

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT, ABBOTTABAD.

Appeal No. 830/2016

Date of institution ... 16.08.2016  
Date of decision .... 17.06.2019

Ms. Rozeena Shaheen (Ex-LHV, BHU Kriplian Haripur) D/O Jamshed Habib,  
near Shamsi Road Mohallah Bacha Garhi, Mardan. ... (Appellant)

Versus

Secretary Health Department, Govt. of Khyber Pakhtunkhwa, Peshawar and  
two others. .... (Respondents)

Present

Mr. Khalid Abdullah,  
Advocate ... For appellant.

Mr. Muhammad Bilal,  
Deputy District Attorney ... For respondents.

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MR. HAMID FAROOQ DURRANI, ... CHAIRMAN  
MR. AHMAD HASSAN, ... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-


1. The appellant is aggrieved of order dated 25.03.2015, whereby, she was awarded major penalty of removal from service w.e.f. 14.06.2014. She preferred departmental appeal before respondent No. 2/Director General Health Services Khyber Pakhtunkhwa, Peshawar which remained un-responded, hence the instant appeal.

2. The facts, as laid in the memorandum of appeal, are that the appellant was appointed on 01.09.1998 as Lady Health Visitor at Mohmand Agency, Ghalanai and was transferred after her marriage in the year 2005 as L.H.V at

Basic Health Unit, Kriplian Haripur. In the year 2014 the family relations of appellant became strained and she was, therefore, compelled to leave Haripur and join her parents District. She applied for 120 days leave on full pay which was granted. During the currency of her leave the appellant applied for her transfer from Haripur to Mardan and also for grant of leave of the kind due but her request was not acceded to. On 25.03.2015 the impugned order of removal from service was passed against the appellant.

3. We have heard learned counsel for the appellant, learned Deputy District Attorney on behalf of the respondents and have also gone through the available record.

It was the argument of learned counsel that the impugned order was itself void as it was given retrospective effect. By now, it is well-settled that retrospective operation of a punitive order was not legally competent, it was added. Learned counsel also stated that the order of removal from service was passed against the appellant by respondent No. 3/District Health Officer, Haripur who was admittedly not the Appointing Authority of the appellant. Under Rule 2 of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 only the Appointing Authority was competent to pass such order against a civil servant. In that regard, he produced copy of the order dated 01.09.1998, whereby, the appellant was appointed as LHV in BPS-9 by the Director Health Services FATA Peshawar. He relied on judgments reported as 2013-PLC(C.S) 1294 and 2019-PLC(C.S)263 in support of his arguments.

 Learned Deputy District Attorney, while controverting the arguments of learned counsel for the appellant, contended that the appeal in hand was

barred by time as it was not brought within the period stipulated for the purpose. He also contended that the appellant had admitted in her departmental appeal that she had shifted her abode from Haripur due to some domestic issue. The non-service of notices on her ~~was~~, therefore, could not be attributed to the respondents. Despite, notice of absence/show cause notice was published in the Newspaper which was not responded to by the appellant, it was added.

4. We are not in disagreement with the arguments of learned counsel regarding retrospective operation of the impugned order as well as the passing of impugned order against the appellant by an officer other than the Appointing Authority.

5. The record is also suggestive of the fact that after submission of her departmental appeal, on or about 22.04.2015, the appellant had been attempting to know the fate of her appeal, but in vain. It was on 10.08.2016, that she submitted an application to respondent No. 3 requesting therein for grant of copy of any order passed on her appeal. She was informed that the appeal stood regretted where-after, on 16.08.2016, the appeal in hand was preferred. The same, therefore, appears to be within time provided for the purpose. Needless to note that an order passed by an incompetent officer can safely be regarded as a void order. The limitation for impugning the order, therefore, is not to be taken as a very serious issue in such cases. The record also shows that the appellant had applied on 09.06.2014 for leave without pay for 180 days w.e.f. 13.06.2014. There is also available on record copy of an application dated 16.6.2014 wherein the respondents No. 2 was requested to

transfer the appellant from District Haripur to District Mardan on account of her family issue.


6. There is yet another aspect of case in hand. The impugned order dated 25.03.2015 suggests that departmental proceedings against the appellant were taken ex-parte due to her non-participation. The relevant rule 9 of the Rules *ibid* provides that in case of non-availability/absence of a civil servant, he has to be served with notice through registered post at her residential address and, in case of failure of appearance, the notice is required to be published in two leading Newspapers. In the case in hand, the appellant was obviously not available at her residential address for reasons stated herein-above and much before passing of the impugned order she had submitted an application for her transfer to Mardan stating the necessary facts. In the circumstances, it was all the more necessary for the respondents to have published the requisite notice in two Newspapers, however, the impugned order as well as the reply submitted by the respondents nowhere provided that such notice was published in the requisite number of Newspapers. It is the case of respondents that a notice was sent to Director, Information Department Peshawar on 20.10.2014 for publication. No copy of such publication was ever provided to this Tribunal. Had the notice been published the respondents could have conveniently given a date of its publication.

The record also reflects that only a fact-finding enquiry was undertaken against the appellant while regular enquiry was done away with by the respondents. In the circumstances, the appellant remained at loss in defending her cause in accordance with law.




7. For what has been discussed above, the appeal in hand is allowed and the appellant is reinstated into service. The respondents are required to hold regular/proper enquiry against the appellant to be concluded within 90 days from the receipt of copy of instant judgment strictly in accordance with law/rules. The issue of back benefits in favour of appellant shall follow the result of requisite enquiry.

Parties are left to bear their respective costs. File be consigned to the record room.

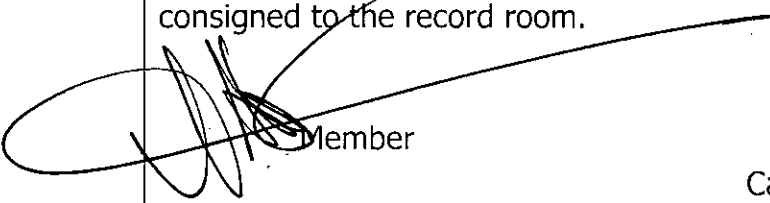



(AHMAD HASSAN)  
Member



(HAMID FAROOQ DURRANI)  
Chairman  
Camp Court, Abbottabad.

ANNOUNCED  
17.06.2019

S.No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	17.06.2019	<p style="text-align: center;"><u>Present</u></p> <p>Mr. Khalid Abdullah Advocate ... For appellant</p> <p>Mr. Muhammad Bilal, Deputy District Attorney ... For respondents</p> <p>Vide detailed judgment, the appeal in hand is allowed and the appellant is reinstated into service. The respondents are required to hold regular/proper enquiry against the appellant to be concluded within 90 days from the receipt of copy of instant judgment strictly in accordance with law/rules. The issue of back benefits in favour of appellant shall follow the result of requisite enquiry.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">   Member </div> <div style="text-align: center;">   Chairman  Camp court, A/Abad </div> </div> <p style="text-align: center;"><u>ANNOUNCED</u> 17.06.2019</p>

Service Appeal No. 830/2016

20.02.2019

Counsel for the appellant present. M/S Shaheen Gul, ADC, Amjid Ali, Assistant and Abdur Rasheed, Assistant alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 18.04.2019 for arguments before D.B at Camp Court Abbottabad.

  
(Ahmad Hassan)  
Member

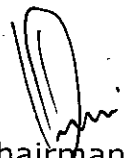
  
(Muhammad Amin Khan Kundi)  
Member

18.04.2019

Clerk of counsel for the appellant and Muhammad Bilal, DDA alongwith Muhammad Zaman, Asstt. For the respondents present.

Due to general strike on the call of Pakistan Bar Council, instant matter is adjourned to 17.06.2019 before the D.B at camp court, Abbottabad.


  
Member

  
Chairman  
Camp court, A/Abad

19.07.2018

Neither appellant nor her counsel present. However, Mr. Mir Usman, Advocate put attendance on behalf of learned counsel for the appellant. Mr. Ahmad, Assistant alongwith Mr. Usman Ghani, District Attorney on behalf of the respondents present. Learned counsel for the appellant made a request for adjournment that senior counsel is sick and unable to attend the Tribunal today. Granted. To come up for arguments on 15.10.2018 before the D.B at Camp Court, Abbottabad.

  
Member

  
Chairman  
Camp Court, A/Abad

15.10.2018

None for the appellant present. Mr. Ahmad Zaman, Assistant alongwith Mr. Usman Ghani, District Attorney for the respondents present. Due to general strike of the Khyber Pakhtunkhwa Bar Council, counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 18.12.2018 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp Court, A/Abad


18.12.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Dr. Sher Bahadar, DDHO for the respondents present.

