

14.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 01.01.2019.


Reader

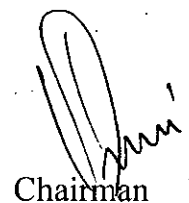
01.01.2019

Counsel for the appellant and District Attorney for the respondents present.

After arguing the appeal at some length, learned counsel for the appellant requests for withdrawal of the instant appeal in order to seek redressal of grievance of appellant before the appropriate forum in the circumstances of the case.

Dismissed as withdrawn. File be consigned to the record room.


Member


Chairman

ANNOUNCED
01.01.2019

20.07.2018


Due to engagement of the undersigned in judicial proceeding before S.B, further proceeding in the case in hand could not be conducted. To come on 14.09.2018 D.B


Member (J)

14.09.2018

Learned counsel for the appellant present and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Mr. Muhammad Waqar Advocate on behalf of respondent No.1 also present. Learned Assistant Advocate General is directed for furnish written reply on behalf of respondents No.4 & 5 till the date fixed as 16.10.2018. Adjourned. To come up for written reply on behalf of respondents No.4 & 5 and arguments on the date fixed before D.B



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

16.10.2018

Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney on behalf of respondent No3 & 4. None present on behalf of respondent No1 to 3 hence placed ex-parte. Adjourned. To come up for further proceedings on 14.11.2018 before D.B.



Member


Member

11.01.2018

Counsel for the appellant and Addl: AG for official respondents and Mr. Faisal Irshad, Advocate on behalf of respondents no. 1,2 and 4 and 5 present. Learned Addl: AG seeks adjournment. Adjourned. To come up for further proceedings on 16.02.2018 before D.B.

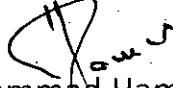
(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member (J)

16.02.2018


Learned counsel for the appellant present. Mr. Usman Ghani, Learned District Attorney present. Senior counsel for the respondents No.1,2, 4 & 5 not present. Adjournment requested. To come up for further proceedings on 07.03.2018 Before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

07.03.2018

Appellant in person, Mr. Barrister Babar Shehzad Imran, for respondents No. 1 & 2 and Mr. Ziaullah, Deputy District Attorney for respondents No. 4 & 5 present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 07.05.2018 before D.B.


(Muhammad Hamid Mughal)
Member


(Muhammad Amin Khan Kundi)
Member

07.05.2018


The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 20.07.2018


READER

18.09.2017

Counsel for the appellant present. Learned Assistant Advocate General for the respondent department present. Learned counsel for the appellant submitted application for impleadment of Secretary to Khyber Pakhtunkhwa Health Department and Director General Health Khyber Pakhtunkhwa as respondents. In the circumstances of the case the application is accepted. Secretary Khyber Pakhtunkhwa Health Department and Director General Khyber Pakhtunkhwa Health Department are hereby arrayed as respondents No. 4 and 5 respectively. Muharar is directed to make necessary entries to this effect in the memo of appeal in the relevant register. Learned counsel for the respondent department submitted application for setting aside order whereby right of the respondents to file written reply was closed. In the interest of justice the application is allowed. Written reply submitted. Learned counsel for the respondents sought adjournment for arguments. Adjourned. To come up for arguments on 16-11-17 before D.B. Respondents party is directed to furnish working paper/minutes of the meeting vis-a-vis appointment of respondent No. 3 to the post of Ward Orderly.



Member
(Executive)


Member
(Judicial)

16.11.2017

Special Attorney for the appellant present. Barrister Babar Shahzad Imran submitted Wakalatnama on behalf of respondent No. 1 and 2. Request made on behalf of the appellant for adjournment as his counsel is not in attendance. Granted. To come up for arguments on 11.01.2018 before the D.B.


Member


Chairman



12.06.2017

Appellant with counsel present. Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 2000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 24.07. before S.B.


(Ahmad Hassan)
Member

24.07.2017

Counsel for the appellant and Asstt. A.G also present. None is present as representative on behalf of the respondents. Last opportunity was given to the respondents on two occasions, which was further extended subject to payment of costs of Rs. 3000/- but the respondents failed to file written reply. The right of submission of written reply is closed. The appeal is assigned to D.B for final hearing for 18.09.2017.



Chairman

06.03.2017

Clerk to counsel for the appellant and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 03.04.2017 before S.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

03.04.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 08.05.2017 before S.B.

Chairman

08.05.2017

Appellant in person present. Mr. Muhammad Butt, Additional: AG for the respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 12.06.2017 before S.B.

Chairman

27.12.2016

Counsel for the appellant present. Learned counsel for the appellant argued that father of the appellant namely Mr. Rozi Akbar is a retired civil servant as he was serving as Ward Orderly BPS-4 at Mardan Medical Complex. That the respondent No.3 is not entitled to appointment against the post of Ward Orderly which was meant for appointment of a person entitled against reserved quota. That despite entitlement of the appellant to the said post of Ward Orderly BPS-4 being son of retired civil servant the private respondent No.3 was appointed against the same vide order dated 16.07.2016 where-against appellant preferred departmental appeal on 25.07.2016 which was not responded and hence the instant service appeal on 03.11.2016.

That the appellant is entitled to appointment against the post of Ward Orderly BPS-4 meant for appointment of a son of retired civil servant and as such the impugned order is against facts and law and liable to be set aside.

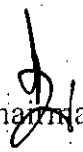
Appellant Deposited
Security & Process Fee

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 01.02.2017 before S.B.


Chairman

01.02.2017

Appellant in person and Inamullah, Junior Clerk alongwith Asstt. AG for the respondents present. Requested for adjournment. To come up for written reply/comments on 06.03.2017 before S.B.


Chairman

1117/2016

21.11.2016

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was appointed as Muslim Sweeper on 30.03.2010 in BPS-1. He further argued that father of the appellant who retired from service on 30.06.2016 moved an application on 28.06.2016 for appointment of his son in the employee son quota but in disregard to the said request the respondents appointed private respondent No. 3 Muhammad Arshad Khan as Warder Boy (BPS-4) on 16.07.2016 who was junior on list of Muslim Sweepers adding further that service record of the private respondent No. 3 was also blemished. That the appellant filed departmental appeal on 25.07.2016 which was not responded within the statutory period of 90 days and hence the instant service appeal on 03.11.2016.




