


23.10.2017


Bench incomplete. Adjourned. To come up on 24.10.2017 before D.B at camp Court D.I.Khan.

Reader

24.10.2017

Counsel for the appellant and Mr. Farkhaj Sikandar, District Attorney alongwith Mr. Khair Muhammad, MS Tank for respondents present. Learned District Attorney seeks adjournment. Adjourned. To come up for arguments on 25.10.2017 before D.B at camp Court D.I.Khan.


Member
(Executive)


Member
(Judicial)
Camp Court D.I.Khan


Order

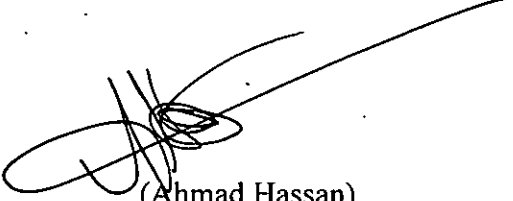
25.10.2017

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Khair Muhammad, MS Tank for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 878/2016 entitled "Shafiq-ur-Rehman-vs-Govt. of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa Peshawar and 3 others". Parties are left to bear their own cost. File be consigned to the record room.

Announced:
25.10.2017


(Muhammad Hamid Mughal)
Member



(Ahmad Hassan)
Member
Camp court D.I.Khan

Service Appeal No. 888/2016

22.08.2017

Counsel for the appellant present. Dr. Ishaq Shah, Medical Officer alongwith Mr. Farhaj Sikandar, District Attorney for the respondents also present. Learned Deputy District Attorney for the respondents requested for adjournment. Adjourned. To come up for arguments on 26.09.2017 before D.B at Camp Court D.I.Khan. Appointment against the subject post shall be subject to decision of the instant service appeal.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

26.09.2017

Learned counsel for the appellant and Mr. Farhaj Sikandar, District Attorney for the respondents present. Arguments heard. To come up for order on 23.10.2017 before DB at Camp Court D.I.Khan.


Member
(Executive)


Member
(Judicial)
Camp Court D.I.Khan

22.02.2017

Counsel for appellant, Dr. Muhammad Khan Afridi, M.S DHQ (Tank), Dr. Aziz Ullah, DHO (Tank) and Muhammad Shakoor, District Accounts Officer alongwith Mr. Farhaj Sikandar, Government Pleader for respondents present. Written reply by respondents No. 1 to 4 & 6 submitted and copies delivered to all concerned. Written reply by respondent No. 5 not submitted. Representative of respondent No. 5 is directed to submit written reply positively on next date. To come up for written reply/comments on behalf of respondent No. 5 on 29.03.2017 before S.B at Camp Court D.I.Khan. Appointment against the subject post shall be subject to decision of the instant service appeal.



(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan

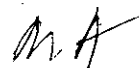
29.03.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 26.07.2017.

Reader

26.07.2017

Counsel for the appellant present. Doctor Ishaq Shah, Medical Officer alongwith Mr. Farhaj Sikandar, District Attorney for the respondents also present. None present on behalf of respondent No. 5 nor written reply submitted, therefore, respondent No. 5 proceeded ex-party. Learned counsel for the appellant submitted rejoinder. Adjourned. To come up for arguments on 22.08.2017 before D.B at Camp Court D.I.Khan. Appointment against the subject post shall be subject to decision of the instant service appeal.




(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

969/2016

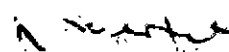
27.12.2016

Counsel for appellant and Mr. Muhammad Khan Afridi, M.S (DHQ Tank) alongwith Mr. Farhaj Sikandar, Government Pleader for the respondents present. Mr. Muhammad Khan Afridi, M.S (DHQ Tank) requested that they had prepared the written reply/comments and he had the copies but the same were in process of signatures by the concerned authority so requested for adjournment, granted. To come up for submission of written reply/comments positively on main appeal as well as reply to stay application on 25.01.2017 before S.B at Camp Court D.I.Khan. Appointment against the subject post shall be subject to decision of the instant service appeal.


ASHFAQUE TAJ
MEMBER
Camp Court D.I.Khan

25.01.2017

Counsel for appellant, Dr. Muhammad Hussain Afridi, M.S DHQ (Tank) and Dr. Aziz Ullah, DHO (Tank) alongwith Mr. Farhaj Sikandar, Government Pleader for respondents present. Dr. Hussain Ahmed Afridi, M.S DHQ (Tank) had brought written reply but with deficiency of number of copies. So, the same are returned for submission of complete written reply with complete number of copies on or before next date. To come up for written reply/comments on 22.02.2017 before S.B at Camp Court D.I.Khan. Appointment against the subject post shall be subject to decision of the instant service appeal.


ASHFAQUE TAJ
MEMBER
Camp Court D.I.Khan



OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL TANK

No. 61404 /

Dated 08/08/2016

OFFICE ORDER

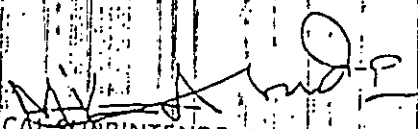
Consequent upon the recommendation of Departmental Selection committee, Mr. Javed Khan S/o Muhammad Ramzan R/o District Tank is hereby appointed as "Ward Orderly" B-04 (8280-370-19380) against the vacant post at DHQ Hospital Tank plus usual allowances as admissible under the rules and subject to revision from time to time on the following terms and conditions according to the Government Policy.

1. His appointment in the Health Department is purely on temporary basis.
2. He has to join duty at his own expenses.
3. In case he wishes to resign at any time, one month notice will be essential or in lieu thereof one month pay shall be forfeited.
4. He will be governed by such rules and orders related to TA, leave and MRC etc as may be issued by the Govt. from time to time for the category of servant to which he belongs.
5. His appointment will be subject to provision of Medical Fitness Certificate.
6. He will be on probation period as per Govt. rules.
7. In case of decision of Service Tribunal in favour of terminated employees, his services will be liable for termination without any notice.
8. If he accept the terms and condition his is directed to report for duty to undersigned.

No. _____

Copy to be:

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar
2. District Accounts Officer Tank
3. Accountant DHQ Hospital Tank


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK
Dated 11/08/2016

MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

Appeal No. 969/2016
Fazal Nadeem vs Govt

21.09.2016

Counsel for the appellant present. Learned counsel for the appellant submitted that identical appeal No. 875/2016 titled "Sabir Khan-vs-Government of Khyber Pakhtunkhwa through Secretary Health etc has been admitted for regular hearing by this Tribunal vide order of the worthy Chairman dated 29.08.2016, therefore, this appeal may be admitted for regular hearing in the same manner. The learned counsel for the appellant stated at the Bar that this appeal is identical with the said appeal No. 875/2016.

In view of the above, this appeal is also admitted for regular hearing in the same manner subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 25.10.2016 before S.B at Camp Court D.I.Khan. Notice of stay application be also issued to the respondents for the date fixed. Appointment against the subject post shall be subject to decision of the instant service appeal.

Appellant Deposited
Security & Process Fee



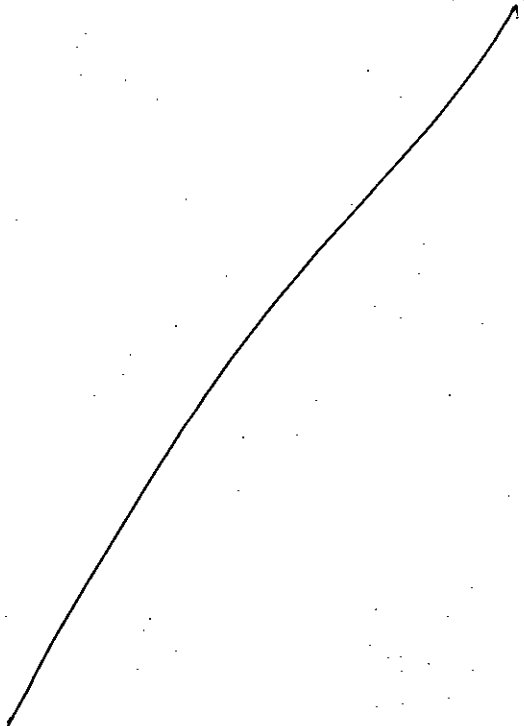
25.10.2016

Counsel for the appellant and Mr. Muhammad Ramzan, Office Assistant alongwith Mr. Farhaj Sikandar, Government Pleader for the respondents present. Written reply by respondents not submitted and requested for time. Request accepted. To come up for written reply /comments on 27.12.2016 before S.B at Camp Court D.I.Khan. Appointment against the subject post shall be subject to decision of the instant service appeal.

Member
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 969/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/09/2016	<p>The appeal of Mr. Fazal Nadeem resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	16-9-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20-09-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Fazal Nadeem son of Abdul Hameed received today i.e. on 29.08.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the memo of appeal places have been left blank which may be filled up.
- 2- Copy of impugned order in respect of appellant is not attached with the appeal which may be placed on it.

No. 1425 /S.T.

Dt. 30/8/2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

Sis

Re Submitted office order



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

In service Appeal No. 969 /2016

Fazal Nadeem
(Appellant)

VERSUS

GOVT of KPK etc
(Respondents)

I N D E X

S.No.	Description of documents	Pages
1	Appeal along with affidavit	1-11
2	Copies of CNIC of the appellant	12
3	Copy of advertisement of Daily Mashriq dated 24/02/2012	13-20
4	Copies of appointment order dated 15/05/2012 along with Minutes of Meeting	21
5	Copies of Medical Certificate, NOC & Service Book	22-25
6	Copy of inquiry report of M.S DHQ Mardan 26/06/2103 & 2015	26-31
7	Copies of Show Cause Notice dated 09/01/2016 and its reply	32-35
8	Copy of termination order dated 09/05/2016	36
9	Copy of Departmental appeal along with postal receipt	37-39
10	Copies of decision of Peshawar High Court Bench D.I.Khan dated 15/12/2015	40-47
11	Copies of advertisements dated 11/07/2016 & 19/07/2016	48-49
12	Copy of certificate of Senior Clerk of the department	50
13	Copies of salary slips of employees who are still working in the department	51-
14	Vakalatnama	

Dt: 29.08.2016

Appellant's counsel

Ijaz Anwar
ASC Peshawar

M. Waqar Alam
AHC, D.I.Khan

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

C.M No. 969 /2016

In service Appeal No. _____/2016

Fazal Nadeem Versus Govt. of KPK and 05 others

SERVICE APPEAL

APPLICATION FOR EARLY HEARING OF THE APPEAL

Respectfully Sheweth:

The appellant humbly submits as under:-

1. That the above titled Service Appeal is being filed before this honourable Tribunal and the application in hand may please be considered as part of parcel of appeal.
2. That the matter is of very urgent nature in appeal because the appellant was removed from his lawful services and now respondents are going to fill the posts/vacancies according to the advertisement dated 11/07/2016 & 19/07/2016 within two or three days.

It is therefore, humbly requested from this honourable Tribunal to fix the appeal captioned above as early as possible in the large interest of justice.

Your Humble Appellant

[Signature]
Through Counsel 29.8.16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE**TRIBUNAL, PESHAWAR**Khyber Pakhtunkhwa
Service TribunalService Appeal No. 969 /2016Diary No. 929Dated 29/8/16Fazal Nadeem s/o Abdul Hameed r/o village Garra
Shehbarz, Tehsil & District Tank.

Plumber (BPS-05)

(Appellant)**VERSUS**

1. Government of KPK, through secretary Health Department, KPK Peshawar.
2. Secretary to Govt: of KPK, Health Department, Peshawar.
3. Director General Health services, KPK Peshawar.
4. District Health officer (DHO), District Tank.
5. District Accounts Officer, District Tank
6. Medical Superintendent (DHQ Hospital), District Tank

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER No. 2337/41 DATED 09/05/2016 ISSUED BY RESPONDENT NO.6/M.S DHQ HOSPITAL, TANK, WHEREBY APPELLANT WAS REMOVED/TERMINATED FROM SERVICE AND AGAINST THE OMISSION ON THE PART OF RESPONDENT NO.3 FOR INDICISION OF THE DEPARTMENTAL APPEAL WHICH IS AGAINST THE LAW AND IN VIOLATION OF SERVICES LAWS AND

Filed to-day

Registrar

29/8/16


Re-submitted to -day
and filed.

Registrar

9/9/16

**RULES AND THE APPELLANT WAS CONDEMNED
UNHEARD WITH MALAFIDES.**

PRAYER

On acceptance of this appeal, impugned order No. 2312-16 DATED 09/05/2016 issued by respondent No.6 may please be reversed and set-aside and the respondents be directed to reinstate the appellant in service with all back benefits.

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

1. That the petitioner is law abide citizen of Pakistan and is enjoying well reputation in the society. Copy of the CNIC of petitioner is annexed herewith.
2. That on 24/02/2012 an advertisement for the post of Plumber was made in Daily Mashriq by the respondents. Copy of the advertisement is annexed herewith.
3. That petitioner being fully qualified for the post as per the advertisement made, applied in accordance with the advertisement, and was appointed as Plumber after fulfilling all the code and departmental formalities. Copies of appointment order dated 19/09/2012 and Minutes of Meeting are enclosed herewith.
4. That after the appointment, the petitioner submitted his Medical Certificate to the office of respondent No. 6. Copies of Medical Certificate & salary slip are annexed herewith.
5. That on 28/04/2015, the respondent No. 6 wrote to District Account Officer to stop the pay of the employees along with appellant.
6. That the appellant along with other employees approached to the august Peshawar High Court Bench D.I.Khan for redresal of their

Alu

grievance by filing Writ Petition No. 418-D/2015 and WP No. 541-D/2015 which came up for hearing on 15/12/2015 and Honourable Divisional Bench of High Court has been pleased to dispose of the petition on the commitment of respondent No. 6/M.S DHQ Hospital Tank. That the salaries of the all the effectees will be released. Copies of Writ petitions and order dated 15/12/2015 are annexed herewith.

7. That on 09/01/2016, the respondent No. 6 issued a show cause notice to the appellant without compliance the orders of Honourable Peshawar High Court Bench D.I.Khan, hence, it is clear cut violation/counter blast of the valid order of the Court.
8. That on 23/01/2016 detail reply of show cause notice was submitted to the respondent No. 6. Copies of show cause notice and reply are enclosed herewith.
9. That on 09/05/2016 the appellant was illegally and without justification removed from service by the respondent No. 6. Copy of termination order dated 09/05/2016 is annexed herewith.
10. That Feeling aggrieved from the termination order, the appellant preferred departmental appeal to respondent No.3/Director General Health services being appellate authority on 21/05/2016. Copy of departmental appeal is annexed herewith.
11. That up-till now no response has been shown from the respondents and after the laps of statutory limitation of departmental appeal, cause of action has been accrued to the appellant for the instant appeal, Hence the instant service appeal.
12. That jurisdiction of this worthy service tribunal is being invoked in attending circumstances against the impugned termination order No. 2312-16 dated 09/05/2016, inter alia on the following grounds amongst others;

Shere

GROUNDS

- a. That the impugned termination/removal order No. 2312-16 dated 09/05/2016 and indecision of appellant's departmental appeal is illegal, against services Law and rules, without jurisdiction, in violation of the precedents of Honourable apex courts of the country and is not justifiable for any reason whatsoever.
- b. That appellant was appointed against vacant post of Plumber and posted at DHQ Hospital Tank, after submission of all formalities, District Accounts officer Tank checked salary form, verified the same for activation of salary and personal computer salary Number was also allotted. Since then, Appellant has been serving health department and invested his full skill, energy and honesty in performance of his duties. But, act of respondents is injustice to with appellant and termination order is against Law.
- c. That reasons mentioned in impugned termination order are baseless and termination order was issued without adopting any codal formalities and without any giving personal hearing to the appellant. Hence, the appellant was condemned unheard.
- d. That in this regard at a number of occasions, it has been held by Supreme Court that if department feels certain prior appointments as illegal then instead of penalizing petty employees like Chowkidar, Naib Qasid, Junior Clerks etc, who have to earn livelihood to support their families, action should be taken against the authority who had mis-exercised its powers. Reliance is placed on 2012 SCJ 780 for ready reference.
- e. The act/refusal/omission on the part of respondents is not grounded in reason nor does it smack of sensible or saner approach.
- f. That prior to the instant inquiry, another inquiry was conducted on the same facts and allegations in the year 2013 vide which the case of the appellant including the others were scrutinized where after report were submitted vide which all the appointments were declared as in accordance with law and rules

Shu

by the then inquiry officer. Copy of inquiry report is enclosed for kind perusal.

