

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 269/2016

Date of Institution... 21.03.2016

Date of decision... 10.10.2018

Syed Nizam Ali Shah S/O Syed Abbas Ali Shah, posted as "Hakim" at Civil Hospital Dassu Kohistan. (Appellant)

Versus

1. District Account Officer, Dassu, Kohistan and four others. (Respondents)

Mr. Noor Muhammad Khattak,
Advocate ... For appellant.

Mr. Ziaullah,
Deputy District Attorney ... For respondents.

MR. AHMAD HASSAN, ... MEMBER
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. Brief facts of the case are that the appellant was ^{appointed} ~~employed~~ as Hakim (BPS-16) on contract basis in Civil Hospital Dasu, Khaistan vide notification dated 17.05.2007. That his services with effect from the date of initial appointment were regularized vide notification dated 27.05.2014. That respondents started deduction of Rs. 20000/- per month from his salary for the reason that he did not perform

duty. He filed departmental appeal on 24.11.2015 which was not responded within the stipulated period, hence, the instant service appeal on 21.03.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the controversy involved in the current appeal was deduction of Rs. 20000/-P.M from his pay for the period from 01.07.2010 to 20.06.2014 (four years) as he did not perform duty. Services of the appellant were regularized after promulgation of Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of Services) Act, 2014. Prior to that he was working on contract basis. He rebutted the claim of the respondents about non-performance of duty between the period referred to above and clarified that he was on duty. Order of recovery of 20000/-P.M issued on the directions of Ex-DHO Kohistan was arbitrary, illegal and unlawful. No enquiry what so ever was conducted by the respondents before passing the order of recovery so the same was not tenable in the eyes of law. He was condemned unheard. His departmental appeal was still pending before the departmental authority, hence, forced to file this appeal.

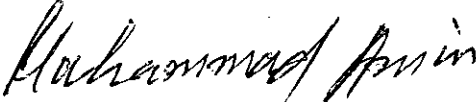
4. On the other hand, the learned Deputy District Attorney argued that as he did not perform duty from 1.07.2010 to 20.06.2010, so he was not entitled for payment of salary. As lump sum payment of salary for the said period was allowed to him so the respondents had no other option but the recovery from his salary in installments. Order passed by the respondents was in accordance with law and rules.

CONCLUSION.

5. The appellant was appointed as Hakim (BPS-16) on contract basis vide notification dated 17.05.2007. Subsequently, vide notification dated 27.05.2014 his services were regularized from the date of his initial appointment i.e 17.05.2007. The main charge leveled against the appellant is that he did not performed duty from 01.07.2010 to 20.06.2014(four years) as such he was not entitled for lump sum salary to the tune of Rs. 1125000/- drawn by him for the said period. Resultantly the Ex-DHO, Kohistan ordered recovery of Rs. 20000/- P.M from the salary of the appellant. As proper enquiry before deduction of pay was not conducted by the respondents so order of recovery was illegal order and nullity in the eyes of law. He was condemned unheard. It is interesting to note that similarly placed persons got arrears of pay vide order dated 13.11.2017 but case of the appellant was referred by the DHO, Kohistan for advice to the Secretary Health on 26.04.2017. Treatment meted out to the appellant was discriminatory. It was also not clear as to whether the Health Department tendered any advice in the matter or otherwise? There is strong justification for thorough probe in this case and thereafter orders deemed appropriate be passed.

6. His departmental appeal dated 24.11.2015 was not decided by the respondents within the stipulated period. Had it been decided by the respondents it would have put an end to the controversy involved in the present service appeal. In view of the above stated circumstances the appeal is remitted back to the respondents to decide his departmental appeal through a speaking order within a period of 90 days after receipt of this judgment. However, before deciding his departmental appeal the controversy of overpayment/deduction may also be resolved to meet the ends of justice. Till then recovery may not be made from the

appellant. The appeal is disposed off in the above terms. Parties are left to bear their own cost. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
Member


(AHMAD HASSAN)
Member


ANNOUNCED
10.10.2018

Order

10.10.2018 Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is remitted back to the respondents to decide his departmental appeal through a speaking order within a period of 90 days after receipt of this judgment. However, before deciding his departmental appeal the controversy of overpayment/deduction may also be resolved to meet the ends of justice. Till then recovery may not be made from the appellant. The appeal is disposed off in the above terms. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
10.10.2018


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

13.04.2018


Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Partly arguments heard. Learned DDA seeks adjournment. Adjourned. To come up for further arguments on 26.06.2018 before D.B.



(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

26.06.2018

Appellant alongwith junior to Mr. Noor Muhammad Advocate present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Junior to Mr. Noor Muhammad Advocate submitted wakalatnama in favor of appellant and seeks adjournment as he is not in attendance Adjourned. To come up for arguments on 15.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

15.08.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Due to general strike of the bar, the case is adjourned. To come up on 10.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

269/2016

18.01.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Muhammad Arshad, S.O and Amjad Ali, Assistant for the respondents present. Counsel for the appellant requested that the instant appeal may be fixed at principal seat. Request is accepted. To come up for arguments on 16/2/18 at, Peshawar.


Member


Chairman
Camp Court, A/Abad

16.02.2018

Learned counsel for the appellant and Mr. Zia Ullah, Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.04.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member















14.02.2017

Counsel for the appellant and Mr. Muhamniad Haroon, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing on 17.05.2017 before the D.B at camp court, Abbottabad.

Member
Camp court, A/Abad

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, to come up for the same on 22.11.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly

Registrar

22.11.2017


Appellant in person and Mr. Kabeerullah Khattak, Addl. AG alongwith Yar Gul, Senior Clerk, Amjad Ali, Assistant Muhammad Irshad, S.O and Ulfat Ali, AAO for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 18.1.2018 before the D.B at camp court, Abbottabad.

Member

Chairman
Camp Court, A/Abad.

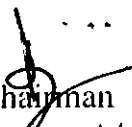
22.09.2016

Appellant present in person and Mr. Ziaul Haq, Drug Inspector alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply by respondent No. 3 already submitted. Learned Sr.GP requested for further adjournment on behalf of respondents No. 1, 2, 4 & 5. Last opportunity granted. To come up for written reply/comments of respondents No. 1, 2, 4 & 5 on 22.12.2016 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

22.12.2017

Appellant in person M/S Ulfat Ali, AAO, Muhammad Haroon, Assistant. Muhammad Irshad, SO and Yar Gul, Assistant alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply by respondents No. 1, 2, 4 and 5 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 14.02.2017 at camp court, Abbottabad. The respondents will not make recovery from salary of the appellant till further orders.


Chairman
Camp court, A/Abad

Appeal No. 269/2016
Hakim Syed Nizam Ali Shah

29.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Hakeem, civil servant, in Civil Hospital Dassu, Kohistan in BPS-16. That a deduction of Rs. 20000/- per month from the salary of the appellant with effect from September 2015 upto February 2016 where-against he preferred departmental appeal on 24.11.2015 which was not responded and hence the instant service appeal on 21.3.2016.

That the said recovery is without any notice and knowledge of the appellant and unilaterally made as such appellant entitled to reimbursement.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 20.7.2016 before S.B at Camp Court Abbottabad as the matter pertains to the territorial limits of Hazara Division. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

Appellant Deposited
Security & Process Fee

Chairman

20.07.2016



Appellant in person and M/S Raja Muhammad, Senior Auditor and Ziaul Haq, Drug Inspector alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply by respondent No. 3 submitted. Learned Sr.GP seeks adjournment for written reply of 1,2,4&5 on 22.09.2016 before S.B at camp court, Abbottabad.

Chairman
Camp court, A/Abad,

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 269/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21.03.2016	<p>The appeal of Syed Nizam Ali Shah presented today by Pir Syed Muhammad Sajjad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22.3.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>24.3.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No 2169 2016

Syed Nizam Ali Shah

VERSUS

District Accounts Officer and others

I N D E X

S NO	DESCRIPTION	ANNEX	PAGE
1.	Grounds of Appeal alongwith Affidavit	-	01 - 05
2.	Application for interim relief with affidavit	-	06 - 08
3.	Addresses of the parties	-	09
4.	Copy of the office order dated 17-05-2007	'A'	10 - 12
5.	Copy of the arrival report	'B'	13
6.	Copy of the charge report	'C'	14
7.	Copy of the notification	'D'	15 - 18
8.	Copies of the monthly salaries statement for the month of September, 2015 to February, 2016	'E/1'- E/7'	19 - 25
9.	Copy of the grounds of appeal	'F'	26
10.	Wakalat Nama (In original)	-	27

Syed Nizam Ali Shah
Appellant

Through:

S. Muhammad Sjjad
(PIR SYED MUHAMMAD SJJAD)
Advocate,
High Court, Peshawar
Cell # -0321-9072383

Dated: -21-03-2016

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No 269 2016

H.W.P. Province
Service Tribunal
Diary No 246
Dated 21-03-2016

Syed Nizam Ali Shah S/O Syed Abbas Ali Shah, posted as "Hakim"
at Civil Hospital Dassu Kohistan

(Appellant)

V E R S U S

1. District Account Officer, Das, Kohistan
2. Director General, Health (Services) Khyber Pakhtunkhwa at Peshawar
3. District Health Officer, Kohistan
4. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
5. Accountant General, Khyber Pakhtunkhwa Peshawar

(Respondents)

Appeal under Section 4 (a) of Service Tribunal Act, 1974 (Khyber Pakhtunkhwa) against the monthly salary statements from the month of September 2015, October 2015, November 2015, December 2015, January 2016 and February 2016 issued by Respondent No 1, whereby deductions @ Rs 20,000/- per month have been made from the Appellant, which is illegal, unlawful, unjust, arbitrary and predatory in nature and Respondents have no legal backing to recovery the paid amount of Rs 11,25,000/- which would be mala-fide in absence of any recovery notice or show cause or statement of allegations or audit report

