

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

**Service Appeal No. 714/2023**

Dr. Farooq Azam ..... (Appellant)

Versus

Government of Khyber Pakhtunkhwa and others..... Respondents

**INDEX.**

S.No.	Description of documents	Annexure	Page
01	Parawise Comments		02
02	Annexure	A,B,C,D,E,F	03-09
03	Affidavit		10
04	Authority letter		11



Dr. Aftab Alam, Litigation Officer  
DHO Orakzai Office

20-12-23

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 714 OF 2023**

Dr. Farooq Azam.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa and others.....Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 03**

**Respectfully Sheweth:**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9980

Dated 19-12-2023

**Preliminary Objections:-**

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

**ON FACTS:**

1. Pertains to record. The Appellant is working as Medical Officer in Health Department at Type-D Hospital Kalaya.
2. The Appellant was directed vide this office order No. 870-75 dated 19-01-2022, to act as Medico Legal Officer at Type-D Kalya. (Copy attached at Annexure-A). because he is residing in Type-D Hospital Kalya.
3. No
4. Pertains to record.
5. No comments.
6. Incorrect. The Appellant was found absent from duty during the visit of DHO Orakzai on 08-08-2022, without obtaining prior approval/permission from the competent Authority. He was also absent from Chehlum duty reported by the respondent No 03. His absence report was forwarded to Secretary to Government of KP Health Department Peshawar vide this office letter No. 5777-81 dated 25-08-2022, (Copy attached at Annexure-B). Reminder

regarding his absence report was given to Secretary to Government of KP Health Department Peshawar vide this office letter No. 6154-59/PF/E-2 dated 08-09-2022. (Copy attached at Annexure-C), as he was absent from duty till 08-09-2022. He was also reported absent from duty by the DMO, IMU Health that the MO concerned was absent from duty on 03-09-2022. Explanation was called him vide this office letter No. 6845-62/PF/IMU dated 12-10-2022 (Copy attached at Annexure-D). 14 days' salary was deducted from him on account of willful absence which was proved and confirmed.

7. No Comments.
8. Incorrect. As no proper application was submitted to this office for leave nor any permission was accorded for leave.
9. As already stated in para 6 above that his absence was deliberated and confirmed.
10. His appeal was received through DGHS, KP Peshawar vide his letter No.15893/E.I dated 08-11-2022, (Copy attached at Annexure-E) which was responded accordingly to DGHS, KP Peshawar vide this office letter No. 8392-93/PF dated 21-12-2022, (Copy attached at Annexure-F).
11. Not related with answering respondents.

### GROUNDS

- A. Incorrect, as already replied in para 1-10 of the fact.
- B. As replied above.
- C. As replied above.
- D. As replied above.
- E. As replied above.
- F. Answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of final arguments.

### PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.

Secretary to Govt. of  
Khyber Pakhtunkhwa Health Department  
(Respondent No. 01)

Mehmood Alam

Director General  
Khyber Pakhtunkhwa Health Department  
(Respondent No. 02)

Dr Shaukat Ali

District Health Officer  
Orakzai at Hangu  
(Respondent No. 03)

Dr Adnan Khan

A



Office of the District Health Officer

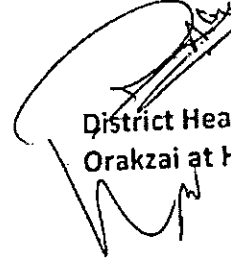
District Orakzai at Hangu

Phone & Fax No. 0925-690098

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OFFICE ORDER.

Dr. Farooq Azam MO Type-D Hospital Kalaya will act as Medico Legal officer at Type-D Hospital Kalaya with immediate effect.

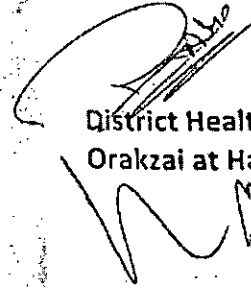
  
District Health Officer  
Orakzai at Hangu

19-01-2022

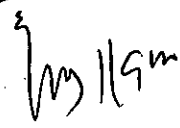
870-75

Copy forwarded to:-

1. The Secretary to Govt; of KP Health Department Peshawar.
2. The Director General Health Services KP Peshawar.
3. The Regional Director General Health Services South Region KP Peshawar.
4. The Deputy Commissioner Orakzai at Hangu.
5. MO Incharge Type-D Hospital Kalaya Orakzai.
6. Dr. Farooq Azam MO Type-D Hospital Kalaya.

  
District Health Officer  
Orakzai at Hangu

Witnessed





B

OFFICE OF THE DISTRICT HEALTH OFFICER  
DISTRICT ORAKZAI AT HANGU

No. 5777-81

Dated 25 /08/2022

To,

The Secretary to Govt; of KP  
Health Department, Peshawar.

