

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN

SERVICE APPEAL NO. 145/2016

Date of institution ... 27.01.2016

Date of judgment ... 27.08.2019

SCANNED
KPST
Peshawar

Khuram Masih,
Sweeper, D.H.Q Teaching Hospital, D.I.Khan.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat Peshawar.
2. Director General Health & Services Department Khyber Pakhtunkhwa Peshawar.
3. Medical Superintendent, D.H.Q Teaching Hospital D.I.Khan.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974.

Mr. Muhammad Abdullah Baloch, Advocate.
Mr. Farhaj Sikandar, District Attorney

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. HUSSAIN SHAH

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel Mr. Muhammad Abdullah Baloch present and submitted Vakalatnama, which is placed on file. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Jamshaid, Chief Clinical Technician for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present appeal are that the appellant was serving as Sweeper in Health Department. He was imposed major penalty of dismissal from service vide order dated 19.10.2015 (wrongly mentioned as 19.04.2015) on the allegation of registration of FIR No. 972 dated 29.09.2015 under section 379/34 PPC Police Station Cantt due to stealing of medicines

M. Amin
27.8.2019

from hospital. The appellant filed departmental appeal on 31.10.2015 which was not decided within statutory period hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

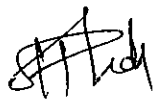
4. Learned counsel for the appellant contended that the appellant was appointed as Sweeper in Health Department in the year 2007. It was further contended that he was performing his duty regularly. It was further contended that the appellant was imposed major penalty of dismissal from service due to registration of FIR No. 972 dated 29.09.2015 under section 379/34 PPC Police Station Cantt. It was further contended that the allegation in the FIR against the appellant and others was of stealing of medicines from hospital. It was further contended that the appellant faced the trial of the aforesaid criminal case in the competent court but the Trial Court has stopped the proceeding in the aforesaid criminal case against the appellant due to none appearance of witnesses in the court against the appellant. It was further contended that neither charge sheet, statement of allegation was served upon the appellant nor a proper inquiry was conducted therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was caught red handed on the spot while stealing medicines from the hospital. It was further contended that the appellant was issued show-cause notice and after providing full opportunity of personal hearing, the competent authority has rightly imposed major penalty of dismissal from service upon the appellant. It was further contended that all the codal formalities were fulfilled therefore, the appeal has no force and prayed for dismissal of appeal.

M. Anwar
27.8.2019

6. Perusal of the record reveals that the appellant was serving in Health Department as Sweeper. He was imposed major penalty of dismissal from service on the allegation of registration of criminal case vide FIR No. 972 dated 29.09.2015 under section 379/34 PPC Police Station Cantt. The record further reveals that there is nothing on the record to show that the appellant was convicted by the competent court in the said criminal case rather it was claimed by learned counsel for the appellant that the proceeding in the said criminal case has been stopped by the competent court due to none appearance of witnesses against the appellant. The record further reveals that the appellant was imposed major penalty of dismissal from service but neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor the appellant was associated in any inquiry proceeding therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
27.08.2019



(HUSSAIN SHAH)
MEMBER
CAMP COURT D.I.KHAN




(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN


27.08.2019

Appellant alongwith his counsel Mr. Muhammad Abdullah Baloch present and submitted Vakalatnama, which is placed on file. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Jamshaid, Chief Clinical Technician for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED
27.08.2019

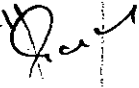

(HUSSAIN SHAH)
MEMBER
CAMP COURT D.I.KHAN


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN

23.04.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Jamshid, Chief Clinical Technician for the respondents present. Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourn. To come up for rejoinder and arguments on 25.06.2019 before D.B at Camp Court D.I.Khan.

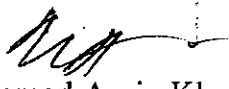

(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


(M. Hamid Mughal)
Member
Camp Court D.I.Khan

25.06.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Jamshaid, CCT Pharmacy for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Case to come up for arguments on 27.08.2019 before D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


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

22-10-18

Taxes is hereby cancelled, therefore the case is adjourned for the same on 18-12-2018 at camp court D-I-Khan.



18.12.2018 As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 18.12.2018 has been rescheduled and the case is re-fixed for 27.12.2018.

Reader

27.12.2018

Neither appellant nor his counsel present. Mr. Farhaj Sikandar, District Attorney for the respondents present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 25.03.2019 before S.B at Camp Court D.I.Khan. Notice be also issued to appellant and his counsel for attendance for the date fixed.



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

25.03.2019


Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. M. Javed, CCT for respondents present. Written reply submitted which is placed on file. Case to come up for rejoinder and arguments on 23.04.2019 before D.B at camp court D.I.Khan.


Member
Camp Court, D.I.Khan

Service Appeal No. 145/2016

22.02.2018

Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Jamshid, Chief Clinical Technician for the respondents also present. Written reply not submitted. Representative of the department requested for further adjournment. Adjourned. To come up for written reply/comments on 26.04.2018 before S.B at Camp Court D.I.Khan.


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


25.05.2018

Due to retirement of the Worth Chairman, the Tribunal becomes non-functional. To come up for the same 22.06.2018. Notice be issued to the parties accordingly.


Member

22.06.2018

Appellant Khuram Masih in person present. Mr. Muhammad Jamshaid, CCT for the respondents present and made a request for adjournment. Granted but as a last chance. To come up for written reply/comments on 30.08.2018 before S.B at camp court, D.I.Khan.


Chairman
Camp Court, D.I.Khan

30.8.18

Appellant present in person. No one present for respondents. Case is hereby cancelled, therefore the case is adjourned for the same, at camp court D.I.Khan. on 22-10-18



27.09.2017

Appellant in person present and Mr. Farhaj Sikandar, District Attorney alongwith Muhammad Jamshid Superintendent for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 29.12.2017 before S.B. at Camp Court D.I.Khan.