Filed to the
Registrar
21/3/16

S. Nizam Ali Shah

PRAYER IN APPEAL:-

- a) On acceptance of appeal, setting aside the deductions in monthly salary statements from the month of September, 2015 till-date.
- b) Reimburse the deducted amount of Rs 20,000/- per month of September, 2015 till February, 2016 which was illegally and unlawfully deducted from the salary of the Appellant.
- c) Any other relief deemed appropriate, may also be allowed to the Appellant

Respectfully Sheweth:-

The Appellant very humbly submits as under:-

- 1) That the Appellant was initially appointed on three years contract on 17-05-2007 as Hakim (BPS-16). (Copy of the office order is attached as Annex 'A').
- 2) That the Appellant was posted at Civil Hospital, Dassu Kohistan and submitted his arrival to Respondent No 3. (Copy of the arrival report dated 21-05-2007 is attached as Annex 'B').
- 3) That the Appellant assumed charge of duty. (Copy of the charge report is attached as Annex 'C').
- 4) That later on services of the Appellant was regularized vide notification on 17-05-2007. (Copy of the notification No SOH-111/10-4/2005/Hemco is attached as Annex 'D').
- 5) That Respondent No 1 has issued monthly salary statements, whereby deduction @ Rs 20,000/- per month

S- Muhammad Zoha

have been made till-date, which recovery is illegal, unjust, unlawful, arbitrary and predatory in nature. It is necessary to mention that till August, 2015, the Appellant was receiving full pay and package. (Copies of the monthly salaries statements i.e. September 2015 to February, 2016 are attached as Annex 'E/1' and E/7').

- 6) That the Appellant filed departmental appeal on 24th November, 2015 before Respondent No 2, but no decision has been rendered or communicated to Appellate till the statutory period limitation. (Copy of the Appeal is attached as Annex 'F').
- 7) That feeling personally aggrieved from the mala-fide, illegal, unjust act of Respondents, the Appellant seeks the redressal of his grievances on the following grounds inter-alia:-

GROUND:-

- A) That the Respondents have neither issued any recovery notice; thus violated the codal formalities nor have called any explanation from the Appellant.
- B) That Appellant has not been furnished any opportunity of hearing; thus violated the principle of Audi-Alterum-Partem.
- C) That the Appellant has not been associated with any departmental proceedings, if any.

S. Madhannagar

- D) That all the impugned monthly statements annexed are the result of faults mainly rest with Respondents.
- E) That the Appellant has been serving the department regularly and diligently.
- F) That case of the Appellant has been discriminated altogether.
- G) That the Respondents have badly failed to fix responsibility in the event of any wrong doing, if any, on part of Appellant.
- H) That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant Appeal, the deduction @ Rs 20,000/- per month made from September 2015 till February 2016 in the month salary statement of the Appellant may kindly be set aside and the Respondents may be restrained from future deductions from the Appellant's salary and also be directed to make full payment of salary to the Appellant.

S. Mohd. Saad

[Handwritten signature]
Appellant

Through:

[Handwritten signature]
(PIR SYED MUHAMMAD SAJJAD)
Advocate,
High Court Peshawar

Dated: -18-03-2016

Note:-

No such like appeal for the same Appellant has earlier been filed by me, prior to the instant one.

Advocate
[Handwritten signature]

5

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No _____ 2016

Syed Nizam Ali Shah

VERSUS

District Account Officer and others

AFFIDAVIT

I, Syed Nizam Ali Shah S/O Syed Abbas Ali Shah, posted as "Hakim" at Civil Hospital Dassu Kohistan, do hereby solemnly affirm and declare on Oath that all the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Tribunal.

Syed Nizam Ali Shah
S.N.A.S. / Shah

DEPONENT

Identified by:-

S. Muhammad Sajjad

(PIR SYED MUHAMMAD SAJJAD)
Advocate,
High Court, Peshawar

ATTESTED



S. Muhammad Sajjad
22/01/16

S. Muhammad Sajjad

BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No _____/2016

Syed Nizam Ali Shah

V E R S U S

District Account Officer and others

Application for interim relief for the
restraining the Respondents from recovery
future deductions from Petitioner's salary

Respectfully Sheweth: -

- 1) That the above noted appeal has been filed today, in which no date of hearing has not yet fixed.
- 2) That the contents of the accompanied appeal may kindly be read as part and parcel of the petition.
- 3) That the Respondents are illegally and unlawfully deducting Rs 20,000/- per month from the Petitioner's salary without showing any valid reason or cause.
- 4) That the Petitioner has got good prima facie case on merits and in sanguine about success of the appeal.
- 5) That balance of convenience lies in favour of the Petitioner/Appellant.
- 6) That the Petitioner/Appellant would suffer irreparable loss, if injunction is declined and interim relief is not granted.

S. M. A. J. Bar

It is, therefore, humbly requested that by accepting this petition, the Respondents may kindly be directed/restrained from deductions/recovery of Rs 20,000/- per month from the Petitioner's salary till final disposal of the appeal on merits.

[Handwritten signature]

Petitioner/Appellant

Through:

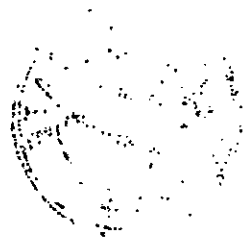
[Handwritten signature]

(PIR SYED MUHAMMAD SAJJAD)

Advocate,
High Court, Peshawar

Dated:-21-03-2016

[Vertical handwritten signature]



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA
PESHAWAR

Service Appeal No _____ 2016

Syed Nizam Ali Shah

V E R S U S

District Account Officer and others

AFFIDAVIT

I, Syed Nizam Ali Shah S/O Syed Abbas Ali Shah, posted as "Hakim" at Civil Hospital Dassu Kohistan, do hereby solemnly affirm and declare on Oath that all the contents of accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Tribunal.

Syed Nizam Ali Shah

DEPONENT

Identified by:-

S. Muhammad Sajjad

(PIR SYED MUHAMMAD SAJJAD)
Advocate,
High Court, Peshawar

ATTESTED



S. Muhammad Sajjad
21/03/2016

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No _____ 2016

Syed Nizam Ali Shah

VERSUS

District Accounts Officer and others

ADDRESSES OF THE PARTIES

APPELLANT

Syed Nizam Ali Shah S/O Syed Abbas Ali Shah, posted as "Hakim" at
Civil Hospital Dassu Kohistan

RESPONDENTS

1. District Accounts Officer, Das, Kohistan
2. Director General, Health (Services) Khyber Pakhtunkhwa at
Peshawar
3. District Health Officer, Kohistan
4. Secretary Finance, Khyber Pakhtunkhwa, Peshawar
5. Accountant General, Khyber Pakhtunkhwa Peshawar

Through:

Appellant

(PIR SYED MUHAMMAD SAJJAD)
Advocate,
High Court Peshawar

Dated: -21-03-2016

S. M. Sajjad

DIRECTORATE GENERAL HEALTH SERVICES, N.W.F.P. PESHAWAR

OFFICE ORDER

Annexure "A"

Consequent upon approval of the Departmental Selection Committee, the following are hereby appointed as Hakims BPS-16 (3805-295-12655) with usual allowances as admissible under the Rules as per terms and conditions mentioned below: -

S #	Name	F/Name	Place /Station of Posting
1	Mustafa Khan	Muhammad Anwar	DHQ: Hospital Abbottabad
2	Shah Ibrahim	Muhammad Fazal Shah	DHQ: Hospital Battagram
3	Syed Muhammad Noor-ul-Islam	Umar Said	DHQ: Hospital Dagger Buner
4	Sohail Razaq	Abdur Razaq	DHQ: Hospital Haripur
5	Muhammad Nasir Rafique	Abdul Majced	AHQ: Hospital Batkhela Malakand
6	Khaista Mohammad	Sher Ali Khan	Civil Hospital Alpuri Shangla
7	Muhammad Saleem	Gazi Habib-ur-Rahman	DHQ: Hospital Manshra
8	Muhammad Noor Akbar	Akbar Khan	DHQ: Hospital Mardan
9	Falak Naz	Mir Nawaz Khan	DHQ: Hospital Hangu
10	Ihsan-ul-Haq	Saheb-e-Haq	DHQ: Hospital Swabi
11	Syed Nizam Ali Shah	Syed Abbass Ali Shah	Civil Hospital at Dassu Kohistan

ATTESTED TO BE TRUE COPY

S. Muhammad Sayyid

✓

- 1: Their appointments will be purely on Contract basis for Three Years renewable on yearly basis till project life and subject to satisfactory performance of the officials
 2: Their services will be liable to termination at any time without assigning any reason or giving any notice during the incumbency of the contract period.