Points raised by the learned counsel for the appellant need further clarification in light of relevant laws and rules. Pre-admission notices be given to the learned Additional AG to assist the Tribunal regarding maintainability of the appeal. To come up for preliminary hearing on 27.12.2016 before S.B.


(ABDUL LATIF)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1117/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/11/2016	<p>The appeal of Mr. Gul Sad Barg presented today by Mr. Haleem Shah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21-11-16</u>.</p> <p style="text-align: right;"> MEMBER</p> 

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No: 1117 /2016

Mr. Gul Sad Barg(Appellant)

VERSUS

The Hospital Director, MMC Teaching Hospital, Mardan and
others.....(Respondents)

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copy of appointment letter	A	8-9
5.	Copy appointment letter of respondent No. 3	B	10
6.	Copy of retirement order	C	11
7.	Copy of application dated 28/06/2016	D	12
8.	Copy of impugned order dated 16/07/2016	E	13
9.	Copies of Domicile Certificate and School Certificate	F & F-1	14-15
10.	Copies of departmental appeal and registered receipt	G & G-1	16-19
11.	Copies of News paper cutting	H-1 to H-3	20-22
12.	Copy of penalty given to respondent No. 3	I & I-1	23-24
13.	Copy relevant pages of service book of respondent No. 3	J-1 to J-5	25-29
14.	Power of attorney		30-31
15.	Wakalat Nama		32-32A

Appellant

Through

Dated: 03/11/2016


Haleem Shah
Advocate High Court,
At Mardan.
Cell No. 0333-9851336

بعد االت

Services Tribunal, KPK Peshawar

16-11-17

Hospital
Director
MMC

2 بجانب

بنام

Gul Sad Bang

15/11/17

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی سٹوٹقہ
 آن مقام پشاور کیلئے سیرٹیفائیڈ لٹریچر مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقریرتالیت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بدسورت ڈگری کرنے اجراء اور وصولی چیک در و پیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی پزاندگی اور
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سائن
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سندر ہے۔

2017 ماہ 15/11/17 المرجوم

کے لئے منظور ہے

پشاور

بمقام

HOSPITAL DIRECTOR
MMC MARDAN

Resp. 201-1-2
Accepted by - Barrister Babar

BABAR SHAHZAI IMRAN
BARRISTER AT LAW
Barrister Babar Chamber
15-A, Nasir Mansior Raiiway
Road Pesh. Tel: 091-221224

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1154

Dated 3-11-16

Service Appeal No. 1117 /2016

Mr. Gul Sad Barg S/o Rozi Akbar Muslim Sweeper, M.M.C,
Mardan R/o Mohallah Peeran Manga, Tehsil and District
Mardan.....(Appellant)

VERSUS

1. The Hospital Director, MMC Teaching Hospital, Mardan.
2. The Medical Director, MMC, Mardan.
3. Mr. Arshad Khan Ward Orderly, MMC Mardan S/o
Muhammad Zaman R/o Khawaja Rashaka, Tehsil and
District Mardan.....(Respondents)

4. Secretary to Govt of KPK Health Department Peshawar
5. Director General Health Services KPK Peshawar

SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974, AGAINST THE ORDER OF
APPOINTMENT OF RESPONDENT NO. 3
VIDE LETTER NO. 7180/83/MMC/
DATED 16/07/2016, DEPRIVING THE
APPELLANT, IS ILLEGAL, INCORRECT
AND THE APPELLANT IS ENTITLED TO
BE APPOINTED/ PROMOTED AS WARD
ORDERLY WITH BACK BENEFITS.

vide order
dt: 18⁰⁹
17

File-to-day
Registrar
3/11/16

Respectfully Sheweth:

FACTS:

1. That the appellant was appointed as Muslim
Sweeper vide letter No. 1462/65/MMC dated

30/03/2010. (Copy of appointment letter is annexure "A").

2. That respondent No. 3 was also appointed as such vide letter No. 9452-57/MMC dated 17/10/2014. (Copy appointment letter of respondent No. 3 is attached as annexure "B").
3. That father of the appellant Mr. Rozi Akbar Ward Orderly was retired on 30/06/2016 in the age of superannuation vide letter No. 7121/24/MMC dated 13/07/2016. (Copy of retirement order is attached as annexure "C").
4. That father of petitioner submitted an application dated 28/06/2016 to appoint his son (Petitioner) on his post which was dually recommended by the concerned, for appointment as Ward Orderly but the same was placed on file on 13/07/2016. (Copy of application dated 28/06/2016 is attached as annexure "D").
5. That just after three days the respondent No. 3 was promoted/ appointed as Ward Boy in BPS-4 on the

post vacated by the father of the petitioner vide impugned letter No. 7180/83/16-7-2016 under the political influence by respondent No. 1, depriving the appellant. (Copy of impugned order dated 16/07/2016 is attached as annexure "E").

6. That the appellant is bonafide residents of Mardan District and has read upto Class 6th and healthy young man. (Copies of Domicile Certificate and School Certificate are attached as annexure "F" & "F-1")
7. That the appellant aggrieved with the same preferred Departmental Appeal to the respondents as well as senior officers of respondents department but no response till date. (Copies of departmental appeal and registered receipt are attached as annexure "G" & "G-1").
8. That the impugned appointment/ promotion of respondent No. 3 is incorrect, illegal, against the principle of natural justice and same is liable to be set aside and the appellant has preferential right of promotion as Ward Boy on the following grounds:

GROUNDS:

- A. That rules and law on the subject was totally violated and ignored, while appointing/ promoting the respondent No. 3.
- B. That the appellant was discriminated and fundamental right have been violated.
- C. That appellant is senior then respondent No. 3, hence preferential right of promotion/ appointment in the higher scale and the appellant has better footing then respondent above mentioned.
- D. That the appellant is also entitled out of 25 % Employees Son Quota being son of the retired Ward Boy.
- E. That respondent No. 3 promotion is purely based on political influence, which void-ab-initio in Civil Service. (Copies of News paper cutting are attached as annexure "H-1" to "H-3" respectively).