Counsel for the appellant requests for adjournment on the ground that he has not prepared brief of the case.

Adjourned to 20.02.2019 for arguments before D.B at camp court A/Abad.

  
Member

  
Chairman  
Camp Court A/Abad



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19.12.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Amjid Ali, Assistant and Sher Bahadar, Focal Person for DHO office Haripur for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 19.03.2018 before D.B at Camp Court Abbottabad.



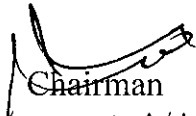
(Muhammad Amin Khan Kundi)  
Member (Judicial)  
Camp Court Abbottabad

19.03.2018

Husband of the appellant on behalf of the appellant and Mr. Usman Ghani, District Attorney for respondents present. Husband of the appellant requested for adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for rejoinder and arguments on 21.05.2018 before D.B at camp court, Abbottabad.



Member



Chairman  
Camp court, A/Abad

21.05.2018

Mr. Khalid Abdullah Advocate, for appellant Mst. Rozina Shaheen present. Mr. Muhammad Jan, Deputy District Attorney on behalf of the respondents present. Rejoinder submitted, however counsel for the appellant made a request for adjournment. Granted. To come up for arguments on 19.07.2018 before the D.B at camp court, Abbottabad.



Member



Chairman  
Camp court, A/Abad

830/16

16.03.2017

Counsel for the appellant, M/S Yar Gul and Amjad Ali, Assistants alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 18.05.2017 at camp court, Abbottabad.

  
Chairman  
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, case to come up for the same on 22.09.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly.

  
Registrar

25.09.2017

Since 22<sup>nd</sup> September, 2017 has been declared as public holiday on account of first Muharamul Haram, therefore, to come up for the same on 19.12.2017 before S.B at camp court, Abbottabad. Notices be issued to the parties for the date fixed.

  
Registrar


22.09.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as LHV when removed from service on the allegations of willful absence vide impugned order dated 25.3.2015 where-against she preferred departmental appeal on 22.04.2015 which was considered and the competent authority was directed to reinstate the appellant in service if she was willing to serve in the remote areas. That the said order was passed on 04.6.2015 but no action whatsoever taken by the department constraining the appellant to prefer the instant service appeal on 16.08.2016.

That the appellant is willing to serve in the remote areas. That she has put in about 16 years service and the impugned order was illegal. Regarding limitation learned counsel for the appellant placed reliance on 2002 PLC (C.S)268.


Secy  
Ess. P. C.

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 23.12.2016 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad



23.12.2016

Clerk of counsel for the appellant and Mr. Amjad Ali. Assistant alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Requested for adjournment. To come up for written reply before S.B on 16.03.2017 at camp court Abbottabad.

  
Chairman  
Camp court, A/Abad

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. 820/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16/08/2016	<p>The appeal of Mst. Rozeena Shaheen presented today by Mr. Khalid Abdullah Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on. <u>22-09-2016</u></p> <p style="text-align: right;"> MEMBER</p>
2-		

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

*Appeal No. 830/2016*

Rozeena Shaheen (Ex-LHV, BHU Kriplian Haripur) D/O Jamshed Habib,  
Near Shamsi Road, Mohallah Bacha-garhi, Tehsil & District Mardan.

**Appellant**

**VERSUS**

1. Secretary Health, Health Department, Khyber Pakhtunkhwa,  
Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa,  
Peshawar.
3. District Health Officer, Health Department, Haripur.

**Respondents**

**SERVICE APPEAL**

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3.	Copy of Departmental Appeal dated 22-04-2015	"B"	13
4.	Copy of letter dated 04-06-2015 of DHO Haripur	"C"	14
5.	Copy of application dated 08-08-2016	"D"	15
6.	Copies of different applications <del>in Service Book</del>	"E, F&G"	16 to 29
7.	Wakalatnama		

*Rizke*  
APPELLANT

THROUGH

*Khalid Abdullah*  
(KHALID ABDULLAH)  
ADVOCATE HIGH COURT  
AT HARIPUR

Dated: 16-08-2016

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

*Appeal No. 830/2016*

Rozeena Shaheen (Ex-LHV, BHU Kriplian Haripur) D/O Jamshed Habib,  
Near Shamsi Road, Mohallah Bacha-garhi, Tehsil & District Mardan.

**Appellant**

**VERSUS**

**Khyber Pakhtukhwa  
Service Tribunal**

1. Secretary Health, Health Department, Khyber Pakhtunkhwa, Peshawar.

Diary No. 855

Dated 16/8/2016

2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Health Department, Haripur.

**Respondents**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 25-03-2015 PASSED BY THE DISTRICT HEALTH OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED THE PENALTY OF "REMOVAL FROM SERVICE WITH EFFECT FROM 14-06-2014".**

**PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL IMPUGNED ORDER DATED 25-03-2015 OF THE DISTRICT HEALTH OFFICER MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF HER REMOVAL FROM SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respectfully sheweth,

1. That appellant entered the Health Department on 01-09-1998 as Lady Health Visitor at Mohmand Agency Ghallanai thus she has rendered her obligatory service at the far-flung areas.
2. That since her appointment appellant always performed her assigned duties with zeal, zest, devotion, dedication

and honesty to the entire satisfaction of her officers and never provided them with a chance of reprimand.

3. That in the year 2005 appellant was married in District Haripur and soon after her marriage she was transferred and posted as Leady Health Visitor at Basic Health Unit, Kriplian, situated in far-flung mountainous area of District Haripur, where appellant performed her duties effectively and with a sense of responsibility due to the reason there was no complaint against her from any corner.
4. That unfortunately during the year 2014 circumstances took an unpleasant turn and relations between appellant and her husband became strained. Appellant was thrown out of house by her husband and she was thus compelled to leave District Haripur in a very pitiable condition. The appellant requested for 120 days leave on full pay which was granted and she shifted to her native village at Mardan and took shelter in the house of her parents. Since then she has been living in the house of her parents at District Mardan.
5. That appellant had incessantly been approaching and requesting her High-Ups for transfer from Haripur to Mardan as well as making requests for grant of leave of the kind due to her but of no avail.
6. That the District Health Officer Haripur instead of entertaining the genuine requests of the appellant removed her from service order passed under No. 3189-94/Estb/D/Disp/Action dated 25-03-2015 with effect from 14-06-2014. **(Copy of order dated 25-03-2015 is attached as Annexure "A")**.



7. That the aforementioned order of the District Health Officer Haripur was appealed against before the Director General, Health Service Khyber Pakhtunkhwa, Peshawar by the appellant vide appeal dated 22-04-2015. **(Copy of appeal dated 22-04-2015 is attached as Annexure "B")**.
8. That above mentioned appeal was never responded by the appellate authority the Director General, Health Service Khyber Pakhtunkhwa, Peshawar and appellant was always kept in darkness about the fate of her appeal.
9. That though the appellant was never informed about her appeal and she was time and again assured by her officer that her request was being considered sympathetically and she would be re-instated in her service. Besides her numerous approaches to her officer, sufficient correspondence was made between the appellant and her High-Ups for her restoration in service but all in vain.
10. That as a token of proof the letter dated 04-06-2015 of the District Health Officer Haripur is referred wherein the DHO Haripur while assuring the appellant, has adduced his recommendations in her favour to the Director General, Health Service KPK, Peshawar in the words like **"the issue highlighted by the appellant in the appeal seems to be genuine that she was not available at husband home while notices were issued by the committee and through press. She is trained LHV, if she is willing to discharge here duty at the remote are then her appeal if found on merit be considered for reinstatement keeping her length of service in view"**. (Copy of letter dated 04-06-2015 is attached as Annexure "C").

11. That when on 08-08-2016, the appellant has once again requested the District Health Officer Haripur for provision of the order, if any, passed by the Director General, Health Service KPK, Peshawar with regard to her appeal. She was informed that her appeal had been rejected by the appellate authority. **(Copy of application dated 08-08-2016 is attached as Annexure "D")**.