24	Muhammad Fahcem	Younis	Muhammad Aicem	Yousaf	City Hospital	Kohat Road	Peshawar
23	Wahid-ud-Din Anwar		Ahmad Rafiq-ud-Din		DHQ: Hospital	Nowshera	
22	Abdul Rehman		Muhammad Nazir		DHQ: Hospital	Chitral	
21	Habib-ur-Rahman		El Akbar Khan		DHQ: Hospital	Marwat	
20	Tariq Shah		Anwar Shah		DHQ: Hospital	Kohat	
19	Sultan Shah	Muhammad	Noor Shah	Muhammad	DHQ: Hospital	Karak	
18	Khanzada		Jafar Khan		DHQ: Hospital	Upper	
17	Fazle Rabi		Fazal Muhammad		DHQ: Hospital	Timergara Dir	Lower
16	Faiz Muhammad Asad		Yar Muhammad		DHQ: Hospital	Tank	
15	Muhammad Zafri	Abdullah	Sanaullah	Khan	DHQ: Hospital	D.I. Khan	
14	Asad Jan		Iqbal Gul		DHQ: Hospital	Charsadda	
13	Sahib Rahman		Adur Rahman		DHQ: Hospital	Bannu	
12	Muhammad Chouri	Rahim	Muhammad Shoab		Saidu Group of	Hospital Swat	

ATTESTED TO
BE TRUE COPY

S. Muhammad Zafri

11

S. M. Khan

ATTESTED TO
BE TRUE COPY

17/05/07

DIRECTOR GENERAL HEALTH SERVICES, NWFP PESHAWAR

[Signature]

Hakim Syed Nizam Ali Shah S/O Syed Abbas Ali Shah P.O. District Peshawar

- 10. Official concerned.
- 9. P.A. to Director General Health Services, NWFP.
- 8. Assistant Director (Accounts) DGHS NWFP Peshawar.
- 7. All Medical Superintendent DHQ Hospitals in NWFP.
- 6. All Executive District Officers (Health) in NWFP.
- 5. All District Account Officers in NWFP.
- 4. All District Coordination officers in NWFP.
- 3. Accountant General, NWFP Peshawar.
- 2. PS to Ministry Health.
- 1. P.S. to Secretary Health NWFP.

Copy forwarded to: / / Homco/Tibb, Dated Peshawar the 17/05/2007

SD/
DIRECTOR GENERAL HEALTH SERVICES, NWFP PESHAWAR

- 9. The candidate will execute agreement Deed (specimen attached) within 10 days on judicial stamp paper.
- 8. If the above conditions are accepted, they will have to join the project within 10 days of the issuance of this order on his own expenses.
- 7. Their appointments will be subject fitness certificate from Medical board.
- 4. On the expiry of contract period, they will not claim any right of pension or gratuity.
- 3. If any official/officials wish to quit his services he will have to submit resignation on prior notice in writing at least one month earlier failing which one month pay will be forfeited and till such time he will continue to served the Health Department.

(12)

A 7

13

The Executive District officer,
(Health) Kohistan.

Annexure "B"

Subject:- ARRIVAL REPORT.

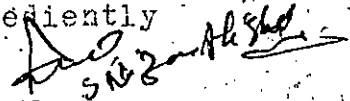
R/Sir.

With reference to the Director General Health Services
ENWP: Peshawar office order No. 1063-1163/Homeo/Tabb; dated 17/5/07.

I ~~have~~ have the honour to submit herewith my Arrival
report at RHC: Dassu as a Hakims LPS:16 to day on 21/5/2007(FW)
for your kind information and further necessary action please.

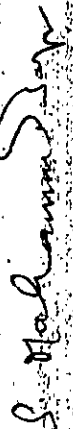
Dated 21/5/2007.

Yours Obediently



Mr. Syed Nizam Ali Shah
Hakims RHC: Dassu. District
Kohistan.

ATTESTED TO
BE TRUE COPY



14

No. _____ / P.F: Dated Kohistan the _____ /5/2007.

From:-

The Executive District Officer,
(Health) Kohistan.

To:-

The Director General Health,
Services Bunk: Peshawar.

Annexure "C"

Subject:-

Change of Charge Officer.

Memo:-

Reference your office order No. 1068-1163/Hono/14th
Dated 17/5/2007.

I have the honour to inform your good self that
Mr. Syed Nizam Ali Khan newly appointed Makias assumed his charge of
duty at Rural Health Centre, Dassa, (District Kohistan) on the 21/5/2007.
(En) .

Proper charge report is submitted in duplicate for
favour of further necessary action please.

EXECUTIVE DISTRICT OFFICER
(HEALTH) KOHISTAN.

No. _____ / P.F:

Copy alongwith charge report is forwarded to the:-

1. District accounts officer Kohistan.
2. Medical officer (charge) Dassa.
3. Official concerned.

for information and action.

[Signature]
EXECUTIVE DISTRICT OFFICER
(HEALTH) KOHISTAN.

ATTESTED TO
BE TRUE COPY

[Handwritten signature]

15/8

VAKALATNAMA

Before the Khyber Pakhtunkhwa Service Tribunal
OF 2018 Peshawar

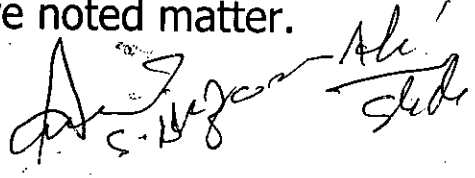
Syed Nizam Ali Shah (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


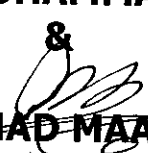
Health Deptt. (RESPONDENT)
(DEFENDANT)

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

Dated. ___/___/2018



CLIENT

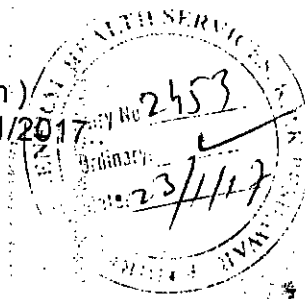

ACCEPTED
NOOR MOHAMMAD KHATTAK
&

MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No. **0345-9383141**

OFFICE OF THE
DISTRICT HEALTH OFFICER,
KOHISTAN AT DASSU.

NO. 134 /PF(Nizam Ali Shah)

Dated Kohistan Dassu the 13/01/2017



To,

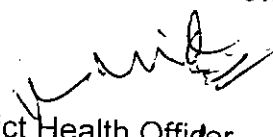
The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar

SUBJECT. MINUTES OF MEETING REGARDING CLARIFICATION OF THE INTERVENING PERIOD OF HOMEO AND TIBBEES WHOSE CONTRACT/ADHOC SERVICES REGULARIZED UNR KHYBER PAKHTUNKHWA PESHAWAR TIBB AND HOMEOPATHIC EMPLOYEES ATC, 2014.

Respected Sir,

With Reference to your office letter No.7284-7334/Personnel Dated 27.10.2016 and your office endostt.No.4182-4206/personnel dated 17.12.2015 and in continuation of this Office endostt.No.10534/Nizam Ali Shah Hakeem/Tabeb, 2016 dated 05.12.2016 addressed to the Medical Officer Incharge RHC Dassu and copy duly endorsed to your good Office vide this Office letter No.10535/ Dated 05.12.2016 on the subject noted above.

I have the honour to submit letter No.Nil Dtd 14.12.2016 regarding the subject noted above issued by the Medical Officer I/C RHC Dassu is submitted herewith for necessary action in this regard please.


District Health Officer,
Kohistan at Dassu

No. 135 /

A Copy is forwarded to :Medical Officer I/C RHC Dassu for information with reference to his letter No.Nil dated 14.12.2016 please.


District Health Officer,
Kohistan at Dassu.





26/11

Office of the
District Accounts Officer
Dir Upper
Ph # 0944-880820

No. GAD/MISC/ DAO/Dir Upper/2014-15/ 886-892

Dated 27.11.2014

To

The Accountant General:
Khyber Pakhtunkhwa Peshawar.

Subject:-

**CLARIFICATION REGARDING THE INTERVENING PERIOD OF
HOMEO DOCTORS & TABEEBS WHOSE CONTRACT/ADHOC
SERVICES REGULARIZED UNDER KHYBER PAKHTUNKHWA
TIBB & HOMEOPATHIC EMPLOYEES SERVICES ACT, 2014**

Memo,

Kind attention is invited to Health Department Notification No: SOH-III/10-4/2005/Homeo Dated 27.05.2014, (copy enclosed) where in the contract/adhoc services of Homeo doctors and tabeebs have been regularized w-e-from 17.05.2007 till holding of the posts either on 30th June 2010 or till the commencement of this Act i-e 14.05.2014 as the case may be.

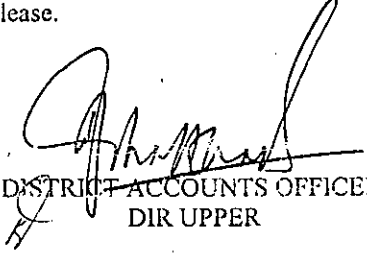
2. Brief history of the case is to be elucidated below:-

- a) M/s Sahib Zada Najeeb Alam Homeo Doctor and Khan Zada Tabeeb District Head quarter Hospital Dir Upper including others, were appointed purely on contract basis in B-16 for a period of 03 Years w-e-from 17.05.2007 to 16.05.2010 vide Director General Health Services KPK Peshawar Office order No: 972-106/Homeo/Tibb Dated 17.05.2007 (Copy enclosed for ready reference). Subsequently as per policy of the Provincial Government all the existing posts of Homeo doctors and tabeebs were brought on fixed pay during 2009-2010 @ Rs-30000/-PM fixed instead of BPS-16 w-e-from 01.07.2009 vide Director General Health Khyber Pakhtunkhwa Peshawar Letter No 562-86/Homeo/Tibb Dated 12.05.2010(Copy enclosed).
- b) In fact their contract period of 03 years was expired on 17.05.2010 and thereafter no extension was granted to them; however they were actually paid upto 30.06.2010 instead of 17.05.2010. Since 01.07.2010 till commencement of the Act they were never more exist incumbent of the posts due to grant of no extension in their contract service by the competent authority meaning by that they would have not been able to continue their duty regularly during the period w-e-from 01.07.2010 to 27.05.2014 without any remuneration or salary as they might have engaged to use their strenuous efforts to get the case of their contract service regularized.
- c) Consequently in compliance of the Notification as referred to in Para-1 above issued in light of the Khyber Pakhtunkhwa Peshawar Tibb & Homeopathic employees (Regularization of service) Act 2014 they took the charge of their duty against their existing posts w-e-from 27.05.2014. They have been allowed salary in B-16 including annual increments earned by them during the period of their contract service of 03 years i-e 17.05.2007 to 30.06.2010 by this office.