Member
(Judicial)
Camp Court D.I.Khan

29.12.2017

None present on behalf of the appellant. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Jamshid Khan, Chief Clinical Technician for the respondents also present. Written reply not submitted. Learned District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on 22.02.2018 before S.B at Camp Court D.I.Khan. Notice be also issued to appellant and his counsel for attendance for the date fixed.



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

145/2016

26.09.2016

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 24.10.2016 before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan

24.10.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 19.04.2015 vide which the appellant was dismissed from service. Against the impugned order appellant filed a departmental appeal on 31.10.2015 which was not responded within statutory period, hence the instant service appeal.

Since the matter require further consideration of this Tribunal, therefore, the appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 28.03.2017 before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan


28.03.2017


Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.


Reader

23.08.2017


Appellant in person present and submitted application for depositing of security and process fee. Application is placed on record. Appellant is directed to deposit the security and process fee within three days thereafter, notices be issued to the respondents for written reply/comments for 27.09.2017 before S.B at Camp Court D.I.Khan.


Appellant Deposited
Security & Process Fee


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

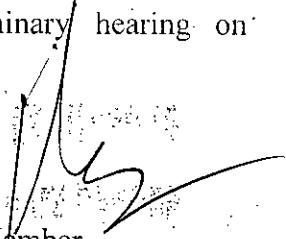
23.3.2016

None for the appellant present. Notices be issued to appellant and his counsel. To come up for preliminary hearing at camp court, D.I.Khan on 24.5.16.


MEMBER
Camp court, D.I.Khan

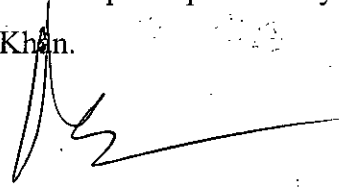
24.05.2016

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 30.08.2016 at camp court D.I. Khan.


Member
Camp Court D.I.Khan

30.08.2016




Appellant with counsel present and requested for adjournment. Adjournment granted. To come up for preliminary hearing on 26.09.2016 at camp court D.I.Khan.


Member
Camp court D.I. Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 145/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.02.2016	<p>The appeal of Mr. Khuram Masih resubmitted today by post through Liaqat Ali Amjid 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> <p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up thereon <u>23-02-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2	23.2.2016	<p>Clerk of counsel for the appellant present and requested for adjournment to produce his senior counsel. To come up for preliminary hearing on <u>29.3.16</u> at Camp Court D.I.Khan.</p> <p style="text-align: right;"> MEMBER Camp Court, D.I.Khan</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

S.T.A No. 145 2016

Khuram Masih V/S Govt of K.P.K etc

Subject: Application for Resubmission of
Titled Service Appeal.

Respectfully Sheweth,

The instant Service Appeal was filed on 26.1.2016
on which this Office Put an objection notice :-


It is humbly submitted that now Statutory Period
for filing the instant Service Appeal is completed .The
impugned termination order was passed on 19.10.2015 against
which the Appellant preferred Departmental Appeal/Representation
on 31.10.2015 .The Statutory Period for filing the Service
Appeal is 31.1.2016 , however in view of the wisdom lay down
in 2015 SCMR 456 C-R that after insertion of Article 10A
in the Constitution of Islamic Republic of Pakistan through
Constitutional amendment 18, prohibiting a Civil Servant for
three months to approach the Court is deprecated by the august
Supreme Court and it is not a fair trial of Civil Servant.

At this juncture on 11.2.2016 all the legal
requirements for filing Service Appeal are completed , hence
the instant Service Appeal is re-submitted for favourable action.

Five copies of the Original Service Appeal has already
been sent to this Hon'ble Court.

RESUBMITTED PLEASE.


Khuram Masih


11.2.16
LIAQAT ALI AMJAD ADVOCATE


This is an appeal filed by Mr. Khuram Masih today on 27/01/2016 against the impugned order dated 19.10.2015 against which he preferred/made a departmental appeal on 31.10.2015 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 142 /ST,

Di. 28-1 /2016

Mr. Liaqat Ali Amjid Adv.
High Court D.I.Khan.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE THE HON'BLE SERVICE TRIBUNAL. K.P.K PESHAWAR.

S. T. A No. 145 2016

Khuram Masih V/S Govt of K.P.K etc.

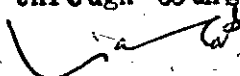
Index.

SNO	Particulars of documents	Annexure	Pages.
1.	Memo and grounds of the S.T.A.		1-4
2.	Copy of F.I.R	A	5
3.	Copy of Show Cause Notice & Reply	B	6-7
4.	Copy of Termination Order dated. 19.10.2015	C	8
5.	Copy of the Departmental Appeal. <i>aloy</i> ^D <i>Pestel (arab)</i>	D	9-12
6.	Wakalatnama.		13

Your Humble Appellant.


Khuram Masih

through Counsel.


(Liaqat Ali Amjad)
Advocate High Court.

Dated. 26.1.2016.

03005792422

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 145 2016

Khuram Masih ,
Sweeper , D.H.Q Teaching Hospital,
D. I. Khan.

M.W.P Province
Service Tribunal

Diary No. 68

Dated 27-1-2016

Appellant.

v/s

1. Government of Khyber Pakhtunkhwa through
Secretary Health ,Civil Secretariat Peshawar.
2. Director General Health & Services Deptt:
K.P.K. Peshawar.
3. Medical Superintendent ,D.HQ Teaching Hospital ,
D. I. Khan.

Respondents.

Service Appeal under Section 4 of Khyber Pakhtunkhwa
Service Tribunal Act 1974 .

Prayer.

On acceptance of the instant Appeal the Impugned
termination order bearing No.5428-31 dated.19.10.2015
of the Appellant Passed by the Respondent No.3 Medical
Superintendent DHQ Teaching Hospital may kindly be set
aside and the Appellant be re-instated in the Service
with all back benefits .