12. That appellant time & again personally visited and met the District Health Officer Haripur for grant of leave and transfer from Haripur to District Mardan and submitted the following applications:-

- a) Application dated 09-06-2014 for grant of 180 days leave Without Pay.
- b) Application dated 16-06-2014 for transfer from Haripur to District Mardan.
- c) Copy of service book. (12 pages)

**(All these applications are attached as Annexure "E,F"& G).**

13. That the plea raised in the impugned order dated 25-03-2015 that an Enquiry Committee was formed and charge proved against the appellant is vehemently denied being incorrect. No such Inquiry was ever conducted or appellant issued with a Charge Sheet, Statement of Allegations, Copies of Enquiry Report or Finding, if any, or Final Show Cause Notice etc. It is also incorrect that appellant was ever apprised of the action being taken against her through publication in the newspaper or any other source of information. Even opportunity of Personal hearing was never provided to the appellant before awarding Major Penalty of Removal from Service of which provision was mandatory under the law, departmental rules & regulations and principle of natural justice.

14. That appellant has served the Health Department for more than 16 (sixteen) years and through out her entire service appellant always performed her assigned duties with devotion and honesty.
15. That appellant always earned good and very good ACRs during her service and she has meritorious rather exemplary service record of her credit.
16. That District Health Officer Haripur instead of extending leniency to the appellant because of her critical position adopted a harsh and stern attitude by removing her from service vide his order dated 25-03-2015 without any reason and rhyme rather in serious violation of law, departmental rules & regulation and even principle of natural justice.
17. That even if the impugned order of the District Health Officer Haripur were perused, the same does not disclose any reason or cause of the appellant's removal from service. The impugned order, in the words of legal language, is not a speaking order thus is illegal in the eyes of law hence liable to be set aside.
18. That the impugned order dated 25-03-2015 of the District Health Officer Haripur was appealed against through departmental appeal dated 22-04-2015 which was never responded till today. Hence instant service appeal, inter alia, on the following grounds:

**GROUND:**

- a) That impugned order dated 25-03-2015 is illegal, unlawful passed as slipshod, whimsical, cursory and clandestine in manner and contrary to facts and record rather with retrospective effect thus is liable to be set aside.
- b) That impugned order being a non-speaking order has no sanctity in the eyes of law, departmental rules/regulations and principle of natural justice hence liable to be turned down.
- c) That impugned order has been passed by the authority without adhering to the inquiry procedure set forth by law for the dispensation of justice at preliminary stages during the course of departmental inquiries and in utter violation of mandatory statutory provisions of law.
- d) That no proper departmental inquiry was ever conducted in the case of appellant to prove her guilt or innocence which was mandatory under the law before awarding major penalty of Removal from service.
- f) That neither any Charge Sheet or Enquiry Report or Findings, if any, were issued to the appellant of which provision was mandatory. Even no Final Show Cause Notice with served upon the appellant by the competent authority.
- g) That appellant was never provided with the opportunity of personal hearing before awarding major penalty of removal from service of which provision is mandatory

under the law, hence the impugned order needs to be turned down.

- h) That the appellant has been awarded with a harsh major penalty of removal from service ignoring her 16 (Sixteen) years in the Health Department and that too without any reason & proof against the appellant.

**PRAYER:**

It is therefore, humbly prayed that on acceptance of instant service appeal the impugned order dated 25-03-2015 passed by District Health Officer Haripur may graciously be set aside and appellant be reinstated from the date of her removal from service with all consequential service back benefits.

Any other relief which this Honourable Tribunal deems fit in the circumstance of the case may also graciously be awarded.

*Ratna*  
APPELLANT

THROUGH

*Khalid Abdullah*  
(KHALID ABDULLAH)  
ADVOCATE HIGH COURT  
HARIPUR

Dated: 16-08-2016

**Verification**

It is verified that the contents of instant appeal are true and correct to the best of my knowledge and nothing has been concealed there from.

*Ratna*  
Deponent/Appellant

Dated: 16-08-2016

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Rozeena Shaheen (Ex-LHV, BHU Kriplian Haripur) D/O Jamshed Habib,  
Near Shamsi Road, Mohallah Bacha-garhi, Tehsil & District Mardan.

**Appellant**

**VERSUS**

1. Secretary Health, Health Department, Khyber Pakhtunkhwa,  
Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa,  
Peshawar.
3. District Health Officer, Health Department, Haripur.

**Respondents**

**SERVICE APPEAL**

**AFFIDAVIT:**

I, Rozeena Shaheen D/O Jamshed Habib, do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.

*Rozeena*  
**Deponent/Appellant**

Dated: 16-08-2016

Identified By:

*Khalid Abdullah*  
(KHALID ABDULLAH)  
Advocate High Court  
At District Bar Haripur

**APPELLANT**

**ATTESTED**  
*[Signature]*  
AMJAD ALI, LL.B., LL.C.  
NOTARY PUBLIC  
ADVOCATE HIGH COURT  
PESHAWAR.

**16 AUG 2016**

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Rozeena Shaheen (Ex-LHV, BHU Kriplian Haripur) D/O Jamshed Habib,  
Near Shamsi Road, Mohallah Bacha-garhi, Tehsil & District Mardan.

**Appellant**

**VERSUS**

1. Secretary Health, Health Department, Khyber Pakhtunkhwa,  
Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa,  
Peshawar.
3. District Health Officer, Health Department, Haripur.

**Respondents**

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such Appeal on the subject has ever been  
filed in this or any other court prior to the instant one.

*Rohana*  
**APPELLANT**

Dated: 16-08-2016

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Rozeena Shaheen (Ex-LHV, BHU Kriplian Haripur) D/O Jamshed Habib,  
Near Shamsi Road, Mohallah Bacha-garhi, Tehsil & District Mardan.

**Appellant**

**VERSUS**

1. Secretary Health, Health Department, Khyber Pakhtunkhwa,  
Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa,  
Peshawar.
3. District Health Officer, Health Department, Haripur.

**Respondents**

**SERVICE APPEAL**

**APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPEAL  
BEFORE THIS HONOUR SERVICE TRIBUNAL.**

Respectfully Sheweth:

1. That the Applicant/Appellant has today filed the Service Appeal, which may be considered as part and parcel of this application, against the order dated 25-03-2015 whereby the appellant has been awarded with the penalty of removal from service.
2. That as the above said order is ab-initio illegal, null & void, having no existence in the service laws thus imposing of penalty is without jurisdiction, lawful authority, imposed in sheer violation of mandatory statutory provisions of penal law thus being void ab-initio is ineffective against the rights of Applicant/Appellant.
3. That keeping Applicant/appellant in darkness the District Health Officer Haripur passed the impugned order 23-03-2015. Appellant's appeal was never responded and she was kept assured that her grievance would be settled and she will be reinstated in service till she was flatly refused in the 2nd week of August, 2016 due to the reason the appellant could not filed departmental appeal in time.



- 4. That the delay, if any, in filing departmental appeal was not due to fault of applicant/appellant rather due to the act of department in non-responding appeal filed by the appellant.
- 5. That the instant application is being filed as an abundant caution for the condonation of delay, if any.
- 6. That the impugned order dated 25-03-2015 is illegal, void ab-initio, a nullity in the eyes of law thus liable to be set aside in the interest of justice.

It is therefore respectfully prayed that on acceptance of the instant application the delay, if any, in the filing of the departmental appeal may graciously be condoned.

Through: *Rahman*  
 Applicant/Appellant  
*Khalid Abdullah*  
 (KHALID ABDULLAH)  
 Advocate High Court  
 At District Bar Haripur

Dated: 16-08-2016

**AFFIDAVIT:**

It is solemnly declare and affirm on oath that the contents of the instant application/appeal are true and correct to the best of my knowledge and belief.

Dated: 16-08-2016

*Rahman*  
 Applicant/Appellant



**Office Of The District Health Officer, Haripur.**

**12**

**Annex-A**

**ORDER.**

Whereas Mst. Rozeena Shaheen Junior PHC Technician (MCH) / LHV attached to Basic Health Unit, Kariplian remained willfully absent with effect from 14.06.2014 without permission / intimation. A notice for resuming the duty by the official concerned was issued on 20.10.2014, but she did not turn up for duty. Another notice sent to Director Information Department Peshawar on 21.01.2015 for publication.

And whereas, an inquiry committee comprising Dr. Abdur Rasheed PMO & Dr. Muhammad Bilal Khan Coordinator DHIS Cell. The committee submitted its report on 02.03.2015 stating therein that the charges leveled against the official concerned have been proved and she may be proceeded against under the relevant provision of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.

Now therefore, I Dr. Mushtaq Khan Tanoli District Health Officer Haripur / competent authority hereby impose major penalty of removal from service upon Mst. Rozeena Shaheen Junior PHC Technician (MCH) / LHV attached to BHU Kariplian, w.e.f 14.06.2014 as provided under Rule-9 (Procedure in case of willful absence) of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.

