Apport No 15/3/2013. Mr Hussein Almed

16.01.2014

Counsel for the appellant present and submitted copy of order dated 19.08.2013, whereby grievance of the appellant has been redressed departmentally. In this respect his statement also recorded. As such the appeal is dismissed as withdrawn in limine.

File be consigned to the record

ANNOUNCED 16.01.2014

Member

Form A FORM OF ORDER SHEET

Court of	
_	1513/2013
Case No	1513/2013

•		Case No	3 1513/2013
1	S.No.	Date of order	Order or other proceedings with signature of judge or Magistrate
		Proceedings	
	1	2	3
-			
	1	13/11/2013	The appeal of Mr. Hussain Ahmad resubmitted today by
			Mr. Saadullah Khan Marwat Advocate may be entered in the
	7 - - .		Institution register and put up to the Worthy Chairman for
	•		preliminary hearing \$2.2
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	-		REGISTRAR
	2	19-11-201	
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			hearing to be put up there on $16-1-2014$
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The appeal of Mr. Hussain Ahmad son of Rehmat Gul Ex-Blood Technician received today i.e. on 27/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Not removed

1- Appeal may be got signed by the appellant.

- 2 Address of respondent no. 4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- The law under which appeal is filed is not mentioned in the appeal.
- Copies of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal may be attested.

No. 199 /s.T,
Dt. 27 08/2013.

REGISTRÄR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR,

Mr.Saadullah Khan Adv. Pesh.

Resubmilled M. Append is filed under
Resubmilled M. Append is filed under
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section 4 of the ST Act 1974. Copy of deptil
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1513 2013

Hussain Ahmad	Appellant
Versus	11
Additional Agency Surgeon and others	.Respondent

<u>INDEX</u>

S.No.	Description of documents.	Annexure ⁻	Pages.
1.	Memo of appeal		1-3
2	Qualifications M.Sc (E)	A	4
3.	Courses.	В	5-9
4.	Advertisement dt.11.5.2013	C	10
5.	Order of appointment dt.25.6.2013	D-	11
6.	Charge report dt.26.6.2013	Е	12
7.	Cancellation order dt.26.7.2013	F	13
8.	Representation dt.29.7.2013	G	14
9.	Wakalatnama.	•	31

Dated: 27/8/2013

Appellant

Through

Saadullah Khan Marwat

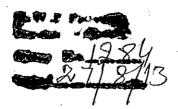
Arbab Saif-ul-Kamal

Miss.Rubina Naz

Advocates, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL. PESHAWAR.

Service Appeal No. 1513/2013



Hussain Ahmad son of Rehmat Gul
R/O Sadda Lower Kurram, Kurram Agency

Ex-Blood Bank Technician, Sadda Kurram Agency......Appellant

Versus

- 1) Additional Agency Surgeon, Lower and Central Kurram, Kurram Agency.
- 2) Director, Health Services FATA, FATA Secretariat, Warsak Road, Peshawar.
- 3) Secretary, Govt. of KPK, Health Department, Peshawar.
- 4) Muhammad Gul son of Muhammad Klan,
 Belood Bank Technician, Sadda Kurram Agency.

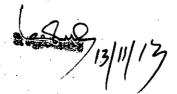
..... Respondents

APPEAL AGAINST OFFICE ORDER NO 2420-24/AAS/APPTT, DATED 26.07.2013 OF RESPONDENT NO.1 WHEREBY ORDER OF APPOINTMENT OF APPELLANT AS BLOOD BANK TECHNICIAN WAS CANCELLED FOR NO LEGAL REASON.



Respectfully Sheweth;

That appellant has in his credit the educational qualifications of M.Sc. in Economics and have also gone through the requisite courses for Medical Technician. (Copies as Annex: "A and B").



- That on 11.05.2013, Additional Agency Surgeon, Lower and Central Kurram Sadda flouted advertisement in Daily Mashriq for various disciplines, including the post of Blood Bank Technician B-9 at S.No.1. (Copies as Annex: "C")
- That after going through the requisite procedure, appellant was appointed as Blood Bank Technician B-9 on the recommendation of Departmental Selection Committee DSC vide order dated 25.06.2013 by Respondent No.1 and assumed the charge of the said assignment on 26.06.2013. (Annex: "D and E").
- That without any reason and justification, order of appointment of appellant was made cancelled by Respondent No.1 vide order dated 26.07.2013 on the directions Respondent No.2 to appoint his nominee, Respondent No.4. (Copies Annex: "F").
- 5) That on 29.07.2013, appellant submitted representation before respondent No.2 for reinstatement in his service but the same met dead response till date. (Annex: "G").