- 25/C
- d) But they have submitted claims for Rs-2200000/- (Rs-1100000/- each) for payment of pay & allowances, during the intervening period w-e-from 01.07.2010 to 26.05.2014 including annual increments for the said period of 04 years, which has been returned by this office for want of clarification and budget, as to whether the intervening period of 04 years be considered and treated as duty/Extra ordinary leave or other wise because the above notification is silent and the same period has not been clearly defined accordingly. Moreover there is only the provision of Rs-1800000/- against the two posts of Homeo Doctor & Tabeeb during the current financial Year 2014-15 where as the claim for the last 04 years liability is Rs-2200000/- which cannot be met out of the Current Year budget of Rs-1800000/-, therefore additional budget of Rs-2200000/- will be required to meet the claim in question.
- e) Similarly there are 48 posts of Homeo doctors and Tabeebs throughout the Province, whose contract services have been regularized any they will also claim the same arrear on account of Pay & Allowance during such intervening period w-e-from 01.07.2010 to 26.05.2014 (04 Years). Hence the total liability on this account, if worked out, should be round about Rs-52.800 (million) for which a proper case is required to take up with the Finance Department for provision of additional budget of Rs-52.800 million in case if said intervening period of 04 years is treated as duty.

3. In light of the above factual position it is requested to look into the case accordingly and this office may be shared of your guidance for further necessary action or the case may be ^{Taken} taken up with Secretary Health Department for necessary clarification of the intervening Period w-e-from 01.07.2010 to 27.05.2014 (04 Years) as duty, Extra ordinary Leave or other wise as the case may be. The claimants are pressing very hard for early payment of their arrear claims of Rs-2200000/- pending the receipt of budget and necessary clarification being sought by this office as above.

4. An early clarification in the matter is solicited please.


DISTRICT ACCOUNTS OFFICER,
DIR UPPER

Copy forwarded to:

1. The Secretary Health Department Khyber Pakthunkhwa Peshawar for information & Necessary action.
2. The Secretary Finance Department Khyber Pakthunkhwa Peshawar for information & Necessary action.
3. The Director General Health Services Khyber Pakthunkhwa Peshawar for information & Necessary action.
4. The Section Officer (II) Health Department Civil Secretariat Peshawar.
5. The Medical Superintendent DHQ Hospital Dir Upper with the request to persue case in his respective department for early disposal & solution of the issue once for all please.
6. Mr. Sahib Zada Najeeb Alam Homeo Doctor DHQ Hospital Dir Upper for information please.
7. Mr. Khan Zada Tabeeb DHQ Hospital Dir Upper for information please.

- sol -
DISTRICT ACCOUNTS OFFICER,
DIR UPPER

Subject: - **MINUTES OF THE MEETING REGARDING CLARIFICATION OF THE INTERVENING PERIOD OF HOMEO DOCTOR & TABBEBS WHOSE CONTRACT/ADHOC SERVICES REGULARIZED UNDER KHYBER PAKHTUNKHWA, PESHAWAR TIBB & HOMEOPATHIC EMPLOYEES ACT, 2014.**

A meeting on the subject was held on 03-03-2015 at 2:30 PM under the Chairmanship of Special Secretary Finance Department in his office to discuss the issue of those Homeo doctor and Tabbebs whose services were regularized under Regularization of services of Homeo Doctors and Tabbebs 2014 Act and who are claiming arrears of the intervening period. The following attended the meeting.

- Mr. Muhammad Faheem in Chair
Special Secretary Finance
1. Mr. Unab Gul
Deputy Accountant General (AG Office)
 2. Mr. Raees Khan
Deputy Secretary (Reg-I) Finance Department
 3. Mr. Taj Muhammad
Deputy Secretary (B-IV) Finance Department
 4. Ms. Humaira Mehmood
Section Officer (SR-III) Finance Department
 5. Mr. Nasir Aman
Section Officer (SOR-II) Estt. Department
 6. Ms. Misbah Riaz
Section Officer Health Department
 7. Mr. Jan Gul
Accounts Officer (AG Office)
 8. Mr. Faseeh Ullah
Asstt. Legal Drafter (Law Deptt.)

The Chair welcomed the participants and the agenda of the meeting briefly explained to the forum. Representative of Law Department opined that in the light of section 3 of the Act those Homeo doctor's services have been regularized and their case is covered under that Act. At this point representative of Establishment Department argued that though the services of those Homeo Doctors have been regularized but the Act is silent about the intervening period, and does not cover it, which is the main issue in hand that from 01-07-2010 till the commencement of this Act 2014, whether those doctors were actually holding their posts or not. Upon this Health Department explained

that they will get it confirmed from the respective health institutions by asking them to furnish the attendance/performance reports of those doctors during the period from 2010 to 2014.

Deputy Accountant General (AG Office) opined that the proof of their performance of duty is evident from the motion moved by Mufti Janan in Provincial Assembly. The statement of member of the assembly on the floor of the house clearly says that they were not being paid salary for the worked done by them. Therefore on the strength of this statement, they can be considered as holding the post in performing duties in the intervening period. Upon the request of the Chair that what should be the way forward to avoid future litigation if the aggrieved party seeks Court intervention. Establishment Department opined that Health Department through notification may give cover to that intervening period by declaring this period as Extra Ordinary Leave without pay if they did not perform thy duty. In support of this view he gave the reference of Regularization of Services Act 1989. He said that Section 4 of this Act clearly declares the intervening period as extra ordinary leave without pay.

Decision: - It was unanimously decided to refer the case to Health Department for obtaining authentic proof that those Homeo Doctors were actually holding their posts and performing duty from 01-07-2010 till the commencement of the Act 2014. The Finance Department may decide the arrear claims in the light of reports furnished by the Health Department.

Meeting ended with a vote of thanks from the Chair.



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

15

Dated Peshawar the 27th May, 2014

Annexure "D"

NOTIFICATION

No. SOH-III/10-4/2005/HOMEQ. In pursuance to the Khyber Pakhtunkhwa Tibb and Homeopathic Employces (Regularization of Services) Act, 2014, the Competent Authority is pleased to regularize the services of the following Homeo Doctors and Tabcebs w.e.from 17-05-2007 against the posts which they are holding subject to condition mentioned hereunder:-

S.NO	NAME /FATHER NAME	PLACE OF POSTING	DESIGNATION/BPS
1.	Dr. Hamayun Yaqoob S/o Muhammad Yaqoob	DHQ Hospital Abbottabad	Homeo Doctor (BS-16)
2.	Hakeem Mustafa Khan S/o Mohd Anwar	DHQ Hospital Abbottabad	Hakeem BS-16
3.	Dr. Muhammad Irshad S/o Abdul Sadiq	DHQ Hospital Battagram	Homeo Doctor BS-16
4.	Hakeem Shah Ibrahim S/o Mohd Fazak Shah	DHQ Hospital Battagram	Hakeem BS-16
5.	Dr. Rahim Khan S/o Rasool Khan	DHQ Hospital Dagar Buncr	Homeo Doctor BS-16
6.	Hakeem Syed Muhaminad Noorul Islam S/o Umar Said	-do-	Hakeem BS-16
7.	Dr. Zain ur Rehman S/o Amanullah	DHQ Hospital Chitral	Homeo Doctor BS-16
8.	Hakeem Abdul Rehman S/o Muhammad Nazir	-do-	Hakeem BS-16
9.	Dr. Sarfaraz S/o Karim Dad	DHQ Hospital Haripur	Homeo Doctor BS-16
10.	Hakeem Sohail Razaq S/o Abdul Razaq	-do-	Hakeem BS-16
11.	Hakeem Muhammad Nasir Rafiq S/o Abdul Majeed	DHQ Hospital Malakand	Hakeem BS-16
12.	Dr. Samiul Haq S/o Abdur Rauf	DHQ Hospital Mansehra	Homeo Doctor BS-16
13.	Hakeem Muhammad Saleem S/o Qazi Habib ur Rehman	-do-	Hakeem BS-16
14.	Dr. Najcebullah S/o Janat Gul	DHQ Hospital Mardan	Homeo Doctor BS-16
15.	Hakeem Muhammad Noor Akbar S/o Akbar Khan	-do-	Hakeem BS-16
16.	Dr. Syed Alia Hussain Shah S/o Syed Abdul Qayum	DHQ Hospital Shangla	Homeo Doctor BS-16
17.	Dr. Rani yar Qand	DHQ Hospital	Homeo Doctor BS-16