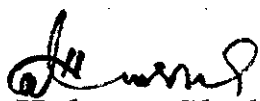
- F. That appellant has clean and unblemished service record throughout, while the respondent No. 3 has no such qualities. (Copy of penalty given to respondent No. 3 are annexure "I" and "I-1").
- G. That relevant pages of respondent No. 3 Service Book, explain about 1st Appointment as well as 2nd Appointment impugned in the same service book. (Copy relevant pages of service book are attached as annexure "J-1" to "J-5").
- H. That the appellant beg to raise further grounds at the stage of hearing.

It is, therefore, prayed that appellant may please be promoted/ appointed as Ward Boy with back benefits from the date of impugned order while the respondent No. 3 appointment/ promotion to Ward Boy post may please be cancelled/ set aside.


Appellant

Through

Dated: 03/11/2016


Haleem Shah
Advocate High Court,
At Mardan.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2016

Mr. Gul Sad Barg(Appellant)

VERSUS

The Hospital Director, MMC Teaching Hospital, Mardan and
others.....(Respondents)

AFFIDAVIT

I, Rozi Akbar S/o Said Wali Muslim Sweeper, M.M.C,
Mardan R/o Mohallah Peeran Manga, Tehsil and District
Mardan (Father/ Attorney for appellant) do hereby solemnly
affirm and declare, that the contents of the **Service Appeal**
are true and correct to the best of my knowledge and belief
and nothing has been concealed from this Hon'ble Tribunal.

Rozi

DEPONENT

CNIC: 16101-1130461-1

Attested

[Signature]

MIAN SIDGHAT ULLAH SHAH
ADVOCATE
Notary Public and Commissioner
Peshawar High Court Peshawar

23.11.2016

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2016

Mr. Gul Sad Barg(Appellant)

VERSUS

The Hospital Director, MMC Teaching Hospital, Mardan and
others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Mr. Gul Sad Barg S/o Rozi Akbar Muslim Sweeper, M.M.C,
Mardan R/o Mohallah Peeran Manga, Tehsil and District
Mardan.

RESPONDENTS:


VERSUS

1. The Hospital Director, MMC Teaching Hospital, Mardan.
2. The Medical Director, MMC, Mardan.
3. Mr. Arshad Khan Ward Orderly, MMC Mardan S/o
Muhammad Zaman R/o Khawaja Rashaka, Tehsil and
District Mardan.

Appellant

Through

Dated: 03/11/2016


Haleem Shah
 Advocate High Court,
 At Mardan.

Annex A
P-8

MARDAN MEDICAL COMPLEX,
TEACHING HOSPITAL, MARDAN.

Dr. Qaim Shah,
Medical Superintendent

Dated _____/2010.


Appointment Order.

On the recommendation of the Selection Committee, Mr. Gul Sad Barg, S/o Rozi Akbar Moh. Peran Manga Tehsil and Distt. Mardan is hereby appointed as Sweeper BSP-01 against the vacant post at Mardan Medical Complex, Teaching Hospital, Mardan plus usual allowances as admissible under the rules on the following terms and conditions:

Terms & Condition.

1. He will be on probation initially for one year. His services can be terminated during the probation period, if his work and conduct found unsatisfactory.
2. He will be governed by such service rules and order as framed by the Govt. from time to time for the category of Govt. Servant to which he belongs.
3. He will for all intents and purposes, be civil Servant except for the purpose of pension, commutation or gratuity. In lieu of pension, commutation or gratuity, he will be entitled to receive such amount as contributed by him toward contributory provident Fund (CP Fund) along with contribution made by Govt. to his account in the said fund, in the prescribed manner.
4. If he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
5. He will produce as undertaking on judicial stamp paper that the documents provided by him are genuine/not fake and he has not been dismissed from any Govt. organization.

If he accepts this offer of appointment with the above mentioned terms and conditions, he is directed to report to the undersigned, within 07 days of the receipt of this order, along with fitness certificate issued by Medical Superintendent DHQ Hospital/Mardan Medical Complex, Mardan.


Medical Superintendent
Mardan Medical Complex
Teaching Hospital, Mardan.

No. 1462-65 /MMC, TH, Dated 30/03 /2010.

1. The Chief Executive, MMC, Teaching Hospital, Mardan.
2. The Distt. Comptroller of Accounts, Mardan, for n/action.
3. The Accountant, MMC, Mardan for n/action.
4. Mr. Gul Sad Barg S/O Rozi Akbar Moh Peran Manga Tehsil and Distt. Mardan.


Medical Superintendent
Mardan Medical Complex,
Teaching Hospital, Mardan.

ATTESTED



The Medical Superintendent,
MMC Mardan.

Subject:

Arrival Report

Sir,

Reference your office order
NO. 1462-65/MMC dt. 30/3/2010.

I have the honor to submit
my arrival report as a Sweeper
at MMC Mardan today on 31/1/2010.
Thanks

Accountant
for n/a

Gha
MEDICAL SUPERINTENDENT
Mardan Medical Complex
Mardan. *all*

Yours obediently
Gul Saad Bang
Gul Saad Bang
Sweeper MMC
Mardan

ATTESTED

W. M. Khan



**MARDAN MEDICAL COMPLEX,
TEACHING HOSPITAL, MARDAN.**

Prof. Ziaul Islam
Chief Executive

No. 9452-57 MMC

Dated 17/10 /14

Appointment Order.

On recommendation of the Selection Committee already constituted by the Govt. of KPK, Health Deptt. Peshawar for the purpose of recruitments of Class-IV employees, Mr. Arshid Khan S/O Muhammad Zaman NIC No# 16101-9946856-5 R/o Khwaja Rahaka Distt & Teh Mardan is hereby appointed as Sweeper (BPS-01) plus usual allowance as admissible under the rules in MMC, Teaching Hospital, Mardan on the following terms and conditions;

- 1 He will be on probation initially for one year, extendable for 2nd year.
- 2 His services can be terminated, if his work and conduct remained un-satisfactory or his documents at any stage is/are found fake.
- 3 His appointment will be subject to medical fitness and verification of character and attendance.
- 4 He will not be entitled to any TA/DA for medical examination and joining the 1st appointment.
- 5 He will be governed by such services rules and ordered as framed by the Govt. from time to time for category of Govt. servant to which he belongs.
- 6 If he wishes to resign his service he will submit his resignation in written in prior or 14 salary in lieu thereof to Govt. Treasury, however he will continue to serve the Govt. till his resignation is accepted by the competent authority.