Sd/-  
District Health Officer,  
Haripur.

Additional Director (Medical)  
Dr. No. 1663  
Date: 25/03/15  
In. Out

No. 3189-94 /Esatb/D/Disp;Action; Dated Haripur, the 25/03/2015.

Copy of the above is forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. Senior District Accounts Officer, Haripur.
3. District Manager, KPH, DSU, Haripur.
4. I/c Basic Health Unit, Kariplian.
5. Account Section (Local) for necessary action.
6. Mst. Rozeena Shaheen D/o Jamshed Habib P/o Toru Tehsil & District Mardan.

District Health Officer,  
Haripur.

AD (A) / S.A. H

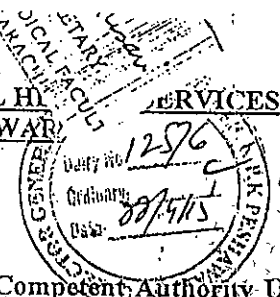
District Health Officer, Haripur  
Phone & Fax # 0995-610997  
[dhoharipur@yahoo.com](mailto:dhoharipur@yahoo.com)

13

Annex - B

BEFORE THE HONOURABEL DIRECTOR GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR  
(APPELLATE AUTHORITY)

Rozina Sheehan LHV Appellant



145

Subject: Appeal Against The Order Of DHO Haripur / Competent Authority Under E&D Rules, 2011 Why By Passing The Laid down Procedure.

Respected Sir,

I have the honour to state that I am the domiciled of District Mardan and I was appointed as Lady Health visitor on 01.09.1998 at Mohmand Agency Ghallanai and since my appointment I rendered my obligatory services at the far-flung areas to the entire satisfaction of authorities and patients as well. During the year 2005 I was married in District Haripur and as a result of my marriage I was transferred to District Haripur on 21.03.2007. In the meantime I was posted as Lady Health Visitor at Basic Health Unit, Kariplian District Haripur which is a hilly station and performed here my official responsibilities and during my stay in the said unit no complaint was made by the devellers of the area. The procedure mentioned in Rule-9 of E&D Rules 2011 has not been adopted by the competent authority while passing the above mentioned removal from services order. I hereby submit my appeal on the following grounds:-

- ① Unluckily during the month of June 2014 some domestic affairs took place between me and my husband, resulted which beyond my control and I left for my parents and could not continue my duty.
2. That the committee constituted for the purpose did not provide me an opportunity of being heard.
3. No notice for appearing before the committee was received by me.
4. The notice as referred by the competent authority that through press notice the appellant was directed to resume her duty was not seen by me.
5. The said notice was not published.
6. That order passed by the competent authority Vis to one can be the judge of his own cause.
7. The appellant has not been heard therefore unilateral and biased impugned order passed by competent authority is the hitting the natural justice principle.

I have served in the Health Department as Lady Health Visitor for about 16 years and availed 805 days leave total as evident my service book.

It is prayed that keeping in view the foregoing narrated facts, my services may be restored from retrospective effect with all fringe benefits.

Thanks.

Yours Obediently,  
*Rozina Sheehan*  
Rozina Shaheen (LHV)

*Rozina*

Dated

22/04/2015.



14  
Armed - C  
Office Of The District Health Officer, Haripur.

No. 5530  
Dated Haripur, the

/Estab/D/DGHS.

04 106 /2015.

To,

The Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar.

Subject:

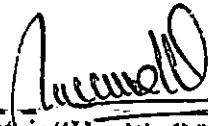
Appeal Against The Order Of DHO Haripur / Competent  
Authority Under E&D Rules, 2011 Why By Passing The  
Laid down Procedure..

Sir,

Kindly refer to your letter No.4959/AE-VI dated 05.05.2015,  
on the above cited subject.

In this connection, it is submitted that Mst. Rozina Shaheen ex-  
Junior PHC Technician (MCH) BS-09 was provided an opportunity of being heard  
but she did not turn up neither before the committee nor before the competent  
authority on due date and time despite issuance of press release

The issue highlighted by the appellant in the appeal seems to be  
genuine that she was not available at husband home while notices were issued by the  
committee and through press. She is trained LHV, if she is willing to discharge her  
duty at the remote area then her appeal if found on merit be considered for  
reinstatement keeping her length of service in view.

  
District Health Officer,  
Haripur.

District Health Officer, Haripur  
Phone & Fax # 0995-610997  
[dhoharipur@yahoo.com](mailto:dhoharipur@yahoo.com)

Pshkar



ذرائع سے ملنے والے (یعنی) RE incubation کے بارے میں  
 (یعنی) کی کمی - وہ ڈیٹا، اسٹاک، ریکارڈنگ اور دیگر امور کی  
 کتاب سے گزارش کی جاتی ہے، اس کی فوٹو کے  
 عذاب پر اسے منظور فرمائیں۔  
 ساتھ ساتھ اس کی کاپی بھی کی جائے گی۔ ساتھ ساتھ اس کے  
 گورنمنٹ کے پاس بھی رکھی جائے گی۔

Received

Reshden

وزیر تعلیم

9/02-08-2016

Reshden



حضرت جناب ڈاکٹر بلیئر جنرل صاحب سیکرٹری ڈیپارٹمنٹ پشاور  
(TPC) -

عنوان - درخواست بجز تبدیلی ازاں ضلع پیری پور تا ضلع مردان

جناب عالی -

موردبانہ گزارش ہے کہ سائل سال ۲۰۰۶ء سے

ضلع پیری پور قلمہ ضمن میں خدوات سرانجام دے رہی ہے۔ سائل

ضلع مردان کی رہنے والی ہے۔ اور وہاں بی اسٹیٹس تعیناتی

بیوٹی کٹی - لیکن سائل کی نشادی ۲۰۰۴ء میں ضلع پیری پور میں

بیوٹی - اور سائل کو پیری پور دور افتادہ پیارٹی علاقہ موضع

B.H.U کربلیاں میں تعینات کیا گیا تھا۔

جو تک سائل کے اپنے نشوونما سے تعلقات کشیدہ ہو چکے ہیں۔

اور سائل کو اپنے نشوونما مار پیٹ کر گھر سے نکال دیا ہے۔ جو

سائل اب والدین خود کے گھر مردان میں رکھ لیں پذیر ہے۔

اسلئے جناب سے استرعاالی جاتی ہے۔ کہ مجھے ضلع پیری پور

سے ضلع مردان میں کسی بھی جگہ ٹرانسفر کر دیا جائے۔

آپکی بڑی امیر بانی بیوٹی۔  
شکر ہے

Rehman, Rehman

روز پینشن سٹیشن L.H.V بی۔ ایچ۔ یو۔ کربلیاں ضلع پیری پور

مورخ ۱۶/۶/۲۰۱۴

Heirs.

Verification Roll No.

Dated

received back

Left thumb-impression.

Qualification

Date

Qualifications

Date

English

First Arts L.H.V. Diploma

Pashtu

Pass from Nursing Board Pashtun  
B.L. or S. NO: 01059 Roll No: 58  
dt: 1997

Urdu

Pledership examination.

Medic Pass Roll

Plan-drawing

Training School First examination dt: 2/10/96  
Man Resh Board No: 11637

Finger print

Other qualifications--

EXECUTIVE DISTRICT OFFICER

(HEALTH) HARIPOUR

Dell instructing

Court duties

Reserve duties

Rs

N.B. Line to be drawn under the qualification possessed



Note- The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated

1. Name Miss. Regina Shikhen.

2. Race Muslim

3. Residence Village 2 P/O Taro Mohalla  
Amrohtel Tehsil Distt. Mordan.

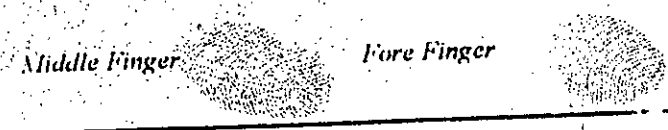
4. Father's name and residence Mr. Jamshid Habib  
(as per)