Hence this appeal, inter alia, on the following grounds:

GROUNDS

- A. That appellant was appointed as such after following the prescribed legal procedure for appointment by the department.
- B. That advertisement was floated and on the recommendations of Departmental Selection Committee, order of appointment of appellant was issued.
- C. That the said appointment order was acted upon, implemented and got finality, and cannot be dispensed with at single stroke of pen.
- D. That neither appellant was served with any notice nor any enquiry, being mandatory, was ever conducted, so the impugned order is of no legal effect.

- E. That vested rights of appellant were infringed for ulterior motive to appoint Respondent No.4, the nominee of the Senator of area on the said post.
- F. That the impugned order is based on malafide and misuse of power by the authorities, so is of no legal effect.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned office order dated 26.07.2013 of respondent No.1 be set aside and appellant be reinstated in service with all back benefits.

Dated: 27/08/2013

to

Appellant

Through .

Saadullah Khan Marwat

Arbab Saif-ul-Kamal

Miss.Rubina Naz Advocates, Peshawar.



Kohat University

of Science & Technology, Kohat (Pakistan)

DETAILED MARKS CERTIFICATE

Master of Science (Economics) Final Annual Examination, 2011

Name:	Hussain Ahmad		Roll No.	21111
her's Name:	Haii Rehmat Gul	•	Registration No.	2004-PCK11-2448

Certified that the candidate secured the following marks and is placed in _____ Division

SUBJECTS	Maximum	M A R KS OBTAINED		
0.0 0 0 1 0 1 3	Marks	In Figure	In Words	
Econometrics - (VI)	100	- 67	Sixty Seven	
Developmental Economics - (VII)	100	45	Forty Five	
Managerial Economics - (VIII)	100	50	Fifty	
Economy of Pakistan - (IX)	100	46	Forty Six	
Agriculture Economics - (X)	100	. 57	Fifty Seven	
International Economics - (XI)	100	44	Forty Four	
Viva	100	52	Fifty Two	
Previous Marks:	500	262	Two Hundred Sixty Two	
Total	1200	623	Six Hundfett Twenty Three	

The examination was taken as a whole

Result declared on 31-Jan-12

Errors and omissions are subject to subsequent rectification.

CONTROLLER OF EXAMINATIONS

Kohat University of Science and Technology

Kohat, Pakistan.

.



KUWAIT TEACHING HOSPITAL

PESHAWAR MEDICAL COLLEGE

Warsan Hoad. Pesidunka, postat egia. 28180. Tel. Upibazoasasas, fartobeszandba

14.01.2010

Ref. No = ____9

Training Completion Certificate

Certified that Mr. Hussain Ahmad Sto Hoji Rahmat qui received training in this Hospital as — Lab - Feehnician from a nov 2009 to 31st Dece oq. Plis attendance according to record is 93 %.

KTH is a busy charity teaching hospital having 220 beds with all major specialties and round the clock emergency services.

During this period he has worked in __laboratory_____and was found hard working.

We wish him all the best for future.

Allested

Qazi Zabiullah In-charge Paramedies Kuwait Teaching Hospital

RUW" TEACHING HOSPITAL ABBARA CHOWK, UNIVERSITY ROAD, PESHAWAR

OFFICE OF THE MEDICAL SUPERINTENDENT DWERGENCY SATTELITE HOSPITAL COMPLEX, PABBI.

EXPERIENCE CERTIFICATE.

It is Certified that Mr. Hussain Ahmad S/o Haji Rehmat Gul, Student of Razi Institute Peshawar has completed Two Months Training wef 01.4.2009 to 31.5.2009 in the Laboratory Unit of Emergency Sattelite Hospital Complex, Pabbi.

During this Period his work and conduct was good and Satisfectory.

DATED . 106/09.

MEDICAL SUPERITENDENT ENERGINCY TELLTE HOST FFAL SOFFIER, TOTAL

MEDICAL SULFUNTENDENT

Pabbi (Novoher

Albert

KHYBER TEACHING HOSPITAL, PESHAWAR DEPARTMENT OF PATHOLOGY

Phone # 091-9216340 -47 Ext: 2047



TO WHOM IT MAY CONCERN

It is certified that Mr. Hussain Ahmed S/o. Haji Rehmat Gul a student of Razi institute of medical science was attached to Pathology Department Khyber Teaching Hospital Peshawar for training from 04/11/2008 to 24/12/2008. He spent equal time in all the section of Laboratory.

During his stay in the Laboratory his character and conduct remained satisfactory.

