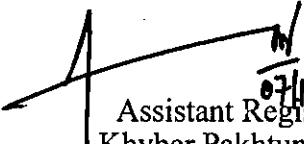


Cost of Rs. 7,000/- received in Service Appeal No. 6342/2020,  
Titled Dost Muhammad vs. DC Kohat

in the office of Assistant Registrar, Vide Order 10/10/23, Submitted <sup>on</sup> Dated: 07/12 /2023.

  
07/12/23  
Assistant Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**IN THE PESHAWAR HIGH COURT PESHAWAR**

**Service Appeal No 6342/2020.**

Dost Muhammad Khan.....

(Appellant)

VS

1. Secretary Health, Khyber Pakhtunkhwa
2. DG Health , Khyber Pakhtunkhwa
3. Deputy Commissioner, Kohat
4. DHO, Kohat

(Respondents)

*INDEX*

<i>S NO.</i>	<i>DESCRIPTION OF DOCUMENTS</i>	<i>PAGES</i>
1)	Affidavit	1
2)	Authority Letter	2
3)	Parawise comments	3
4)	(Annex- A)	4
5)	(Annex - B)	5
6)	(Annex - C)	6

*Deponent*

01-01-2024

*Peshawar*

*Dr. Azmat Ullah Wazir*  
**Deputy Commissioner, Kohat**

CNIC No. \_\_\_\_\_

Mobile No. 0333-9302515



# THE DEPUTY COMMISSIONER KOHAT

☎ 0922-920268



0922-920031



dcokohat@gmail.com

No. 1312/DC/KT

Dated 22/11/2023

## AUTHORITY LETTER

Mr. Wajid Younas, Assistant Litigation DC Office, Kohat is hereby authorized to submit para wise comments in ~~service app.~~ No. 6342/2020 Dost Muhammad Vs Govt. of Khyber Pakhtunkhwa on behalf of the undersigned.

  
Deputy Commissioner,  
Kohat

**IN THE PESHAWAR HIGH COURT PESHAWAR**

(2)

**Service Appeal No 6342/2020.**

Dost Muhammad Khan.....

(Appellant)

VS

1. Secretary Health, Khyber Pakhtunkhwa
2. DG Health , Khyber Pakhtunkhwa
3. Deputy Commissioner, Kohat
4. DHO, Kohat

(Respondents)

**AFFIDAVIT**

I, Dr. Azmat Ullah Wazir, Deputy Commissioner, Kohat (BPS-18) do here by solemnly affirm and declare on oath that the Parawise comments are true and correct to the best of my knowledge. Nothing has been concealed or withheld from the honorable court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off.

Identified by

Advocate General  
Khyber Pakhtunkhwa  
Peshawar



Deponent

*[Signature]*  
**Dr. Azmat Ullah Wazir**  
**Deputy Commissioner, Kohat**

*Respondent No-1*

CNIC No. \_\_\_\_\_

Mobile No. 0333-9302515

3,

**BEFORE THE COURT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Service Appeal No 6342/2020.**

Dost Muhammad Khan.....

(Appellant)

Khyber Pakhtunkhwa  
Service Tribunal

Duty No. 9740

Dated 07/12/23

VS

1. Secretary Health, Khyber Pakhtunkhwa
2. DG Health , Khyber Pakhtunkhwa
3. Deputy Commissioner, Kohat
4. DHO, Kohat

(Respondents)

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has no cause of action or locus standi.
2. That the appellant has not come to the Tribunal with clean hands.
3. That the appellant has been estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appeal is bad for misjoinder and non joinder of necessary parties.

**FACTS:**

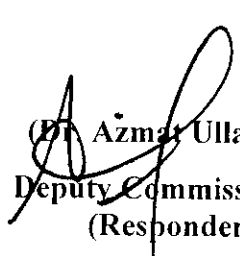
1. No comments. Relates to respondent No.4.
2. No comments. Relates to other respondent.
3. No comments. Relates to other respondent
4. Correct to the extent that petitioner submitted an application dated.4/3/2020 to respondent No.3 (**Annex-A**). The same was forwarded to Respondent No.04. In Respondent No.04 vide letter dated.20-4-2022 (**Annex-B**) forwarded detailed report to Respondent No.03 and the same was also communicated to the petitioner vide letter dated. 08-06-2020 (**Annex-C**).
5. Incorrect. As mentioned in Para No.04 above, the detailed report was already communicated vide DHO letter dated.08-06-2020 (**Annex-C, Ibid**).
6. No comments.

**Grounds:**

- A. No comments. Relates to respondent No.4.
- B. No comments. Point of law.
- C. No comments..
- D. No comments. Relates to other respondent
- E. No comments.
- F. No comments.
- G. No comments. Point of law.
- H. No Comments.

**PRAYERS:**

It is humbly prayed that on acceptance of above parawise Comments, the writ petition may kindly be dismissed please.

  
(Dr. Azmat Ullah Wazir)  
Deputy Commissioner, Kohat  
(Respondent No 3)

بخدمت جناب ڈی پی کمشنر صاحب کوہاٹ  
درفوست بلرادہ نوکری بحالی!