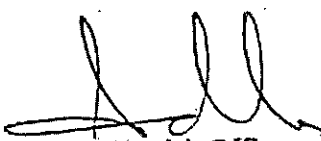
Subject:- ABSENT FROM DUTY.

Sir,

I have the honour to state that Dr. Farooq Azam MO Type-D Hospital Kalaya District Orakzai is absent from duty w.e.f 08.08.2022 without prior permission / sanction of leave from your good office.


He was appointed a Medico Legal officer on the pressive demand of Deputy Commissioner Orakzai to do the Medico Legal and Post Mortem cases at Type-D Hospital Kalaya but he left the station without the knowledge of the undersigned.


It is therefore requested that necessary disciplinary action may be initiated against him please.

  
District Health Officer  
Orakzai at Hangu

Copy to:-

1. The Director General Health Services KP Peshawar.
2. The Regional Director General Health services South Region KP.
3. The Deputy Commissioner Orakzai at Hangu.
4. MO I/C Type-D Hospital Kalaya Orakzai.

  
District Health Officer  
Orakzai at Hangu

Attested  


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Office of the District Health Officer  
District Orakzai at Hangu

No. 6154-59/0E/E-2

Dated 08 / 09 / 2022

To,

The Secretary to Govt; of KP  
Health Department Peshawar.

Subject:- ABSENT FROM DUTY:

Sir,

In continuation to this office Letter No. 5777-81/-dated 25.08.2022, on the subject cited above.

I have the honour to state that Dr. Farooq Azam MO Type-D Hospital Kalaya is still absent from duty and his whereabouts is not known to this office.

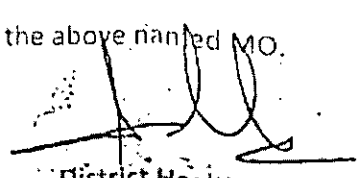
It is therefore requested that necessary action may be taken against him under the Rules.

His salary is being stopped on account of willful absence.

  
District Health Officer  
Orakzai at Hangu

Copy to:-

1. The Director General Health Services KP Peshawar.
2. The Regional Director General Health Services South Region KP.
3. The Deputy Commissioner Orakzai at Hangu.
4. The District Accounts officer Orakzai at Hangu.
5. Accountant DHO office Orakzai to stop the salary of the above named MO.

  
District Health Officer  
Orakzai at Hangu

Attested



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D

OFFICE OF THE DISTRICT HEALTH OFFICER ORAKZAI AT HANGU.

Phone & Fax No.0925-690098.

No. 6845-62 /PF/IMU

Dated 12 09/2022

01. Mst.- Abida Batool Charge Nurse (19 Days Absent from 16<sup>th</sup> Aug to 03<sup>rd</sup> Sep 2022)
  02. Mr. Asif Ali Behishti (01 Day absent in Sep 2022)
  03. Dr. Farooq Azam MO (14 Days Absent from 21<sup>st</sup> Aug to 03<sup>rd</sup> Sep 2022)
  04. Mr. Khurshid Hussain Jr. Clerk (01 Day absent in Sep 2022)
  05. Mr. Kafayat Hussain Cleaner (01 Day absent in Sep 2022)
  06. Mr. Muhammad Amir MT (AIP Project) (02 Days Absent From 02<sup>nd</sup> to 03<sup>rd</sup> Sep 2022)
  07. Mr. M. Haris Covid-19 Vaccinator (Contract Employee (01 Day absent in Sep 2022)
  08. Mr. Sher Shad ward Orderly (01 Day absent in Sep 2022)
  09. Mr. Shoaib Ali Lab Attdt (01 Day absent in Sep 2022)
  10. Mr. S Khubab Hussain Dental Attdt (01 Day absent in Sep 2022)
  11. Mr. S Itazaz Hussain BB Attdt (01 Day absent in Sep 2022)
  12. Mr. S Muzamil Hussain Sweeper (01 Day absent in Sep 2022)
  13. Mr. Tanceer Ali San; Petrol (01 Day absent in Sep 2022)
- Type "D" Hospital Kalaya

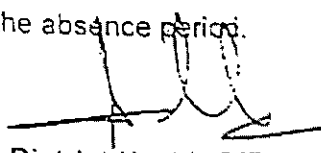
Subject:- Absence from Duty.

Memo.

As reported by the DMO IMU Health District Orakzai Vide his Office Letter No. 203/IMU/Orkz Dated 05-10-2022. that you all were found absent from Govt. duty, for above mentioned period during his visit to Type "D" Hospital Kalaya on 03-09-2022, without obtaining prior permission. sanction of leave from the competent authority which comes under misconduct.

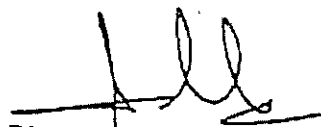
You all are hereby directed to explain your position regarding your willful absence from Govt. duty within 03 days after the receipt of this letter, failing which necessary action will be taken against you under the Rules.