5. Date of birth by Christian eras  
nearly as can be ascertained 14-8-1978

6. Exact height by measurement 5 feet 11

7. Personal marks for identification Black scar on  
left cheek

8. Left hand thumb and Finger impres-  
sion of (non-gazetted) officer



9. Signature of Government servant Regina Shikhen. Rshikhen

10. Signature and designation of the  
Head of the Office, or other Attesting  
Officer.

Agency Surgeon  
Mehmed Agency  
Gallana

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
<p><i>B-1</i></p> <p>1605-87-2060 L.H.V.</p>	<p><i>Temp</i></p>		<p><i>Pay Rs</i></p>	<p><i>1605</i></p>	<p><i>19/98</i></p>	<p><i>PM</i></p>	<p><i>Regina Sholeen</i></p>
							<p><i>Regina Sholeen</i></p>
<p><i>h</i></p>	<p><i>h</i></p>		<p><i>Pay Rs</i></p>	<p><i>1702</i></p>		<p><i>01/12/99</i></p>	<p><i>FN</i></p>
<p><i>h</i></p>	<p><i>h</i></p>		<p><i>Pay Rs</i></p>	<p><i>1799</i></p>		<p><i>01/12/2000</i></p>	<p><i>FN</i></p>

*B*

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in Attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another		
					Period		
<p>Agency Surgeon Mohmand Agency Ghallant</p>	<p>29/8/88</p>		<p>Appointed as Lady Health Visitor against a vacant post in Mohmand Agency vide D.H.S. PAT, No. 10000, office order No. 6876-84 dated 01-09-1988.</p>				
<p>Agency Surgeon Mohmand Agency Ghallant</p>							
<p>Agency Surgeon Mohmand Agency Ghallant</p>	<p>30/11/88</p>		<p>Service Allowed</p>			<p>Service verified up to 30/11/88</p>	
<p>Agency Surgeon Mohmand Agency Ghallant</p>	<p>30/11/2000</p>		<p>Service Allowed</p>			<p>Service verified up to 30/11/2000</p>	
<p>Agency Surgeon Mohmand Agency Ghallant</p>							

R

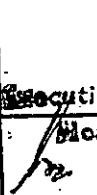
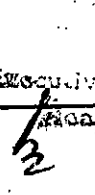
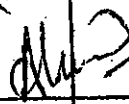
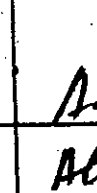
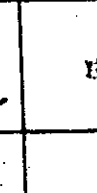
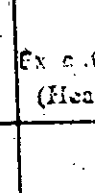
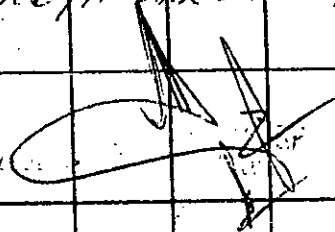
1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appoint-ment	Signature of Government Servant
3PS-9(1605-97-3060)							
HV BHU	off/Temp	pay	Rs - 1799/-			1 <sup>8</sup> / <sub>2001</sub>	✓
N		Pay Rs	1896/-	Perm		1 <sup>12</sup> / <sub>2001</sub> FN	
(13059) 2410-145-8780							
LHV		Pay Rs.	2845/-	Perm		1 <sup>12</sup> / <sub>2001</sub> FN	

29



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
BPS-9. R.H.V. (CR 2410-145-6760)	do	do	Rs. 2990/Pm.			12/2002	Fn.
				do			
	Qualified in 5/16/2011		do	do			

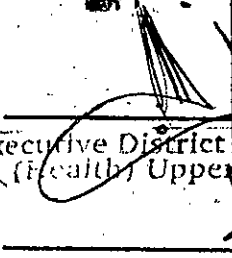
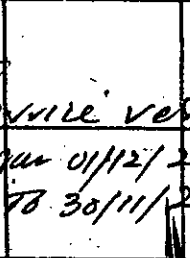
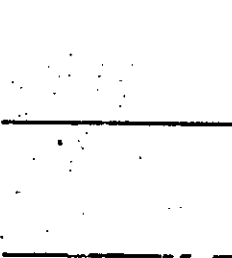
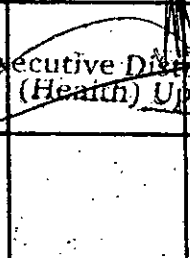
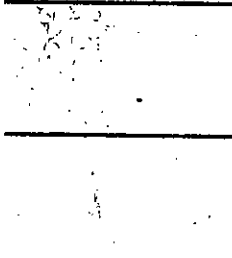
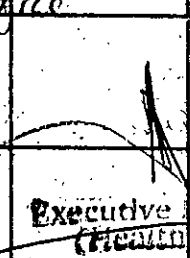

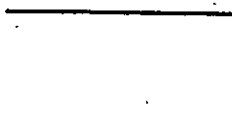
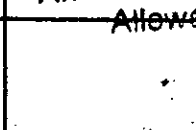
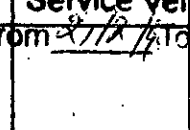
✓

9	10	11	12	13			15
Signature and designation of the head of the office or other attesting officer in Attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
				Period	Government to which debitible		
			Transferred to officer DIR vide DCO's order NO 31927-84/E III dated 21-12-2001.			Service verified up-31-12-2001 AN	
			 Executive District Officer Health Chandernagore			 Executive District Officer Health Chandernagore	
						assumed duty on 4/11/2002 	
			 Executive District Officer (Health) Dir Upper			Service verified up to 1/12/2001 to 30/11/2002.	
			 Executive District Officer (Health) Dir Upper			 Executive District Officer (Health) Dir Upper	
			Section is hereby accideed to the grant of (120 days) Earned Leave with effect from 04/10/2003 TO 04/04/2004 - vide DCO order NO 4893/DCO/Health dt: 04/10/2003.				
							

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
LHV - BPS-9 (RS: 2410-145-6760)			Rs 3135 PM			1 <sup>12</sup> / <sub>200</sub>	Rajinder Sheen FN
	D.O		Rs 3135 PM				
LHV	D.O						
BANI KAYOBI	D.O						
			Rs 3280 PM			1 <sup>12</sup> / <sub>200</sub>	

23



9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in Attestation of columns 1 to 8.	Date of termination of appointment.	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government		
				Period	Government to which debitabale		
 Executive District Officer (Health) Upper Dir	30/11/2003 AN		Annual Increment Allowed	145/2003	Service verified from 01/12/2002 to 30/11/2003.	 Executive District Officer (Health) Upper Dir	
 Executive District Officer (Health) Upper Dir		Transferred from EDO (H)				 Executive District Officer (Health) Upper Dir	
		Updir to EDO (H) Swabi Distt. Vich Director General Health Services NWFP, Peshawar order No. 3614-18/E-III/ANV. dated Pesh. the 10/02/2004. She is hereby strength of from the strength of this office w.e from 15/02/2004. (AN)				Service Verified from 01/12/2004 to 15/02/2004 (AN)	
 Executive District Officer (Health) Upper Dir						 Executive District Officer (Health) Upper Dir	
Resigned duty on 21-2-04							
 Executive District Officer (Health) Swabi.							
30/11/04			Annual Increment Allowed			Service Verified From 21/2/04 to 30/11/04	
 Executive District Officer (Health) Swabi.			 Executive District Officer (Health) Swabi.			 Executive District Officer (Health) Swabi.	

PS

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
LHV							
BHU Tardab	Permanent						
da	da				Rs 3290/PM		
da						01-7-2005	
LHV Agaro HF	da						
BHU Bachan					Rs 3760/PM	01-7-2006	

Pass 9 (2770-965-7720)

Handwritten mark/signature at the bottom left.

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in Attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
					Period		
		Granted 120 days D/Leave with full pay w.e.f. 02-12-04 vide BDO(H) Swabi order No. 9974-83/BDO dt 13/12/04					
			<i>M. J. Khan</i> Executive District Officer (Health) Swabi				
		Granted (365) days Extra Ordinary leave without pay w.e.f. 01-2-2005 vide BDO(H) Swabi order No. 2296-98/BDO dated 31/3/2005.					
			<i>M. J. Khan</i> Executive District Officer (Health) Swabi				
		Pay fixed in Revised Pay Scale 2005					
			<i>M. J. Khan</i> Executive District Officer (Health) Swabi				
		Resigned during absence of 365 days Extra-ordinary leave without pay on 01-2-2006 (P.A.)					
			<i>M. J. Khan</i> Executive District Officer (Health) Swabi				

*Dr*





1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
Scale Revised 2007 3185-190-8885-BPS-09				4385/-		17/07	
L.H.V. BPS-09 3185-190-8885				4515/-		12/07	FN
Previous Branch - still going AD							
Scale Revised on 01/2008 (3820-230-10720) BPS-09				Pay Rs = 5430 p.m		01/2008	
L.H.V. BPS-09 (3870-230-10720)				Rs = 5669 p.m		01/2008	✓
		PC complete	Cable	8			