- g. That no doubt inquiry under the E&D Rules is conducted against the employees/officials provided such employee is at fault but in the present case, the appellant has neither committed any fault or misconduct but inquiry has been directed to be conducted against him and the inquiry officer/inquiry committee conducted the inquiry at the back and in the absence of without participation of appellant and no charge sheet and statement of allegations has been served upon the appellant.
- h. That the impugned removal order and inquiry submitted against the appellant is illegal, against rules and fundamental rights and against principle of natural justice and is thus liable to be ignored and to be struck down.
- i. That after termination of the appellant, the respondents once again mala fide advertised the same posts for Plumber which shows the Department is in need of service but unfortunately after getting almost 04 year services from appellant terminated him is against law and natural justice.
- j. That it is very strange to note that in para 4 of the impugned order dated 09/05/2016, the Medical Superintendent has mentioned, "whereas you failed to produce any documentary proof (i.e. Original Merit List etc) whether the appellant was supposed to keep the merit list etc in his possession or it was the duty of the office to keep the record and whether the appellant can be penalized for non maintenance of the record by the record keeper?". This important aspect has been ignored by the respondent No. 6 M.S, whereas, in the earlier inquiry, held in 2013 all the record was available in the office, which was scrutinized by the inquiry officer and that is why the said inquiry was decided in favour of the appellant.
- k. That appellant was appointed by the approval accorded by the District Selection Committee under the Chairmanship of the then EDO, against a cadre post and respondent no. 6 has no authority whatsoever to terminate the appellant.

Shor

- I. That the respondent No. 6 discriminated the appellants because other employees who were appointed with appellant but still not removed from service and are still getting salaries from the department. Copies of salary slips of such employees are enclosed herewith.
- m. That appellant being citizen of Pakistan deserves to be dealt in accordance with law and the treatment meted out to him is in violation of Article 4 of our Constitution.

It is thus most respectfully prayed that on acceptance of this appeal, this worthy Tribunal may graciously be pleased to set-aside impugned termination/removal order No. 2312-16 dated 09/05/2016 and declare such order as illegal, void and devoid of merits. Consequently, appellant may please be reinstated in service with all back benefits. This appeal may please be allowed with costs. Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellants as against respondents with costs.

29/08/2016

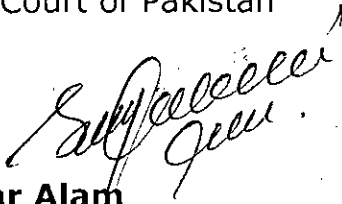
Your humble appellant


Fazal Nadeem

Through counsel


Ijaz Anwar

Advocate Supreme Court of Pakistan
Peshawar


Muhammad Waqar Alam

Advocate High Court
Dera Ismail Khan

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

In service Appeal No. _____/2016

Fazal Nadeem
(Appellant)

VERSUS

GOVT of KPK etc
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Court.

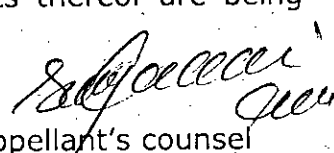
___08.2016


Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

28/08/2016


Appellant's counsel

28.8.16

Books Referred

1. PLC 2014 P # 330
2. PLR 2014 P# 1443
3. 2006 SCMR P # 678
4. 2012 PLC (C.S) P# 112
5. PLC 2012 (C.S) P # 1099 +1203+1232

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

In service Appeal No. _____/2016

Fazal Nadeem
(Appellant)

VERSUS

GOVT of KPK etc.
(Respondents)

AFFIDAVIT

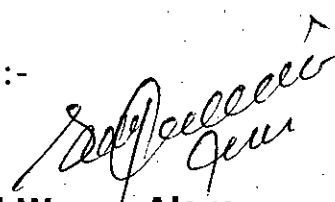
I, Fazal Nadeem, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all parawise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

29.08.2016


Deponent

Identified By:-


Muhammad Waqar Alam
Advocate High Court,
D.I.Khan

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

C.M No. _____/2016

In service Appeal No. _____/2016

Fazal Nadeem
(Appellant)

VERSUS

GOVT of KPK etc
(Respondents)

AN APPLICATION FOR INTERIM RELIEF

Respectfully Sheweth;

1. That contents of the main appeal may please be read as an integral part of this application.
2. That appellant being poor fellow, the instant job is only the source of income of his family. Till final decision of the instant appeal, the respondents may please be directed to not fill the vacancies of Plumber which were advertised by the respondent No. 6 in Daily Mashriq dated 11/07/2016 & 19/07/2016.
3. Appellant has good prima facie case both on law and facts
4. That the balance of inconvenience tilts in favour of issuance of interim relief.

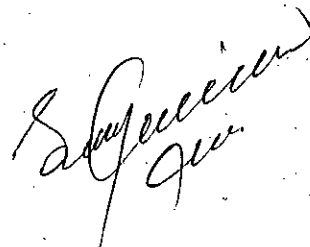
It is thus prayed that on acceptance of this application, the operation of the advertisements dated 11/07/2016 & 19/07/2016 may please be suspended till final decision of the main appeal.

29.8.2016

Your humble applicant


Fazal Nadeem

Through counsel:-



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

C.M No. _____/2016

In service Appeal No. _____/2016

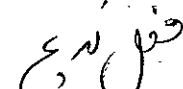
Fazal Nadeem
(Appellant)

VERSUS

GOVT of KPK etc
(Respondents)

AFFIDAVIT

I, **Fazal Nadeem**, the appellant, do hereby solemnly affirm on oath that all para-wise contents of the above application are true and correct to the best of my knowledge, belief and information, as communicated to me; that nothing has been deliberately concealed or kept secret from this august Tribunal.


Deponent

29.08.2016

24.2.12

آسامیاں خالی ہیں

13

محکمہ صحت ٹانک میں ایگزیکٹو سرجن ایمر ایلتھ ٹانک کے زیر نگرانی ڈسٹرکٹ ہیڈ کوارٹرز ہسپتال ٹانک میں درج ذیل آسامیوں پر عارضی بنیاد پر تعیناتی کیلئے ضلع ٹانک کے ان امیدواروں سے درخواستیں مطلوب ہیں۔ جو ہر کیٹیگری کے سامنے درج ذیل مقررہ قابلیت کے معیار پر پورا اترتے ہوں۔

نمبر شمار	نام آسامی	سکیل	عمر کی حد	مقررہ قابلیت	تاریخ انٹرویو
1	جونیئر کلینیکل ٹیکنیشن (انسٹریٹھریا) JCT (Anesthesia)	BPS-9	30 تا 18 سال	میٹرک سائنس اور متعلقہ فیلڈ میں جی ایم ایڈیکل انسٹی ٹیوٹ آف ٹیکنالوجی یا حکومت پاکستان کے کسی مستند ادارے سے ڈپلوما اور تجربہ بختم خواہ میڈیکل فیلڈ میں پشاور سے Renewal شوقیت	
2	جونیئر کلینیکل ٹیکنیشن (سرجیکل) JCT (Surgical)	BPS-9	30 تا 18 سال	ایضاً	
3	جونیئر کلینیکل ٹیکنیشن (پتھالوجی) JCT (Pathology)	BPS-9	30 تا 18 سال	ایضاً	
4	جونیئر کلینیکل ٹیکنیشن (ریڈیالوجی) JCT (Radiology)	BPS-9	30 تا 18 سال	ایضاً	
5	جونیئر کلینیکل ٹیکنیشن (ملٹی پوز) JCT (Multipurpose)	BPS-9	30 تا 18 سال	ایضاً	
6	جونیئر کلینیکل ٹیکنیشن (فارمیسی) JCT (Pharmacy)	BPS-9	30 تا 18 سال	ایضاً	
7	جونیئر کلینیکل ٹیکنیشن (ڈینٹل) JCT (Dental)	BPS-9	30 تا 18 سال	ایضاً	
8	جونیئر کلینیکل ٹیکنیشن (کارڈیالوجی) JCT (Cardiology)	BPS-9	30 تا 18 سال	ایضاً	
9	جونیئر ایچ ایچ ٹی (ایم ای ایچ) (MCH) Jr: PHC Tech	BPS-9	30 تا	نرسنگ کونسل سے رجسٹرڈ ایف ایف ایف LHV	
10	ایلیکٹریشن (Electrician)	BPS-6	30 تا 18 سال	میٹرک بیچ پالی ٹیکنیک انسٹی ٹیوٹ سے ایلیکٹریکل میں تین سالہ ڈپلومہ	
11	کارپینٹر (Carpenter)	BPS-4	40 تا 18 سال	متعلقہ فیلڈ میں مہارت رکھتا ہو اور جی ایم ایڈیکل ایف ایف ایف	
12	سٹور کیپر (Store Keeper)	BPS-6	30 تا 18 سال	میٹرک ا کو ایف ایف ایف ڈپنٹر	
13	پلمبر (Plumber)	BPS-5	40 تا 18 سال	متعلقہ فیلڈ میں مہارت رکھتا ہو اور جی ایم ایڈیکل ایف ایف ایف	
14	ڈرائیور (Driver)	BPS-4	40 تا 18 سال	ڈرائیونگ میں LTV/HTV لائسنس اور متعلقہ فیلڈ میں تجربہ	
15	دائی (Dai)	BPS-2	40 تا 18 سال	دائی گیری میں ایک سالہ ڈیپنٹنگ بیچ سرٹیفکیٹ	
16	دارڈسٹنٹ ایسوسی ایٹ	BPS-02/01	40 تا 18 سال	پڑھے لکھے کوثر جی دی جاسنگ	

۱۔ انٹرویو EDO ایلتھ آفس ٹانک میں ہونگے۔ ۲۔ درخواستیں سادہ کاغذ پر مصدقہ نقول، اسناد / ٹیسٹی موٹیل یعنی ڈویسائل SSC NIC / ڈپلومہ اور تجربہ شوقیت وغیرہ دفتر لڈا میں مورخہ: تک پہنچانی جائیں۔ ۳۔ امیدوار انٹرویو کے موقع پر اصل اسناد اور NIC ساتھ لائیں۔ ۴۔ مکمل اور پڑھی نہ جاننے والی درخواستیں یا ایسی درخواستیں جن کے ساتھ مطلوبہ دستاویزات منسلک نہ ہوں گی مسترد کر دی جائیں گی۔ ۵۔ درخواستوں کی نامظورگی، امیدوار کے عدم چناؤ اور دیگر متعلقہ امور کے بارے میں EDO ایلتھ ٹانک کا فیصلہ حتمی ہوگا۔ ۶۔ مقررہ تاریخ کے بعد پہنچنے والی درخواستیں نامظور کی جائیں گی۔ ۷۔ عمر کی حد سے تجاوز کرنے والے امیدواروں کا نام لسٹ سے خارج کر دیا جائے گا۔ ۸۔ تعیناتی خالصتاً عارضی اور حکومت کے مجوزہ قانون کی بنیادوں پر ہوگی۔ ۹۔ نمٹ اور انٹرویو کیلئے آنے والے امیدواروں کا کوئی TA, DA نہیں دیا جائے گا۔ ۱۰۔ سرکاری ملازمین اپنے محکمہ کی وساطت سے درخواستیں ارسال کریں۔

ایگزیکٹو سرجن ایمر ایلتھ ٹانک

۲۴

Atc

14

اعلان

حکومت صبح ٹانک میں خائف کیٹیگری کی آسامیاں مشہور کی گئی تھیں۔ اعداد ازاں چھوٹا گزیر و جومات کی بنا پر 24/03/2012 اور 31/03/2012 کو ہونے والے انٹریڈ منسوخ کر دیئے گئے تھے۔ ان آسامیوں کیلئے نئی تاریخیں درج ذیل ہیں۔

نمبر شمار	نام آسامی	تاریخ انٹریڈ	بمقام
1	J.C.T استریڈ، سر جیکل، ریڈیا لوجی، کارڈیا لوجی، ڈینٹل، پیتھالوجی	24/04/2012	ای ڈی اور سی ایف آفس ٹانک
2	سٹور کیپر، الیکٹریشن، پلیمبر، کارپینٹر، ڈرائیور، وارڈ اینڈ نٹ، دانی، خاکروب وغیرہ	24/04/2012	ایڈیشن

وہ تمام امیدوار جنہوں نے مذکورہ بالا کیٹیگری کی آسامیوں کیلئے درخواستیں دی ہیں ان کو مطلع کیا جاتا ہے کہ وہ درج بالا تاریخوں پر اپنی اصل دستاویزات کے ساتھ انٹریڈ کیلئے حاضر ہوں۔

ڈاکٹر عزیز گل

INF(P)1049

Also available on www.khyberpakhtunkhwa.gov.pk

Dr. Amir

Medical Officer
D.H.Q. Hospital
Tanak

24.2.12

15
C
S

Attention Dr. Muhammad Aslam Baloch C/o Abrid

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) DISTRICT TANK.

NO 700/H/E DATE 21/02/2012

To

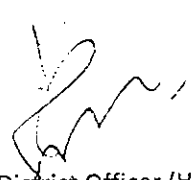
The District Coordination Officer,
District Tank.

Subject: PERMISSION FOR ADVERTISEMENT OF VARIOUS NEWLY CREATED POST IN DHQ HOSPITAL TANK.

R/Sir,

It is submitted for your kind information that Finance Department Peshawar sanctioned various posts for functioning of DHQ Hospital Tank. (Copy attached for ready reference).

It is requested that undersigned may be please allowed to process all coddle formalities.


Executive District Officer (H)
District Tank.



GOVERNMENT OF KHYBER PAKHTUNKHVA
FINANCE DEPARTMENT

NO. BVII/FD/4-46/2009-10/Vol.III
Dated Peshawar the 06/02/2012

16

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Health Department, Peshawar.

SUBJECT:- ISSUES PERTAINING TO SOUTHERN DISTRICTS, SH SNE FOR
DHQ HOSPITAL TANK.