If he accepts the above mentioned terms and conditions, he should report to the Chief Executive MMC, Teaching Hospital, Mardan for duty along with Medical Fitness Certificate from Medical Superintendent DHQ Mardan on his own expenses within 07 days after the receipt of his letter, otherwise his appointment order will be considered as cancelled.

CHIEF EXECUTIVE
MMC, Teaching Hospital, Mardan

No. /MMC Dated /2014.

Copy to.

- 1 Director General Health Services, Khyber Pakhtunkhwa Peshawar
- 2 Manager Employment Exchange Mardan.
- 3 Medical Superintendent, MMC, Mardan.
- 4 Distt. Comptroller of Accounts, Mardan for n/a.
- 5 Accountant MMC, Teaching Hospital, Mardan for n/a.
- 6 Mr. Arshid Khan S/O Muhammad Zaman R/o Khwaja Rahaka Distt & Teh Mardan

CHIEF EXECUTIVE
MMC, Teaching Hospital, Mardan

Anex-C
P-11



**MARDAN MEDICAL COMPLEX,
TEACHING HOSPITAL, MARDAN.**

No. 7121-24 /MMC

Dated 13/7 /16

OFFICER ORDER

On attaining the age of 60 years of superannuation the under signed is issued the retirement orders in respect of Mr. Rozi Akbar Ward Boy (BPS-05) with effect from 30-06-2016 on his own request and sanction is hereby accorded to the grant of 365 days Encashment to Mr. Rozi Akbar Ward Boy MMCTH Mardan.

Hospital Director
MMCTH, MTI Mardan

Copy to:

1. DMS (Admin-II)
2. DAO Mardan
3. Director Finance MMCTH
4. Official concerned

Hospital Director
MMCTH, MTI Mardan

ATTESTED

Hospital Director

P-12 گورنمنٹ ہسپتال ڈاکٹر صاحب ایم ایم سی اردن

صاحب عالی

موردہ گزارش کی حقیقت ہے کہ سبزہ ساکھ سالم پر (وارد اردنی)

اسکا ٹریٹمنٹ ہے جیلڈ اسکا بیٹا جو میل سے صلیب سوڈیہ

کے پوسٹ پر کام کر رہا ہے صاحب عالی آپ صاحبان سے

درخواست ہے کہ اسکی جگہ اسکا بیٹا وارد اردنی پوسٹ

پر تعینات کرکے ساری عمر کھلیے مشکور فرمائیں

بڑی تمہدانی ہوگی

العارض

POBIAKles

آپ کا نام لکھ کر روزی الکر وارد اردنی ایم ایم سی اردن

dated - 28/06/2016 - Sir The above officers

AC

P.Ph

13.7.16

See something as Muslim
Success if agreed we may
issue order on mail by post

Hospital Director

ATTESTED



**MARDAN MEDICAL COMPLEX,
TEACHING HOSPITAL, MARDAN.**

Anex E
P-13

No. 7180-83 MMC

Dated 16/7 /16

APPOINTMENT ORDER

On recommendation of the Departmental Selection Committee, the undersigned is pleased to appoint Mr. Arshid Khan S/O Muhammad Zaman Nic No.16101-9946856-5 r/o Khwaja Rahaka Teh & Distt: Mardan (applied through channel) against the vacant post of (Ward Boy BPS-04) plus usual allowances as admissible under the rules in MMC, Teaching Hospital, Mardan on the following terms and conditions;

1. He will be on probation initially for one year.
2. His services can be terminated straight away if his work and conduct remained un-satisfactory.
3. His appointment will be subject to medical fitness and verification of character and attendance.
4. He will not be entitled to any TA/DA for medical examination and joining the appointment.
5. He will be governed by such services rules and ordered as framed by the Govt. from time to time for category of Govt. servant to which he belongs.
6. As laid down vide Govt. of KPK E&E act-2 notification No. 06(E&E)1-13 dated 10/08/2005 and also according to Finance deptment notification No. 801/5-8/2006-07/FD dated 13/12/2006, he will be entitle to receive such amount contributed by him towards the Govt. Provident Fund along with the contribution made by the Govt. to his account in the said fund.
7. If he wishes to resign his service, He will submit his resignation in written or one month salary in lieu there of to Govt. Treasury, however he will continue his service till his resignation is accepted by the competent authority.

If he accepts the above mentioned terms and conditions, he should report to the Chief Executive MMC, Teaching Hospital, Mardan for duty on his own expenses within 07 days of the receipt of her appointment order/letter , otherwise his appointment order will be considered as cancelled.

Hospital Director

MMC, Teaching Hospital, Mardan.

No /MMC Dated /2016

Copy to.

1. Medical ~~Director~~ MMC, Mardan.
2. Distt. Comptroller of Accounts, Mardan for n/a.
3. Director Finance MMC, Teaching Hospital, Mardan for n/a.
4. Mr. Arshid Khan S/O Muhammad Zaman r/o Khwaja Rahaka Teh & Distt: Mardan.

ATTESTED

Hospital Director

MMC, Teaching Hospital, Mardan

DOMICILE CERTIFICATE

MARDAN

I declare that I was born of parents who are permanently domiciled in NWFP. Having belonged to it by birth/settled in it.

I belong by birth to Village/Mohallah Mullion Abad
Manga Tehsil Mardan District Mardan

[Signature]
ATTESTED

[Signature]
Signature of the applicant
Date 23/10/2009

Pursuance to the declaration dated 23/10/2009 filed By Gul Sad Bary Son/Daughter of Razi Akbar domiciled in the N.W.F.P., It is hereby certified, that the said Gul Sad Bary is born of parents who are permanent residents of the NWFP having belonged to it by birth/settled in, it.

I have satisfied my self from personal knowledge verification that the above declaration is true and certify.

This 23rd Day of October 2009

[Signature]
Attested

Name Deputy Dist: Officer
Revenue Mardan
DEPUTY DISTRICT OFFICER
(JUDL/REV.)
MARDAN / TAKHIBHAI

COUNTERSIGNED
[Signature]
DISTRICT OFFICER
(REVENUE & ESTATE)
MARDAN
District Collector



108/10 Date 24/10/09

To:

The Medical Director,
Mardan Medical Complex,
Mardan.

Sub: DEPARTMENTLE APPEAL.