✓

✓



1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
<u>L.H.V. BPS-09</u> <u>(3820-230-10720)</u>				Pay Rs = 5890 / P.M		01 <sup>12</sup> / <sub>2008</sub> (FN)	
<u>- do -</u>				Rs = 6120 / P.M		01 <sup>12</sup> / <sub>2010</sub> (FN)	
		<p>Profession of qualification</p> <p>App: 16</p> <p>Recorded</p> <p>5/ hour through proper attestation</p> <p>(Signature)</p>					
<p>2001</p> <p>1/05 to 2/06</p> <p>2/06 to 3/07</p> <p>3-9</p> <p>2845/-</p> <p>3760/-</p> <p>5329/07</p> <p>5439/09</p>		<p>2001</p> <p>OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE R.B.P.S 2001</p>	<p>OF RS. 2410-145-6760.....B-9</p> <p>AT RS. 2845.....P.M.W.E.F</p> <p>With Next Increment On</p>	<p>1-12-2001</p> <p>1-12-2002</p>	<p>EOL 1/5 to 2/06</p> <p>8/06 to 3/07</p>		<p>(Signature)</p>
		<p>Accounts Officer</p> <p>Pay Fixation Party K Pakhtunkhwa Peshawar</p>				<p>2005</p> <p>OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE R.B.P.S 2005</p>	<p>OF RS. 2770-165-7220.....B-9</p> <p>AT RS. 3780.....P.M.W.E.F</p> <p>With Next Increment On</p> <p>1-07-2005</p> <p>1-12-2005</p> <p>(Signature)</p> <p>Accounts Officer</p> <p>Pay Fixation Party K Pakhtunkhwa Peshawar</p>

27



9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in Attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
EXECUTIVE DISTRICT OFFICER (HEALTH) HARIPUR	30/11/2009	Promotion	30/11 (AN) <del>30/11/2009</del>	Annual increments allowed	EDD (H) Haripur	Service verified from 01/2/2008 To 30/11/2009 From pay bills/ Acquittance Roll and other records.	EXECUTIVE DISTRICT OFFICER (HEALTH) HARIPUR
EXECUTIVE DISTRICT OFFICER (HEALTH) HARIPUR	30/11/2010	Promotion	30/11 (AN) <del>30/11/2010</del>	Annual increments allowed	EDD (H) Haripur	Service verified from 01/2/2009 To 30/11/2010 From pay bills/ Acquittance Roll and other records.	EXECUTIVE DISTRICT OFFICER (HEALTH) HARIPUR
<p>2007</p> <p>OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE R.S.P.S 2007</p> <p>OF RS. 3185-190-885 B-9</p> <p>ATRS 4327 W.E.F. 1-07-2007</p> <p>With Next increment on 1-12-2007</p> <p>Accounts Officer Pay Fixation Party K Pakhtunkhwa Peshawar</p>						<p>2008</p> <p>OFFICE OF THE ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA PESHAWAR PAY FIXED IN THE ADJ: B.P.S 2008</p> <p>GPRS 3820-230-1072 B-9</p> <p>ATRS 5439 W.E.F. 1-07-2008</p> <p>With Next increment on 1-12-2008</p> <p>Accounts Officer Pay Fixation Party K Pakhtunkhwa Peshawar</p>	

RS

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appolument	Signature of Government Servant.
Scale Revised BPS 09 (6200-380-17600) KHV				Pay Rs 10000/pm			01/07/2011 (PD)
do				Pay Rs 10380/pm			01/12/2011 (PD)
		<p>OFFICER IN CHARGE OF THE PAY FIXING IN THE</p> <p>OF RS. 6200-380-17600</p> <p>AT RS. 10000/-</p> <p>With Next Increment</p> <p>13/07/2011</p> <p>Pay Fixation Post</p>					

22



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
<u>6200-300-17600</u> CHU				Rs 10760	PA	12/12	FN
<u>—</u>				Rs 11140	PA	12/13	FN
<u>—</u>				Rs 11140	PA	12/2014	FN
<u>—</u>				Rs 11140	PA	13/14	FN
<u>—</u>							
<u>—</u>							
<u>—</u>							

22

9	10	11	12	13		14	15	
Signature and designation of the head of the office or other attesting officer in Attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
30/11/12 AN		<del>Removal from service</del>	<del>Removal from service</del>			Service verified from 12/12/12 To 30/11/12	From pay bills/ Acquittance Roll and other record.	
DISTRICT HEALTH OFFICER HARIPUR			DISTRICT HEALTH OFFICER HARIPUR			DISTRICT HEALTH OFFICER HARIPUR		
30/11/13 AN		<del>Removal from service</del>	<del>Removal from service</del>			Service verified from 12/12/12 To 30/11/13	From pay bills/ Acquittance Roll and other record.	
DISTRICT HEALTH OFFICER HARIPUR			DISTRICT HEALTH OFFICER HARIPUR			DISTRICT HEALTH OFFICER HARIPUR		
DISTRICT HEALTH OFFICER HARIPUR			DISTRICT HEALTH OFFICER HARIPUR			DISTRICT HEALTH OFFICER HARIPUR		
Removal from Service	W.P. 14-06-2014 vide	DHO Haripur O/O No.				DISTRICT HEALTH OFFICER HARIPUR		
3189-94/Estt. dt: 25/3/15								

(120) DAYS ALL WITH FULL PAY WSP DATE 27/12/14  
 DHO Haripur 253-55/estt  
 27/12/14

DISTRICT HEALTH OFFICER HARIPUR

PS

# وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب محمد شہزاد شاہ سے سروس ٹرانسپورٹ سہ ماہی  
 منجانب مسٹر نقتہ شاہ روز سنہ ۱۹۸۵ء  
سہ ماہی ٹرانسپورٹ سہ ماہی **بنام** مسٹر محمد شاہ شاہ  
 دعویٰ یا جرم محکمہ عدالت باعث تحریر آئے۔

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام محکمہ عدالت سے سروس ٹرانسپورٹ سہ ماہی  
 صاحب محمد شاہ شاہ اید و وکیل بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت  
 حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر  
 حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ  
 ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز  
 تعطیل پیروی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات  
 کے آ گیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے  
 بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب  
 موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق  
 کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار پیہ وصول کرنے اور رسید دینے اور داخل کرنے  
 کا ہر قسم کا بیان دینے اور سپروٹاشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعویٰ کا اختیار ہوگا۔ اور بصورت اپیل و  
 برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتنا ہی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو  
 بشرط ادا ایگی علیحدہ پیروی مختار نامہ کرنا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر  
 کو بجائے اپنے ہمراہ مقرر کر کے ہر ایسے شہر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب  
 موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختتام ہوگا کہ مقدمہ کی پیروی نہ  
 کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند رہے مضمون  
 مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

مورخہ:

السید فیض محمد

Rashid

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTT ABAD

Appeal No. 830 of 2016

Rozeena Shaheen Vs Secretary Health & others

Appeal

Index

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4	Service Book	One Page	5
5	Report	2 pages annexure C	6, 7
6	Leave Record	Annexure B	8, 9, 10
7	Explanation	2 pages	11, 12

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTT ABAD

Appeal No. 830 of 2016

Rozeena Shaheen Vs Secretary Health & others

.....  
**WRITTEN COMMENTS OF BEHALF OF RESPONDENT NO. 1,2 & 3**  
.....

**Respectfully Sheweth:**

**PRELIMINARY OBJECTION.**

1. That the appellant has no cause of action, hence appeal is liable to be dismissed.
2. That the appeal is time barred.
3. That the appellant was removed / dismissed from service upon disciplinary ground.
4. That the appellant was repeatedly absent from their duty so many times.
5. That the petitioner has not come to this honourable court with clean hands.
6. That the appellant has filed the present appeal just to pressure the respondent.
7. That the appellant has suppressed the original facts from his honorable service tribunal hence not entitled for any relief and appeal is liable to dismissed without any further proceeding.
8. That the responded seek leave of this honorable service tribunal to raise additional points at the time of hearing of the appeal.