Moreover deduction will be made from your salary of the absence period.

  
District Health Officer  
Orakzai at Hangu.

Copy of Even No. and Dated is forwarded to:-

01. The Director General Health Services KP Peshawar.
02. The Regional Director General Health Services South Region KP Peshawar.
03. The Deputy Commissioner Orakzai at Hangu.
04. The DMO IMU Health District Orakzai.
05. MO I/C Type "D" Hospital Kalaya.

  
District Health Officer  
Orakzai at Hangu.

Attested



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DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA PESHAWAR

All communications should be addressed to The Director General  
Health Services Peshawar and not to any official by name  
Office Ph. 091-9210202 kwhspsc - 091-9210182 Fax. 091-9210130

No. 15893 /E.I. Dated 08/11/2022

To

The District Health Officer,  
Orakzai.

Subject: -

REPLY TO ABSENCE NOTICE IN RESPECT OF DR. FAROOQ AZAM MO  
BS-17 ATTACHED TO TYPE-D HOSPITAL KALAYA ORAKZAI

Please refer to the subject noted above and to enclose herewith a copy of reply to absence notice along with its enclosures in respect of Dr. Farooq Azam MO BS-17 attached to Type-D Hospital Kalaya Orakzai which is self-explanatory for information with the remarks to offer your view/comments and furnish detailed report so as to proceed further in the matter.

ADDITIONAL D.G. (HRM)  
DIRECTORATE GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

3/11

File  
Put up file

Mu  
20/11/22

Attested  
[Signature]





F

**OFFICE OF THE DISTRICT HEALTH OFFICER  
DISTRICT ORAKZAI AT HANGU**

No. 8392-43 /PF

Dated 21 /12/2022

To,

The Director General Health Services  
Khyber Pakhtunkhwa Peshawar.

Subject:- **REPLY TO TO ABSENCE NOTICE IN RESPECT OF DR. FAROOQ  
AZAM MO BPS-17 ATTACHED TO TYPE-D HOSPITAL KALAYA  
ORAKZAI.**

Madam,

Reference your letter No. 15893/E1 dated 08.11.2022, on the sub  
ject cited above.

I have the honour to state that Dr. Farooq Azam Medical officer  
Type-D Hospital Kalaya was found absent from duty w.e.f 08.08.2022 as well as  
during the visit of the undersigned to Type-D Hospital Kalaya on Chehlum  
2022.

Report was submitted to Secretary to Govt; of KP Health Depart-  
ment as well as your good office vide this office letter No. 5777-31/PF dated  
25.08.2022, and No. 6154-59/PF dated 08.09.2022. deduction of the absence  
period has already been made from the MO concerned.

Now the MO concerned has resumed duty and is regularly per-  
forming of duty. This may also dispose off your letter Endst; No. 14218-21/E-1  
dated 07.10.2022.

  
District Health Officer  
Orakzai at Hangu

21/12/22

Copy forwarded to the Secretary to Govt; of KP Health Department  
Peshawar for information please.

  
District Health officer  
Orakzai at Hangu

Attested



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

**Service Appeal No. 714/2023**

Dr. Farooq Azam .....

(Appellant)

Versus

Government of Khyber Pakhtunkhwa and others ..... Respondents

**AFFIDAVIT**

I Dr. Aftab Alam, Litigation Officer DHO Orakzai Office Health Department do hereby solemnly affirm and declare that the joint parawise comments in Service Appeal No. 714/2023 is submitted on behalf of respondents is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court. It is further stated on oath that in this appeal the answering respondent have neither been placed ex-party nor their defense have been struck-off or any cost imposed.



Dr. Aftab Alam, Litigation  
Officer DHO Orakzai Office

**ATTESTED**



19-12-2023



**Office of the District Health Officer  
District Orakzai at Hangu**

Phone & Fax No. 0925-690098

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**OFFICE ORDER.**

Dr. Aftab Alam District TB Officer BPS-18 of this office will work as litigation officer till further orders.

He will deal all kind of Court cases in Peshawar High Court Peshawar and Khyber Pakhtunkhwa Services Tribunal Peshawar on behalf of the undersigned.

District Health Officer  
Orakzai at Hangu

No. 1306-13 /PF

dated the 07 /03/2023

Copy to:-

1. The Secretary to Government of KP Health Department Peshawar.
2. The Director General Health Services KP Peshawar.
3. The Registrar Peshawar High Court Peshawar.
4. The Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
5. The Regional Director General Health Services South Region.
6. The Director Litigation DGHS Office Peshawar.
7. The Deputy Commissioner Orakzai at Hangu.
8. Dr. Aftab Alam DTO, DHO Office Orakzai.

Attested  
20/3/23

District Health Officer  
Orakzai at Hangu