Dear Sir,

I am directed to refer to your Department's letter No. SOB/HD/3-1/TANK, dated 16th January 2012 on the subject noted above and to intimate that Finance Department agrees to the creation of following 57 number posts in DHQ Hospital Tank (upgraded to Category-C) subject to the observance of all codal/legal formalities before making appointment / filling of the said posts during CFY 2011-12:-

S.#	Nomenclature of the posts & BPS	No. of posts
1	DMS B-18	1 ✓
2	Orthopedic Surgeon B-18	1 ✓
3	Anesthetist B-18	1 ✓
4	Radiologist B-18	1 ✓
5	Pathologist B-18	1 ✓
6	GDMO B-17	7 ✓
7	Anesthetic B-17	2 ✓
8	Dental Surgeon B-17	1 ✓
9	Charge Nurse B-16	7 ✓
10	JCT (Anesthesia) B-9 ✓	3 ✓
11	JCT (Surgical) B-9 ✓	3 ✓
12	JCT (Pathology) B-9 ✓	2 ✓
13	JCT (Radiology) B-9 ✓	2 ✓
14	JCT (Cardiology) B-9 ✓	1 ✓
15	JCT (Dental) B-9 ✓	1 ✓
16	JCT (Ophthalmology) B-9 ✓	2 ✓
17	Store Keeper B-6 ✓	2 ✓
18	Electrician B-6 ✓	1 ✓
19	Plumber B-5 ✓	1 ✓
20	Driver B-4 ✓	2 ✓
21	Carpenter B-4 ✓	1 ✓
22	Ward Attendant B-2 ✓	11 ✓
23	Sweeper/Cleaner B-1	3 ✓
	Total	57

2- The expenditure involved therein will be met out through Account-IV of the District concerned during current financial year 2011-12.

Yours faithfully,

(ZIKRIA KHAN)
BUDGET OFFICER-VI

C.C.

1. A.C. KP Peshawar.
2. District Coordination Officer, Tank.
3. District Accounts Officer, Tank.
4. EDO Finance & Planning, Tank.
5. EDO (Health), Tank.
6. Medical Superintendent, DHQ Hospital Tank.
7. Director FMIU, Finance Department.
8. Budget Officer (PFC-II) Finance Department.
8. Master File.

(ZIKRIA KHAN)
BUDGET OFFICER-VI

17

OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH TANK

Dated 10/4 /2012

To: The District Coordination Officer,
Tank



Subject: NOMINATION FOR INTERVIEW

R/Sir,

It is submitted for your kind information that interview of various categories of posts has been cancelled twice as per your directions. Presently, new date for the said recruitment of post is scheduled on 20-21 April 2012 and advertised in the newspaper.

It is requested that a representative for selection committee may please be nominated to attend the said interview on due date and venue.

//

Executive District Officer (H)
District Tank

No 1380 /

Dated 10/4 /2012

Copy to the:-

1. Office Assistant for information.
2. Maj: Fasal Butt: 27/AK
Deerage collage Tank



Executive District Officer (H)
District Tank

[Handwritten signature] (18)

OFFICE OF THE DISTRICT COORDINATION OFFICER DISTRICT TANK.

No. 1902 /FP (Health) Dated Tank The 19 /04/2012.

Office Order.

In pursuance of the Section Officer (R-V), Government of NWFP, Establishment & Admn: Department (Regulation Wing) Letter No.SOR-V(E&AD)2-7/2003 DATED 17th November, 2005, the following Departmental Selection Committee at District level for filling of various posts in BPS-1 to BPS-10 in DHQ Hospital Tank is hereby constituted with immediate effect :-

DEPARTMENTAL SELECTION COMMITTEE AT DISTRICT LEVEL FOR POSTS IN BPS-1 TO BPS-10.

- | | |
|--|----------|
| i- EDO Health Tank | Chairman |
| ii- Assistant Coordination Officer Tank
(Nominee of DCO Tank) | Member |
| iii- M.S DHQ Hospital Tank | Member |
| iv- Deputy EDO Health Tank | Member. |

[Handwritten signature]
DISTRICT COORDINATION OFFICER
TANK.

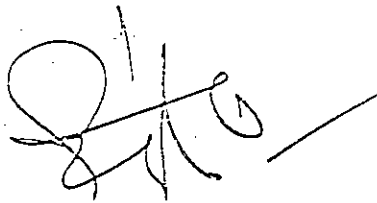
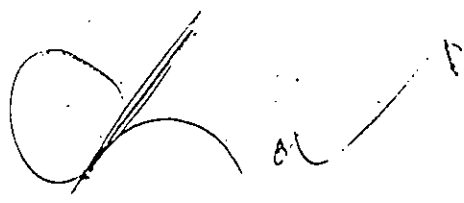

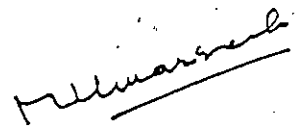
No. 1903 / FP (Health).

Copy to All Members concerned.

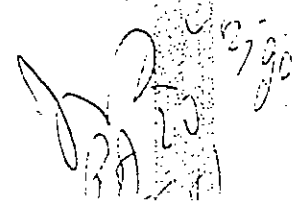
[Handwritten signature]
DISTRICT COORDINATION OFFICER
TANK.

ATENDENCE SHEET
FOR SELECTION COMMITTEE
FOR RECURITMENT OF VARIOUS NEWLY CREATED POSTS
DHQ HOSPITAL TANK (WRITTEN TEST) HELD ON 20-04-2012 & 21-04-2012

(19)

	Name of Officer	Signature
1	Dr. Muhammad Aslam Baloch EDO (Health) Tank / Chairman	
2	Assistant Coordination Officer Tank (Member)	
3	Dr. Muhammad Tahir Javed Deputy EDO (H) Tank / Member	
4	Dr. Muhammad Umer Shah MS DHQ Hospital Tank / Member	





(20)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH TANK

No 13581

Dated 13/5/2012

MINUTES OF THE MEETING
OF SELECTION COMMITTEE FOR RECRUITMENT OF CLASS-IV
SERVANTS IN DHQ HOSPITAL TANK, HELD ON 13-5-2012

A meeting of selection committee for selection of Class-IV Servants was held on 13-05-2012 in the office of EDO (H) Tank. Following attend the meeting.

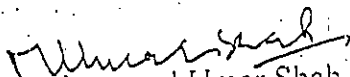
- ❖ Dr. Muhammad Aslam Baloch
- ❖ Dr. Muhammad Tahir Javed
- ❖ Dr. Muhammad Umer Shah


EDO (Health) Tank (Chairman)
Deputy EDOH Tank (Member)
MS DHQH Tank (Member)


The meeting was started with the recitation of Holy Quran. Executive District Officer Health Tank welcomed the participants & after a long discussion the committee agreed to appoint the following candidates on merit, post is mentioned against each.

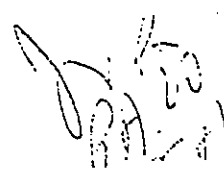
S.No	Name & Father's Name	Resident of	Post
1	Sajjad Ahmad S/o Inayatullah	Gul Imam	Ward Orderly
2	Muhammad Nawaz S/o Rab Nawaz	Village Ranwal	Ward Orderly
3	Waheed Khan S/o Sher Muhammad		Ward Orderly
4	Muhammad Ali S/o Ghulam Zaman	Village Safdar Ali Shah	Cleaner
5	Waris Khan S/o Abdullak Jan	Village Gara Mithu	Ward Orderly
6	Irfanullah S/o Attaullah	Village Gul Imam	Ward Orderly
7	Niamatullah S/o Saadullah	Village Audal	Ward Orderly
8	Gulfam Hussain S/o Manzoor Hussain	Village Ranwal	Ward Orderly
9	Muhammad Noman S/o Sher Zaman	Village Gara Shada	Cleaner
10	Hidayatullah S/o Nacem	Village Abizar	Ward Orderly
11	Imran Khan S/o Qadir Zaman	Village Maghzai	Cleaner
12	Mejeeb-ur-Rehman S/o Haji Rehman	Village Maghzai	Ward Orderly
13	Munir Ahmad S/o Abdul Jaleel	Sabir Alad	Ward Orderly
14	Muhabat Khan S/o Muhibullah	Village Tajori	Driver
15	Mehrbani S/o Abdul Karim	Village Cheena	Ward Orderly

The meeting ended with a vote of thanks from Chairman.


Dr. Muhammad Umer Shah
MS DHQH Tank (Member)


Dr. Muhammad Tahir Javed
Deputy EDO (H) Tank (Member)


Dr. Muhammad Aslam Baloch
EDO (Health) Tank (Chairman)


RA 20

OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH
DISTRICT TANK.



OFFICE ORDER.

No: 1403-057

Dated: 15/5/2012.

21

Consequent upon the approval accorded by the Departmental Selection Committee under the Chairmanship of the Executive District Officer Health Tank and with reference to the interview held on 21-04-2012, Mr. Fazal Nadeem S/O Abdul Hamid R/O Village Garah Shahbaz District Tank is hereby appointed as Plumber against the vacant post at DHQr: Hospital Tank In BPS-05 plus usual allowances as admissible under the rules and subject to revision time to time on the following terms and conditions according to the Government Policy:-

1. His appointment in the Health Department is purely on temporary Basis and his services are liable to be terminated at any time without giving notice or assigning irrespective of the facts that he may belong to a post other than one to which he is recruited.
2. He has to join duty at his own expenses in case he wishes to resign at any time one month notice will be essential or in lieu thereof one month pay shall be forfeited.
3. He will be governed by such rules and orders relating to leave, TA, Medical charges as may be issued by the Govt. from time to time for the category of Government Servant to which he may belong.
4. He will not entitle for pension or Gratuity as laid down policy of the Government of Khyber Pakhtoon Khawa Peshawar.
5. If he accepts the offer on the above conditions he is directed to report to this office for further duty within (15) days of the receipt of this letter, failing which your services will be terminated.
6. The appointment will be subject to the production of Medical Fitness Certificate.

sd -
EXECUTIVE DISTRICT OFFICER
(HEALTH) TANK.

Cc:

No. 1403-05

1. District Accounts Officer, Tank.
2. Account Clerk of this office.
3. Mr. Fazal Nadeem S/O Abdul Hamid R/O Village Garah Shahbaz District Tank

EXECUTIVE DISTRICT OFFICER
(HEALTH) TANK.



(22)

**OFFICE OF THE
DEPUTY COMMISSIONER
DISTRICT TANK**

No 1085 /

Dated 28 /02/2013

To

The District Health Officer
District Tank

Subject: **NO OBJECTION CERTIFICATE:**
Memo:

Reference your letter No.1209/ dated. 27/02/2013 On the subjected cited above.

This office has no objection on the release of salary of Mr. Fazal Nadeem S/o Abdul Hameed Plumber BPS-5 in DHQ Hospital Tank after fulfillment of all codal formalities as per law as mentioned in order issued by the competent authority.


DEPUTY COMMISSIONER
DISTRICT TANK

E.No 1086 /
Copy to the District Account Officer Tank.


DEPUTY COMMISSIONER
DISTRICT TANK

23

N.W.F.P. Mec. No. 4

MEDICAL CERTIFICATE

Name of Official..... Fazal Nadeem
 Caste or Race..... Shari
 Father's Name..... Abdul Hameed Khan
 Residence..... Village Gara Shekry
Tank
 Date of Birth..... 1986
 Exact height by measurement..... 5-7"
 Personal marks of identification..... Blacc mole on (R) face
 Signature of the Official.....
 Signature of.....
 head of office.....

Seal of Office.....

I do hereby certify that I have examined Mr. Fazal Nadeem
 a candidate for employment in the Office of the DHO H. Tank
 and can not discover that head any disease communicable or other constitutional
 effication or bodily infirinity except..... Nil
 I do not consider this as disqualification for employment in the office of the
DHO H. Tank His age according to his own statement..... 26 year and
 by appeal ance about..... 26 years.

LEFT HAND THUMB AND FINGER IMPRESSIONS.....

Muhammad
 Medical Superintendent,
 Civil Hospital, Tank
 15/5/12

9	10	11	12	13		14	15	
Signature and designation of the Head of the office or other Attesting Officer in attestation of Forms 1 to 8	Date of termination or appointment	Reason of termination (Such as promotion transfer dismissal ets)	Signature of the Head of the office of other attesting officer	Name and duration of leave taken	Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitible of another Government چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین		Signature of the head of the office or other attesting office	Reference to any recorded punishment or censure or reward or praised of the Government Servant سزا یا سزا یا غیر مناسب کارکردگی کارکردگی
	تاریخ انتقال ملازمت	وجوہات انتقال ملازمت ترقی - تبادلہ یا برطرفی	دستخط افسر مجاز	رخصت کی نوعیت و معیار	Period عرصہ	Govt: to which debitible گورنمنٹ سے رقم ادا ہونی	دستخط افسر مجاز	
<i>Appointed as Plumber against the vacant post at D.H.G. Hospital Tork BPS-05 vide EDO (H) office order No 1403-05 dated 15-5-2012</i>								

Muhammad
MS D.H.G Hospital 15/5/12
District Tork
[Signature]

The entries in this page should be renewed or re-attested at least every five years, and the Signature in lines 9 and 10 should be dated.

25

Name Fazal Nadeem

Shari

Residence Village Shahbaz



Parent's name and residence Abdul Hameed Khan



Date of birth by Christian era or as early as can be ascertained 1986


Height by measurement 5' 7"

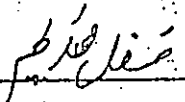
Physical make for identification Blacks mole on R Face

Hand thumb and finger impression for Gazzetted Officer 

Little Finger  Ring Finger 

Middle Finger  Fore Finger 

Thumb 

Signature of Government Servant 

Signature and designation of the Head Office, or other Attesting officer. 
MS D.H.O Hospital District 15/5/12

1	2	3	4		5		6	7
Name of Post	Whether Substantive or officiating, and Whether Permanent of temporary	If officiating state (I) substantive appointment or (II) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) Volume II اگر عارضی ہے تو کیا دوروں کے مطابق پیشکش کا مستحق ہے	Pay in Substantive Post	Additional Pay for officiating	Other Emoluments Falling Under the Term "pay"	Date of appointment		
درجہ ملازمت	عارضی - مستقل یا قائم مقام		تتخواہ بطور عارضی ملازمت	زائد تتخواہ بطور قائم مقام	ماسوائے تتخواہ دیگر الائنس	تاریخ تقرری		
BPS-05 (5400-260-13200)			Rs. Ps.	Rs. Ps.	pay @			
Plumber DHA Hospital Town			Pay Rs. 5400/PM			15-5-2012		

(15) (17) (19) (21) (23) (25) (27) (29) (31) (33) (35) (37) (39) (41) (43) (45) (47) (49) (51) (53) (55) (57) (59) (61) (63) (65) (67) (69) (71) (73) (75) (77) (79) (81) (83) (85) (87) (89) (91) (93) (95) (97) (99)



OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTERS HOSPITAL MARDAN
Ph # 0937-9230145 Fax # 9230226

26

26.6.13

[Signature]

1. Dr. Abdur Rahim, Medical Superintendent, DHO Hospital, Mardan conducted enquiry against Dr. Muhammad Aslam Baloch, District Health Officer, Tank vide Director General, Health services No.260-61/CQ/2085/2013 Dated 26.06.2013 (appointed as enquiry officer). After perusal of the following record and tallying it with written statement of Dr. Aslam Baloch, I have the following observations to make:

- 1- As per complaint that Dr. Muhammad Aslam Baloch, District Health Officer, Tank has made irregular purchase of Medicine/L.P during the year, 2011-2012. After perusal of record of DHO Office (Stock Register of medicines) that medicines purchased as per approved list of MCC, Peshawar and no L.P has been made during the year, 2011-2012. Hence the complaint is baseless. Annexure "A"
- 2- During the year 2011-2012 various posts of different cadres of Technicians and Class-IV were created by the Finance Department, Government of Khyber Pakhtoon Khwa, Peshawar vide Notification No.BV1/FD/A-46/2009-10/Vol-III dated 06/02/2012 (copy of the sanctioned attached). Annexure "B"
- 3- All these posts were properly advertised through Newspaper on 24th February, 2012 & 9th April, 2012. Annexure "C"
- 4- A selection committee was constituted by the then District Co-ordination Officer, Tank for appointment of the above created posts vide No.1902/FP (Health) of 19.07.2012 (copy attached herewith). Annexure "D"
- 5- In response to the advertisement, many applications were received, list of the applications were prepared and submitted before the selection committee on the interview date (Copy attached). Annexure "E"
- 6- Minutes of the Selection Committee has already been prepared and duly signed by the all committee members for the appointment of all Technical/Class-IV posts (Copy attached). Annexure "F"
- 7- The appointments of all Technical posts were made on merit and no irregularity found. All Class-IV were purely appointed on merit although there is no such merit rules for induction of Class-IV employees. The appointment of Class-IV candidates only from the District Tank and no one selected from another district. No disable persons were appointed. Annexure "G"
- 8- After selection of Technical staff, the documents were sent to Secretary, Medical Faculty Peshawar for verification and some of appointee were not verified by the Faculty hence the appointment orders for those appointee, were withdrawn. Annexure "H"
- 9- The appointment orders were properly issued under proper dispatch No. and issuing date from the office of the DHO (II) Tank, which is placed on file. Annexure "I"
- 10- As regards the claiming of perks and privileges during the training period at PUSA, Peshawar, his services were requisitioned by the DCO, Tank vide letter No.1678/PP (Health) dated 31.03.2012 addressed to the Secretary Health, KPK to help in the process of recruitment. From my own experience (Enquiry Officer) the trainees serving on management posts retain control of their offices during the PUSA training periods Annexure "J"

In view of the above, no proof of any irregularity was found against Dr. Muhammad Aslam Baloch, District Health Officer, Tank. Being an Enquiry Officer the complaint is totally baseless and wastage of the Government time, hence the application may be filed without further action.