Respectfully Sheweth,

1. That the Appellant was permanent employee of
D.H.Q. Teaching Hospital D. I. Khan and was working in
Hospital with full/entire satisfaction of his Superiors.

Re-submitted to-day

and filed

Registered

کالٹ نامہ



N.W.F.P. BAR COUNCIL

قیمتی
ایک روپیہ

MUHAMMAD ABDULLAH
Advocate High Court
N.I.C. 12101-0988149-7
S.No 1288



Before The Honorable Service Tribunal KPK Peshawar

Appellant

Khuram Masih

منجانب

Govt of KPK and others

بنا

Service Appeal (145/16)

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

D. I. Khan

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجہات دیکھ کر پیش کیا گیا ہے

Muhammad Abdullah Baloch Attc. D. I. Khan

کو حسب ذیل شرائط پر دیکھ مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بڈریو، بروعدالت حاضر ہوتا رہوں گا اور ہر وقت ہمارے مقدمہ دیکھ صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ منبری غیر حاضر کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محبت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کئی سائنٹ پر داخنت صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری اضرائی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پریشانی یا دشمنی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل گمرانی و برآمدگی مقدمہ یا منسوخ ذمیری یک طرفہ یا درخواست حکم انتظامی یا قرضی یا گرفتاری قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختصم بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخنت صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مقررہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر سٹر کو اپنے بجائے یا اپنے ہمزاء مقرر کریں اور ایسے بشیر قانون کو بھی ہر امر میں ہی اور دینے اختیارات ماسٹر دول گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر بانہ اتوار پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو اپوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پردی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

2019 August 27

مضمون و کالٹ نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
27/8

Khuram Masih - Appellant

حسن کا میر سٹرائٹ روڈ کن زرار کیت بالمقابل جائز ہوں ڈیرہ اسماعیل خان



2

2. That the Respondent authorities enroped the Appellant in Criminal Case F.I.R No.972 dated.29.9.2015 malafidely in the P.S. Cantt D.I.Khan under Section 379/34 for Stealing of Medicals(not for Sale) . Wherein the Appellant have been bailed out . Copy of the F.I.R is enclosed as Annexure A.

3. That thereafter the Respondent authorities issued Show Cause Notice /Charge sheet which was replied .Copy of show Cause Notice and reply is enclosed as Annexure B.

4. That the Respondent authorities then terminated the Appellant from Services vide order bearing No. 5428-31 dated.19.10.2015 .Copy of the impugned order is enclosed as Annexure C.

5. That the ~~Appellant~~ dissatisfied from the impugned termination order submitted departmental Appeal/Representation before the Director Health K.P.K. Peshawar. Response of which is still awaited. Copy of the Departmental appeal is enclosed as Annexure D.

6. That the Appellant now humbly approach this Hon'ble Tribunal through instant Service Appeal inter alia on the following grounds

G R O U N D S .

1. That impugned dismissal order is against law and facts of the case and is not tenable in the eyes of law, liable to be set aside

2. That by passing the impugned dismissal order dated.19.10.2015 the Medical Superintendent exceeded from his jurisdiction and passed the impugned order in very haphazard and slipshod manner.

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3 That no any enquiry have been conducted against the Appellant and the Medical Supt: DHQ Teaching Hospital D.I.Khan: passed the impugned order on whimsical grounds.

4. That the Charges against the Appellant has wrong and incorrect it has not been proved and the case of the Appellant is still pending adjudication before the competent Court of law.

5. That the Respondent authorities have already re-instated the One So-Accused in the Department on his original Post with all back benefit .Thus the Appellant is liable to be re-instated in Services.

6. That the Counsel of the Appellant may kindly be allowed to raise additional grounds during course of hearing.

Liaquat

In Wake of Submission made above it is humbly prayed that the impugned Termination order dated. 19.10.2015 may kindly be set aside and the Appellant may be re-instated in his services with all back benefits.

Your Humble Appellant.

Khuram Masih
Khuram Masih

through Counsel. *Liaquat*

(Liaquat Ali Mjad)
Advocate High Court.

Dated. 26.1.2016.

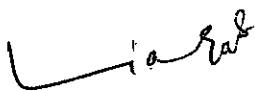
BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR.

Khuram Masih V/S Govt of K.P.K etc.

Affidavit.

I, Khurram Masih Ex-Sweeper DHQ Teaching Hospital D. I. Khan do hereby solemnly affirm and declare on oath that the contents of the Service appeal is true and correct to the best of my knowledge and belief and that nothing has been kept secret.

Deponent.



ابتدائی اطلاعی رپورٹ

کوئٹہ ANNEX

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

ضلع DIK

تھانہ 20

5

تاریخ وقوع 29/9/15 وقت 3:00 AM

(972)

1	تاریخ و وقت رپورٹ 29/9/15 وقت دفتر ناظم	تاریخ و وقت 29/9/15 وقت 14-45
2	نام و سکونت اطلاع دہندہ مستغیث	سید فضل سید زینت علیہ الرحمہ ڈیڑھ شاہ DHO ڈیڑھ
3	مختصر کیفیت مجرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	PPC 379/34
4	جائے وقوع فاصلہ تھانہ سے اور سمت	ڈیڑھ شاہ شمالی تھانہ کوئیہ 1 کل میٹر
5	نام و سکونت ملزم	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	سید علی احمد ڈیڑھ شاہ ڈیڑھ 5024/29-9-15 وقت وقوع 3:00 AM
7	تھانہ سے روائگی کی تاریخ و وقت	سید علی احمد

ابتدائی اطلاع نیچے درج کرو مستغیث مذکورہ خانہ نمبر 5024/29-9-15 ایک ڈیڑھ شاہ

To the SHO PS cantt DIK
 on the night between 28,29-09-15 at about 03-00AM Mr. Muhammad Amir s/o Muhammad Nawaz caste origin r/o Mohallah Sallania Paimpat, Muhammad Amir s/o Shah Jahan caste origin R/o New Abadi Chaudhary and Khuram Masih s/o Johnson Masih caste Christian r/o Mohallah Jogian wala Dikhan were apprehended/caught by the police deputed on the gate of the Hospital, red handed while taking away the Hospital Medicines (not for sale) to the market for sale. The bag recovered from them is full of Hospital medicines. It is a clear cut case of theft. It is requested that case under the relevant law may be registered against them and properly investigated to unearth the entire gang involved in such ugly practice. The accused and the bag are handed over to local police.