**PARAWISE COMMENTS REPLY: -**

1. No comments.
2. No comments.
3. Incorrect, that the appellant repeated absent and irregular so many times (copy enclosed service book absent w.e.f. 17.08.2006 to 10.02.2007 from EDO Health Office Swabi annexed-A) and the case of appellant referred fro removal from service. She (LHV) attached to Basic Health Unit Kariplian remained will fully absent w.e.f. 14.06.2014 without permission / intimation a notice for resuming the duty by official concerned was issue on 20.10.2014 but did not turn up for duty. Another notice sent to Director Information Department Peshawar on 21.01.2015 for publication. Inquiry was conducted vide annexure A.
4. No comments about her family issues.
5. No comments.
6. Pertain to record.
7. Appellant was supposed to resume her duty on 14.06.2014 but she was failed till Government duty since 01.06.2012 till date.
8. Incorrect, responded was given to Director General Health Services, Khyber Pakhtunkhwa vide letter No.5530 dated 04.06.2015
9. No comments
10. No comments
11. Incorrect.
12. No comments.
13. Para 03 as above
14. The appellant is a habitual irregular (proved leave record copy attached annexure-B).
15. No comments.
16. Termination order was as per rules.
17. Incorrect.
18. Time barred. That the appeal of the appellant is badly time banned.




**ON GROUND: -**

- a. Para A is incorrect, that the appellant was repeated absent and irregular so many time, the case of appellant referred for removal from service. The Section Officer vide his letter No.SOH-III/8-89/2015 dated 21.03.2016 imposed major penalty from dismissal from service, the inquiry report and order are annexed as annexed C.
- b. The proceeding against the appellant was in accordance with the law.
- c. As above (b).
- d. Incorrect, that the proper departmental inquiry was conducted (inquiry report enclosed as annexure - C).
- e. Incorrect.
- f. No comments.
- g. Incorrect.
- h. No comments.

It is therefore, humbly prayed that acceptance of the above para wise comments the writ petition may graciously be dismissed with cost.

Dated \_\_\_\_\_

  
Respondent No.3  
District Health Officer  
Haripur

Office Of The District Health Officer, Haripur

-12-

Annex-A

ORDER

Whereas Mst. Rozeena Shaheen Junior PHC Technician (MCH) / LHV attached to Basic Health Unit, Kariplian remained willfully absent with effect from 14.06.2014 without permission / intimation. A notice for resuming the duty by the official concerned, was issued on 20.10.2014, but she did not turn up for duty. Another notice sent to Director Information Department Peshawar on 21.01.2015 for publication.

And whereas, an inquiry committee comprising Dr. Abdur Rasheed PMO & Dr. Muhammad Bilal Khan Coordinator DHIS Cell. The committee submitted its report on 02.03.2015 stating therein that the charges leveled against the official concerned have been proved and she may be proceeded against under the relevant provision of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.

Now therefore, I Dr. Mushtaq Khan Tanoli District Health Officer Haripur / competent authority hereby impose major penalty of removal from service upon Mst. Rozeena Shaheen Junior PHC Technician (MCH) / LHV attached to BHU Kariplian w.e.f 14.06.2014 as provided under Rule-9 (Procedure in case of willful absence) of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.

Sd/-  
District Health Officer,  
Haripur.

Additional Director (Medical)  
Dr. No. 1563  
Date: 25/03/2015

No. 3189-94 /Esatb/D/Disp;Action; Dated Haripur, the 25/03/2015.

Copy of the above is forwarded to the:-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar.
2. Senior District Accounts Officer, Haripur.
3. District Manager, KPH, DSU, Haripur.
4. I/c Basic Health Unit, Kariplian.
5. Account Section (Local) for necessary action.
6. Mst. Rozeena Shaheen D/o Jamshed Habib P/o Toru Tehsil & District Mardan.

RAJ  
11/4

*Mushtaq Khan Tanoli*  
District Health Officer,  
Haripur.

AD (AS) / S.A. H.

District Health Officer, Haripur  
Phone & Fax # 0995-610997  
dhoharipur@yahoo.com

*Mushtaq Khan Tanoli*

*M. M. M. M.*

*Rashid*



REPORT

Page 6

Amx ©

Subject: MST. ROZEENA SHAHEEN LHV BHU KARPLIAN

With Reference to the remarks by the DHO Haripur on the face of letter from District Manager, KPH, DSU, Haripur, No. KPH-HR/M&E/2015-75 Dated 11-02-2015. The report is submitted as under with a single page enclosure;

**FINDINGS**

The DSM PPHI Haripur had initiated absent report about Mst. Rozina shaheen, posted as LHV in BHU Kirplian vide his letter no. 249 dated 19.6.2012, that she was found absent from duty from 01.06.2012. She is found habitual absent from duty. The attendance register show her willful and continuous absence from duty since June 2012 till date.

Photocopies from attendance register provided by in charge BHU Kiriplian indicate that she never affixed her signatures on the attendance register even for a single time because she remained away from duty place, continuously and willfully.

The DHO Haripur had called an explanation from her through letter No. 3261-62 dated 20-06-2012 and letter No. 3349-50, Dated 28-06-2012 mentioning about public complaint against her for absent from duty since long and indulged in some private job in Islamabad.

Earned leave 07-06-2012 to 07-09-2012 was regretted, vide EDO Health letter No. 3058 dated 14-06-2012. Earned leave from 15-07-2012 to 14-11-2012 was sanctioned for 120 days vide EDO Health order No. 3562-65/ Estab. Dated Haripur 04-07-2012.

One day pay deducted vide DHO H Haripur letter NO. 3566-69 dated 05-07-2012.

According to record produced for examination on 27-02-2015 in office of DHO Haripur Earned leave for 120 days was sanctioned to her vide DHO Haripur letter no. 651-54/Estab. Dated 08-02-2013 wef 04-02-2013 to 03-06-2013.

Earned leave 120 days was sanctioned to her from 13-02-2014 vide DHO Haripur letter no. 753-55 dated 13-02-2014. Reference to DHO Haripur letter no. 4576 dated 08/5/2014.

**She was supposed to resume her duty on 14-06-2014, but she failed till date.**

Show Cause notice and Charge sheet has been served upon her vide DHO, No. 7966-70/Estab/D/Discip. Action Dated, Haripur 02-09-2014 through registered mail at her home address provided by her as recorded in her service documents. No response was shown to those.

She was given chance for the personal hearing vide No. 8008/Estab/D/Inq, DHO office, Dated Haripur 03/09/2014, but she failed to avail the opportunity. She did not appear before the enquiry committee constituted for the same purpose.

Final show Cause notice(Absconder notice) was send to the Director Information, Khyberntunkhwa, Peshawar for press publications vide DHO Haripur No.9949-52 dated 20-10-2014.

**CONCLUSION**

She was supposed to resume her duty on 14-06-2014, but she failed till date.  
She is unwilling worker. Not interested in Govt. job. Useless to Health Department.  
She is found guilty for continuous willful absence from Govt. duty since 01-06-2012 till date.  
(Whole of history should be recorded in her service book.)

**RECOMMENDATION.**

Recommended for Disciplinary action under E&D Rules 2011.



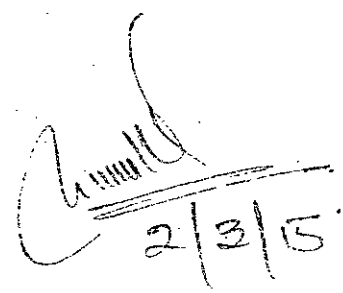
Dr. ABDUR RASHEED  
PMO DHO Office



Dr. MUHAMMAD BILAL KHAN  
Coordinator DHIS Cell, DHO Office

Est.

Agreed with the recommendation  
of Enquiry officer.  
Proceed E & D Rules 2011



## LEAVE RECORD OF MST.ROZINA SHAHEEN LHV, BHU KIRPLIAN

STATION	EARNED LEAVE	EXTRA ORDINARY LEAVE	ABSENT
Mohamand Agency			From 01-07-2001 to 30-07-2001 Service not verified
II Charsadda.			
III Upper Dir	Earned Leave 120 days with full pay 04-10-2003 to 04-02-2004 .		
IV Sawabi 1	01-05-2004 to 02-09-2004 earned leave with full pay 120 days	01-02-2005 to 01-02-2006, extra ordinary leave 365 days.	
Sawabi 2		17-08-2006 to 10-03-2007 extra ordinary leave 202 days.	
V Haripur 1	Maternity leave 09-09-2007 to 22-10-2007 45 days.		
2	Earned leave 15 days 22-09-2010 to 06-10-2010.		
3	Earned leave 18-10-2010 to 06-12-2010 48 days.		
4	Earned leave 15-07-2012 to 14-11-2012 for 120 days.		One day pay deducted vide DHO H Haripur letter NO.3566-69 dated 05-07-2012.
5	Earned leave vide DHO Health Haripur letter no. 651-54/Estab.dated 08-02-2013 wef 04-02-2013 to 03-06-2013 120 days. (This letter was not produced during enquiry held on 28-05-2015)		
6	Earned leave was sanctioned to her from 13-02-2014 vide DHO Haripur letter no.753-55 dated 13-02-2014 120 days.		
7			She was supposed to resume her duty on 14-06-2014, but she failed till date.