ATTESTED TO
BE TRUE COPY

S. Mahammad

	D/o Yar Qand	Swabi	
18.	Hakeem Ihsanul Haq S/o Sahib ul Haq	DHQ Hospital Swabi	Hakeem BS-16
19.	Dr. Ajab Khan S/o Nazar Khan	SGTH Swat	Homeo Doctor BS-16
20.	Hakeem Muhammad Rahim Ghori S/o Mohd Shoaib	SGTH Swat	Hakeem BS-16
21.	Dr. Khaliq Noor S/o Muhammad Noor	DHQ Teaching Hospital Bannu	Homeo Doctor BS-16
22.	Hakeem Sahib ur Rehman S/o Abdur Rehman	-do-	Hakeem BS-16
23.	Dr. Syed Noor Umar Shah S/o Syed Saadat Noor Shah	DHQ Hospital Charsadda	Homeo Doctor BS=16
24.	Hakeem Asad Jan S/o Lachi Gul	-do-	Hakeem BS-16
25.	Dr. Iftikhar Elahi S/o Mehboob Elahi	DHQ Hospital D.I Khan	Homeo Doctor BS-16
26.	Hakeem Mohd Abdullah Zafri S/o Sanaullah Khan Zafri	-do-	Hakeem BS-16
27.	Dr. Mohd Faheem Khan S/o Abdul Khaliq	DHQ Hospital Lower Dir	Homeo Doctor BS-16
28.	Hakeem Fazal Rabi S/o Fazal Mohd	-do-	Hakeem BS-16
29.	Dr. Sahib Zada Najib Alam S/o Sahib Zada Qutibe Alam	DHQ Hospital Upper Dir	Homeo Doctor BS-16
30.	Hakeem Khanzada S/o Jafar Khan	-do-	Hakeem BS-16
31.	Dr. Siraj Ali S/o Babo Bahadir Ali	DHQ Hospital Hangu	Homeo Doctor BS-16
32.	Hakeem Falak Naz S/o Mir Nawaz Khan	-do-	Hakeem BS-16
33.	Dr. Ihteshamul Haq S/o Noor Shah Gul	DHQ Hospital karak	Homeo Doctor BS-16
34.	Hakeem Sultan Mohd Shah S/o Noor Mohd Shah	-do-	Hakeem BS-16
35.	Dr. Rafiullah Khan S/o Daraz Khan	DHQ Hospital Kohat	Homeo Doctor BS-16
36.	Dr. Mohd Iqbal Khan S/o Raees Khan	DHQ Hospital Lakki Marwat	Homeo Doctor BS-16
37.	Hakeem Habibur Rehman S/o Eid Akbar Khan	-do-	Hakeem BS-16
38.	Hakeem Wahid ud Din Anwar S/o Ahmad Rafiud Din	DHQ Hospital Nowshera	Hakeem BS-16
39.	Dr. Dawood Iqbal S/o Abdul Qudoos	City Hospital Peshawar	Homeo Doctor BS-16
40.	Hakeem Mohd Younas Faheem S/o Mohd Yousaf Aleem	City Hospital Peshawar	Hakeem BS-16
41.	Dr. Khalil ur Rehman S/o Malik Zangbar Khan	DHQ Hospital Taak	Homeo Doctor BS-16
42.	Hakeem Hafiz Mohd Asad S/o Yar Muhammad	-do-	Hakeem BS-16

ATTESTED TO BE TRUE COPY

S. Mohd...

43.	Dr. Azizud Din S/o Abdul Wasiq	DHQ Hospital Kohistan	Homco Doctor BS-16
44.	Hakeem Syed Nizam Ali Shah S/o Syed Abus Ali Shah	-do-	Hakeem BS-16

(17)

- i) All employees of Tibb and Homeopathic appointed on contract or adhoc basis and holding posts on 30th June, 2010, or till the commencement of this Act, shall be deemed to have validly been appointed on regular basis having the same qualification and experience for a regular post.
- ii) The employees of Tibb and Homeopathic whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who in pursuance of the recommendation of the Commission or the Management Council or the Management Committee made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- iii) The seniority interseof the employees of Tibb and Homeopathic, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre.

SECRETARY HEALTH

Endst even No & date.

Copy forward to:-

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The Secretary, Provincial Assembly of Khyber Pakhtunkhwa.
3. The Director General Health Services Khyber Pakhtunkhwa.
w/r to his letter No.3703/Personnel dated: 21-05-2014.
4. All DHO's, Khyber Pakhtunkhwa.
5. All Chief Executive, Khyber Pakhtunkhwa.
6. All Medical Superintendent, Khyber Pakhtunkhwa.
7. All District Accounts Officer, Khyber Pakhtunkhwa.
8. PS to Minister Health Khyber Pakhtunkhwa.
9. PS to Secretary Health, Khyber Pakhtunkhwa.
10. PA to Special Secretary Health, Khyber Pakhtunkhwa.
11. PA to Additional Secretary (E) Health Khyber Pakhtunkhwa.
12. All Homco Doctors/Hakeem's concerned.

ATTESTED TO
BE TRUE COPY

S. H. Muhammad Zafar

28/5/14
11/1/14

NOTIFICATION.

SOH-III/10-4/2005/HOME0. In pursuance to the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of services) Act, 2014, the competent authority is pleased to regularize the services of the following Homeo doctors and tabeeps w.e.from 17.05.2007.

SNO	NAME /FATHER,S NAME	PLACE OF POSTING	DESIGNATION/BPS.
43.	Dr.Azizud Din S/O Abdul wasi	DHQ Hospital Kohistan	Homeo Doctor BPS-16
44	Hakeem Syed Nizam Ali Shah S/O Syed Abas Ali shah	-do-	Hakeem BPS-16

TERMS AND CONDITIONS ARE GIVEN AS UNDER :-

- All employees of Tibb and Homeopathic appointed on contract or adhoc basis and holding posts on 30th June, 2010, or till the commencement of this Act, shall be deemed to have validly been appointed on regular basis having the same qualification and experience for a regular post.
- The employees of Tibb and Homeopathic whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any who in pursuance of the recommendation of the commission or the Management council or the Management committee made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- The seniority interest of the employees of Tibb and Homeopathic, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre. Provided that if the date of continuous officiation in the case of two or more employees of Tibb and Homeopathic, the employee older in age shall rank senior to the younger one.

SECRETARY HEALTH.

Endostt Even No. & date.

Copy forwarded to :-

- The Accountant General Khyber Pakhtunkhwa, Peshawar.
- The Secretary, Provincial assembly of Khyber Pakhtunkhwa.
- The Director General Health Services, Khyber Pakhtunkhwa w/r to his letter No.3703/personnel dated 21.05.2014.
- All DHO,s Khyber Pakhtunkhwa.
- All chief Executive, Khyber Pakhtunkhwa.
- All Medical Superintendent, Khyber Pakhtunkhwa.
- All District Accounts Officer, Khyber Pakhtunkhwa.
- PS to Minister Health Khyber Pakhtunkhwa.
- PS to Secretary Health, Khyber Pakhtunkhwa.
- PA to Special secretary Health, Khyber Pakhtunkhwa.
- PS to additional secretary (E) Health Khyber Pakhtunkhwa.
- All Homeo doctors/Hakeem ,s concerned.

Sd/-
(WAHID ALI KHAN)
Section officer-iii

OFFICE OF THE DISTRICT HEALTH OFFICER, KOHISTAN AT DASSU.

No. 1854-58/Hamoe Doctor & Tbeeps dated 27/06/2014.

A copy is forwarded to :-

- The Medical Officer I/C RHC Dassu.
- Dr. Azizud Din S/O Abdul wasi (Homeo doctor BPS-16 RHC Dassu.
- Hakeem Syed Nizam Ali Shah S/O Syed Abas Ali shah Hakeem BPS-16 RHC Dassu.
- The District Accounts Officer, Kohistan.
- The Accountant of this Office.

District Health Officer,
Kohistan at Dassu

No. _____

A copy is forwarded to :-

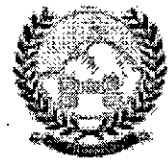
- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- The Section Officer-III, Government of Khyber Pakhtunkhwa, Health Department, Peshawar for information with reference to above.

District Health Officer,
Kohistan at Dassu.

ATTESTED TO
BE TRUE COPY

S. H. Khan

Government of Khyber Pakhtunkhwa
District Accounts Office Kohistan at Das
Monthly Salary Statement (September-2015)



(19)
Annexure "E" / 1

Personal Information of Mr SYED NIZAM ALI SHAH d/w/s of SYED ABBAS ALI SHAH

Personnel Number: 00719890

CNIC: 1620107105275

NTN: 4320773-1

Date of Birth: 13.02.1961

Entry into Govt. Service: 21.05.2007

Length of Service: 08 Years 04 Months 011 Days

Employment Category: Active Permanent

Designation: TABEEB

80002607-HEALTH DEPARTMENT

DDO Code: KD7202-District Health Officer Kohistan

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: No

GPF Balance: 110,170.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2015

Pay Scale Type: Civil BPS: 16

Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	21,190.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1921	UAA-KOHISTAN 40%(16 G/NG)	2,500.00
1947	Medical Allow 15% (16-22)	1,489.00	1948	Adhoc Allowance 2010@ 50%	3,735.00
2148	15% Adhoc Relief All-2013	2,460.00	2174	Adhoc Relief Allow-2014	1,640.00
2199	Adhoc Relief Allow @10%	2,119.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs1760	-1,760.00	3501	Benevolent Fund	-250.00
3511	Addl Group Insurance	-19.00	3604	Group Insurance	-173.00
3609	Income Tax	-158.00	3915	Health (ROP)	-20,000.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,033.75 Recovered till September-2015: 770.00 Exempted: 0.01- Recoverable: 1,263.76

Gross Pay (Rs.): 41,951.00

Deductions: (Rs.): -22,360.00

Net Pay: (Rs.): 19,591.00

Payee Name: SYED NIZAM ALI SHAH

Account Number: 2503-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231431 SHAIDU, NOWSHERA SHAIDU, NOWSHERA, NOWSHERA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KOHISTAN

Domicile: -

Housing Status: No Official

Temp. Address:

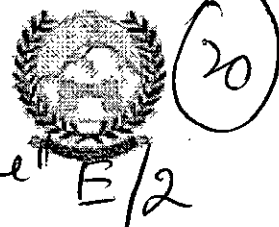
City:

Email: drsyednizamalishah@gmail.com

ATTESTED TO
BE TRUE COPY

S. Akbar

Government of Khyber Pakhtunkhwa
District Accounts Office Kohistan at Das
Monthly Salary Statement (October-2015)



Annexure E/2

Personal Information of Mr SYED NIZAM ALI SHAH d/w/s of SYED ABBAS ALI SHAH

Personnel Number: 00719890 CNIC: 1620107105275 NTN: 4320773-1
 Date of Birth: 13.02.1961 Entry into Govt. Service: 21.05.2007 Length of Service: 08 Years 05 Months 012 Days