مستغیث مذکورہ خانہ نمبر 5024/29-9-15 ایک ڈیڑھ شاہ
 سید علی احمد ڈیڑھ شاہ ڈیڑھ 5024/29-9-15 وقت وقوع 3:00 AM

MHC/cantt
 29-9-15

Office of the Medical Superintendent

DHQ Teaching Hospital DIKhan

No. 5277 / PF
Dated 12 / 10 / 2015

To

Khuram Masih
Sweeper, DHQ Teaching Hospital
DIKhan

Subject: **SHOW CAUSE NOTICE**

Memo:

You were arrested red handed while stealing hospital medicine and taking away to the market for sale on the night between 28-29.09.2015 at about 03:00 AM. You were apprehended/caught on the gate by the police on duty. A criminal case vide FIR No.972 dated 29.9.2015 was registered against you in Police Station Cantt.

You were informed by an order in writing of the grounds proceeding against you, clearly specifying the charges and penalty to be imposed upon you.

You failed to reply to the show cause notice. The facts on record have proved the charges against you. You are therefore afforded an opportunity to appear before me in my officer on 16.10.2015 at 11:00 AM for personal hearing.-


COMPETENT AUTHORITY

To: The Competent Authority,
Office of the Medical Superintendent,
D.H.Q Teaching Hospital
D.I.Khan.

Subject: Show Cause Notice.

Respected Sir,

Kindly reference your show Cause notice
No.5277/PF dated.12.10.2015 which is repetition of
earlier Charge Sheet/Show Cause Notice .

In this connection I have already replied
and denied all the charges levelled against me .
Your honour have lodged the F.I.R against the Accused/
Applicant in the Police Station Cantt D.I.Khan and
the Accused/Applicant have obtained Bail from the
Hon'ble Additional Sessions Judge III D.I.Khan .
The case has now completed and the trial in the
Court will be commenced within a day or two.

That the Accused/Applicant feel that
case is subjudice in the Court of Additional Session
Judge III D.I.Khan therefore the Department is not
entitled to continue parallel enquiry departmentally.

It is , therefore humbly prayed that
Charge Sheet/Show Cause notice may very kindly
be recalled or the Criminal proceedings may
be withdrawn.

Your Humble Accused/Applicant.

Khuram Masih
Sweeper, DHQ Teaching Hospital
D.I.Khan.

Dated. 17.10.2015.

Office of the Medical Superintendent

D.K. Teaching Hospital DIKhan.

No. _____ / PF Dated 19 / 4 / 2015**OFFICE ORDER:**

Khuram Masih, Sweeper was served with show cause notice under Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, which is reproduced as under:-

1. (i) Whereas, you Khurram Masih, Sweeper, were arrested red handed while stealing hospital medicines and taking away to the market for sale on the night between 28-29.09.2015 at about 03:00 AM. You were apprehended/caught on the gate by the police on duty. A criminal case vide FIR No.972 dated 29-9-2015, PS Cantt has been registered against you. Your this act amounts to misconduct/corruption.

From your conduct, I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules.

- a) Misconduct.
 - b) Corruption.
2. For reason of the above, I as competent authority have tentatively decided to impose upon you the major penalty of dismissal from service specified in Rule 4 (b) (iv) of the rules ibid.
 3. You are required to show cause as to why the aforesaid penalty should not be imposed upon you.
 4. If you failed to reply to this notice within 07 days of its delivery it shall be presumed that you have no defence to put in and in that case ex-party action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. Meanwhile, you are placed under suspension under Rule 6 of the said Rules.

The official submitted reply to the Show Cause Notice. His reply was without substance to counter the charges. He was also heard in person but he had no defence to put in because he was arrested red handed while stealing hospital medicines by the police on gate duty which could not be denied.

The facts on record are sufficient to prove that the official is guilty of gross misconduct and corruption. I, therefore, being a competent authority impose major penalty upon him and dismiss him from service with immediate effect.

No. 5428-31 /

Copy forwarded to the:-

1. District Accounts Officer DIKhan.
2. Superintendent of Police, Investigation DIKhan.
3. Establishment / Accounts Section MS Office DHQTH DIKhan.
- ✓ 4. Official Concerned.

COMPETENT AUTHORITY

Khuram Masih
COMPETENT AUTHORITY

ANNEX
C
8

To,

The Director General
Health Department
Government of Khyber Pakhtunkhwa

ANNEX
D

**SUBJECT: DEPARTMENTAL APPEAL AGAINST
DISMISSAL ORDER NO 5428-31 DATED 19-
10-2015 INADVERTENTLY SHOWN AS 19-
04-2015.**

Respected Sir;

The Petitioner submits as under;

1. That the petitioner was serving in District Head Quarter Teaching Hospital Dera Ismail Khan as sweeper as regular employee of the Health Department.
2. That the Petitioner was malafidely involved in case FIR no 972 dated 29-09-2015 u/s 379/34 Police Station Cantt by the local police of Dera Ismail Khan, however the allegation in the FIR are concoctive baseless and still to be proved before competent Court of Law.
3. That it is a matter of record and admitted position of the case that at this juncture no finding of guilt or innocence exists and the matter is still subjudice before Criminal Court.
4. That the Medical Superintendent District Head Quarter Teaching Hospital Dera Ismail Khan illegally issued show cause notice to the Petitioner on 12-10-2015 which has no footing and within a short span of seven days issued dismissal Order of the Petitioner having endorsement No 5428-31 dated 19-10-2015 which is patently illegal, against the settled principle of service Laws on the following grounds;
 - a. That the impugned dismissal Order is against law and facts of the case and material available on record, hence not tenable in the eyes of Law, liable to be set aside.