[Signature]
(Dr. Abdur Rahim)

Immediate/through FAX

27

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Office Ph (091 - 9210240) Exchange # 091 - 9210187, 091 - 9210196 Fax # 091 - 9210230

No 12570-14/Per.
Dated 14-12-15

To,

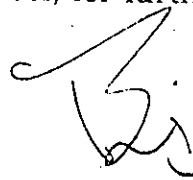
The District Health Officer
Tank.

Subject:- ENQUIRY IN TO THE ILLEGAL RECRUITMENTS BY THE FORMER
DHOS.

The subject case was investigated through an enquiry committee, report thereof is enclosed.

A perusal of enquiry report would reveals that proper criteria as required under the APT Rules has not been fulfilled and the whole case of recruitments contains legal lacuna. More so, the employees from Surplus Pool have not been absorbed against their original cadre post as per surplus pool policy.

In view of the forgoing, you are directed to serve show cause notices upon all the illegal appointees under the E& D Rules 2011 and further action taken on receipt of their replies. At the same time all those employees who have been absorbed on Ex Cadre posts may be sent back to the surplus pool, for further disposal, under the intimation to this Directorate


DIRECTOR ADMINISTRATION
DIRECTORATE GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

Cc:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar (attention litigation cell).
2. M.S DHQ Hospital Tank.
3. Assistant Director Litigation Cell DGHS, KPK Peshawar.
4. P.A to DGHS KPK Peshawar.

Findings regarding TORS:-

ENQUIRY REPORT

12
(28) 27

Today on 25/11/2015 we the under signed moved to DHQ Tank to comply with the order of DGHS No:11705-11 dated: 16-11-2015. The committee comprised of

1. Dr.Nazir Ahmad MS DHQTH Bannu.
2. Dr.Daraz Khan DDHO Bannu.

The officers/officials were already informed vide this office letter No. 5416/- Dated: 18/11/15 sitting M.S DHO Dr.Zafar Ali Shah and Ex MS Dr.Aslam Sherani were present along with another Ex MS Dr.Umar Shah. Dr. TAMIR TAVED sitting DHO came later on. The then DHO Dr.Aslam Baloch could not attend the proceedings however he remained on line with the enquiry committee.

Procedure Adopted:

The following procedure was adopted.

1. Going through record
2. Record statement
3. Checking the attendance registered
4. Visit of the Hospital.

i.	Post Sanctioned in the SNE	Anexure
ii.	NOC from the office of the District Health officer Tank:	Anx-1
iii.	Guideline regarding adjustment of surplus staff.	Anx-2
iv.	Adjustment of Surplus Staff.	Anx-3
v.	Adjustment of Surplus Staff/Explanation.	Anx-4
vi.	Guide line regarding pay of Newly appointed employee/ Paramedics.	Anx-5
vii.	Attendance sheet for the Selection Committee	Anx-6
viii.	Office order from Executive District Officer Health Tank	Anx-7
ix.	Adjustment of Staff from the Surplus Pools.	Anx-8
x.	Office Order from DCO Tank.	Anx-9
xi.	Advertisement in daily mashriq for the vacant posts	Anx-10
xii.	DHQ Tank 6 months Indoor Patient Record	Anx-11
xiii.	Guid line regarding the pay of newly appointed employees/paramedic from MS DHQ Hospital Tank	Anx-12
		Anx-13

2. Recording Statement.

1. Written statement of the record keeper

Anx-A

3. Checking of Attendance Register.

All The record showed that the staff is marking them present in the register.

4- Visit of Hospital:

After visit all the instructions were issued.

Findings regarding TOES:-

29 29

TOR-1

Whether all the codal formalities viz: advertisement in press holding meeting of the Departmental Selection committee by including representative of Administration Department/DGHS Khyber Pakhtunkhwa, preparing of merit list as required under the APT Rules 1989, were completed

The codal formalities were partially completed like,

- 1. Advertisement in Daily Mashriq was floated.
- 2. The meeting of Departmental Selection Committee was deficiently followed like non inclusion of representative of DGH in Technical post selection.
- 3. The Final Merit list was not produced to the enquiry committee.
- 4. Since merit list was not available so the signatures of the members of selection committee could not be assessed.

TOR-2

Whether the vacancies were filled through Selection/recruitment of relevant categories. If not how they were allowed salaries against ex-cadre posts.

- I. Few posts were filled through selection of the relevant categories.
- II. More than half of the candidates were recruited against ex-cadre posts.
- III. Salaries were started in January, 2013 by the MS Aslam sherani along with arrears for the period from 13-05-2012 to January 2015..
- IV. DAO record showed that few of the staff had their source signed by Dr.Asam Baloch who was not the DDO, few of them had source got signed by Dr.Umar Shah. Majority had the source signed Dr.Asam Sherani. It was evident that the pays of staff were not drawn on the same dates but were drawn at various dates due to unknown reason.
- V. Pays started after letter of FD.No.FMIU/FD/4-1/2012/Surplus Pool dated: 27-07-2012.

TOR-3

Whether the employees detailed by the DCO Tank from Surplus pool, were absorbed on Cadre posts as per surplus pool policy or otherwise.

- I. The employees detailed by DCO were not absorbed on the cadre posts. They were absorbed against posts of charge nurses, they were 6 in number.
- II. A letter was produced which was about the absorption of surplus pool staff on the posts of Charge Nurses, Astonishing, this letter was addressed from Finance Department to DHO directly bypassing the Health Secretary which is not the usual way of communication. It may need further Probing in Finance Department.

TOR-4

How many employees were recruited over and above the sanctioned strength?

- I. NOC from DCO for recruitment of all categories/Staff not taken as per record.
- II. The initials on appointment orders were denied by the available clerical staff.
- III. No letter was found which may show the requisition for DG representative for recruitment of staff on the interview date.
- IV. The DAO office showed source proformas which were signed by MS during 2012. Another MS during 2013 and by DHO for few staff members.
- V. No staff was adjusted against any post which fell vacant from 5/2012 till date as per record.
- VI. In letter no.1968-71 dated: 22-04-2013 the than DHO has replied to a letter of MS DHQ Tank that he was a competent authority to appoint any candidate on Ex-cadre post and he is responsible for that (copy attached)

The following General issues were also taken into consideration.

- 1. The huge no of sweepers were only marking themselves present but not working which was brought into the notice of sitting MS and he was advised to monitor their services according to job description.
- 2. Progress report of the hospital was taken per 6 months which was advised to be improved.

CONCLUSION:

- 1. As the final merit list of recruitment of all categories of staff was not available so the committee is not in a position to determine the competency of the staff.


2. The Surplus pool staff was not absorbed on the cadre posts but were placed against charge nurses posts and were drawing pay till the stoppage of pay.
3. The salaries of all the staff has been stopped whether working on cadre post or ex cadre posts which was not justified..
4. The order of finance department regarding drawl of salaries against charge nurses posts may need further clarification.
5. The court decision of Peshawar High Court DI Khan Bench is attached with Enquiry file where a relief has been given to the staff whose Services are intact may be given the relief of release of pay. The committee noticed that the staff whether on cadre or ex cadre posts have marked their attendances for the period when their pays are stopped. So they are physically present and delivering their services.



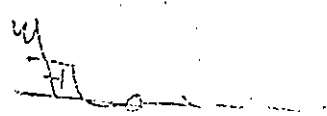
RECOMMENDATIONS:-

Since the matter is a sub judiced case with a decision of temporary relief of release of salaries of the intact staff so the committee is of the opinion that

1. The salaries of the staff who are working on the cadre posts may be released in light of the court decision on their risk.
2. The services of the staff who are absorbed on ex cadre posts their salaries cannot be released as there are no posts for their absorption.
3. The pleading officer may defend the case in the court with the plea of non availability of posts hence no salary.
4. The employees of the surplus pool who have not been absorbed on cadre posts may either be kept on waiting list or may be returned to the pool.
5. The other staff who are not on cadre posts may be kept on a waiting list and may be absorbed on any post which falls vacant in the whole District. Their positions may be kept held in abeyance.
6. The record keeping of the DHO office may be streamlined because there is a greater complexity and ambiguity in the available record.
7. The staff on cadre posts whose salaries if released, they may be directed to fill an affidavit or stamp paper to perform their duties according to their job description and to the satisfaction of the controlling officers.
8. The monitoring team of IMU may be enquired about this situation, wether they have taken any notice of this issue or otherwise.
9. The posts of Charge Nurses may not be filled up by other cadre staff as they are guazetted posts and come under domain of the DGHS because in case any recruitment is done on adhoc policy or by Public Service Commission the incumbent sent to DHQ Tank may not suffer.



Dr. Nazir Ahmad



(3)

OFFICE OF THE MEDICAL SUPRINTENDENT DHQ HOSPITAL TANK
No 116 /
Dated 09/01/2016

SHOW CAUSE NOTICE

With reference to Director General Health Services, Khyber Pakhtunkhwa, Peshawar letter No. 12510-14/Per dated 14/12/15 & District Health Officer Tank Endst: letter No. 79-83 dated 7/1/2016

I, Medical Superintendent DHQH Tank, as competent authority, under the Khyber Pakhtunkhwa E&D Rules, 2011, do hereby serve you, Mr. Fazal Nadeem Plumber DHQH Tank as follows:-


- 1) That consequent upon the completion of inquiry conducted against you by the Inquiry Committee.
- 2) That on going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers before the said committee.

The competent authority is satisfied that:-

Proper criteria as required under the APT rules has not been fulfilled and the whole case of recruitments contains legal lacuna.


As a result thereof, you are, therefore, required to show cause as to why should not your services be terminated and also you are directed to submit your reply (in writing) within fifteen days of this show cause notice, in the normal course of circumstances, in case of non compliance, it shall be presumed that you have nothing to put in and in that case an ex parte action will be taken against you.

The copies of the findings of the inquiry committee are enclosed.


MEDICAL SUPRINTENDENT
DHQ HOSPITAL TANK
Dated 09/01/2016

No 117-118 /
Copy for information to the:-

- 1) Director General Health Services, Khyber Pakhtunkhwa, Peshawar w/r to his office letter No. 12510-14/Per dated 14/12/15
- 2) District Health Officer Tank w/r to his Endst: letter No. 79-83 dated 7/1/2016



MEDICAL SUPRINTENDENT
DHQ HOSPITAL TANK

33
✓

To

The Medical Superintendent
DHQ Hospital Tank

Subject: REPLY OF SHOW CAUSE NOTICE



Respect Sir,

In compliance with your show cause Notice bearing No 7
Dated 09/01/2016, the answering official submits the following reply:

1. That all the posts lying vacant were advertised in the news paper (Daily Mashriq Peshawar) dated 24/02/2012 for which the answering official alongwith other candidates applied where after selection committee for recruitments of various categories was constituted under the proper order of competent authority where after the Selection Committee on 12/07/2012 and finally after scrutinized the record of the suitable candidates, appointment order of the answering official was issued and where after the answering official submitted arrival / joining report after conducting Medical Test and other codal formalities and the pay / salary was computerized.
2. That prior to the instant enquiry, another enquiry was conducted on the same facts and allegations in the year 2013 vide which the case of the answer official including the others were scrutinized where after report was submitted vide which all the appointments were declared as in accordance with law and rules. Copy of report is enclosed for kind perusal.
3. That it is unfortunate that pay/ salary of the answering official including other officials have been stopped by the then Medical Superintendent DHQ Tank against which the answering official including others have knocked the door of the Honourable Peshawar High Court DIKhan Bench by filling WP-No418-D/2015 and WP-No

34

541-D/2015 which came up for hearing on 15/12/2015 and Honourable Division Bench of High Court has been pleased to dispose of the petitions on the commitment of MS DHQ Tank that the salaries of all the affectees will be released but it is very strange and funny that inspite of commitment before the Honourable High Court salaries of the employees have not been released and further order of show cause notice has been issued which is not only highly objectionable but is against the provisions of fundamental rights guaranteed under constitution of Islamic Republic of Pakistan and principle of Natural Justice as by now it is a settled principles of law that even the pay /salary of suspended employees/ officials cannot be stopped what to talk about the employees who are performing their duties but this principle of law and fundamental rules have been violated in the case of the answering official.

4. That no doubt enquiry under the E&D Rules is conducted against the employees / officials provided such employee is at fault but in the case of the answering official, the answering official has neither committed any fault or misconduct but enquiry has been directed to be conducted against him and the enquiry officers / enquiry committee conducted the enquiry at the back and in the absence and without participation of answering official and no charge sheet and statement of allegations have been served upon the answering official and now show cause notice has been served to which reply has been sought from the answering official.
5. That it is respectfully submitted that there is no fault of the answering official being a low paid employee/ official who apprehends snatching of lost peace of morsel as a consequence of taking of adverse action of issuance of order of termination from service by the some hidden hands of the department, then such action /order of termination from service would amount violation of law as laid down by the apex court of the country where in it has been held that if the appointment of

35

employees were presumed to be in violation of the Rules and Regulations and not on merits then instead of taking action against such employees, action must be taken against the appointment authority for committing a misconduct by making illegal appointment and no action is to be taken against the appointee as such appointees/ employees have / has acquired a right of serving the department and they have at no fault.