R/Sir,

Beside the other legal and technical aspect of the case, the impugned order of Appointment of Mr. Arshid S/O Muhammad Zaman as Ward Boy (BPS - 04) is illegal, incorrect and against the principles natural justice, on the following grounds amongst other.

FACTS :

1. That the applicant was appointed as Muslim Sweeper vide 1462/65 dated 30/03/2010, in BPS-1 by medical superintendent MMC, Mardan.
2. That the respondent namely Arshid S/O Muhammad Zaman was appointed as such vide letter No. 9452/57 dated 17-10-2014, by chief executive MMC, MRD.
3. That father of the applicant Ex-(W/Orderly) has moved application dated 28-06-2016, to the Hospital Director/Medical Supdt: for promotion/ appointment of his son as W/Orderly out of 25 %

[Handwritten Signature]
ATTESTED

Contd.....2

employee son Quota in result of which the applicant name was recomended ~~xxx~~ for appointment as W/Orderly.

- 4. That the respondent was promoted to the post of W/Orderly vide 7180/83 dated 16-07-2016, depriving the petitioner/applicant.

GROUND S :-
=====

- A. That the Applicant was discriminated and respondent was promoted out of turn.
- B. That the applicant is senior than respondent hence better footing than respondent, legally.
- C. That rules and procedure was violated during appointment of respondent.
- D. That fundamntle right of petitioner was voilated.
- E. That employee son Quota rules for appointment of retired ~~xxxxxxx~~ employee was tottaly ignored.
- F. That the respondent appointment as W/Orderly is purely based on political whim and caprice which illegal, incoffect in civil service.

[Signature]
ATTESTED

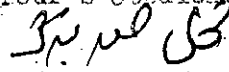
It is therefore prayed that the applicant may kindly promoted to the Post of W/Orderly BPS-4 and the respondent appointment as such may please be withdrawn being void order.

Copy to :-

1. Hospital Director, MMC Mardan
2. Director General Health Service K.P.K Peshawar.
3. Secretary to Govt: for Health Deptt: K.P.K,
Peshawar.

Dated: 25-07-2016

Your's Obediently,




Gul Sad Berg (Muslim Sweeper/App:

S/O. Rozi Akbar (Retired W/Orderly)

•• Mardan Medical Complex Mardan

R/O Mohallah Peeran, Mangah

Tehsil & District Mardan.



ATTESTED

قسم ہے قلم کی اور جو کچھ لکھتے ہیں، القرآن

091-5252021 (فون) 091-5606315 (فیکس)

ABC CERTIFIED

E-mail: ausaf@dsl.net.pk

http://www.dailyausaf.com

پشاور

روزنامہ اوصاف

DAILY AUSAF PESHAWAR

پندرہ روزہ شنبات

جلد: 2

ہفتہ 6 اگست 2016ء، 2 ذی قعدہ 1437ھ، 22 سوان 2073 ب صحت 16 بیت 12 روپے

شمارہ: 30

Registered in 2016

Anex H1, - H3
(03 Page)
P-20

میڈیکل کیلیکشن مردان میں سیاسی مداخلت بند کی جائے، اکبر ایم پی اے کی سفارش پر میرٹے جیلے کے بجائے جوینر سوپر کورڈ اردلی قیادت کیا گیا

مردان (جورڈر پورٹ) مردان میڈیکل کیلیکشن میں ایم پی اے اور سیاسی لوگ بے جا مداخلت اور فریب کلاس فور ملازمین کیساتھ، انسانی، انتظامی کاروائیاں بند کر دیں۔ ان خیالات کا اظہار حال ہی میں رچائٹڈ ہونے والے اردلی وارڈ ریزی اکبر ولد سید ولی نے مقامی صحافتوں کو فریاد سناتے ہوئے کہا کہ وہ سمری 30/06/2016 کو رچائٹڈ ہو کر ان کی جگہ سے کوڑے قوت ان کا پٹا گل مدہ جو کہ سوپر ہے کو دارڈ اردلی قیادت کرنے کا حق ہے لیکن حقوق اور سن کوڑے کی خلاف ورزی کرتے ہوئے ہسپتال ڈائریکٹرنے نے بی کے 24 کے ایم پی اے کی ٹی بھت سے اور اپنی فکری گی کرنے کیلئے میرے بیٹے سے جوینر سوپر ارشد خان کو دارڈ اردلی قیادت کیا گیا ہے۔

حکمران، کھلا، کڈ، غ، کسار، وقت، اس کا، پشور، علم

Attested

خواتین کے حقوق اور خواتین کی آزادی

شہر کے گنجان آباد علاقے کوچی بازار چوک شہباز چوک ناصر خان، آسنہ گیٹ اور تنگ

پولیس کے اعلیٰ حکام نے متعدد تھانوں کی پولیس کو خواتین کو تنگ کرنے اور نازیبا حرکات کرنے والے اوباش لڑکوں کو فوری

پشاور (تھوڑے روز) پولیس ٹی پولیس پشاور نے گنجان آباد علاقے کوچی بازار چوک شہباز چوک ناصر خان آسنہ گیٹ سڑکی کٹ اور دیگر علاقوں کی تنگ دہریہ کیوں ہوئے اس کی روک تھام نہیں بنانے کیلئے سی سی ٹی وی کیمرے نصب کرنے میں کیلئے باقاعدہ طور پر بائیزنگ سٹیل سی ٹائم کر دیا گیا جبکہ ناصر خان راتوں شبہ ملتان گزشتہ دنوں ایس ایس پی آپریشن کے تحت کئی کئی مقامات پر

ABC CERTIFIED Member A.P.N.S

صبح

پشاور

سپیشل سہیل شمشاد



مردان میڈیکل کالج میں سیاسی مداخلت بند کی جائے، روزنی اکبر

پلی این ایس ایس نے ڈراما سٹیج کیا ہے۔

مردان (پشاور پورٹ) مردان میڈیکل کالج میں ایک لی اسے اور سیاسی لوگ نے مداخلت اور غریب کلاس فورڈ میں کی جگہ ہانسی، انتظامی کارروائیاں بند کریں۔ ان خیالات کا اظہار حال ہی میں رٹائرڈ ہونے والے اردلی وادڑ روزنی اکبر ولد سیدولی نے مقامی صحافیوں کو فون پر کیا ہے۔ ان کی حکمت عملی کا نیا نیا ممبر جو کہ سوچے ہے۔ گورنر اردلی فیصلہ کر کے کاتے ہیں حقوق اور ان کو کئی خاتون روزنی کرتے ہوئے ہسپتال ڈائریکٹر نے