110

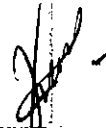
- b. That by passing the impugned dismissal Order dated 19-10-2015 the Medical Superintendent exceeded from his jurisdiction and passed the impugned order in a very haphazard and slipshod manner.
- c. That it is a matter of record that there is no preliminary inquiry or final inquiry was conducted in the case of the Petitioner and the Medical Superintendent District Head Quarter Teaching Hospital Dera Ismail Khan passed the impugned Order on whimsical grounds.
- d. That the charge against the Petitioner are still to be proved before competent Court of Law and by passing the impugned dismissal Order the Medical Superintendent District Head Quarter Teaching Hospital Dera Ismail Khan assumed the jurisdiction of Court of Law, which is not warranted under any canon of law.
- e. That the departmental proceeding conducted by Medical Superintendent amount to usurpation of powers of Criminal Court of Justice because at the moment, the finding of the guilt or innocence are yet to come from the competent Court.
- f. That it is a matter of record that no inquiry officer or inquiry committee was constituted in the case of the Petitioner, hence the express statutory provision of E&D rules 2011 have blatantly violated.
- g. That the Departmental proceedings against the Petitioner are against the true spirit of Rule 5(a) and (b) of E&D rule 2011, because no charge sheet or statement of allegation have been framed, thus the Departmental proceedings suffering from statutory lapses.
- h. That there was no documentary or oral evidence against the Petitioner with the Departmental authority, hence imposing a major penalty of dismissal from Service without any substance, material or any evidence is patently illegal, hence impugned Order is liable to be set aside

(11)

- i. That counsel for the petitioner may graciously be allowed to raise additional grounds at the time of arguments.

In view of the above submission, it is humbly prayed that on acceptance of the present Departmental appeal, the impugned order no 5428-31 dated 19-10-2015 inadvertently shown as 19-04-2015 may please be set aside by striking down the Departmental proceeding and the Petitioner may please be reinstated in service in all the back benefits.

Your humble petitioner,



KHURAM MASEEH

S/o Johnsen Maseeh
Sweeper DHQ, Teaching
Hospital DIKhan.

Dated: 31/10/2015

وکالت نامہ

قیمتی ایک روپیہ		کورٹ فیس
--------------------	--	-------------

جناب سروسز ٹریڈنگ اینڈ ایکسپورٹرز

مخاتب فرم سیم ایمپلائمنٹ اینڈ ٹریننگ
گورنمنٹ آف پاکستان
سروسز ایبیل

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مذکورہ ذمہ دار صاحب

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات کے پیش یا تغیر مقدمہ تمام

سرکار علی احمد ایڈووکیٹ ہاؤس

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر پکچری کے علاوہ یا پکچری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکچری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکچری کے اوقات سے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر وادخت صاحب موصوف مشل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری نظر ثانی ایجنٹ گمرانی و برہم درخواست برہم کے بیان دینے اور پر پائی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مرکز بیرون از پکچری صدر بیرونی مقدمہ مرکز نظر ثانی ایجنٹ و گمرانی و برآمدگی مقدمہ یا سنوٹی ڈگری یک طرفہ یا درخواست حکم امتحانی یا ترقی یا گمرانی قیل از فیصلہ جرائے ذمیری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ضمانت بیرونی کا اختیار ہو گا اور تمام ساختہ پر وادخت صاحب موصوف مشل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی ایجنٹ گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پرونی نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف سے برخلاف نہیں ہو گا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 26 مارچ 1966

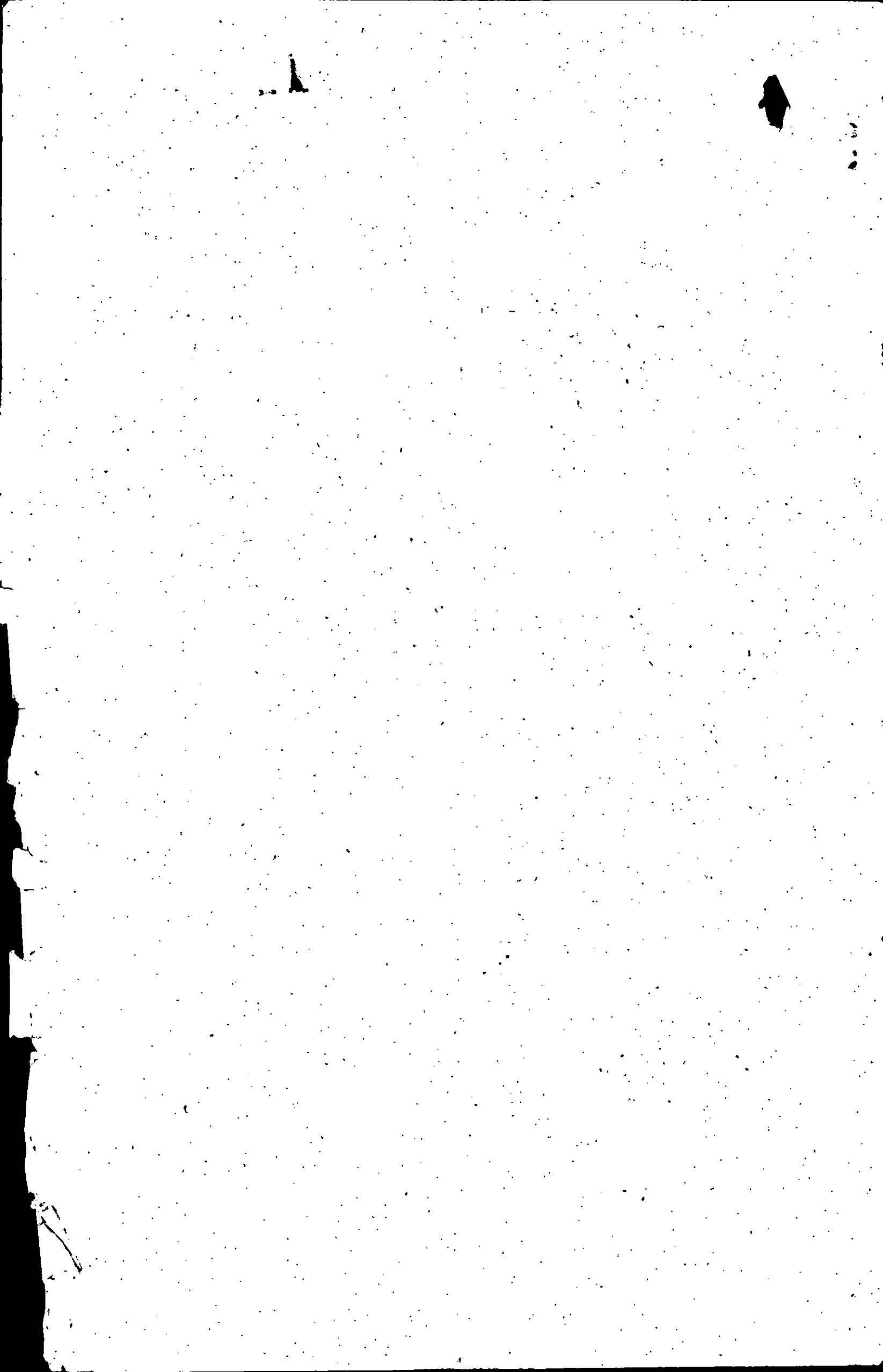
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