Employment Category: Active Permanent

Designation: TABEEB 80002607-GOVERNMENT OF KHYBER PAKH
 DDO Code: KD7202-District Health Officer Kohistan
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: No GPF Balance: 112,445.00
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2015 Pay Scale Type: Civil BPS: 16 Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	21,190.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1921	UAA-KOHISTAN 40%(16 G/NG)	2,500.00
1947	Medical Allow 15% (16-22)	1,489.00	1948	Adhoc Allowance 2010@ 50%	3,735.00
2148	15% Adhoc Relief All-2013	2,460.00	2174	Adhoc Relief Allow-2014	1,640.00
2199	Adhoc Relief Allow @10%	2,119.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2275	-2,275.00	3501	Benevolent Fund	-250.00
3511	Addl Group Insurance	-19.00	3604	Group Insurance	-173.00
3609	Income Tax	-158.00	3915	Health (ROP)	-20,000.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,033.75 Recovered till October-2015: 928.00 Exempted: 0.04- Recoverable: 1,105.79

Gross Pay (Rs.): 41,951.00 Deductions: (Rs.): -22,875.00 Net Pay: (Rs.): 19,076.00

Payee Name: SYED NIZAM ALI SHAH

Account Number: 2503-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231431 SHAIDU, NOWSHERA SHAIDU, NOWSHERA, NOWSHERA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KOHISTAN

Domicile: -

Housing Status: No Official

Temp. Address:

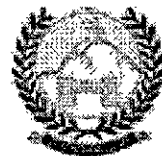
City:

Email: drsyednizamalishah@gmail.com

**ATTESTED TO
BE TRUE COPY**

S. Muhammad Zahir

Dist. Govt. NWFP-Provincial
District Accounts Office Kohistan at Das
Monthly Salary Statement (November-2015)



21

Personal Information of Mr SYED NIZAM ALI SHAH d/w/s of SYED ABBAS ALI SHAH

Personnel Number: 00719890

CNIC: 1620107105275

NTN: 4320773-1

Date of Birth: 13.02.1961

Entry into Govt. Service: 21.05.2007

Length of Service: 08 Years 06 Months 011 Days

Annexure E/3

Employment Category: Active Permanent

Designation: TABEEB

80002607-DISTRICT GOVERNMENT KHYBE

DDO Code: KD6020-E.D.O HEALTH (ADMN) KOHISTAN

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: No

GPF Balance: 114,720.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2015

Pay Scale Type: Civil BPS: 16

Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	21,190.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1921	UAA-KOHISTAN 40%(16 G/NG)	2,500.00
1947	Medical Allow 15% (16-22)	1,489.00	1948	Adhoc Allowance 2010@ 50%	3,735.00
2148	15% Adhoc Relief All-2013	2,460.00	2174	Adhoc Relief Allow-2014	1,640.00
2199	Adhoc Relief Allow @10%	2,119.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2275	-2,275.00	3501	Benevolent Fund	-250.00
3511	Addl Group Insurance	-19.00	3604	Group Insurance	-173.00
3609	Income Tax	-158.00	3915	Health (ROP)	-20,000.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,033.75 Recovered till November-2015: 1,086.00 Exempted: 0.07- Recoverable: 947.82

Gross Pay (Rs.): 41,951.00

Deductions: (Rs.): -22,875.00

Net Pay: (Rs.): 19,076.00

Payee Name: SYED NIZAM ALI SHAH

Account Number: 2503-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231431 SHAIDU, NOWSHERA SHAIDU, NOWSHERA, NOWSHERA

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address:

City: KOHISTAN

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: drsyednizamalishah@gmail.com

**ATTESTED TO
BE TRUE COPY**

S. Muhammad

Dist. Govt. NWFP-Provincial
District Accounts Office Kohistan at Das
Monthly Salary Statement (December-2015)



Personal Information of Mr SYED NIZAM ALI SHAH d/w/s of SYED ABBAS ALI SHAH

Personnel Number: 00719890 CNIC: 1620107105275 NTN: 4320773
 Date of Birth: 13.02.1961 Entry into Govt. Service: 21.05.2007 Length of Service: 08 Years 07 Months 012 Days

Annexure E/4

Employment Category: Active Permanent

Designation: TABEEB 80002607-DISTRICT GOVERNMENT KHYBE
 DDO Code: KD6020-E.D.O HEALTH (ADMN) KOHISTAN
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: No GPF Balance: 116,995.00
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2015 Pay Scale Type: Civil BPS: 16 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,225.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1921	UAA-KOHISTAN 40%(16 G/NG)	2,500.00
1947	Medical Allow 15% (16-22)	1,489.00	1948	Adhoc Allowance 2010@ 50%	3,735.00
2148	15% Adhoc Relief All-2013	2,460.00	2174	Adhoc Relief Allow-2014	1,640.00
2199	Adhoc Relief Allow @10%	2,222.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2275	-2,275.00	3501	Benevolent Fund	-250.00
3511	Addl Group Insurance	-19.00	3604	Group Insurance	-173.00
3609	Income Tax	-215.00	3915	Health (ROP)	-20,000.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,375.28 Recovered till December-2015: 1,301.00 Exempted: 0.12- Recoverable: 1,074.40

Gross Pay (Rs.): 43,089.00 Deductions: (Rs.): -22,932.00 Net Pay: (Rs.): 20,157.00

Payee Name: SYED NIZAM ALI SHAH

Account Number: 2503-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231431 SHaidu, NOWSHERA SHaidu, NOWSHERA, NOWSHERA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KOHISTAN

Temp. Address:

City:

Domicile: -

Email: drsyednizamalishah@gmail.com

Housing Status: No Official

**ATTESTED TO
BE TRUE COPY**

S. Shah

Dist. Govt. NWFP-Provincial
District Accounts Office Kohistan at Das
Monthly Salary Statement (January-2016)



23

Personal Information of Mr SYED NIZAM ALI SHAH d/w/s of SYED ABBAS ALI SHAH

Personnel Number: 00719890 CNIC: 1620107105275 NTN: 4320773-1
Date of Birth: 13.02.1961 Entry into Govt. Service: 21.05.2007 Length of Service: 08 Years 08 Months 012 Days

Annexure 1 E/5

Employment Category: Active Permanent

Designation: TABEEB 80002607-DISTRICT GOVERNMENT KHYBE
DDO Code: KD6020-E.D.O HEALTH (ADMN) KOHISTAN
Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: No GPF Balance: 119,270.00
Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2015 Pay Scale Type: Civil BPS: 16 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,225.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1921	UAA-KOHISTAN 40%(16 G/NG)	2,500.00
1947	Medical Allow 15% (16-22)	1,489.00	1948	Adhoc Allowance 2010@ 50%	3,735.00
2148	15% Adhoc Relief All-2013	2,460.00	2174	Adhoc Relief Allow-2014	1,640.00
2199	Adhoc Relief Allow @10%	2,222.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2275	-2,275.00	3501	Benevolent Fund	-250.00
3511	Addl Group Insurance	-19.00	3604	Group Insurance	-173.00
3609	Income Tax	-215.00	3915	Health (ROP)	-20,000.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,375.25 Recovered till January-2016: 1,516.00 Exempted: 0.19- Recoverable: 859.44

Gross Pay (Rs.): 43,089.00 Deductions: (Rs.): -22,932.00 Net Pay: (Rs.): 20,157.00

Payee Name: SYED NIZAM ALI SHAH

Account Number: 2503-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231431 SHaidu, NOWSHERA SHaidu, NOWSHERA, NOWSHERA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KOHISTAN

Domicile: -

Housing Status: No Official

Temp. Address:

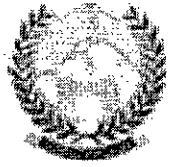
City:

Email: drsyednizamalishah@gmail.com

**ATTESTED TO
BE TRUE COPY**

S. M. Hasham

Dist. Govt. NWFP-Provincial
District Accounts Office Kohistan at Das
Monthly Salary Statement (February-2016)



24

Personal Information of Mr SYED NIZAM ALI SHAH d/w/s of SYED ABBAS ALI SHAH

Personnel Number: 00719890 CNIC: 1620107105275 NTN: 4320773-1
 Date of Birth: 13.02.1961 Entry into Govt. Service: 21.05.2007 Length of Service: 08 Years 09 Months 010 Days

Employment Category: Active Permanent

Designation: TABEEB 80002667-DISTRICT GOVERNMENT KHYBE

DDO Code: KD6020-E.D.O HEALTH (ADMN) KOHISTAN

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: No

GPF Balance: 121,545.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For. - 2015

Pay Scale Type: Civil BPS: 16

Pay Stage: 9

Annexure B/6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,225.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1921	UAA-KOHISTAN 40%(16 G/NG)	2,500.00
1947	Medical Allow 15% (16-22)	1,489.00	1948	Adhoc Allowance 2010@ 50%	3,735.00
2148	15% Adhoc Relief All-2013	2,460.00	2174	Adhoc Relief Allow-2014	1,640.00
2199	Adhoc Relief Allow @10%	2,222.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs2275	-2,275.00	3501	Benevolent Fund	-250.00
3511	Addl Group Insurance	-19.00	3604	Group Insurance	-173.00
3609	Income Tax	-215.00	3915	Health (ROP)	-20,000.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,375.23 Recovered till February-2016: 1,731.00 Exempted: 0.23- Recoverable: 644.46

Gross Pay (Rs.): 43,089.00

Deductions: (Rs.): -22,932.00

Net Pay: (Rs.): 20,157.00

Payee Name: SYED NIZAM ALI SHAH

Account Number: 2503-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231431 SHaidu, NOWSHERA SHaidu, NOWSHERA, NOWSHERA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KOHISTAN

