Health Officer,
Tribal District North Waziristan
Miranshah

**AGENCY SURGEON
NORTH WAZIRISTAN TRIBAL
DISTRICT MIRANSHAH**

[Handwritten signature]



OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH.
Tel: (0928) 300788 FAX: (0928) 311662 Email: agencyurgeonwtd2019@gmail.com

No. 3444

***** / Absent staff, Dated Miranshah the 26 / 06 / 2020. *****

To Mrs. Shama Sohrab, LHV BHU Adat Khan Kot.

Subject:- EXPLANATION.
Memo :-

In continuation to this office letter No. 8266-69 dated 24.04.2018 and letter No. 10038-42 / complaint dated 06.09.2018, It has come to my notice with great concerned that you are willful and chronic absent for a long time from Government duty without prior permission of the competent authority, which is against the service rules.

You are directed to explain your position with cogent reasons as to why disciplinary action should not be taken against you according to the Government rules. Your reply to the should reach this office within five days positively, failing which strict disciplinary action will be initiated against you under E&D rules, 2011.

District Health Officer,
North Waziristan Tribal District.

No. 3445-48 / Absent staff,

Copy forwarded to:-

1. The Director General Health Service Khyber Pakhtunkhwa Peshawar.
2. The Director Health Services Merged Areas Peshawar.
3. The Deputy Commissioner, District North Waziristan Miranshah.
4. The Accounts Pay Bill Clerk of this office with the direction to stop pay of the official concerned till further order.

Attest

District Health Officer,
North Waziristan Tribal District.

District Health Officer,
Tribal District North Waziristan
Miranshah

(7)

**OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH**

Tel: (0928) 300788 FAX: (0928) 311662 Email: agencysurgeonwa2018@gmail.com
No. _____ / Demand vaccines Miranshah dated: 19/08/2020

To,

✓
Mst: Shama Sohrab LHV CH Dossali

SUBJECT: **SHOW CAUSE NOTICE.**

Memo:

It is notified with great concerned during surprised visit of the undersigned on dated 17/08/2020 that you are found absent since long from your Govt: duty without prior permission/application of the competent authority. This office issued notification from time to time and directed all health staff to perform your Govt: duties without further absenteeism to cover all the areas necessary for Polio and other health services.

Points to be failed.

1. Long absence from duty.
2. There are no Gynea and Obs services of your respective DHIS Report.
3. Less interest of your Govt: duty.
4. Non submission of your leave application/permission.
5. Non Contribution/ Participation in Polio Campaign 2020.
6. Non reply of your explanations called by this office.

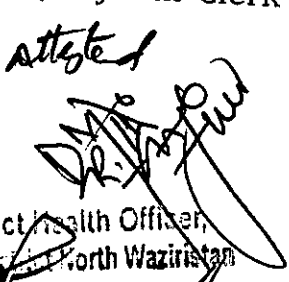
You are hereby directed to explain your irregular position of your willful absence within speculated time (24 Hours) Positively without further delay otherwise strict disciplinary action will be initiated against you under E&D rules 2011.

District Health Officer
Tribal District Miranshah

No; 3745-49 / Show Cause Notice Miranshah dated 19/08/2020.

Copy to:

1. The Director General Health Services KPK Peshawar.
2. The Director Health Services Merged Areas Peshawar.
3. The Deputy Commissioner Tribal District Miranshah.
4. Commissioner Bannu, Bannu Division.
5. Account Clerk/Pay Bill Clerk of this office to stop her pay till further order.

attested

District Health Officer,
Tribal District North Waziristan
Miranshah


District Health Officer
Tribal District Miranshah



پشاور سبٹ آباد اور اسلام آباد سے بیب وقت شائع ہونے والی ایک روزنامہ ہے۔

روزنامہ **آج**

پشاور پاکستان

بنی عبدالواحد یوسفی

سنی 12

جلد 32، نکل 26، رتبہ اول 2-1443، نمبر 18-2021، کالک 20، شمارہ 293

نوٹس غیر حاضری

ڈسٹرکٹ ہیلتھ آفیسر نارٹھ وزیرستان سے زیر مایہ ذمہ داران (LHV) لیڈی ہیلتھ وز جو عد دراز سے بلاوجہ بغیر کسی پیشگی اطلاع یا تہمتی سے غیر حاضر ہیں۔ پندرہ (15) دن کے اندر زیر دستخطی کے دفتر میں پیش ہو کر اپنی اپنی ڈیوٹی سٹیشن پر حاضر ہو جائیں بصورت دیگر کارروائی میں لائی جائے گی اور یکطرفہ کارروائی کر کے نوکریوں سے برخاست کیا جائیگا۔

(1) شہانہ (2) آسیہ (3) تانیلہ پروین (4) سمینا سلطانیہ (5) رش تاج (6) سوزینہ شوم (8) ہوسیا (9) شمع سہراب (10) مہناز بیگم (11) شام نواز (12) تمیلا (13) خانیلا (14) روزینہ خالد (15) نوشیانی بی (16) رحسانہ پروین (17) زینت نورین (18) بیگم (19) ذقیہ شاہ (20) شاہدہ قاسم (21) نوشاد اختر (22) وسیمہ طاہر (23) سائما ام (24) لال تاج (25) شاگفتہ جاوید (26) سفیہ بی بی

Attested

(Handwritten signature)

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One Fair, Corruption Free Pakistan
 کارکنان کیلئے ایک سہولت
 کارکنان کیلئے ایک سہولت

the special care
 special persons

ڈسٹرکٹ ہیلتھ آفیسر
DHO نارٹھ وزیرستان

NF/P/5472/2021

www.khyberpakhtunkhwa.gov.pk

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

SERVICE APPEAL NO. 1567/2023

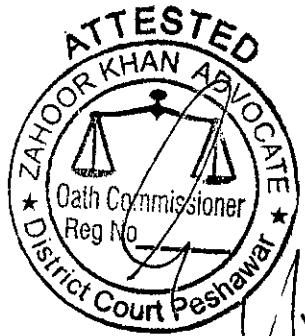
Shama Sohrab.....**Appellant**

Versus

Government of Khyber Pakhtunkhwa & others**Respondents.**

Affidavit

I, Laeeq Ahmad, Focal Person (Litigation) office of the Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / costs.



Laeeq
Deponent



**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 # 091-9210269 Fax # 091-9210230*

AUTHORITY LETTER

Mr. Laeeq Ahmad Focal Person (Litigation) Directorate General Health Services, Khyber Pakhtunkhwa, is hereby authorized to submit parawise comments in Service Appeal No. 1567/2023 titled Shama Sohrab VS Govt. of Khyber Pakhtunkhwa & others on behalf of the undersigned.

**Director General Health Services
Khyber Pakhtunkhwa, Peshawar**