فرم سیم ایمپلائمنٹ اینڈ ٹریننگ

Accepted



26/1/66 (Sel)



کتابت خدای سرور شریعت محمدی در ۱۰۰ صحن

خدمت صحیح بنام سید محمد باقر

در فرستادن اسناد اجازت فتنی حاج آقا

خداوندی. سید صاحب در این صحن

که همه کسریان بعد از این که خداوند فرموده
و همه او فرزند حق فرستاده

۲. در کتابت همه کسریان بعد از این که خداوند فرموده
و همه او فرزند حق فرستاده

کتابت خدای سرور شریعت محمدی در ۱۰۰ صحن
خدمت صحیح بنام سید محمد باقر
در ۱۰۰ صحن

خدمت صحیح بعد از این که خداوند فرموده

محمد

BEFORE THE HONORABLE SERVICE TRIBUNAL
K.P.K PESHAWAR

S.T.A No.145/2016

Khuram Masih..... **Appellant**

Versus

Government of Khyber Pakhtunkhwa & Others..... **Respondent**

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1,2&3

PRELIMINARY OBJECTIONS:

1. The appellant has got no course of action and laws stands to file the instant appeal.
2. That the appellant is estopped by his own conduct to the file this appeal.
3. That the appeal is not maintainable and incompetent in the eyes of law.
4. That the appeal is bed misjoinder/non-joinder of necessary parties.
5. That the appeal is badly time barred.
6. That the appellant has cancelled the relevant facts from the honorable tribunal.
7. That the appellant has not come to this tribunal with clean hands and has surprised all relevant facts.
8. That the honorable tribunal has no jurisdiction to entertain the instant appeal in its present form.

OBJECTIONS ON FACTS:-

1. Correct to the extent that he was a permanent employee of this Hospital but it is incorrect that his performance was satisfactory because he was a chronic thief, stealing medicines from various units of the Hospital for sale in the market.
2. Incorrect, he was arrested red-handed by the police on the gate of the Hospital on the night between 28-29/09/2015 at 03:00AM along with case property i.e. stolen medicines recovered from him.


On the base of which FIR No.972 dated 29.09.2015 was registered against him in Police Station Cantt DIKhan.

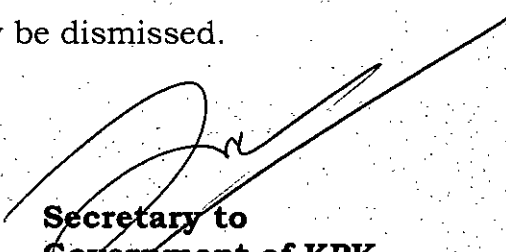
3. Pertains to record.
4. Correct to the extent that he was dismissed from service after finding his reply to the show cause unsatisfactory.
5. Incorrect. His appeal was rejected by appellate authority i.e. Director General Health Services Khyber Pakhtunkhwa Peshawar.

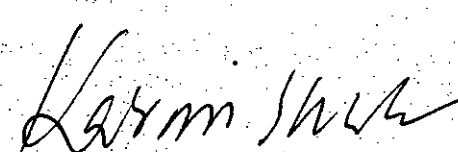
GROUND:-

1. Incorrect. The order was passed after fulfillment of all code formalities under the rules.
2. Incorrect. The detail has already been given in paras.
3. Incorrect. He was dismissed from service in accordance with the E & D Rules by giving him direct Show Cause Notice under Rule 7 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 as he was caught red-handed.
4. Incorrect. The appellant has himself admitted that case is pending against him.
5. Incorrect. No other Government servant/employee of this hospital was involved as co-accused along with the appellant and the co-accused were private persons interrogated by the Police.

In the light of the above the appeal of the appellant as being without any substance may graciously be dismissed.


**Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar
(Respondent No.2)**


**Secretary to
Government of KPK
Health Department Peshawar
(Respondent No.1)**


**Hospital Director
MTI DHQ Teaching Hospital
DIKhan
(Respondent No.3)**

Ph# 0966-9280201/ Fax # 0966-9280446/DIK

Office of the Medical Superintendent

DHQ Teaching Hospital DIKhan

No. 5277 / PF
Dated 12 / 10 / 2015

To

Khuram Masih
Sweeper, DHQ Teaching Hospital
DIKhan

Subject: SHOW CAUSE NOTICE

Memo:

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You were informed by an order in writing of the grounds proceeding against you, clearly specifying the charges and penalty to be imposed upon you.