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: drsyednizamalishah@gov.au.com

**ATTESIED TO
BE TRUE COPY**

S. Nizam Ali Shah

Government of Khyber Pakhtunkhwa
District Accounts Office Kohistan at Das
Monthly Salary Statement (August-2015)



25

Personal Information of Mr SYED NIZAM ALI SHAH d/w/s of SYED ABBAS ALI SHAH

Personnel Number: 00719890 CNIC: 1620107105275 NTN: 4320773-1
 Date of Birth: 13.02.1961 Entry into Govt. Service: 21.05.2007 Length of Service: 08 Years 03 Months 012 Days

Employment Category: Active Permanent

Designation: TABEEB 80002607-HEALTH DEPARTMENT

DDO Code: KD7202-District Health Officer Kohistan

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: No GPF Balance: 108,410.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2015 Pay Scale Type: Civil BPS: 16 Pay Stage: 8

Annexure E/17

Wage type		Amount	Wage type		Amount
0001	Basic Pay	21,190.00	1000	House Rent Allowance	1,818.00
1210	Convey Allowance 2005	5,000.00	1921	UAA-KOHISTAN 40%(16 G/NG)	2,500.00
1947	Medical Allow 15% (16-22)	1,489.00	1948	Adhoc Allowance 2010@ 50%	3,735.00
2148	15% Adhoc Relief All-2013	2,460.00	2174	Adhoc Relief Allow-2014	1,640.00
2199	Adhoc Relief Allow @10%	2,119.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription - Rs1760	-1,760.00	3501	Benevolent Fund	-250.00
3511	Addl Group Insurance	-19.00	3604	Group Insurance	-173.00
3609	Income Tax	-158.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,033.75 Recovered till August-2015: 612.00 Exempted: 0.07- Recoverable: 1,421.82

Gross Pay (Rs.): 41,951.00 Deductions: (Rs.): -2,360.00 Net Pay: (Rs.): 39,591.00

Payee Name: SYED NIZAM ALI SHAH

Account Number: 2503-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231431 SHAIDU, NOWSHERA SHAIDU, NOWSHERA, NOWSHERA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KOHISTAN

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: drsyednizamalishah@gmail.com

**ATTESTED TO
BE TRUE COPY**

S. Mahmood Khan

To:

The Director General Health Services
KPK Peshawar.

26

Annexure "F"

Subject: APPEAL AGAINST STOPPAGE OF RECOVERY OF SALARY
FROM JULY 2010 TO 2014.

Sir,

With intense veneration it is stated that:-

- A. That the appellant is permanent employee of Health Department working as Tabeeb BPS-16 in RHC Dassu under the control of District Health Officer Kohistan since May 2007 to till date.
- B. That the appellant was initially appointed on contract/adhoc basis from 2007 to 2010.
- C. That the service of the appellant was regularized under Government of KPK Tibb and Homeopathic Employees (Regularization of Services) Act 2014. (Copy attached).
- D. That the appellant was given the benefit of his salary by DHO Kohistan in 2014 but on other hand was destitute from this right by taking recoveries of salary amounting of Rs. 20,000/- PM.
- E. That the payment of salary to the appellant by DHO Kohistan on one hand and recovery of said amount from other hand is against the rules and laws as laid down by Government of KPK.
- F. As when the appellant was given the payment of his salary as lump sum Rs. 11,25,000/- of four year. Appellant had paid income tax of Rs. 8000/- to 10000/- PM to till June 2015 on this amount.
- G. In response of your letter to DHO Kohistan, DHO sb wrote a letter to the incharge RHC Dassu and asked him about duty performing of appellant from July 2010 to up till now, he provide a certificate of duty performance but DHO rejected that certificate and demand any other certificate. Then I provide any other certificate (Photo copy attached), wherein the appellant attached copies of attendance register from July 2010 to up till now, my name was struck off from attendance roll from the month of November 2010 without any authority, inspite of this appellant has performed his duty. When above act was passed from Provincial Assembly again the name of appellant was entered into attendance register.
- H. That the incharge of RHC Dassu has given reply of said letter along with authentic proof of duty performing of the appellant.
- I. That inspite above facts and evidence the recovery from the appellant is contrary to the norms of equity and Justice.

Your dignity is humbly requested to direct DHO Kohistan to stop the recovery from the appellant and give back the recovered amount to appellant, keeping in view that the appellant had performed his duty honestly, otherwise I reserve the right to knock the door of any court of law for the sake of Justice.

Thanking you with anticipation
Yours Faithfully

Dated: 23.11.15

(Hakim Syed Nizam Ali Shah)
Tabeeb at RHC Dassu Kohistan

OC 33083/

ATTENTION
BE TRUE COPY

S. M. Khan




1 2

100

100

100

100

			<p>45330</p>
<p>ایڈووکیٹ/دستخط:</p> <p>بارکوسل ابار ایسوسی ایشن</p> <p>رابطہ نمبر: 0321-9072383</p>	<p>پشاور بار ایسوسی ایشن، خیبر پختونخوا</p>		

بعدالت جناب: Service Tribunal, Peshawar

<p>Appellant</p> <p>منجانب:</p>	<p>دعویٰ:</p> <p>علت نمبر:</p> <p>موردہ:</p> <p>جرم:</p> <p>تھانہ:</p>
	
<p>بابت تحریر آنکہ</p>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ مقدمہ کے بارے میں

ان مقام پر سید محمد داؤد کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر جان و فیصلہ برطرف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا۔ نیز ضرورت ہوتی تو باہر سے پیروی کی طرف یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور ضرورت ہوتی تو مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا سامنے ہر ذمہ منقولہ قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و متول کے لئے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا عد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی ہر ذمہ منقولہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 17/3/2018

الع ہد واہ شد الع ہد

[Handwritten signature]
2018/3/17

مقام Peshawar کے لئے منظور ہے۔

[Handwritten signature]

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESWAER

SERVICE APPEAL NO.269 OF /2016

SYED NIZAM ALI SHAH S/O SYED ABBAS ALI SHAH POSTED AS "HAKIM" AT RHC DASSU KOHISTAN

(APPELLANT)

REPLY TO THE APPLICATION FOR CONTEMPT OF COURT PROCEEDINGS.

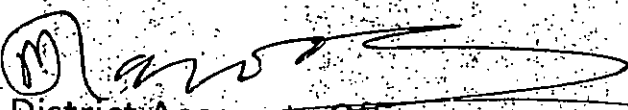
Respectfully sheweth.

1. Para 1 is pertains to service record of the appellant.
2. Para 2 is pertains to service record of the appellant.
3. Para 3 is also related to service record of the appellant.
4. Para 4 too related to their service of the appellant may consult accordingly.
5. Incorrect, on the basis of computer source -TI submitted by DHO as being DDO of their office to the undersigned office for recovery starting and right from that month recovery @ 20000/- p month were started.
6. No comments.
7. No comments.

GROUNDS

- A) No comments.
- B) No comments.
- C) No comments.
- D) No comments.
- E) No comments.
- F) No comments.
- G) No comments.
- H) No comments.

Respondent No .1


District Accounts Officer
Kohistan at Dassu

BEFORE THE SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 269/2016.

Mr. Syed Nizam Ali Shah.....Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa, through Secretary Health, Govt. of Khyber Pakhtunkhwa, Peshawar and others..... Respondents

PARAWISE COMMENTS OF THE RESPONDENTS NO. 2

PRELIMINARY OBJECTIONS:

1. That the Appellant has got neither cause of action nor locus standi to file the instant service appeal.
2. That the appellant has not come to this Honorable Service Tribunal with clean hand.
3. That the appellant has concealed material facts from this Honorable Service Tribunal.
4. That the instant service appeal is premature and not maintainable as no adverse action against the appellant has been issued.

Respectfully Sheweth:

PARAWISE COMMENTS:

Facts:

01. That Para-01 is correct.
02. That Para-02 is correct.
03. That Para-03 is correct.
04. That Para-04 is correct.
05. Incorrect, the respondent No. 01 has issued monthly salary statement, whereby deduction @ Rs. 20,000/-per month have been made till date, because, after giving the benefit of salary realized that appellant was not entitled for the salary of the period from 01/07/2010 to 20/06/2014, due to no performance of his duty, so deduction/recovery started from the pay of the appellant.
06. That Para No. 06 is incorrect.
07. That the appellant has got no cause of action to file instant service appeal.

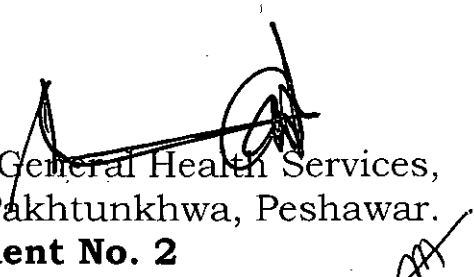
Grounds:

- a. Incorrect, as replied in Para-05 above.
- b. Incorrect, as replied in Para-05 above.
- c. Incorrect, proper opportunity of defense was extended to appellant.
- d. Incorrect, appellant has not performed duty for a period from 01/07/2010 to 20/06/2014, therefore, deduction has rightly been started.
- e. Incorrect, as replied in Para-D above.
- f. Incorrect, that no discrimination treatment has been adopted with the appellant.
- g. Incorrect, that the appellant has not performed his duty since 01/07/2010 to 20/06/2014 (04 years) and is not entitle for the payment of salary.

- h. That the appellant has no ground reality to become entitle of salary for the period mentioned in Para-G above. Moreover, the respondents may also be allowed to raise additional grounds at the time of arguments.

Note: The DAO Kohistan (*Respondent No. 01*) was requested to sign the joint reply, but he returned the same unsigned with the remarks that he will submit his reply separately.