## NOTE

- Service Book of Mst. Rozeena Shaheen LHV BHU Kriplian was not provided for verification of leave record and other relevant entries.

Personal File of the said employee does not contain arrival / departure reports regarding earned leaves which are necessary each time for accord of repeated earned leave, otherwise sanction of a new leave stands objectionable.

➤ Photocopy of Attendance Register for month of May 2012 show over writing, which indicates that In charge of BHU, Kiriplian used to mark fake attendance for the said LHV and after the notice / observation of the DSM PPHI Haripur he was helpless to mark fake attendance for her after 1<sup>st</sup> June 2012.



Dr. ABDUR RASHEED

PMO DHO Office Haripur

The District Health Officer,  
Haripur.

Subject: Service Record Of Mst. Rozeena Shaheen LHV BHU Kariplian.

- Date of Birth 14.08.1978
- First Appointment DHS,FATA, Joined on 1<sup>st</sup> September 1998
- 01.09.1998 to 30.06.2001 service verified upto 30.06.2001 by Agency Surgeon (Mohmand Agency)
- 01.07.2001 to 30.07.2001 service not verified (Absent from duty)
- Charsadda 01.08.2001 to 31.12.2001 transferred to EDO(H) Office Charsadda, service verified.
- Upper Dir 04.01.2002 to 15.02.2004 transferred to EDO(H) Office Upper Dir.
- 04.10.2003 to 04.02.2004 earned leave 120 days with full pay.
- Swabi 21.02.2004 to 10.03.2007 transferred to EDO(H) Office Swabi , service verified.
- 01.05.2004 to 02.09.2004 earned leave 120 days with full pay.
- 08.06.2004 to 03.07.2004 extra ordinary leave 58 days.
- 01.02.2005 to 01.02.2006 extra ordinary leave 365 days.
- 17.08.2006 to 10.03.2007 extra ordinary leave 102 days.
- Haripur 21.03.2007 to till date, transferred to EDO(H) Office Haripur vide DGHS NWFP No.2935-44 dated 03.02.2007 and posted at BHU vide No.1870-75/Esst/PF dated 21.03.2007.
- 09.09.2007 to 22.10.2007 Maternity Leave 45 days vide EDO(H) No.7414-16 dated 24.09.2007.
- 22.09.2010 to 06.10.2010 earned leave 15 days vide PPHI No.1287/PPHI/Haripur/P&M/EDO(H) dated 27.09.2010 and diary No.2176 EDO(H) 2176 dated 27.09.2010.
- 18.10.2010 to 06.12.2010 earned leave 48 days vide EDO(H) No.4297-99 dated 14.10.2010.
- 07.06.2012 to 07.09.2012 regretted 90 days earned leave vide EDO(H) No.3058 dated 14.06.2012.
- 15.07.2012 to 14.11.2012 earned leave 120 days.
- One day pay detected vide DHO Haripur No.3566-69 dated 05.07.2012.
- 13.02.2014 to 13.06.2014 earned leave 120 days vide DHO Haripur No.753-55 dated 13.02.2014.
- Total length of service 16 years.
- Entitled earned leaves 768 days.
- Full pay earned leave availed plus remained away from duty total 1258 days.
- 543 alongwith extra ordinary leave 655 days.
- Maternity leave 45 days.
- Pay deduction 01 day.
- Absent from duty and indulged in private job in Islamabad, explanation was served but no reply on record. Explanation letter No.EDO(H) 3349-5 dated 28.05.2012. Unofficial absent report from 01.06.2012 to 30.06.2012 vide DSM PPHI No.209 dated 19.06.2012.

Report is submitted for further necessary action.

Dr. Abdur Rasheed  
PMO (Inquiry Officer)

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**GOVERNMENT OF PUNJAB**  
**EXECUTIVE DISTRICT OFFICER**  
**(HEALTH), DISTRICT HARIPUR**  
**PHONE & FAX NO. 0995-610997**  
**No. 3428-33 dated 02/07/2012.**

To:

1. Mst. Rozina Shaheen LHV Basic Health Unit Kariplian
2. Mr. Ilyas Beheshti Basic Health Unit Kariplian

**SUB: EXPLANATION**

As reported by District Support Manager PPHI Haripur vide his letter No.249 dated 19/06/2012 that you both are regularly absent from your duty since 01/06/2012.

You are hereby directed to explain your position for willful absence from duty within 03 days from the receipt of this communication, as to why disciplinary action may not be initiated against you under the prevailing rules.

**Executive District Officer,**  
**(Health) Haripur**

cc.

1. District Support Manager PPHI Haripur for information w/r to above.
2. The Manager NBP Main Branch Haripur C.A.c No.5693-9 to stop Mst. Rozina Shaheen LHV pay till further order.
3. The Manager United Bank Ltd. Main Branch Haripur PLS/A.c. 15815-1 to stop Mr. Ilyas Beheshti pay till further order.
4. Local Accounts Section for information.

*[Handwritten signature]*

05-07-2012

*For Record plz  
A(MSE)*

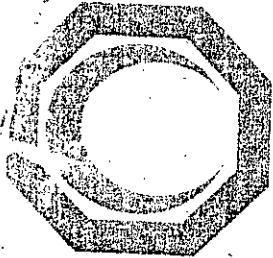
*[Handwritten signature]*  
**Executive District Officer,**  
**(Health) Haripur**

Rab Nawaz /\*-\*

Explanation

*(83)*

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PPHI

The District Support Unit, Haripur  
People's Primary Healthcare Initiative  
Khyber Pakhtunkhwa / FATA  
Peshawar

No: PPHI/HR/M&E/2011-361

Dated: 06-07-2011

To

1. Ms. Rozina Shaheen, LHV, BHU Kariplian.
2. Ms. Khadija Bibi, LHV, BHU Jettipind.

Subject: EXPLANATION.

Despite of telephonic and written invitations, you have failed to attend QRM on 04-07-2011, which is a mandatory activity.

2. You are hereby directed explain your position within three days of the receipt of this letter failing which strict disciplinary action including salary stoppage will be taken against you.

(Asif Khan)

District Support Manager,  
PPHI, DSU, Haripur.

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BEFORE THE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTT ABAD

Appeal No. 830 of 2016

Rozeena Shaheen Vs Secretary Health & others

.....  
**WRITTEN COMMENTS OF BEHALF OF RESPONDENT NO. 1,2 & 3**  
.....

**AFFIDAVIT**

I Dr. Sher Bahadur Coordinator PH DHO office Haripur / Focal Person of Court cases is hereby solemnly affirm and declare on oath that the contents of para-wise comments are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Court.

Dated \_\_\_\_\_



**Deponent  
Dr. Sher Bahadur  
Coordinator PH DHO  
Office Haripur / Focal  
Person Health  
Department Haripur**

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

Service Appeal No.830/16

Rozeena Shaheen

..... Appellant

"VERSUS"

Secretary Health etc.

..... Respondents

**SERVICE APPEAL**

**RE-JOINDER ON BEHALF OF APPELLANT**

**Respectfully Sheweth:**

The contents of written comments with regard to preliminary objection i.e (1) to (8) being against the facts and law, hence denied and that of appeal are correct.

**PARAWISE COMMENTS:**

The contents of written reply with regards to parawise comments i.e (1) to (18) being against the facts and law, hence denied and that are the appeal are correct.

**GROUND:**

That the contents of written reply with regards to grounds i.e (a) to (h) being against the facts and law, hence denied and that of appeal are correct.

**PRAYER:**

It is, therefore humbly prayed that on acceptance of the instant appeal, the impugned Order Dated 25-03-2015 may graciously be set aside and the appellant be reinstated in service from the date of her removal from service with all consequential service back benefit. Any other relief which this Honourable Court deem fit may also be granted.

Dated: 21-5-18

*Rozeena Shaheen*  
Appellant

Through:

*Khalid Abdullah*  
**Khalid Abdullah**  
Advocate High Court  
At Haripur

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1124 /ST

Dated 26-6- / 2019

To


The District Health Officer,  
Government of Khyber Pakhtunkhwa,  
Haripur.

Subject: -

JUDGMENT IN APPEAL NO. 830/2016, MST. ROZEENA SHAHEEN.

I am directed to forward herewith a certified copy of Judgement dated 17.06.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.