You failed to reply to the show cause notice. The facts on record have proved the charges against you. You are therefore afforded an opportunity to appear before me in my officer on 16.10.2015 at 11:00 AM for personal hearing.


COMPETENT AUTHORITY

Office of the Medical Superintendent

DHQ Teaching Hospital DIKhan

No. _____ / PF Dated 19 / 4 / 2015

OFFICE ORDER:

Khuram Masih, Sweeper was served with show cause notice under Rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, which is reproduced as under:-

1. (i) Whereas, you Khuram Masih, Sweeper, were arrested red handed while stealing hospital medicines and taking away to the market for sale on the night between 28-29.09.2015 at about 03:00 AM. You were apprehended / caught on the gate by the police on duty. A criminal case vide FIR No.972 dated 29-9-2015, PS Cantt has been registered against you. Your this act amounts to misconduct / corruption.

From your conduct, I am satisfied that you have committed the following acts / omissions specified in rule 3 of the said rules.

- a) Misconduct.
- b) Corruption.

2. For reason of the above, I as competent authority have tentatively decided to impose upon you the major penalty of dismissal from service specified in Rule 4 (b) (iv) of the rules ibid.
3. You are required to show cause as to why the aforesaid penalty should not be imposed upon you.
4. If you failed to reply to this notice within 07 days of its delivery it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person
6. Meanwhile, you are placed under suspension under Rule 6 of the said Rules.

The official submitted reply to the Show Cause Notice. His reply was without substance to counter the charges. He was also heard in person but he had no defence to put in because he was arrested red handed while stealing hospital medicines by the police on gate duty which could not be denied.

The facts on record are sufficient to prove that the official is guilty of gross misconduct and corruption. I, therefore, being a competent authority impose major penalty upon him and dismiss him from service with immediate effect.

COMPETENT AUTHORITY

No. ST 28-31 /

Copy forwarded to the:-

1. District Accounts Officer DIKhan.
2. Superintendent of Police, Investigation DIKhan.
3. Establishment / Accounts Section MS Office DHQTH DIKhan.
- ✓ 4. Official Concerned.

Kayana Shah
COMPETENT AUTHORITY

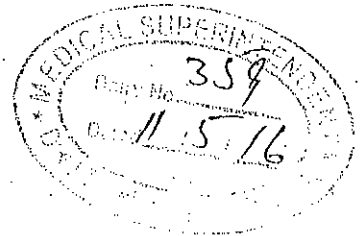
**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**



E-Mail Address: dgphs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 3181-84/Personnel Dated: 02/05/2016

To;

Mr. Khurram Masih
S/o Johnsen Masih Ex: Sweeper
DHQ Teaching Hospital D.I Khan.

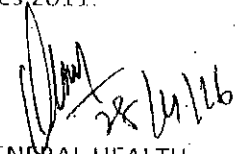


Subject: DEPARTMENTAL APPEAL AGAINST DISMISSAL ORDER NO. 5428-31 DATED 19.10.2015.
Memo:

Reference your appeal dated 31.10.2015, on the subject noted above.


You were personally heard on 12.04.2016 by the undersigned but could not prove yourself as innocent.

Therefore your appeal for re-instatement into Govt: service cannot, it is regretted be acceded to as your termination order has been issued by M.S DHQ Teaching Hospital D.I Khan after observance of all the codal formalities as required under the E&D Rules, 2011.


DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR

C.C

1. SO-IV Govt: of Khyber Pakhtunkhwa Health Department Peshawar w/r to his letter No. SOH-IV/4-4/Misc Vol-II Khuram dated 07.12.2015.
2. M.S DHQ Teaching Hospital D.I Khan.
3. Master File.


12/5/2016

ابتدائی اطلاعی رپورٹ

ANNA کوئر

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زید دفعہ ۱۵۳ مجموعہ ضابطہ نو جداری

تحتیائی 20

ضلع DIK

تاریخ وقت وقوع 29/9/15 روت 3:00AM

(972)

1	تاریخ دولت رپورٹ 29/9/15 روت دفتر ناظم	تاریخ وقت وقوع 29/9/15 روت 14:45
2	نام اسکوت اطلاع دہندہ مستغیث	تاریخ وقوع 29/9/15 روت 14:45
3	تفصیل مجرم (معدوم) حال اگر کچھ لیا گیا ہو	تاریخ وقوع 29/9/15 روت 14:45
4	جائے وقوع فاصلہ تھانہ سے اور سمت	تاریخ وقوع 29/9/15 روت 14:45
5	نام اسکوت ملزم	تاریخ وقوع 29/9/15 روت 14:45
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرنا	تاریخ وقوع 29/9/15 روت 14:45
7	تھانہ سے روانگی کی تاریخ و وقت	تاریخ وقوع 29/9/15 روت 14:45

ابتدائی اطلاع نیچے درج کرو مستغیث مندرجہ ذیل کے ایک لڑکے کی

5029/29-9-15 یوں قاضی صاحب تہذیب و انصاف کے تحت ایک لڑکے کی

To the SHO PS Cantt DIK

On the night between 28, 29-09-15 at about 03-00AM Mr. Muhammad Ambaz S/o Muhammad Nawaz Caste orain 1/0 Mohallah Sullania Patahar, Muhammad Amir S/o Shah Jahan Caste orain R/o New Abadi Chowdvari and Khuram Masih S/o Johnson Masih Caste Christian S/o Mohallah Jogian wala DIKhan were apprehended/caught by the police deputed on the gate of the Hospital, red handed while taking away the Hospital medicines (not for sale) to the market for sale. The bag recovered from them is full of Hospital medicines. It is a clear cut case of theft. It is requested that case under the relevant law may be registered against them and properly investigated to unearth the entire gang involved in such ugly practice. The accused and the bag are handed over to local police.