لی کے 24 کے ایم پی اے کی ملک سے اور ای ڈگری کی کرنے کیلئے میرے بیٹے جو پشاور شہر اور شہباز خان کو وراڈ اردلی فیصلہ کیا گیا ہے۔ تھوڑی اور میرٹ کا فہرہ لگانے والوں نے ظلم اور بربریت کی اجازت دی۔ انہوں نے کہا کہ ان کا پناہ سوچ 03/03/2010 کو اور ارشد نامی سوچ 17/10/2014 کو لکھی ہو ہے۔ میرا بیٹا 5 سال پہلے سے لیکن ایم پی اے نے انصاف کے تقاضے پورے کئے ہیں سب سے زیادہ جبر فیصلہ کر کے انصاف کی وجہاں آزاد ہیں۔

ATTESTED

Anex I
~~SI~~ / P 23



Mardan Medical Complex,
Teaching Hospital Mardan

No. 8323-24/MMC

Dated, 25/7/2015

OFFICE ORDER

Arshad (Sweeper) your reply of explanation dated 23/7/2015 is not satisfactory.

DMS (Admin)

MMCTH, Mardan

Copy to:-

1. Accounts Officer, to deduct 5 days salary MMCTH
2. Official Concerned.

DMS (Admin)

MMCTH Mardan

M

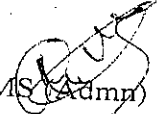
Attested
ATTESTED

Sub: EXPLANATION

Anex I
P-24


It has been reported, that you all were found absent from duty during Eid holidays, without any information, which is against the rules & regulation.

You are directed to explain your position within 03 days and why not disciplinary action should be taken against you under E&D Rules Revised in 2011.


DMS (Admn)
MMCTH Mardan

Copy to:-

1. Director Finance MMC TH Mardan.
2. Accounts Officer MMCTH Mardan with the remarks that due to Eid duty deduct (05) days salary.
3. Official concerned.


DMS (Admn)
MMCTH Mardan


ATTESTED

MMC number

Anex II
to JS
(05 sheets)
P-25

SERVICE BOOK

~~Cooper~~
Ward order

ارشاد خان

OF

رسانہ

ارشاد خان

Mr.

ARSHAD KHAN

Cooper Ps. 1

P.No = 725297

Handwritten signature

ATTESTED

Price Rs. 45:00

Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines should be dated.

1. Name: Arshad Khan

2. Race: Muslim (Afghan)

3. Residence: village Khwaja Rasbaka
Teh & Distt. Mardan

4. Father's name and residence: Mohammad Zaman

5. Date of birth by Christian era as nearly as can be ascertained: 13/02/1980

6. Exact height by measurement: 5' 6"

7. Personal marks for identification: - Nil

8. Left hand thumb and Finger impression of (Non-Gazetted) officer:

Little Finger:

Ring Finger:

Middle Finger:

Fore Finger:

Thumb:

9. Signature of Government Servant: Arshad Khan

ATTESTED

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

Zaman
Chief Executive
Mardan Medical Corporation
Zaman

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination or appointment	11 Reason of termination (such as Promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to a 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		
<p>Appointed as a Sweeper in BPS-1 at MNC Mardan under this office order No 9452-57/MNC dt. 17/12/2014</p>							
<p><i>[Signature]</i> Chief Executive Mardan Medical Complex, Mardan</p>				<p>ATTESTED</p>			
<p>M.F No 371 Dated 13/11/2014 on account of pay from 20/10/2014 to 31/10/2014</p>							
<p><i>[Signature]</i> A.O.</p>							
<p>pay scale Revised on- 1-7-2015 pay on 30/6/2015 = Rs 4800/- pm pay fixed on- 1-7-15 = Rs 6210/- pm</p>							
<p>3rd 6/2015 Revision</p>	<p><i>[Signature]</i> Chief Executive Mardan Medical Complex, Mardan</p> <p>Granted two steps upgradation from BPS-1 to BPS-3 vide Govt. of KPK Finance Dept notification no. FD/50(LPR)7-20/2015 dt. 30/6/15 pay fixed in BPS-3 Rs 6535/- pm</p>						
<p>12/2015 Appreciation</p>							

1	2	3	4	5	6	7	
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	Sign Govern
6535-260-14335 1/2				Rs. 6795/-		12/2/15	
Sweepers	BPS-3						

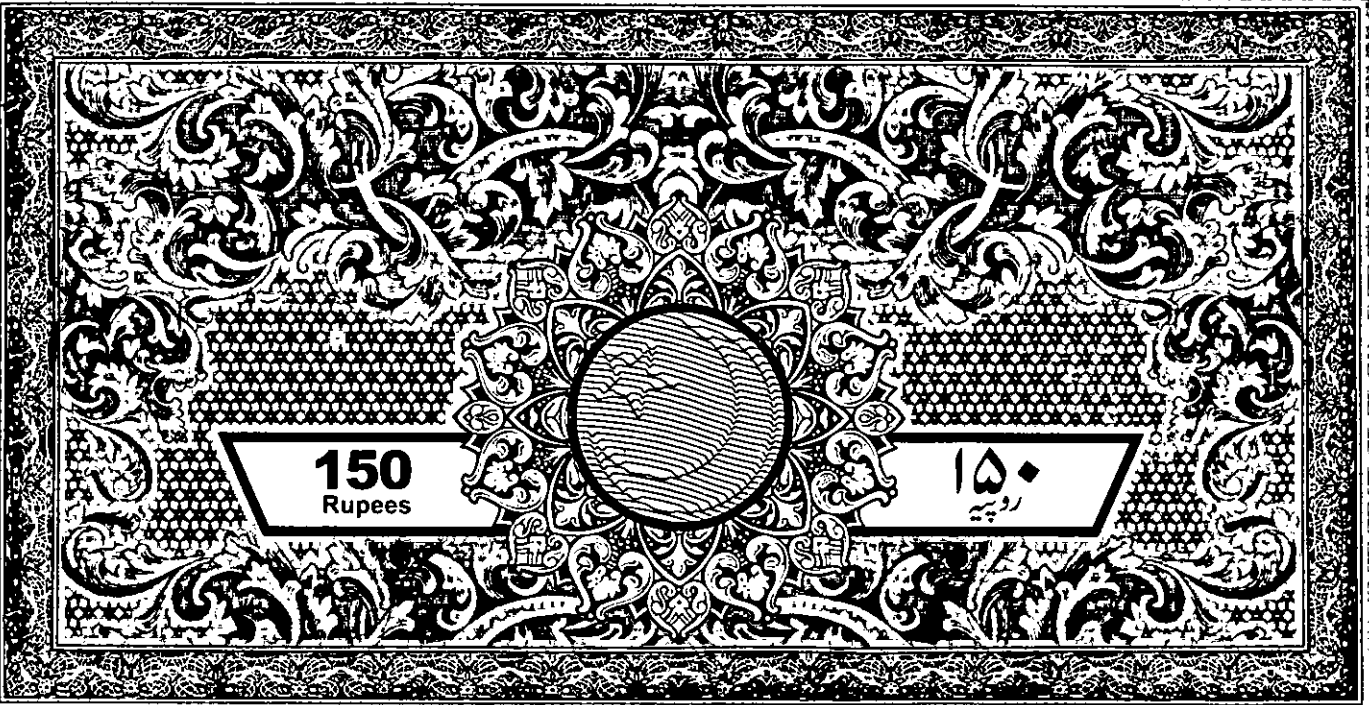
(6730-300-15730) BPS-4 Rs. 7030/- PM 16/7/2