It is therefore, prayed that the Service Appeal of the appellant may be dismissed with cost please.


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Respondent No. 2

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR .

SERVICE APPEAL NO.269 of /2016.

SYED NIZAM ALI SHAH S/O SYED ABBAS ALI SHAH POSTED AS " HAKIM" AT RHC DASSU KOHISTAN.

(APPELLANT).

VERSUSES

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH, GOVERNMENT OF KPK PESHAWAR AND OTHERS.

(RESPONDENTS).

REPLY OF CAPTIONED SERVICE APPEAL NO.269 OF /2016 ON BEHALF OF RESPONDENTS NO.1 TO 3.

Respectfully sheweth.

PRELIMINARY OBJECTIONS.

1. That the Appellant has got neither cause of action nor locus standi to file the instant service appeal.
2. That the appellant has not come to this Honourable Service Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honourable Service Tribunal.
4. That the instant service appeal is premature and not maintainable as no adverse-action against the appellant has been issued.

ON FACTS.

1. That para No.01 is correct.
2. That para No.02 is correct.
3. That para No.03 is correct.
4. That para No.04 is correct.


District Health Officer
Kohistan

Page No.02.

5. Incorrect that Respondent No.01 has issued monthly salary statement, whereby deduction @ Rs.20,000/-per Month have been made till date, because, after giving the benefit of salary realized that appellant was not entitled for the salary of the period from 01.07.2010 to 20.06.2014, due to non performance of his duty, so deduction/recovery started from the pay of the appellant.
6. That para No.06 is incorrect.
7. That the appellant has got no cause of action to file instant service appeal.

GROUNDS.

- A. Incorrect, as replied in para No.05 of facts.
- B. Incorrect, as replied in para No.05 of facts.
- C. Incorrect, Proper opportunity of defense was extended to appellant.
- D. Incorrect, Appellant has not performed duty for a period from 01.07.2010 to 20.06.2014, therefore, deduction has rightly been started.
- E. Incorrect, as replied in para No. D of grounds.
- F. Incorrect, that no discrimination treatment has been adopted with the appellant.
- G. Incorrect, that the appellant has not performed his duty since 01.07.2010 to 20.06.2014 (04 years) and is not entitle for the payment of salary .
- H. That the appellant has no grounds reality to become entitle of salary for period mentioned in Para No.(G), Moreover the respondents may also be allowed to raise additional grounds at the time of arguments.

1.Note. Joint inspection reply was submitted to DAO Kohistan (Respondent.No.01), but he returned the said unsigned and said that he will submit his reply separately later on.

It is therefore, prayed that the Service appeal of the appellant may be dismissed with cost please.

Respondent No.03


District Health Officer,
Kohistan at Dassu

(page No.03).

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR.

SERVICE APPEAL NO.269 of /2016.

SYED NIZAM ALI SHAH S/O SYED ABBAS ALI SHAH POSTED AS " HAKIM" AT RHC DASSU KOHISTAN.

(APPELLANT).

VERSUSES

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH, GOVERNMENT OF KPK PESHAWAR AND OTHERS.

(RESPONDENTS).


AUTHORITY LETTER.

I Mr.Zia-ul-Haq Drug Inspector BPS-17 DHO Office, Kohistan is hereby authorized to attend the honourable Service Tribunal , Abbottabad on 20.07.2016 in connection of above mentioned titled case, as scheduled on 20.07.2016 and also do the case needful (if any) .


District Health Officer,
Kohistan at Dassu.

No. _____/PF Dated Kohistan Dassu the ____/07/2016.

A Copy is forwarded to Mr.Zia-ul-Haq Drug Inspector BPS-17 DHO office, Kohistan for information and necessary action please.


District Health Officer,
Kohistan at Dassu.

(page No.03).

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR .

SERVICE APPEAL NO.269 of /2016.

SYED NIZAM ALI SHAH S/O SYED ABBAS ALI SHAH POSTED AS " HAKIM" AT RHC DASSU KOHISTAN.

(APPELLANT).


VERSUSES

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HEALTH, GOVERNMENT OF KPK PESHAWAR AND OTHERS.

(RESPONDENTS).

AFFIDAVIT.

I Dr. Khurshed Roshan BPS-18 DHO, Kohistan), do hereby solemnly affirm and state on oath that all the contents of in response to the Service Appeal No.269/ of 2016, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.


Deponent,
District Health Officer
Kohistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 269/2016
Syed Nizam Ali Shah (Hakim),
RHC, Dassu Kohistan

...

Appellant

VERSUS

1. District Account Officer, Dassu, Kohistan.
2. Director General, Health (Services), Khyber Pakhtunkhwa at Peshawar.
3. District Health Officer, Kohistan.
4. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
5. Accountant General, Khyber Pakhtunkhwa, Peshawar.

...

Respondents

REPLY ON BEHALF OF SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA, FINANCE DEPARTMENT
(RESPONDENT No.4).

Respectfully Sheweth.

Secretary to Government of Khyber Pakhtunkhwa, Finance Department (Respondent No.04) do hereby endorse/relies on the Parawise Comments already filed in the Honourable Service Tribunal by Respondent No.3 (i.e. District Health Officer, Kohistan). The Parawise Comments of Respondents No. 3 may be considered as reply of Respondent No.4 (Secretary Finance) also subject to Annexure of relevant record.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA,
FINANCE DEPARTMENT
(RESPONDENT NO.4)

Before the Services Tribunal Khyber Pakhtonkhwa Peshawar.

Syed Nizam Ali Shah

Appellant

Versus

Govt of Khyber Pakhtonkhwa & other

Respondents

Services Appeal

Re-joinder to the comments of Respondent No. 2

Respectfully sheweth;

Parawise re-joinder as to preliminary objections.

1. Reply is incorrect and denied; appellant has got the protection of the constitutional protection not to be deprived of his reward for tendering services, hence got locus standi and cause of action.
2. Para 2 is incorrect and denied.
3. Para 3 is incorrect and denied nothing has been concealed from the honorable tribunal, however the record pertains with the matter remains the custody of Respondent, and the appellant has nothing to do with.
4. Para 4 is incorrect and denied, deduction lawful salary amounts adverse action, without giving opportunity of hearing.

As to reply on facts.

1. No comments.
2. No comments.
3. No comments.
4. No comments.
5. It is incorrect and denied. The action taken against amounts punishment and while punishing a person has its own requirements, as envisage by the Services rules.
6. Para 6 is incorrect and denied, Appeal filed is already annexed as "F: with the Memo of appeal.
7. Para 7 is incorrect and denied.


As to facts.

- a. Reply to para a is incorrect and denied.
- b. Reply to para a is incorrect and denied.

- c. Reply to para a is incorrect and denied, no opportunity was given to appellant.
- d. Reply to para a is incorrect and denied, no civil servant can remain absent for such a long time.
- e. Reply to para a is incorrect and denied.
- f. Reply to para a is incorrect and denied.
- g. Reply to para a is incorrect and denied.
- h. Reply to para a is incorrect and denied, appellant has got the right to to his lawful salary as he rendered his services and depriving him from salary is against the Constitution, natural justice and injunctions of Islam.

Appellant

Through counsel



Mohammad Ayaz Majid

Before the Services Tribunal Khyber Pakhtonkhwa Peshawar.

Syed Nizam Ali Shah

Appellant

Versus

Govt of Khyber Pakhtonkhwa & other

Respondents

Services Appeal

Re-joinder to the comments of Respondent No. 3

Respectfully sheweth;

Parawise re-joinder as to preliminary objections.

1. Reply is incorrect and denied; appellant has got the protection of the constitutional protection not to be deprived of his reward for tendering services, hence got locus standi and cause of action.
2. Para 2 is incorrect and denied.
3. Para 3 is incorrect and denied nothing has been concealed from the honorable tribunal, however the record pertains with the matter remains the custody of Respondent, and the appellant has nothing to do with.
4. Para 4 is incorrect and denied, deduction lawful salary amounts adverse action, without giving opportunity of hearing.

As to reply on facts.

1. No comments.
2. No comments.
3. No comments.
4. No comments.
5. It is incorrect and denied. The action taken against amounts punishment and while punishing a person has its own requirements, as envisage by the Services rules.
6. Para 6 is incorrect and denied, Appeal filed is already annexed as "F: with the Memo of appeal.
7. Para 7 is incorrect and denied.

As to facts.

- A. Reply to para a is incorrect and denied.
- B. Reply to para a is incorrect and denied.

- C. Reply to para a is incorrect and denied, no opportunity was given to appellant.
- D. Reply to para a is incorrect and denied, no civil servant can remain absent for such a long time.
- E. Reply to para a is incorrect and denied.
- F. Reply to para a is incorrect and denied.
- G. Reply to para a is incorrect and denied.
- H. Reply to para a is incorrect and denied, appellant has got the right to to his lawful salary as he rendered his services and depriving him from salary is against the Constitution, natural justice and injunctions of Islam.

Appellant

Through counsel!



Mohammad Ayaz Majid

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2096/ST

Dated 15 / 10 / 2018

To

The District Accounts Officer Das,
Government of Khyber Pakhtunkhwa,
Kohistan.

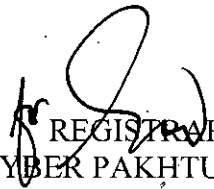
Subject: -

JUDGMENT IN APPEAL NO. 269/2016, MR. SYED NIZAM ALI SHAH.

I am directed to forward herewith a certified copy of Judgement dated 10.10.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

o/g


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1957 /ST

Dated 28 / 9 / 2018

To


1. The Provincial Police Officer,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. Central Police Officer
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: -

ORDER IN EXECUTION PETITION NO. 211/2018, MR. BASHIR AHMAD.

I am directed to forward herewith a certified copy of order dated 26 .09.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.