6. That the enquiry report submitted against the answering official is illegal, against rules and fundamental rights and against principles of natural justice and is thus liable to be ignored and to be struck down.

7. AS

In view of the submissions made above, it is, therefore, humbly prayed that the show cause notice may please be withdrawn with out taking any further action in matter and further salary / pay of the answering official may please be released so as to meet the ends of justice and fair play.

The answering official may please be provided an opportunity of personal hearing also.

Dated: 23/01/2016

[Signature]
Your obedient
Servant

DHQ Hospital Tank

36

OFFICE OF THE MEDICAL SUPRINTENDENT DHQ HOSPITAL TANK

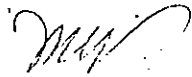
No. _____

Dated 09/05/2016

OFFICE ORDER

- (1) Whereas you, Mr. Fazal Nadeem Plumber DHQ Hospital Tank were proceeded for having following gross irregularities in your appointment as proper criteria as required under the APT Rules has not been fulfilled and whole case of recruitments contains legal lacuna.
- (2) Whereas inquiry has been conducted against your appointment on the Direction of worthy Director General Health Services vide Order No. 11705-11 dated 16-11-2015.
- (3) Whereas Show-cause Notice served upon you through letter No. 116 dated 09-01-2016.
- (4) Whereas you failed to produce any documentary proof (i.e. original merit list etc)
- (5) Whereas you were given the chance of Personal Hearing on 17-02-2016 vide office order No 384 dated 29-01-2016, but the undersigned being competent authority is not satisfied from your reply.

Now therefore, the competent authority in exercise of the power conferred upon me, under Khyber Pakhtunkhwa Efficiency and Discipline rules 2011, You Mr. Fazal Nadeem Plumber DHQ Hospital Tank are hereby removed from services, w.e.f. 01-05-2016.

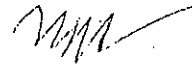

MEDICAL SUPRINTENDENT
DHQ HOSPITAL TANK

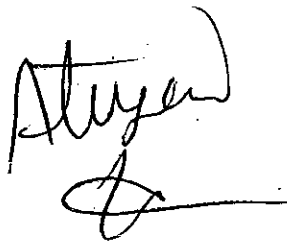
No: 2337-11

Dated 09/05/2016

Copy to:-

- (1) Director General Health Services, Khyber Pakhtunkhwar Peshawar, w/r to his office letter No. 3390-91/Personnel/DHO Tank dated 04-05-2016.
- (2) District Health Officer Tank
- (3) District Account Officer, Tank
- (4) Mr. Fazal Nadeem Plumber DHQ Hospital Tank
- (5) Accountant DHQH Tank to stop the pay of official concerned.


MEDICAL SUPRINTENDENT
DHQ HOSPITAL TANK



157

(37)

The Director General,
Health Services, Khayber Pakhtunkhwa
Peshawar.

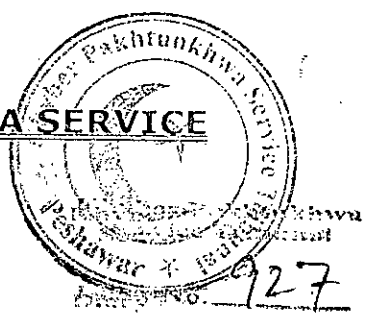
Subject: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST
THE ORDER DATED 09.05.2016 PASSED BY MEDICAL
SUPERINTENDENT, DHQ HOSPITAL TANK VIDE WHICH THE
APPELLANT HAS BEEN REMOVED FROM SERVICES
WITH EFFECT FROM 01-05-2016.

Respectfully stated,

1. That the health Department through E.D.O Tank advertised different posts, including the post of Plumber in DHQ hospital Tank in the year 2012. Copy of advertisement is enclosed here with.
2. That the appellant also applied for the post of Plumber and after completing all code formalities, the appellant was appointed as Plumber vide appointment order Dated: 15 / 05 / 2012 copy of appointment order is enclosed herewith.
3. That the appellant, after getting himself medical examined, submit that arrival report to the concerned authorities and started performing his duty. relevant documents are enclosed herewith.
4. That in the year 2013 an inquiry was conducted regarding the different appointments, which ended in favour of appellant copy of the same is enclosed herewith.
5. That the appellant then received an show cause notice dated 19-01-2016, wherein reference was made of any inquiry, which was kept secret from the appellant. Copy of show cause notice is enclosed herewith.
6. That the appellant then submitted reply to the show cause, wherein he specifically shown his astonishment regarding inquiry, allegedly conducted in the year 2015, because he was never associated with same. copy of reply to the show cause notice is enclosed herewith.
7. that the appellant was then called for personal hearing and the produced all the relevant documents, supposed to be available with the appellant and then he was asked to wait for the order in the near future.

23
ATTESTED
H3 Kayat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 879 /2016

Date 29-8-2016

Shaukat Khan s/o Haibat Khan r/o Garra Naurang, Tehsil & District Tank.
Carpenter (BPS-5)

(Appellant)

VERSUS

1. Government of KPK, through secretary Health Department, KPK Peshawar.
2. Secretary to Govt: of KPK, Health Department, Peshawar.
3. Director General Health services, KPK Peshawar.
4. District Health officer (DHO), District Tank.
5. District Accounts Officer, District Tank
6. Medical Superintendent (DHQ Hospital), District Tank

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER No. 2342-46 DATED 09/05/2016 ISSUED BY RESPONDENT NO.6/M.S DHQ HOSPITAL, TANK, WHEREBY APPELLANT WAS REMOVED/TERMINATED FROM SERVICE AND AGAINST THE OMISSION ON THE PART OF RESPONDENT NO.3 FOR INDICISION OF THE DEPARTMENTAL APPEAL WHICH IS AGAINST THE LAW AND IN VIOLATION OF SERVICES LAWS AND

Filed to-day
 29/8/16
 ATTESTED
 Khyber Pakhtunkhwa Service Tribunal, Peshawar

Appeal No. 111/16
Shoukat Khan vs Govt



07.09.2016

Counsel for the appellant present. Learned counsel for the appellant submitted that identical appeal No. 875/2016 titled Sabir Khan-vs-Government of Khyber Pakhtunkhwa through Secretary Health etc has been admitted for regular hearing by this Tribunal vide order of the worthy Chairman dated 29.08.2016, therefore, this appeal may be admitted for regular hearing in the same manner. The learned counsel for the appellant stated at the Bar that this appeal is identical with the said appeal No. 875/2016.

In view of the above, this appeal is also admitted for regular hearing in the same manner subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 27.09.2016 before S.B. Notice of stay application be also issued to the respondents for the date fixed. Appointment against the subject post shall be subject to decision of the instant service appeal.

Appellant's Security Process Fee

Certified to be true copy
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Member

Date of Presentation of Application 21-9-16
Number of Words 800
Copying Fee 600
Urgent 200
Total 800
Name of Copyist [Signature]
Date of Completion of Copy 21-9-16
Date of Delivery of Copy 21-9-16

158

38

8. That the appellant received the office order dated 09.05.2016 on 10.05.2016 in the office and he was asked that he has been removed from services with effect from 01.05.2016. Copy of order dated 09.05.2016 is enclosed herewith.
9. That the order dated 09.05.2016 is totally illegal, based on surmises and conjectures, levelling no allegations against the appellant and the fault of unknown person has been mentioned but the punishment was given to the appellant.
10. That under the circumstances and prevailing law, if any fault is found on the part of appointing authority, then the august Supreme Court on this particular aspect has delivered so many judgments that the appointing authority should be penalized instead of the appointee, whereas, in the present case the appellant has been victimised for the alleged fault of another person.
11. That is strange to note that in Para-4 of the order dated 09.05.2016, the Medical Superintendent has mentioned "whereas you failed to produce any documentary proof (i.e. original merit list etc.)", whether the appellant was supposed to keep the merit list etc. in his possession or it was the duty of the office to keep the record and whether the appellant can be penalized for non-maintenance of the record by the record keeper? This important aspect has been ignored by the Medical Superintendent, whereas, in the earlier inquiry, held in 2013 all the record was available in the office, which was scrutinized by the inquiry officer and that is why the said inquiry was decided in favour of the appellant and other appointees.
12. That another aspect which was ignored by the Medical Superintendent while passing office order dated 09.05.2016 that he has mentioned that under Khyber Pakhtunkhwa Efficiency and Discipline Rules, 2011, I have been removed from service, whether the non-production of merit list by the office does come within the preview of the rules for removing the appellant from service?
13. That appellant has been condemned for the alleged wrong never committed by him, rather it was not within the duties of the appellant to keep such record, which was the duty of the office and instead the appellant has been removed.

TESTED

HTJ Neeraj 3-5-16

39

159

from service, whereas, if any, action was required to be taken then it was the office and not the appellant.

14. That is pertinent to mention here that the appellant was never issued any charge sheet because no charge was ever levelled against the appellant, therefore, the basic requirements of Efficiency and Discipline Rules, 2011 have been violated by the competent authority, therefore, the removal from service order dated 09.05.2016 automatically becomes ineffective on the rights of the appellant.

15. That as mentioned above, the inquiry conducted in the year 2013, reached to the conclusion that all the appointments were made strictly in accordance with rules and that is why the inquiry was filed in favour of the appellant and other appointees but the alleged inquiry conducted in the year 2015, the appellant was never informed or he was never associated for the purpose of inquiry, otherwise the situation would have been different, from what is now.

6. That the non-issuance of charge sheet clearly indicates that there were no charges against the appellant, which should have been replied by the appellant.

7. That the non-issuance of charge sheet, which is mandatory under Efficiency and Discipline Rules, 2011, the entire proceedings became illegal and in result thereof the removal from service order of the appellant dated 09.05.2016 is also illegal.

8. That the appellant wishes to be heard in person.

In view of the above made submissions, it is very humbly requested that on gracious acceptance of the instant departmental appeal / representation, the order dated 09.05.2016 passed by M.S, DHQ Hospital, Tank may very kindly be set aside and the appellant may be reinstated in service with all back benefits.

Your humble appellant,
Fozail Madani
Plumber
D.H.Q(H) Tank

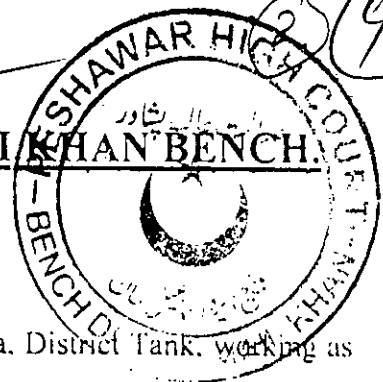
Dated: 21.05.2016

[Signature]
23-5-16

ATTESTED
[Signature]

BEFORE THE PESHAWAR HIGH COURT, D.I. KHAN BENCH.

Writ Petition No. 418-D /2015.



1. Illaud Din son of Abdul Rahman, Resident of Village Cheena, District Tank, working as store Keeper at DHQ, Hospital, Tank.
2. Sikandar Hussain son of Imam Bakhsh, Resident of Maidan, District Tank, working as JCT, Dental at DHQ Hospital, Tank.
3. Ghulam Jaffer son of Ghulam Abbas, Resident of Kot Jai, District D.I. Khan, working as JCT, Pharmacy at DHQ Hospital, Tank.
4. Sabir Khan son of Mohib Ullah, Resident of Village Kot Wali, District Tank, working as JCT, Multi Purpose (M/Tech:) at DHQ Hospital, Tank.
5. Muhammad Daud son of Ghulam Rabbani, Resident of Village Garra Mohabbat, District, D.I. Khan, working as JCT, Pharmacy at DHQ Hospital, Tank.
6. Muhammad Ayub son of Aziz Ullah, Resident of Tank City, District Tank, working as JCT Multi Purpose (M/Tech:) at DHQ Hospital, Tank.
7. Bin Yamin son of Ahmad Hussain, Resident of Village Pir Wana, District Tank, working as JCT, Pharmacy, at DHQ Hospital, Tank.
8. Muhammad Imran son of Muhammad Mushtaq, Resident of Village Ranwal, District Tank, working as JCT Multi purpose (M/Tech:) at DHQ Hospital, Tank.
9. Waqar Ahmad son of Nacem Khan, Resident of Gomal Bazaar Tank, working as JCT pharmacy, at DHQ Hospital, Tank.
10. Shafiq ur Rehman son of Gul Rehman, Resident of village Nandoor, District Tank, working as JCT Multi purpose (M/Tech:), at DHQ Hospital, Tank.
11. Farhan Haidar son of Muhammad Hanif Khan, Resident of Naurang, Post Office, Tank Tehsil & District Tank, working as JCT Multi Purpose (M/Tech:), at DHQ Hospital, Tank.
12. Naik Nawaz son of Iqbal Hussain, Resident of Mohallah Faiz Ullah Colony, District Tank, working as JCT Pharmacy, at DHQ Hospital, Tank.
13. Asmatullah son of Abdul Rauf, Resident of Village Amma Khel, District Tank, working as Ward Orderly, at DHQ Hospital, Tank,
14. Sami Ullah son of Abdul Rehman, Resident of village Sheran, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
15. Gulfam Hussain son of Manzoor Hussain, Resident of Village Ranwal, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
16. Aamir Israr Shah son of Ghulam Taqi Shah, Resident of Village Ranwal, District Tank, working as Bahishti, at DHQ Hospital, Tank.
17. Muhammad Nasir son of Muhammad Aslam, Resident of Village Pir Wana, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
18. Waris Khan son of Abdullah Jan, Resident of Village Mitthu, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
19. Zain ud Din son of Din Muhammad, Resident of Village Gul Imam, District Tank, working as Driver, at DHQ Hospital, Tank.
20. Meherban son of Abdul Karim, Resident of Village Cheena, District Tank, working as Ward Orderly, at DHQ Hospital, Tank.
21. Fazal ur Rehman son of Ghazni Khan, Resident of Village Nandoor, District Tank, working as JCT, Pathology, at DHQ Hospital, Tank.

ATTESTED

EX
Peshawar High Court
D.I. Khan Bench
13/12/15

today 28/11/15
11/6/15

341

22. Imran Khan son of Qadir Zaman, Resident of Village Maghzai, District Tank, working as Cleaner, at DHQ Hospital, Tank.
23. Muhammad Waqas son of Ghulam Hussain, Resident of Mohallah Qazian Wala, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
24. Munir Khan son of Abdul Jalil, Resident of Village Sabir Abad, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
25. Wajid Munir son of Muhammad Arshad, Resident of Mohallah Qasaban, District Tank, working as Electrician, at DHQ Hospital, Tank.
26. Fazal Nadeem son of Abdul Majeed, Resident of Garra Shahbaz, District Tank, working as Plumber, at DHQ Hospital, Tank.

(Petitioners)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
2. Director General, Health Services Department, Peshawar.
3. District Health Officer, Tank.
4. Medical Superintendent, District Headquarter Hospital, Tank.
5. District Accounts Officer, District Tank.

(Respondents)

Today 1851
11/6/15

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

Respectfully Sheweth:

Note:- Address given above are sufficient for the purpose of service of parties.

BRIEF FACTS.