Ward orderly nmc
Males

64
63
62
61
60
59
58
57
56
55

ATTESTED

[Signature]



۱۵۰ روپیہ
۱۵۰ روپیہ
۳۰۰ روپیہ

بعدالت سروس ٹریبونل صدر جٹو خواہ کٹھاور

گل صدرنگ بنام مسیال ڈائریکٹرممcc و سکرٹری

دعویٰ سروس اسپل

مختیارنامہ خاص

مسیال صدرنگ ولد روزی انبر ساکن قلم پیمان منگاہ تحصیل ضلع نور

۱-۱۱۳۰۹۶۱-۱۶۱۰۱-۱۶۱۰۱
اترار کر کے لکھ دیتے / دیتا ہوں۔ کہ مقدمہ بالا کی پیروی سے بوجہ کاروبار دیگر مسرفیات سے بذات خود معذور ہوں۔ لہذا اپنی بنیاد سے کسی روزی انبر ولد مسیال (پدر خود) کو مختیار خاص مقرر کر کے اختیار دیتا ہوں۔ کہ مختیار

خاص دعویٰ مذکورہ کی پیروی میری جانب سے کریں۔ وکیل مقرر کریں۔ بیان تحریر پر تصدیق میری جانب سے کریں۔ اور اس کو داخل کریں۔ کاغذات یادگیر ثبوت تحریری طلب کرائیں یا پیش کریں واپس کریں یا سوال و جواب کرے۔ صلح نامہ، راضی نامہ، دست برداری یا اقبال دعویٰ دیں۔ یا اترار نامہ ثالثی داخل یا قبول کرے۔ دعویٰ، جواب دعویٰ، جواب اجواب، بیان دہوے، درخواست cpc (2) 12 داخل کرے۔

درخواست سنوخی وگری / کارروائی یکطرفہ داخل کریں۔ اور اس پر دستخط کریں۔ بیان ظنی داخل کرے۔ یادگیر درخواست کسی مضمون کی پیش کرے یا کوئی مطالبہ متعلقہ مقدمہ داخل کرے۔ پاداپس لے۔ مقدمہ میں اپیل نگرانی، نظر ثانی، اپیل دراپیل، اس عدالت ماتحت ۳ عدالت عالیہ و عظمیٰ آف پاکستان راجز پیش کریں۔ اجراء داخل کرے۔ رقم وصول در داخل کرے۔ اور مقدمے کے سلسلے میں جو کچھ کارروائی ہوئی میں لائیں۔ جملہ ساختہ

دپر اداختہ مختیار موصوف کاشل کردہ ذات خاص اپنے کے قبول و منظور ہیں۔ لہذا مختیار نامہ بذاسند تحریر ہے۔

۳۱/۱۶

خواہ غیاث علی

مسیال پیمان ڈاکنی و ماوون

۱۶۱۰۱-۱۱۷۲۱۰۴-۳

گل صدرنگ

ماوون و ڈاکنی نہ منگاہ
علاقہ ڈاکووان مروان

خواہ غیاث علی

۱۶۱۰۱-۱۷۰۵۷۷۰-۳

۱۶۱۰۱-۱۲۴۴۶۸۰-۵

(سائیل)



Handwritten text in Tamil script, likely a receipt or ledger entry, including the number '111' at the end.