Dated:= 06/03/2010

On Fruin Ullah MBBS, M.PS, M. Phil (Hem) I/O Pathologisi Hematologi Kharo Teaching riospital Hessic Wal.

Dr. Ipam Ullah • I/C Pathologist K.T.H. Peshawar.

PATHOLOGIST

1833

The Modical Technology



PATHOLOGY TECHNOLOGY

SESSION 2009-2010

This is to certify that Mr. Miss. Mrs.	Hussai	N AHMAD.	son / Daughter of
Mr. HAJI REHMAT GUL of	fi	14 T H	bearing Registration No
MF/ - Has passe	•		• •
In the year 02-2011 He / She Obtained	732	Marks out of	1400
He / She has been Placed in Green Prepared by:	ade.	ľ	
Checked By:) Khyb	Scoretary er pakhtoonkhwa M	, Medical Faculty

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ears with eff	ect from	00-2011	to	07-2018	<u> </u>

Prepared by Checked by:



SECRETARY
Khyber Pakhtoonkhwa
Medical Faculty Peshawar

Albert .



درخواستین مطلوب هین

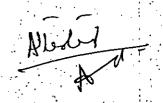
ا پُریشنل ایجنسی سرجن لورًا بیند سنٹرل کرم صد و کے زیر تکرانی محکم صحت مندرجہ ذیل خالی آسامیاں پر کرنے کے لئے درخواسیس مع تعلیمی اسناد ڈیلو میٹر نیننگ سرمیٹیکیٹ شناختی کارڈ ڈومیمائل (تصدیق شدو) اور دومد بقسویروں کے ہمراہ دفتر ایڈیشنل ایجنسی سرجن لورًا بیند سنٹرل کرم صد دکو بتاریخ 20/05/2013 تک جمع کرائیم 'انٹرویو دفتر ایڈیشنل ایجنسی سرجن لورًا بیذ سنٹرل کرم صد دیم صبح 9:00 ہے ہوگا۔

نو ث: امیدوارا پے انسلی دستاویز ات دوران انٹرو یوساتھ الا میں

	وت:اميدواراييخان دشآويزات دوران النرويوسانحولاي						
تاريخ انثروبو	پیشه درانه قابلیت	تغليمي معيار	عمر کی حد	بېپ	نام آ مای	نبر	
				اليس		شار	
27/05/2013	دوسالدة بلومه جوبا قاعد دميدُ يكل فيكفنى KPK كيساتهدر جسرة بو_	کم از کم میٹرک	J レ32t18	9	ميذيكل ثيكنيشن	1	
27/05/2013	دوساله ذیلومه جو با قاعده میڈیکل فیکلٹی KPK کے ساتھ رجسر ڈ ہو۔	کم از کم میٹرک	JL32t18	9	فارم می کمیکنیشن	2	
27/05/2013	دوسالد ذیلومه جو با قاندومید یکل فیکلنی KPK کے ساتھ رجسر ڈ ہو۔	کم از کم مینزک	ال32€18	9	اينستحيز يأنيكنيشن	3	
27/05/2013	دوساله ذیلومه جوبا قاعده میدیکل فیکلنی KPK کے ساتھ رجسر ڈ ہو۔	کم از کم میزک	J レ32t18	9	اد فی کمینیشن	4	
27/05/2013	دوساله ذیلومه جوبا قاند دمید یکل فیکلنی KPK کے ساتھ رجسر ڈ ہو۔	كم ازكم مينزك	ال 32t 18	.9	دُ يَمْنُ ^ب يكنيڤن دُ	5	
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28/05/2013	دوسالدة بلومدجوبا قاعدوميذيكل فيكلنى KPK كساتهد جسر وبو-	کم از کم میٹرک	JU32518	9	ای سی جی کمینیشن	8	
28/05/2013	دوساله دْ بلومه جو با قاعده ميذيكل فيكلني KPK كساتهد جسر وبور	کم از کم میزک	JL32t18	9	ليبارثرى اسشنث	9	
28/05/2013	دوسالہ ذیلومہ جو با قاعد دمیڈ یکل فیکلٹی KPK کے ساتھ رجسڑ ڈبو۔	کم از کم میزک	Jr32t18	9	اى پيآ ئىلىنىشن گاوى	10	
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انوٹ ۔ بتاریخ 20/05/2013 کے بعد موصول شدہ درخواسیں قابل قبول نہیں ہوں گی۔ نیز انٹرویویس شامل ہونے پرکوئی TA/DA نہیں دیا جائے گا۔

PID(P)#284/13 المشتهرد ذاكثر عنايت الرحمن ايديشيل ايجنسي سرجن لهنر ايند سنثرل كرم صده