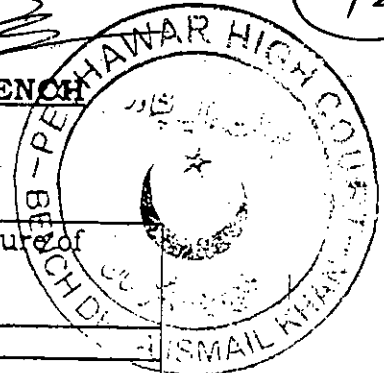
1. That all the petitioners were appointed on the posts mentioned against their names after completing all the codal formalities in the year-2012 and after submitted medical certificate and arrival report, the petitioners are working on the respective posts since then. Copies of appointment letter are enclosed herewith as Annexure-A
2. That all the petitioners were duly qualified, when appointed and in their appointment orders the place of duties have also been mentioned and they are performing their duties to the entire satisfaction of their superiors and to the best of their ability.
3. That on 12/01/2015 Director General Health issued an office order, wherein it has been mentioned that certain employees of the health department are either posted on general duty or drawing salaries against ex-cadre posts and detailed should be submitted to the Directorate forthwith. Copy of the letter dated 12/01/2015 is enclosed herewith as Annexure-B.

ATTESTED

19/12/15

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
15.12.2015.	<p><u>W.P.No.418-D/2015</u> <u>with C.M.No.437-D/2015.</u></p> <p><u>Present:-</u> Mr. Saleemullah Khan Ranazai, Advocate for petitioners.</p> <p>A.A.G for respondents alongwith M/S Dr. Tahir Javed, DHO, Tank/respondent No.3, Dr. Zafar Ali Shah, MS, DHQ Hospital, Tank/respondent No.4 and Mohammad Shakoor, District Accounts Officer, Tank/ respondent No.5.</p> <p style="text-align: center;">*****</p> <p><u>IKRAMULLAH KHAN J:-</u> Respondents No.3 & 4 stated that petitioners were illegally appointed and in this regard an inquiry has already been launched, however, the petitioners are still serving the department. In such view of matter, respondent No.5 stated that petitioner were receiving their salaries, however, their salaries were stopped on the direction of respondent No.4/Medical Superintendent, DHQ Hospital, Tank. The respondents No.3/DHO, Tank and respondent No.4/MS, DHQ Hospital, Tank also made commitment that the salaries of</p>

ATTESTED

EXAMINOR
Peshawar High Court
D.I.Khan Bench

19/12/15

the petitioners will be released.

2. So, the concerned authority/
Medical Superintendent, District Head
Quarter Hospital, Tank is directed to release
the salaries of petitioners. Hence, the instant
writ petition is disposed of accordingly.

Announced.
15.12.2015.
Aftab/*

JUDGE

JUDGE

[Handwritten signature]
16/12

ATTESTED

EXAMINOS
Peshawar High Court
D. Khan, Bench

19/12/15

BEFORE THE PESHAWAR HIGH COURT, D.I. KANAR HONCN.

Writ Petition No. 541-D/2015

Filed today 2475

Addk Registrar

018/2015

1. Muhammad Wasim Khan son of Muhammad Jan, Resident of Mohallah Qazian Wala, District Tank, working as Medical Technician at DHQ Hospital, Tank.
2. Muhammad Jamshed son of Mashal Khan, Resident of Mulazai, District Tank, working as Bahishti/Sweeper, at DHQ Hospital, Tank.
3. Muhammad Noman son of Sher Zaman, Resident of Garra Sheikh, District Tank, working as Cleaner, at DHQ Hospital, Tank.
4. Shoukat Khan son of Haibat Khan, Resident of Village Garra Nourang, District Tank, working as Carpenter, at DHQ Hospital, Tank.
5. Naimat Ullah Khan son of Saad Ullah, Resident of Aoudal, District Tank, working as Ward Attendent, at DHQ Hospital, Tank.
6. Muhammad Iqbal son of Jalil ur Rehman, Resident of Mohallah Michan Khel, Tank working as JCT Cardiology at DHQ Hospital, Tank.
7. Hidayat Ullah son of Naeem Khan, Resident of Village Abi Zar Gul Imam, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
8. Muhammad Ali son of Gul Zaman, Resident of Village Safdar Ali Shah, District Tank, working as Cleaner/sweeper, at DHQ Hospital, Tank.
9. Muhammad Rizwan son of Aman Ullah Khan, Resident of Maskeen Abad Tank, working as JCT Pathology, at DHQ Hospital, Tank.
10. Shaukat Ullah son of Gul Nawaz, Resident of Fazal Rahim Kot, District Tank, working as Store Keeper, at DHQ Hospital, Tank.
11. Irfan Ullah son of Atta Ullah, Resident of Gul Imam, Tehsil & District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
12. Wahid Khan son of Sher Muhammad, Resident of Village Gul Imam, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
13. Sajjad Ahmad son of Inayatullah, Resident of Village Gul Imam, District Tank, working as Ward Attendant, at DHQ Hospital, Tank.
14. Amin Shah son of Muhammad Noor, Resident of Mohallah Doctor Rab Nawaz, District Tank, working as Cleaner, at DHQ Hospital, Tank.
15. Zulfqar son of Shahjehan, Resident of village Koru Khan, District Tank, working as Ward Orderly, at DHQ Hospital, Tank.
16. Umer Hayat son of Shahjehan, Resident of Village Shah Alam District Tank, working as X-Ray Attendant, at DHQ Hospital, Tank.
17. *Misat Khan s/o Shahjehan R/o Garra Woro Dist. Tank, working as ward orderly at DHQ Tank.* (Petitioners)

1. Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
2. Director General, Health Services Department, Peshawar.
3. District Health Officer, Tank.
4. Medical Superintendent, District Headquarter Hospital, Tank.
5. District Accounts Officer, District Tank.

(Respondents)

ATTESTED

018/2015

3
45

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

Filed today 24/75

Address Registrar.

Respectfully Sheweth;

Note:- Address given above are sufficient for the purpose of service of parties.

BRIEF FACTS.

1. That all the petitioners were appointed on the posts mentioned against their names after completing all the codal formalities in the year-2012-2013 and after submitted medical certificate and arrival report, the petitioners are working on the respective posts since then. Copies of appointment letter are enclosed herewith as Annexure-A
2. That all the petitioners were duly qualified, when appointed and in their appointment orders the place of duties have also been mentioned and they are performing their duties to the entire satisfaction of their superiors and to the best of their ability.
3. That on 12/01/2015 Director General Health issued an office order, wherein it has been mentioned that certain employees of the health department are either posted on general duty or drawing salaries against ex-cadre posts and detailed should be submitted to the Directorate forthwith. Copy of the letter dated 12/01/2015 is enclosed herewith as Annexure-B.
4. That vide office order of Director General Health dated 20/03/2015, while referring to the earlier dated 12/01/2015 all DHOs / MSs were asked to submit a certificate to the effect that no officer/official is posted on ex-cadre post on general duty. Copy of letter dated 20/03/2015 is enclosed herewith as Annexure-C.
5. That vide office order dated 31/03/2015 the Director General Health asked DHO Tank to clarify as to how the mechanic and other class-IV staff were appointed when the posts were not available. Copy of the letter dated 31/03/2015 is enclosed herewith as Annexure-D.
6. That vide letter dated 27/04/2015 the DHO Tank wrote to Medical Superintendent Tank to provide list of newly appointed staff immediately, as per directions by the Director General Health. Copy of letter dated 27/04/2015 is enclosed herewith as Annexure-E.
7. That through letter No.709 dated 28/04/2015 the Medical Superintendent Tank wrote to District Accounts Officer to stop the pay of the employees as per attached list. Copy of letter dated 28/04/2015 & list is enclosed herewith as Annexure-F.

APPROVED

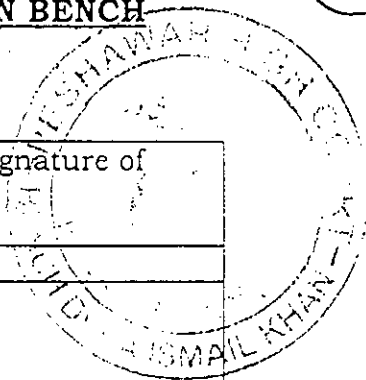
19/12/15

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

46

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
15.12.2015.	<p><u>W.P.No.541-D/2015</u> <u>with C.M.No.570-D/2015.</u></p> <p><u>Present:-</u> Mr. Saleemullah Khan Ranazai, Advocate for petitioners.</p> <p>A.A.G for respondents alongwith M/S Dr. Tahir Javed, DHO, Tank/respondent No.3, Dr. Zafar Ali Shah, MS, DHQ Hospital, Tank/respondent No.4 and Mohammad Shakoor, District Accounts Officer, Tank/ respondent No.5.</p> <p align="center">*****</p> <p><u>IKRAMULLAH KHAN J:-</u> Respondents No.3 & 4 stated that petitioners were illegally appointed and in this regard an inquiry has already been launched, however, the petitioners are still serving the department. In such view of matter, respondent No.5 stated that petitioner were receiving their salaries, however, their salaries were stopped on the direction of respondent No.4/Medical Superintendent, DHQ Hospital, Tank. The respondents No.3/DHO, Tank and respondent No.4/MS, DHQ Hospital, Tank also made commitment that the salaries of</p>



ATTESTED

Peshawar
19/12/15

47

the petitioners will be released.

2. So, the concerned authority/
Medical Superintendent, District Head
Quarter Hospital, Tank is directed to release
the salaries of petitioners. Hence, the instant
writ petition is disposed of accordingly.

Announced.
15.12.2015.
Aftab/*

JUDGE
JUDGE

ATTESTED

EXAMINOR

Assistant High Court
D. Anan Bhatnagar

19/12/15

Handwritten notes in left margin

DAILY MASHRIQ PESHAWAR

روزنامہ مشرق پشاور

سلسلہ اشاعت کے 49 سال

11. 7. 2016

• InfoKPTGovt : @InfoKPTGovt - Sana ...

آسان پانچ خاصہ صحت

ملٹی اسپیکلارڈ ہسپتال ہائیک میں درج ذیل آسان پانچ خالی ہیں۔ مطیع ہائیک کے مستقل رہائشی سوزوں اسپیداروں سے روز آج تک مطلوب ہیں۔

ذریعہ تک	موتی مد	طبعی قابلیت	تعمیراتی آسانی	نمبر شمار
مطیع ہائیک	30x18 سال	میزک بمسکتی ہی کو کوئی ادارے سے	B-7	1
مطیع ہائیک	30x18 سال	2 سال الیڈیشن ڈیپلومہ	B-7	2
مطیع ہائیک	30x18 سال	میزک بمسکتی ہی کو کوئی ادارے سے	B-6	3
مطیع ہائیک	30x18 سال	مختارہ فیلڈ میں رجسٹرار ادارے سے ڈیپلومہ	B-6	4
مطیع ہائیک	40x18 سال	خواتینہ	B-4	5
مطیع ہائیک	40x18 سال	خواتینہ (کرکٹوں)	B-3	6

شرکاء:- درج ذیل میں سادہ کاغذ پر ہمسوا م میں اسناد اور درج ذیل شامی کارڈ کی کاپی کے اشاعت کے 15 دن کے اندر درج ذیل پتہ پہنچانی پانی پائیس۔ درج ذیل سے سوسل ہونے والی درخواستیں زیر غور نہیں لالی جائیں گی۔ سرکاری ملازمین اسے جھانہ توسط سے درخواستیں ارسال کریں۔ صرف شارٹ لسٹ اسپیداروں کو انٹرویو کیلئے بلایا جائے گا۔ ٹیسٹ لائٹوں پر کیلئے کوئی ٹی اسے ڈی اسے نہیں دیا جائے گا۔ کورنٹ رولز کے مطابق % 20 کو بند ضرور انفرار کیلئے مختص ہے۔ ٹیسٹ لائٹوں پر سوز 23/07/2016 کو ملی اسپیکلارڈ ہسپتال ہائیک میں ہونے کی ضرورت کی کو اختیار حاصل ہے کہ جو بتائے بغیر کسی آسانی کو برسر کرے یا کسی شہر کی کسی آسانی کی تحت تشریح کر کے کالکٹ حاصل ہوگا۔

ملٹی اسپیکلارڈ ہسپتال ہائیک

INF(P)3330 Also available on
www.khyberpaktunkeha.gov.pk



85 TEMAR GHARI, LOCAL GOVERNMENT AND DEPARTMENT PESHAWAR

CE INVITING E-TENDER

Table with 4 columns: S/N, Estimated Cost (M), 2% Earnest Money (Rs), Tender Opening Date. Includes items for cement and steel reinforcement.

one day at 2.00PM. The completion period will be as per work order... The tender documents will be available for inspection...

Documents shall be furnished and official seal be affixed by the person or persons... The tender documents will be available for inspection...

Executive Engineer, Irrigation Division Kohat

THE EXECUTIVE ENGINEER IRRIGATION DIVISION KOHAT

CE INVITING E-TENDER

Government contractor/firms established with Irrigation Department...

Table with 7 columns: S/N, E/Cost (Million), E/Money & Stamp Duty, Time of Completion, Date of Submission, Date of Opening, Cost of Bidding Documents available upto. Includes items for road works and drainage.

The documents shall be available for inspection... The tender documents will be available for inspection...

Govt of Khyber Pakhtunkhwa Communication & Works Department

Notice Inviting Tenders, Single Stage Single Envelope

Table with 6 columns: S/N, Name of Work, Required Category of PEC, Tender Cost, 2% E/Money & Stamp Duty, Period of completion, Last date of submission, Date of opening. Includes items for road works and drainage.

The documents shall be available for inspection... The tender documents will be available for inspection...

Executive Engineer, C&W Division Upper Dir

Expression of Interest (EOI) For Pre Qualification of contractors

Application for Pre-qualification are hereby invited from the eligible Firms/ Contractors having valid registration with Pakistan Engineering Council...

Table with 3 columns: S.No, Name of Work, Estimated Cost (Approximate). Includes item for water supply lines.

The Firm/ Contractors must prepare their applications as per guidelines for Pre-qualification... The tender documents will be available for inspection...

Executive Engineer, C&W Division Upper Dir

IMMUNIZATION PRIMARY HEALTH TECHNICIAN(MP) FOR EPI REQUIRED

Requirements: PHC Technicians (Multi Purpose) for EPI Khyber Pakhtunkhwa (DPS-12); Age 18-30. Qualification: Secondary School Certificate 2nd division in Science from a recognized Board & two year PHC Technician Diploma from recognized Institution Registered with Medical Faculty Khyber Pakhtunkhwa.

Table with 3 columns: District / DDC, DHO, DHO / Hospital, Total. Lists various districts and their corresponding health officers.

District Health Officer / Medical Superintendent... The tender documents will be available for inspection...

Following documents are taken over by Mr. Tahir Nawaz Senior Clerk EDO(Health)Office Tank.

S.No	Name of documents
1.	Merit List regarding selected candidates for the following category JCT Anesthesia JCT Surgical JCT Multipurpose JCT Cardiology JCT Pathology Electrician
2.	Written Test Papers of the candidates duly signed by the Members of the Committee for the following category. JCT Anesthesia JCT Surgical JCT Multipurpose JCT Cardiology JCT Pathology Electrician
3.	Interview list regarding Marking sheet duly signed by the Members of the Committee of all following category. JCT Anesthesia JCT Surgical JCT Multipurpose JCT Cardiology JCT Pathology Electrician
4.	Documents of Store Keeper/Pharmacy.

Mr. Tahir Nawaz Senior Clerk EDO(Health)Office Tank.