جناب عالی!

موردیہ گزارش کیجائی ہے کہ سائل DHO آفس میں بطور کونڈرا  
ہلڈنگ آف جیب سائل 2003 میں قتل کا دعویٰ ہوا تھا  
اس سائل کے سبب عدویہ طور پر سائل کوئی اور  
مقرر نہیں۔ سائل کے نوکری اور عدالت فیصلہ کاغذات  
درفوست کے ساتھ فلٹیک میں جس میں سائل کی کوئی  
تفصیل نہیں دیا گیا ہے اس سائل کو عدالت بلرادہ  
اس لیے آپ صاحبان سے گزارش کیجائی ہے کہ سائل کے  
نوکری کو بحال کرنے کے احکامات جاری فرما کر مشورہ فرمائیں  
الغرض عین نوازش ہوگی

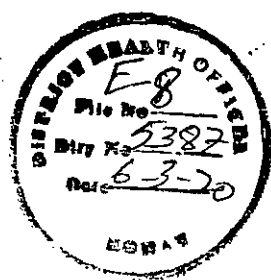
03  
04



سائل دوست محمد  
ولہ رفیق خان  
سکنہ محلہ لہزار چمڑی کھل و نعل کوہاٹ، DHO

Mob# 0331 2891423

For Consideration  
as per law &  
report pl



Estab.  
Discus

Acc H. Section

Deputy Commissioner  
Kohat.

4/3/2020

6/3/2020  
Nasir Khan  
Assistant  
DC Office Kohat

Maine put up the  
Index Book of DHO  
Et. Chaudhary off available to DHO Sindh  
06/3/2020

Muhammad	
Gender	M
Country of Stay	Pakistan
Member Number	14310-27465477-1
Date of Issue	03.11.2017
Date of Birth	01.01.1987
Date of Expiry	03.11.2027
dated <u>20</u>	

To,

Est Sect

I have taken over the charge of services books of DDO office on 1/11/2018. The services book of Mr. Dost Muhammad was not handed over to me.

Qazi Fayaz  
Office Assistant  
10/03/2020

"B"  
5



**OFFICE OF THE  
DISTRICT HEALTH OFFICER  
KOHAT**

Phone & Fax No. (0922) 514100  
Email add: dhokohat@gmail.com

No. 8355 /E.8,  
dated 20 /04/2020

To,  
The Deputy Commissioner,  
Kohat.

Subject: APPLICATION.

Respected Sir:

Reference your remarks on the application of Mr. Dost Mohammad S/O Nobat Khan, Mohammad Zai, District Kohat.

It is stated that Mr. Dost Mohammad was appointed as Chowkidar in the office of the defunct DDHS Kohat in 1989. The office of the defunct DDHS was abolished in 1998 and he was adjusted in the office of the DHO Kohat in 1998.

He was directly charged in FIR No. 94 dated 21/03/2003 U/S 302/324/34, PPC at PS Cantt. He was absconder from duty with effect from 26.03.2003. He was directed to resume duty vide this office letter No. 1966/E.8 dated 17/04/2003 followed by reminder No. 2111/E.8 dated, 02/05/2003, and explain his position regarding willful absence but he did not report for duty nor submitted any written reply and absented himself from duty for about 17 years.

Most probably he would have been terminated from service but the record is not available. Moreover, according to the Section-9 of Esta Code vide Notification No. SORII(S&GAD)/6 (37)89, dated 03/10/1989 Para-4 Sub Para-C which is reproduced as follow:

"After 05 years of continuous absence, services of civil servant shall automatically stand terminated under FR-18 and Rule-12 of the NWFP Civil Servant Revised leave Rules 1981".

In the light of Rules ibid a willful absence of more than 05 years shall not be converted into leave without pay. In the instant case the applicant is continuously absent from duty for such a long period of 17 years.

Attested  
*[Signature]*

Nasir Khatun  
Assistant  
DC Office Kohat

*[Signature]*  
District Health Officer  
KOHAT





**DISTRICT HEALTH OFFICER  
KOHAT**

(C)  
⑧

Phone & Fax No. (0922) 514100  
Email add: dhokohat@gmail.com

No. 8760 /E.8,  
dated 08 /06/2020

To,

Mr. Dost Muhammad Khan S/Q Nobat Khan

Muhammad Zai, Kohat

Subject: **APPLICATION**

Memo,

Reference your application No Nil, dated 08/6/2020 submitted to DHO, Kohat and application No Nil dated 04/3/2020, submitted to Deputy Commissioner Kohat. It is to inform you that the requisite information have already been submitted to Deputy Commissioner, Kohat vide this office letter No 8355/E.8, dated 20/4/2020. Photocopy of the same is attached.

**DISTRICT HEALTH OFFICER  
KOHAT**

08.6.2020

*Attended*  
*[Signature]*

**INCHARGE  
Asst. Commr  
DC Office Kohat**