OFFICE OF THE ADDITIONAL AGENCY SURGEON LOWER & CENTRAL KURRAM ATISADDA

Ph & Fax 0926520522

OFFICE ORDER

As Recommended by Departmental Selection Committee on (lated 28.05.2013 Mr.Hussain Ahmad S/O Rehmat Gul village Sadda Lower Kurram is hereby appointed against the Vacant Post of Blood Bank Technician BPS-09 (6200-380-1.7600) plus usual allowance as admissible under the rule against the vacant post at T.I.E.Q. Hospital Sadda Kurram Agency on the following terms & Condition :

TERMS AND CONDITIONS:

- 1. He will be medically fit for Govt, Services,
- 2. His services purely on Temporary basis & liable to be ferminated without any notice/reason.
- He will be Governed by all such rules and orders issued by the Govi, from time to time for the Post for which he is originally recruited.
- 4. If he wish to resign from services he will give one month notice in advance or in lieu thereof one month salary has to be deposited into Govt, Treasury.
- 5. The Appointment should be declared null and void and penalty will be imposed in accordance with the prevalent law if the documents are proved tempered or bogus.
- 6. If he accept this offer he should report for duty at T.H.Q Hospital Saddá within fifteen days of the receipt of this letter, otherwise the offer will be treated as cancelled.

S/d X X X X X Additional Agency Surgeon Lower & Central Kurram

No. <u>D.116 -19</u> /AAS/Appti

Dated Sadda the 25/6 /2013

Copy Forwarded:

- I. Mr. Hussain Ahmad S/O Rehmat Gul.
- 2. The Incharge T.H.O Hospital Sadda.
- 3. The Agency Accounts Officer Kurram at Parachinar.
- 4. Account/Service Book Clerk of this office For information and necessary action please.

Awal

Additional Affency Surgeon Lower & Central Kurram

be Incharge Hospital Sadda Kurram Acremy Arrinal Report Subject: Reference the Add Azening Surgeon loule & Central Kurrami 9t Sadda, office order No. 2116-19/445 Appth, dated 25/6/2013 Werefore 9 submit my arrival report on 26/6/2013. Justin Hame, Hussain, Ahmord

BB. Tech A.

All Market Mark





OFFICE OF THE ADDITIONAL AGENCY SURGEON LOWER & CENTRAL KURRAM AT SADDA

Ph & Fax 0926520522

OFFICE ORDER

As directed by Director Health Services FATA, this office order No.2116-19/AAS/Apptt dated25.06.2013 regarding the Appointment of Mr.Hussain Ahmad S/O Rehmat Gul as Blood Bank Technician at THQ Hospital Sadda is hereby cancelled due to provision of intolerable experience certificate to the selection committee .

S/d X X X X X Additional Agency Surgeon Lower & Central Kurram

No. 2420-24 /AAS/Apptt

Dated Sadda the 24/7/2013

Copy Forwarded:

- Mr.Hussain Ahmad for information
- 2. The Director Health Services FATA for information w/r to his directive on dated 25.07.2013.
- 3. The Incharge THQ Hospital Sadda for information & necessary action.
- 4. Agency Accounts Officer Kurram at Parachinar for information.
- 5. Account/Service Book Clerk of this office for n/a.

Additional Agency Surgeon Lower & Central Kurram

Allested.



OFFICE OF THE ADDITIONAL AGENCY SURGEON LOWER & CENTRAL KURRAM AT SADDA

Ph & Fax 0926520522

OFFICE ORDER

As Recommended by Departmental Selection Committee on dated 28.05.2013 Mr.Muhammad Gul S/O Muhammad Khan Village Baze P/O Sadda Central Kurram Agency is hereby appointed against the Vacant Post of Blood Bank Technician BPS-09 (6200-380-17600) plus usual allowance as admissible under the rule against the vacant post at THQ Hospital Sadda Kurram Agency on the following terms & Condition.