Verified
Executive District Officer
Health Tank

(51)

[Handwritten signature]

Tank

S#: 1

P Sec:001 Month:June 2016
TK7006 -MS District Head Quarter H
MS DISTRICT HEAD QUARTER

Pers #: 00686114 Buckle:
Name: ZAIN UD DIN
DRIVER

NTN:
GPF #: 686114
Old #:

CNIC No.1220156083629
GPF Interest Applied
06 Active Temporary

TK7006

PAYS AND ALLOWANCES:

C001-Basic Pay	8,360.00
1000-House Rent Allowance	1,029.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
1567-Washing Allowance	100.00
1973-Adhoc Allowance 2011@ 50%	1,715.00
2148-15% Adhoc Relief All-2013	814.00
2174-Adhoc Relief Allow-2014	589.00
2199-Adhoc Relief Allow @10%	836.00
Gross Pay and Allowances	16,875.00

DEDUCTIONS:

GPF Balance	23,960.00	Subrc:	643.00
-------------	-----------	--------	--------

Total Deductions	643.00
	16,232.00

D.O.B
01.07.1969
04 Years 01 Months 016 Days

LFP Quota:
Payment through DDO.

SHOW CAUSE NOTICE

With reference to Director General Health Services, Khyber Pakhtunkhwa, Peshawar letter No. 12510-14/Per dated 14/12/15 & District Health Officer Tank Endst: letter No. 79-83 dated 7/1/2016

I, Medical Superintendent DHQH Tank, as competent authority, under the Khyber Pakhtunkhwa E&D Rules, 2011, do hereby serve you, Mr. Zain-ud-Din Driver DHQH Tank as follows:-


- 1) That consequent upon the completion of inquiry conducted against you by the Inquiry Committee.
- 2) That on going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers before the said committee.

The competent authority is satisfied that:-

Proper criteria as required under the APT rules has not been fulfilled and the whole case of recruitments contains legal lacuna.

As a result thereof, you are, therefore, required to show cause as to why should not your services be terminated and also you are directed to submit your reply (in writing) within fifteen days of this show cause notice, in the normal course of circumstances, In case of non compliance, it shall be presumed that you have nothing to put in and in that case an ex parte action will be taken against you.

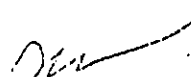
The copies of the findings of the inquiry committee are enclosed.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK
Dated 09/01/2016

No 12-6-127 /

Copy for information to the:-

- 1) Director General Health Services, Khyber Pakhtunkhwa, Peshawar w/r to his office letter No. 12510-14/Per dated 14/12/15
- 2) District Health Officer Tank w/r to his Endst: letter No. 79-83 dated 7/1/2016


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL TANK

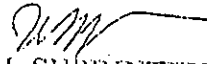
Dated 09/05/2016

53

OFFICE ORDER

- (1) Whereas you, Mr. Zain-ud-Din Driver DHQ Hospital Tank were proceeded for having following gross irregularities in your appointment as proper criteria as required under the APT Rules has not been fulfilled and whole case of recruitments contains legal lacuna.
- (2) Whereas inquiry has been conducted against your appointment on the Direction of worthy Director General Health Services vide Order No. 11705-11 dated 16-11-2015.
- (3) Whereas Show-cause Notice served upon you through letter No. 125 dated 09-01-2016.
- (4) Whereas you failed to produce any documentary proof (i.e. original merit list etc)
- (5) Whereas you were given the chance of Personal Hearing on 17-02-2016 vide office order No 384 dated 29-01-2016, but the undersigned being competent authority is not satisfied from your reply.

Now therefore, the competent authority in exercise of the power conferred upon me, under Khyber Pakhtunkhwa Efficiency and Discipline rules 2011, You Mr. Zain-ud-Din Driver DHQ Hospital Tank are hereby removed from services, w.e.f. 01-05-2016.

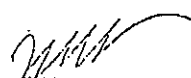

MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

Dated 09/05/2016

No: 2347-51

Copy to:-

- (1) Director General Health Services, Khyber Pakhtunkhwar Peshawar, w/r to his office letter No. 3390-91/Personnel/DHO Tank dated 04-05-2016.
- (2) District Health Officer Tank
- (3) District Account Officer, Tank
- (4) Mr. Zain-ud-Din Driver DHQ Hospital Tank
- (5) Accountant DHQH Tank to stop the pay of official concerned.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

54

WAKALAT-NAMA

BEFORE THE HONOURABLE KHYBER PAKHUNKHWA SERVICE
TRIBUNAL PESHAWAR

Fazal Nadeem

Versus

Govt. of KPK and 05 others

I, *Fazal Nadeem* the petitioner/appellant/respondent, do hereby appoint and constitute Mr. Ijaz Anwar Advocate Supreme Court of Pakistan & Muhammad Waqar Alam Advocate High Court, as my/our counsel in subject proceedings and authorize them to appear, plead etc compromise, withdraw or refer the matter for arbitration for me without any liability for their default and with the authority to engage/appoint any other Advocate/counsel at our/my expense and receive all sums and amounts payable to me/us and do all such acts which they may deem necessary for protecting my/our interest in the matter. He is also authorized to file Bail Petition/ writ petition/appeal/revision/review/application for restoration or application for setting aside ex parte decree proceedings on my/our behalf.

29th August, 2016

Accepted

قلم جو

Counsel for Appellants

Mr. Ijaz Anwar
ASC Peshawar

[Signature]

[Signature]
M. Waqar Alam
AHC D.I.Khan

"B"

Regd

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. 128

T B D K

Appeal No. 969 of 20 16

Fazal Nadeem Appellant/Petitioner

Versus

Imvay Seay Health Respondent

Respondent No. 4

Notice to: - DHO DISTT Tank

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 25-10-16 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 5

Day of 10 20 16

at Camp Court Peshawar

Appointement account the subject post shall be subject to decision of the instant service appeal.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

14

10:10

10:10

10:10

10

DND DIST 10:10

82-10-10

10:10

10:10

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *289*

Appeal No. *969* of 20

Fazal Nadeem Appellant/Petitioner

Versus

through Saeed Health Respondent

Respondent No. *6*

Notice to: - *MS (DHO) Hospital Dist Tank*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *25/10/2016* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this *5* Day of *12* 20 *16*

at Camp Court D.I. Khan

Appointment against the subject post shall be subject to decision of the instant appeal
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

1877
The ...
...
...
...

...

...

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1671-75 /ST

Dated 10 / 10 / 2016

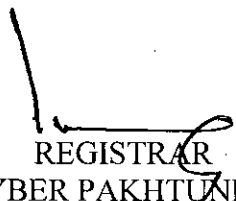
To

1. The Secretary Health, Peshawar.
2. Director General Health Services Peshawar.
3. District Health Officer, Tank.
4. District Account Officer, Tank.
5. Medical Superintendent Headquarter Tank.

Subject: - Order

I am directed to forward herewith a certified copy of Judgement dated 21.9.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Appeal No. 969 of 20 16

Fazal Nadeem Appellant/Petitioner

Imrugh Secy. Health Respondent

Respondent No. 2

Notice to: Secretary Health Dept Pesh

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 25-10-2016 at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....5.....

Day of.....10.....2016

of camp Court D/W

Appointment against the subject post shall be subject to decision of the instant service appeal.
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always mention Case No. while making any correspondence.

~~13/12~~

13/12

13/12

13/12

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TRB DK

No.

Appeal No. *969* of 20 *16*

Fazal Nadeem Appellant/Petitioner

Versus

Imam Secy Health Respondent

Respondent No. *3*

Notice to: - *Director General Health Services*
Pesh

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*9.5.16*.....at **8.00 A.M.** If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purposes of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....*5*.....

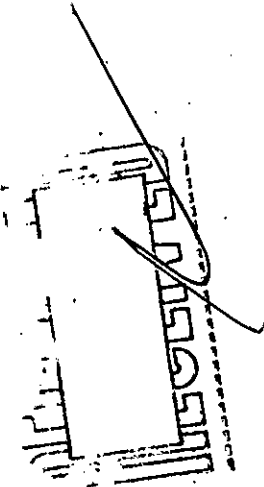
Day of.....*10*.....20 *16*

at camp court Dilan

*Appointments against the subject
should be subject to discipline
in instant service appeal.*

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.



PTC
Pittsburgh

111
111
111

3

111
111
111

22-10-1944

—

2

of
the
Pittsburgh
City
Council

of the

Note: 1. The
2. Always

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWA

Appeal No. 969/2016

MR. FAZAL NADEEM

(Appellant)

Versus:-

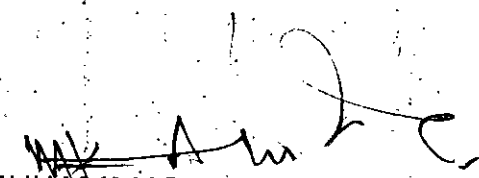
Government of Khyber Pakhtunkhwa through Secretary, Health and others

(Respondents)

INDEX

S.No	Description of documents	Pages
1	Preliminary Objections	1
2	Para wise Comments	2
3	Reply on Grounds	3
4	Copy of SNE (Annex-I)	4
5	Copy of DAO letter (Respondent 5) Annex-II	5
6	Copy of Guideline Letter to DGHS (Respondent 4) Annex-III	6
7	Copy of Corrigendum Order (Annex-IV)	7

Dated: 19/12/2016


DR. MUHAMMAD KHAN AFRIDI
MS DHQH TANK (DEPONENT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWA

Appeal No. 969/2016

MR. FAZAL NADEEM

(Appellant)

Versus:-

Government of Khyber Pakhtunkhwa through Secretary, Health and others

(Respondents)

AFFIDAVIT

I, Dr. Muhammad Khan Afridi, MS DHQH Tank (Respondent), do hereby solemnly affirm on oath that all para-wise contents of the above reply are true and correct to the best of my knowledge, belief and information, as per official record; that nothing has been deliberately concealed or kept secret from this august Tribunal.

Dated: 19/12/2016


DR. MUHAMMAD KHAN AFRIDI

MS DHQH TANK (DEPONENT)

CNIC NO. 17301-1270345-7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 969/2016

MR. FAZAL NADEEM

(Appellant)

Versus:-

Government of Khyber Pakhtunkhwa through Secretary, Health and others

(Respondents)

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENT NO.1, 3,4 & 6

PRELIMINARY OBJECTIONS.

- That the appeal is not maintainable and incompetent in the eyes of Law in the present form.
- That the appellant is estopped due to his own conduct to file this appeal.
- That the appellant has got no cause of action and locus standi to file instant appeal.
- That the appellant has not come to the Tribunal with clean hands and has suppressed all relevant facts.
- That the appeal is bad for misjoinder/non-joinder of necessary parties.
- That the appeal is badly time barred and the appellant has concealed the material facts from Honourable Tribunal.
- That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal in its present form.
- That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present form and context, and is liable for Rejection.
- That the appeal is weak having no force, fabricated, fictitious, based on ill will, mollified and having no footings in the eyes of law.
- That proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honourable Tribunal.

RESPECTFULLY SHEWETH

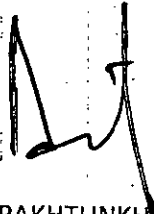
1. The Para No. 1 wants evidence to proof the claim of plaintiff.
2. Para No. 2 is correct.
3. Para No. 3 is incorrect.
4. It is incorrect to the extent that after the appointment of the petitioner he submitted medical certificate to respondent No. 6, but his appointment was illegally made be the respondent no. 4 as Dr. Aslam Baloch (Now retired).
5. Para No. 5 is correct, It is pertinent to mention that respondent No. 5 DAO Tank wrote a letter No. DAO/Tank/Admn/2685-86 dated 24-09-2014 to respondent No. 6 that there are 117 sanctioned posts of different categories in DHQ Hospital Tank, but 139 officials are drawing their pay over and above the sanctioned posts. In response of above-mentioned letter the respondent No. 6 wrote a letter to respondent No.3 for guideline vide this office letter are attached. (Both letters are attached). For overpayment to the officials respondent NO. 5 is responsible as no objection was raised on the salary bills of non sanctioned posts. As per law pre-audit is the responsibility of respondent NO. 5.
(ANNEX-II,III)
6. It is submitted that as the appellant at that time was in service, therefore on the orders of honorable High Court Peshawar DIKhan Bench, the salaries were released but later on the appellant was legally terminated.
7. the show cause notice was rightly served upon the petitioner as he was drawing salaries illegally.
8. It is correct, however the inquiry was not satisfactory.
9. It is incorrect that appellant was legally terminated from his service.
10. Pertains to record.
11. in reply of para -11 it is submitted that on the departmental appeal of applicant was rejected by the competent authority.
12. Para No. 12 is relates to the jurisdiction to the Hon'ble Service Tribunal KPK, which is legally correct. However detail reply on the grounds are as under:-

REPLY ON GROUNDS

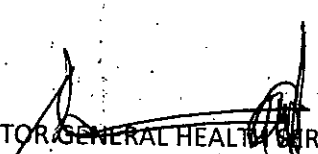
- a. Para (a) is incorrect and appellant was legally terminated from his service, and he was illegally appointed by the then DHO (Dr. Aslam Baloch) now retired.
- b. It is incorrect, appellant was illegally appointed.
- c. It is incorrect as the appellant was illegally appointed; therefore by observing all the codal formalities the appellant was legally terminated from the service.
- d. Incorrect, the appellant admits his illegal appointment which creates no right.
- e. It is incorrect and not admitted.
- f. It is incorrect, the appellant cannot claim the benefit of that inquiry.
- g. It is incorrect, the appellant get his illegal appointment order from the then DHO (Aslam Baloch) by adopting unfair means and after proper verification and inquiry the petitioner was legally terminated from his service.
- h. It is incorrect and appellant was legally terminated.
- i. It is incorrect. His order is void abinitio which creates no rights.
- j. In reply of para J, it is submitted that para-6 of termination orders has been wrongly mentioned due to clerical mistake, however corrigendum orders has been issued
(ANNEX-IV)
- k. It is incorrect, no approval was given by the District Selection Committee and no merit list was prepared.
- l. Incorrect.
- m. Incorrect and article 4 of the constitution is not applicable in the instant case.

PRAYER:

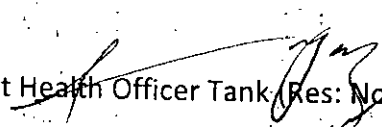
It is therefore, most humbly prayed that on acceptance of this para-wise comments, the appeal of the appellant may kindly be dismissed with cost.



SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT PESHAWAR
(RESPONDANT NO. 1)



DIRECTOR, GENERAL HEALTH SERVICE
KHYBER PAKHTUNKHWA, PESHAWAR
(RESPONDANT NO. 3)



District Health Officer Tank (Res: No. 4)



MS DHQH TANK (Res: No. 6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M. _____/2016

Appeal No. 891/2016

MR. ILLA UD DIN

(Appellant)

Versus:-

Government of Khyber Pakhtunkhwa through Secretary, Health and others

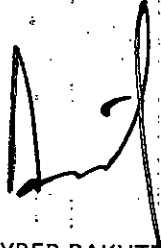
(Respondents)

WRITTEN REPLY FROM RESPONDANT NO. 1, 3,4 AND 6

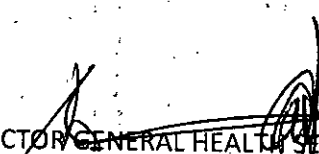
RESPECTFULLY SHEWETH

1. The reply of the main appeal may please be read as an integral part of this petition.
2. It is incorrect and the vacancies which were advertised in daily Mashriq dated 11-7-2016 and 19-07-2016 are filled after observing the codal formalities, as at present there is no vacant post.
3. In correct, as there is no prima facie case in favor of appellant.
4. Incorrect, the balance of convenience is not in favour of petitioner. The application has become infructuous as the posts which were advertised in the daily mashriq dated are filled after observing all the codal formalities.