دستور العمل کے مطابق ابتدائی اطلاع دہندہ کو ایف آئی آر فائل کرنے کے لئے کہا گیا ہے۔

مختص قاضی صاحب

MHC/cant
29-9-15

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1609 /ST

Dated 18 / 9 / 2019

To


The Medical Superintendent District Headquarter Teaching Hospital,
Government of Khyber Pakhtunkhwa,
D.I. Khan.

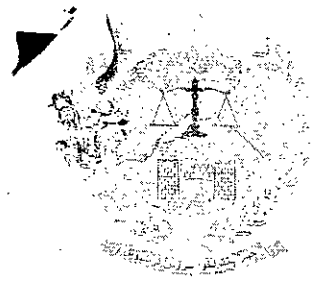
Subject: -

JUDGMENT IN APPEAL NO. 145/2016, MR. KHURRAM MASHI.

I am directed to forward herewith a certified copy of Judgement dated
27.08.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 2282-89 /ST Dated 20 / 10 / 2022

To:


1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Account Officer, D.I.Khan.

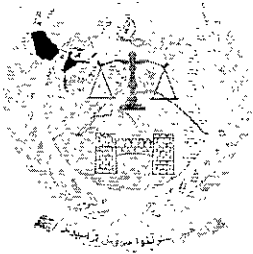
SUBJECT:- ORDER REGARDING ATTACHMENT OF SALARIES OF RESPONDENTS 1 to 3 IN EXECUTION PETITION NO. 133/2020, TITLED KHURRAM MASIH-VS-HEALTH DEPARTMENT.

I am directed to forward herewith a certified copy of order dated 27.09.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.

o/c


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 2890-92/ST Dated 20 / 10 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

1. The Secretary Health, Civil Secretariat Khyber Pakhtunkhwa Peshawar.
2. The Director General Health Services Civil Secretariat Khyber Pakhtunkhwa.
3. The Medical Superintendent District Headquarter Teaching Hospital Dera Ismail Khan

Subject: **SHOWCAUSE NOTICE IN EXECUTION PETITION NO: 133/2020 TITLED KHURRAM MASIH-VS-HEALTH DEPARTMENT**

I am directed to say that execution petition No. 133/2021 was filed in this Tribunal against the respondents for disobedience of the order dated 27-08-2019 passed by this Tribunal in Service Appeal No. 145/2016 titled Khurram Masih-vs- Health Department

That when the above execution petition came up for hearing before this Tribunal on 27th day of Sept, the following orders were passed:

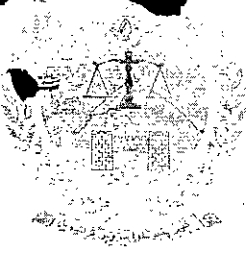
"Learned Counsel for the Petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

It is noted with concerned that no proper representation is made by the respondent department before the Tribunal in violation of the standing orders of the Establishment Department. Despite clear direction given on the previous date, respondents have not submitted implementation report. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Account Officer D.I.Khan are directed to attached salaries of the respondents No.1 to 3 till further Orders by this Tribunal and compliance reports be submitted to the Registrar of this Tribunal. Show Cause notice be also issued to the respondents as to why they should not be proceed under the Contempt of Court Ordinance 2003. Respondents are directed to appear in person alongwith proper implementation report. To come up for further proceeding on 27.10.2022 at camp court D.I.Khan."

You are, therefore, served with show cause notice to explain as to why appropriate action may not be initiated against you for non-compliance of order of this Tribunal dated 27-08-2019.

(WASEEM AKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 2893-95 /ST Dated 20 / 10 / 2022

To:


1. The Secretary Health, Civil Secretariat Khyber Pakhtunkhwa Peshawar.
2. The Director General Health Services Civil Secretariat Khyber Pakhtunkhwa.
3. The Medical Superintendent District Headquarter Teaching Hospital Dera Ismail Khan

SUBJECT:- ORDER REGARDING PERSONAL APPEARANCE OF RESPONDENTS IN EXECUTION PETITION NO. 133/2020, TITLED ~~MR.~~ KHURRAM MASIH-VS- HEALTH DEPARTMENT.

I am directed to forward herewith a certified copy of order dated 27.09.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.

o/c


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



10

OFFICE OF THE HOSPITAL DIRECTOR

MEDICAL TEACHING INSTITUTE DHQTH, DIKHAN

msdhqthdik@gmail.com / 0966-9280201/9280446(Fax)

No. _____

DATED: 21/07/2020

OFFICE ORDER

Inquiry Committee comprising of the following members is hereby constituted to probe the allegation of theft against Khurram Masih Sweeper attached to MTI DHQ Teaching Hospital Dikhan.

1. Dr. Kiramatullah, Chief Medical Officer (BS-20)
2. Dr. Dastgeer Waheed, Associate Professor Surgery (BS-19)
3. Dr. Khalid Mahmood, Assistant Professor Neurosurgery (BS-18)
4. Dr. Ahmad Jan, District Pathologist (BS-18)
5. Mr. Salim Awan, Director Paramedics.

The Inquiry Committee is mandated to thoroughly probe the matter and give suitable chance of defense to the accused and submit its report with recommendation to the effect that whether he was actually involved in the theft of medicines from Hospital or otherwise within one week time.

It is further directed that Office Assistant will provide the relevant record and will depute a well versed representative to assist the Inquiry Committee in its proceeding when and where required.

Khurram Masih, Sweeper is hereby directed to appear before the Committee when and where he is required by the Committee.

HOSPITAL DIRECTOR
MTI DHQTH DIKHAN

No. 9697-99
CC:

1. All the Inquiry Committee Members
2. Mr. Ejaz Hussain Qureshi, Office Assistant, HD Office MTI DHQTH DIKHAN.
3. Khurram Masih, Sweeper, MTI DHQTH DIKHAN.

HOSPITAL DIRECTOR
MTI DHQTH DIKHAN