TERMS AND CONDITIONS:

- 1. He will be medically fit for Govt, Services,
- 2. His services purely on Temporary basis & liable to be terminated without any notice/reason.
- 3. He will be Governed by all such rules and orders issued by the Govt, from time to time for the Post for which he is originally recruited.
- 4. If he wish to resign from services he will give one month notice in advance or in lieu thereof one month salary has to be deposited into Govt, Treasury.
- 5. The Appointment should be declared null and void and penalty will be imposed in accordance with the prevalent law if the documents are proved tempered or bogus.
- 6. If he accept this offer he should report for duty at THQ Hospital Sadda within fifteen days of the receipt of this letter, otherwise the offer will be treated as cancelled,

S/d X X X X X Additional Agency Surgeon Lower & Central Kurram

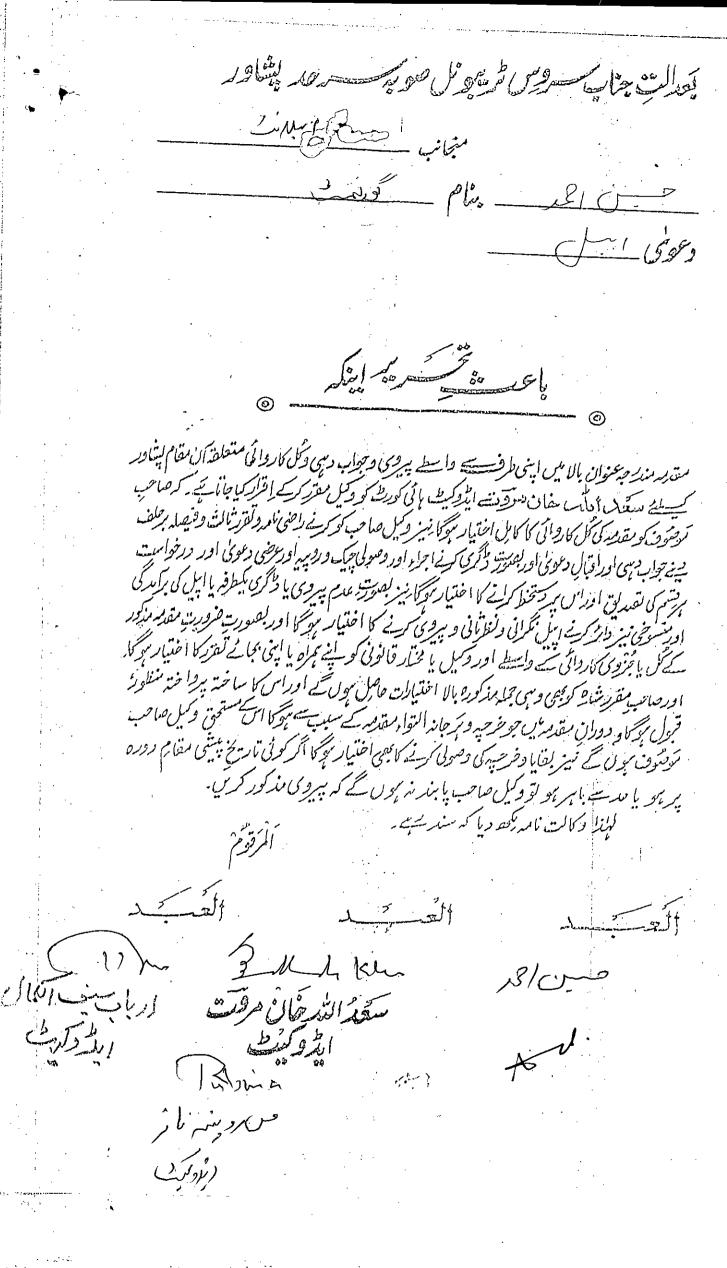
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Copy Forwarded:

- L. Mr.Muhammad Gul S/O Muhammad Khan.
- The Incharge THQ Hospital Sadda.
- 3. The Agency Accounts Officer Kurram at Parachinar.
- 4. Account/Service Book Clerk of this office For information and necessary action please.

Alledon

Additional Agency Surgeon Lower & Central Kurram





OFFICE OF THE ADDITIONAL AGENCY SURGEON LOWER & CENTRAL KURRAM AT SADDA

Ph & Fax 0926520522

OFFICE ORDER

As verbally directive of Deputy Director Admn DHS FATA on dated 16.08.2013, this office order No.2420-24/AAS dated 26.07.2013 is hereby with drawn. The office order No.2116-19/AAS/Apptt dated 25.06.2013 issued in r/o of Mr. Hussain Ahmad S/O Rehmat Gul Blood Bank Technician is hereby stand/restored with all back benefits of service.

> Additional Agency Surgeon Lower & Central Kurram

NO <u>2539 - 42</u>/AAS/App:

dated, Sadda the 19/08/2013.

Copy forwarded to:-

- 1. The Director Health Services FATA for information.
- 2. The Deputy Director Admn FATA for information w/r to telephonic message on dated 16.08.2013.
- 3. The Agency Accounts Officer Kurram for information & necessary action please.
- 4. SMO Incharge THQ Hospital Sadda for information & necessary action.

5. Official Concerned.

Additional Agency Surgeon Lower & Central Kurram