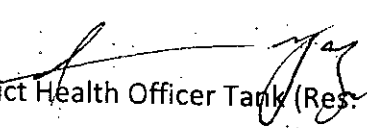
It is therefore requested that the application for the interim relief may kindly be dismissed.



SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT PESHAWAR
(RESPONDANT NO. 1)



DIRECTOR GENERAL HEALTH SERVICE
KHYBER PAKHTUNKHWA, PESHAWAR
(RESPONDANT NO. 3)



District Health Officer Tank (Res. No. 4)



MS DHQH TANK (Res. No. 6)

NO: DA-0/TM/ADMIN/2018/85 86 Date 20/9/18

The Medical Superintendent
Tank

SUBJECT-EXCESS DRAWAL OF POSTS BEYOND SANCTION STRENGTH

It is brought into your kind notice that following excess drawal of Non Gazetted posts beyond sanctioned strength has been made during 8/2018:

S.No.	NAME OF OFFICE	OF	COST CENTRE	SANCTIONED STRENGTH	DRAWAL OF POSTS	OF EXCESS
1	MS D.H.Q Tank		TK-7006	117	139	22

You are requested to depute a well conversant representative of your office for reconciliation purpose with this office.

M. Z. Tank
District Accounts Officer

Copy forwarded for information to:-
The D.G Health Khyber Pakhtunkhwa Peshawar.

Mr. Pader Dawaz
The then Accounts Officer
will provide reconciliation report
immediately

- Sd -
District Accounts Officer
Tank

[Handwritten signature]



OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL TANK

No _____/

Dated ____/____/2016

CORIGENDUM

In partial modification of this office orders bearing No. 2237 to 2446, para-6 & 4 (Whereas, you failed to produce any documentary proof i.e. original merit list etc) of these orders, may please be considered as "omitted" because it was mentioned due to clerical mistake.


No 2572-781

Copy to the:-

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. District Health Officer Tank
3. District Accounts Officer Tank
4. All Concerned.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

Dated 23/05/2016


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL TANK

No 1705

Dated 30/2/2014

To

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar

Subject: EXCESS DRAWAL OF POSTS BEYOND SANCTION STRENGTH

R/Sir,

It is submitted for your kind information that District Accounts officer Tank issued the subject captioned above letter address to MS DHQ Hospital Tank and copy of which is forwarded to your good honour vide his office letter No. DAO/TK/Admn/2685-86 dated 24/09/2014. (Copy attached for ready reference).

In this regard it is stated that total 32 employees are working over and above the strength, out of which 5 numbers employees of surplus pool were adjusted without availability of sanctioned posts, while remaining 27 appointments were made by the Ex-EDO (Health), beyond the sanctioned posts.

It is therefore, requested to initiate a fact finding enquiry, so as to proceed further into the matter.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

No 1706-09

Dated 30/2/2014

Copy to the:-

- I. PS to Secretary Health for information and correct solvency of matter to avoid the future complications.
- II. Commissioner D.I.Khan Division D.I.Khan for information please.
- III. Deputy Commissioner Tank for information please.
- IV. District Health Officer Tank


MEDICAL SUPERINTENDENT
DHQ HOSPITAL TANK

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 969/2016

Fazal Nadeem

Versus

Govt. of Khyber Pakhtunkhwa and others

REJOINDER FROM APPELLANT IN WRITTEN REPLY OF
RESPONDENT NO. 1, 3, 4 & 6

Respectfully Sheweth:-

REPLY ON PRELIMINARY OBJECTIONS:-

- i. Incorrect and misconceived. Service appeal of the appellant is maintainable and competent in the eye of law.
- ii. Incorrect. Appellant come to the court with clean hands.
- iii. Incorrect. The appellant has got clear cause of action and locus standi against the respondents.
- iv. Incorrect. Appellant annexed all the relevant available record with his appeal and by saying that appellant suppressed the facts is incorrect, hence, not admitted.
- v. Incorrect. All the necessary parties are included in the present appeal of the appellant.
- vi. Incorrect. Appellant's appeal is well within time.
- vii. Incorrect. Honourable Tribunal has got vast and ample powers to adjudicate upon the matter in issue under the law which is available in the KPK Service Tribunal Act 1974 and by laws therein.
- viii. Incorrect and misconceived. Appeal of the appellant is prima facie against the respondents.
- ix. Incorrect and misconceived. Appeal of the appellant is prima facie against the respondents' act of illegal order of removal from service on flimsy grounds.
- x. Incorrect and misconceived. Appellant come to the court for the redressal of his genuine grievance under the law and the Tribunal has very much ample power to entertain such like service appeals.

Objections on Facts:-

- 1) Incorrect. The appellant is laws abide citizen and enjoying well reputation in the society that is why the appellant was validly appointed by the then competent authority. Appellant's appointment is a proof which is already placed on file.
- 2) Incorrect and misconceived. Respondent No. 4 was the competent authority at that time and now he himself submitted reply in the court which is admission on the part of respondents and plea taken by the respondents in para no. 2 of the reply in respect of relation of appointments advertisement on the shoulder of respondent No. 4 is alien to law, hence, not admitted and acceptable in the eye of law and natural justice.
- 3) Incorrect and misconceived. Appellant being fully qualified for the post as per the advertisement made and after fulfilling all the codal formalities appointment of the appellant was made in accordance with law. Moreover, not having sanctioned post at the time of appointment is the irregularity which was the duty of appointing authority not the appellant being victimized for the same, hence, shifting of responsibility to the concerned appointing authority regarding appointment against non sanctioned posts is alien to law, hence, not admissible in the eye of law.
- 4) Admitted by the respondents.
- 5) Incorrect and misconceived. After the appointment the appellant drawn his salaries from the quarter concern by the recommendation of the competent authority and now stating in reply that over payment to the official is not the wrong of appellant but respondents in their reply admitted that it is the fault of respondent No. 5 so, it is clear from the averments made by the respondents in their reply that the appellant has no fault at all in the issue. Letters enclosed with the reply are illegal and in affective upon the protective rights of appellant.
- 6) Incorrect and misconceived. Appellant's appointment order is very much clear in the regard in which categorically mentioned that the appellant is appointed against the clear vacant post at DHQ Hospital Tank and there is nothing mentioned in the said letter regarding the issue of ex-cadre post at belated stage stating that the appellant was appointed against ex cadre post is illegal, void ab initio, hence not admitted. Moreover, the honourable Peshawar High Court bench Dera Ismail Khan very graciously issued the order regarding releasing of salary of the appellant is the proof of vacant post against which the respondents complying/implemented/redressed the grievance of stoppage of salary. Copy of order mentioned above is already enclosed with the appeal.
- 7) In correct and misconceived. The show cause notice issued by the respondents is the result of contempt of court proceedings at Peshawar High Court Bench Dera Ismail Khan hence, it could safely be held that the show cause notice and other proceedings against the appellant is the result of counter blast of the proceedings at Peshawar High Court. Because the respondents did not take any action against

the appellant before institution of case at Peshawar High Court which shows malafide on the part of respondents.

- 8) Admitted by the respondents hence no reply.
- 9) Incorrect and misconceived. Appellant was appointed against the clear vacant post by the District Selection Committee under the Chairmanship of the EDO Health Tank and with reference to the interview held on 20/04/2012. Copy is already enclosed with the appeal. Nevertheless, the respondents in reply illegaly stating the word Termination/Terminated against the appellant while actually the appellant was allegedly removed from service on procedural wrongs/violation of the authority which shows the clear contradictions, hence not admitted. It is settled law that appointments made by competent authority on the recommendations of departmental selection Committee after performing all formalities the petty employees after that performing their duties and thereafter department had been paying the monthly salaries and other benefits to the appointees so, service of the appointees could not be terminated simply on the ground that some irregularities were committed by the department during process of appointment of the appointees.
- 10) Admitted by respondents, hence, no reply.
- 11) Incorrect and misconceived. The concerned competent authority after the laps of statutory limitation of department appeal not decide the appeal, hence the appeal in hand is made in the Tribunal against the illegal removal from service.
- 12) Incorrect and misconceived. Appellant has legal and vested right to approach the learned Tribunal.

OBJECTION ON GROUNDS:

- a) Incorrect and misconceived. The impugned removal order dated 09/05/2016 and indecision of appellants departmental appeal is illegal, against services laws and rules, without jurisdiction, in violation of the precedents of apex courts of the country and is not justifiable for any reason whatsoever. Moreover, the wrong, if any, done by the public functionary authority cannot be allowed to take benefit of its lapses in order to remove services of employees merely because it has itself committed irregularity in violating procedure governing such appointment.
- b) Incorrect and misconceived, partially admitted by the respondents. The appellant was not illegally appointed against the post and the appellant had been served the department for almost four and a half years and his valuable rights are protected under the law.
- c) Incorrect and misconceived. Appellant was appointed after observing all the coddle formalities and no chance of personal hearing has been given to the appellant by the respondents

which amounts to condemn unheard, hence, removal order is against law and natural justice.

- d) Incorrect and misconceived. Appellant never ever admitted his appointment as illegal in his appeal.
- e) Incorrect and misconceived. The removal order of the appellant is baseless and was issued without adopting any coddle formalities and without giving a chance of personal hearing to the appellant, hence, the appellant is condemn unheard.
- f) Misconceived. Prior to the instant inquiry in which the case of the appellant including the others were scrutinized facts and allegations and thereafter detail report recommendation were submitted vide which all the appointments were declared in accordance with law and rules by the then inquiry office. Copy enclosed with the appeal. The appellant is very much entitled/beneficiary of the said inquiry and after that inquiry the respondents launched/imposed another inquiry is the result of political victimization, favoritism and is void ab initio because it is settled law that no one should be punished twice in the same allegations.
- g) Incorrect and misconceived. Appellant never ever approached to the concerned official the then DHO for getting his appointment against the post and mere allegations leveled by the respondents in reply and no solid proof in this regarding is enclosed with their reply, hence, mere allegations cannot be considered as gospel truth on the part of respondents, hence not admitted.
- h) Incorrect and misconceived. In para 4 of the impugned removal order the M.S DHQ Hospital Tank stated, "whereas you failed to produce any documentary proof (i.e. original merit list etc) whether the appellant is/was supposed to keep the merit list in his possession or it was the duty of the office to keep the record and whether the appellant can be penalized for non maintenance of the record by the record keeper? This important aspect has been ignored by the respondent No. 6 while passing the impugned removal order, whereas in the earlier inquiry held in 2013 all the record was available in the office which was scrutinized by the inquiry office and that is why the said inquiry was decided in favor of the appellant.
- i) Incorrect and misconceived. Admitted by the respondents that after termination of the appellant malafidely advertise the same posts which shows the department is in need of employees but unfortunately after completing almost four and a half year service the appellant was removed from service for just satisfaction of the political God fathers of the area.
- j) Incorrect and misconceived. At this stage corrigendum issued by the respondent No. 6 is the result of mala fide and afterthought which could not be considered under the law because that corrigendum has not been served to the appellant and other affectees of the corrigendum. The said corrigendum reveals that

the authority who removed the appellant has no knowledge about the Rules and Regulations of the department, hence, not admitted. Moreover, issuance of corrigendum is not for the correction of any clerical mistake rather it amounts to amendment of the impugned removal order of the appellant which is bad in law and the court of law defined word "CORRIGENDUM" in judgments PLJ 1987 Peshawar page 90 & PLD 1987 Peshawar 68.

- k) Incorrect and misconceived. The appellant was appointed by the competent authority through approval accorded by the District Selection Committee under the chairmanship of the then EDO against vacant posts. In this respect, documentary proves are already placed on file.
- l) Incorrect and misconceived. The colleagues of the appellant are still working at their respective posts and getting monthly salaries from the respondents' department which shows discrimination on the part of respondents specially respondent No. 6. Fresh salary slips of such employees are enclosed herewith.
- m) Incorrect and misconceived.

In wake of submissions made above, it is therefore, humbly requested that written reply of the respondent No. 1, 3, 4 & 6 declared as baseless and appeal of the appellant may please be accepted as prayed for. Any other relief deems appropriate may please be given to the appellant.

Dated: 26/03/2017

Yours Humble Appellant

Fazal Nadeem

Through Counsel

M. Waqar Alam
Advocate High Court

M. Waqar Alam
29/3

AFFIDAVIT

I, **M. Waqar Alam** Advocate High Court counsel of the petitioners, under the instructions of my client, do hereby solemnly affirm and declare on Oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Court.

Dated: ___/03/2017



Deponent

M. Waqar Alam
29/3

SM:1

Rank

P Sec: 001 Non-Com June 2017
TK7006 -MS District Head Quarter
MS DISTRICT HEAD QUARTER

Pers #: 00686114 Buckle:
Name: ZAIN UD DIN
DRIVER

NTN:
GPF #: 69411*
Old #:

CNIC No. 1220156083629
GPF Interest Applied
06 Active Permanent

TK7006

PAYS AND ALLOWANCES:

0001-Basic Pay	10,780.00
1000-House Rent Allowance	1,029.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
1567-Washing Allowance	150.00
1973-Adhoc Allowance 2010@ 50%	1,715.00
2148-15% Adhoc Relief All-2013	271.00
2199-Adhoc Relief Allow @10%	209.00
2211-Adhoc Relief All 2016 10%	1,078.00
Gross Pay and Allowances	18,664.00

DEDUCTIONS:

GPF Balance	36,068.00	Subtr	798.00
-------------	-----------	-------	--------

Total Deductions

798.00

17,866.00

D. O. B
01.07.1969

05 Years 01 Months 016 Days

LFF Quota:
Payment through DDG.

LIST OF CASES

S.No.	Title of Case	Post
1	Ilaud Din Vs. Govt. of KPK etc	Store Keeper (BPS-06)
2	Fazal Nadeem Vs. Govt. of KPK etc	Plumber (BPS-05)
3	Naimatullah Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
4	Munir Khan Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
5	Imran Khan Vs. Govt. of KPK etc	Cleaner (BPS-01)
6	Asmatullah Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
7	Meherban Vs. Govt. of KPK etc	Ward Ardali (BPS-02)
8	Umer Hayat Vs. Govt. of KPK etc	X-Ray Attendant (BPS-02)
9	Wajid Munir Vs. Govt. of KPK etc	Electrician (BPS-06)
10	Irfanullah Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
11	Gulfam Hussain Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
12	Shaukat Khan Vs. Govt. of KPK etc	Carpenter (BPS-05)
13	Waris Khan Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
14	Hidayat Ullah Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
15	Muhammad Ali Vs. Govt. of KPK etc	Sweeper (BPS-01)
16	Sami Ullah Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
17	Muhammad Waqas Vs. Govt. of KPK etc	Ward Attendant (BPS-02)
18	Waheed Khan Vs. Govt. of KPK etc	Chowkidar

Through Counsel

M. Waqar Alam
Advocate High Court

M. Waqar Alam
24.10