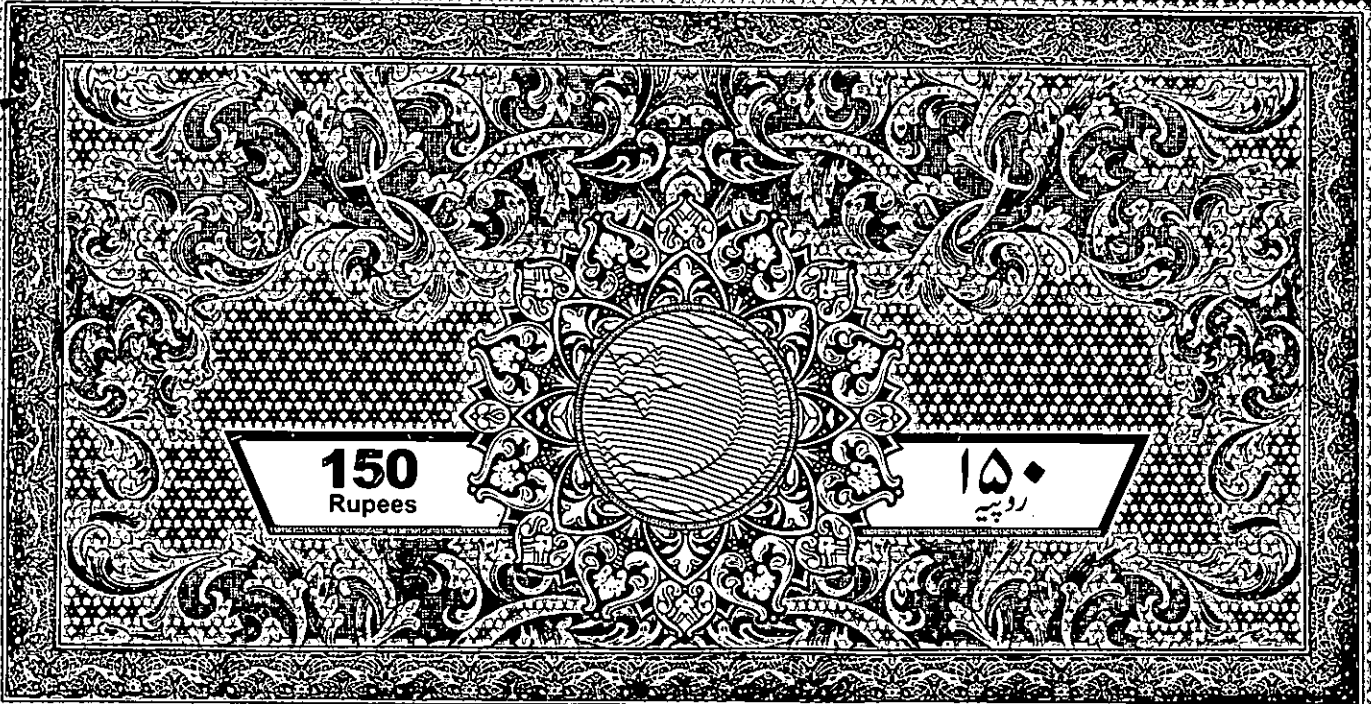
10101-1705509

815

016

Large handwritten number '2' with a flourish.

Handwritten Tamil text, possibly 'செய்த' (Done).



150
Rupees

۱۵۰
روپیہ

سرمدی ٹریڈنگ کمپنی

قلم سہدفنگ سٹیمپ ڈائریکٹوریٹ

اسٹامپ کا نام حاصل

3/11/2016

قلم سہدفنگ

دفتر سٹامپ



Handwritten signature and date: 8/5/06

قیمت
20 روپے



6682

P/32A

ایڈووکیٹ ادھیٹا: محمد سعید
بار کونسل اہار ایسوسی ایشن نمبر:
رابطہ نمبر: 03339851336

ڈسٹرکٹ بار ایسوسی ایشن، مردان

بعد اٹ جناب: سر درمن ٹریبونل RPK لٹیمٹ

منجانب: <u>ایڈووکیٹ</u> <u>گل محمد بزرگ</u> بنام <u>مستقال ڈائریکٹرز میٹنگ</u> م.م.ج	دعویٰ: <u>سر درمن امیل</u> علت نمبر: مورخہ: جرم: تھانہ:
---	---

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لٹیمٹ کیلئے حلم شاہ ایڈووکیٹ مردان کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا نکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: 3/11/2016

واہ شد

کے لئے منظور ہے۔

شور

Accepted & Allocated

3/11/16

نوٹ: اس نکالت نامہ کو کوئی تاویل نہیں ہوگی۔

گل محمد بزرگ
سائنسنگل ایڈووکیٹ

Before the Service Tribunal KPR Peshawar.

Gul Sad Bang vs Hospital Directors etc

120F
18-9-2017

Service Appeal 1117/
2016

Implementation application on
behalf of Petitioner

Sir

1- that the above mentioned case is
fixed for today.

2- that the ^{Petitioner} Committed to Implead ① Director
General Health - KPR ② Secretary to
Govt: Health Dept. KPR though the
same is mentioned in departmental
appeal of Petitioner on file.

3- that the Cadre belong to class IV
Employee, mostly concern in District

It is Prayed that application may
Please be allowed

Date 18/9/2017.

Gul Sad Bang
Petitioner.
Through counsel *[Signature]*

ATTESTED
Oath Commissioner
Zahoor Khur/Advocate
Distt: Durr Peshawar
10 SEP 2017

Attestate

The content above

admitted true & correct

"Jimb"

Gul Sad Bang

Before the Service Tribunal KPR Peshawar.

Gul Sad Bang vs Hospital Director etc

Service Appeal 1117/2016

Implementation application on behalf of Petitioner

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Date 18/9/2017.

Gul Sad Bang
Petitioner
Through counsel

10/9/2017

ATTESTED
Oath Commissioner
Zahoor Khan Advocate
DISTRICT COURT PESHAWAR
18/09/2017

Attestation

The content above

admitted true & correct
Gul Sad Bang

Before The Peshawar High Court Peshawar

Service Appeal 1117/2016

Prof
18.9.2017

Mr. Gul Sad Barg.....Appellant.

V E R S U S

The Hospital Director MTI, MMC & others

.....Respondents

Reply/ Parawise comments on behalf of respondents

Respectfully Sheweth,

⇒ **Preliminary objection**

1. That the petitioner has got no cause of action and locus standi to file the instant Appeal.
2. That the instant appeal is not maintainable in the eye of law, due to mis-joinder and non-joinder because the instant appeal not comprising on necessary parties, hence instant appeal dismissed with heavy cost. The petitioner has not come to this Hon'ble court with clean hand.
3. That the respondents performed their duties according to the law and prevailing rules and regulations and issue orders after completion of all necessary and legal formalities.
4. That the appellant has not come to the court within a specified time. Hence the instant appeal is not according to the law.
5. That the appellant has been availed both the opportunities means that the appellant admit that all the process done according to the law, and no illegality committed during the procedure has been adopted.
6. That the appointment order issued on the recommendation of the departmental selection committee according to the prevailing law and rules and no illegality or irregularity found during the departmental appeal of the appellant.
7. That the instant appeal submitted on the ground that the father of the appellant had been remained as ward ardali and applied for

quota system but there the situation is totally different because the appellant already working on a government post in the said institution, so no one can claim that my father as a high rank officer, he will be also appointed in the same rank, after the vacation of the said post.

8. That the position was filled through fulfilling all the code formalities without any influence, and the recruitment procedures were adopted, to maintain merit and the competent candidate was selected.
9. That the concerned authority performed their duty and act according to the law as under.
 1. As per section 3(2) of MTI act, a medical teaching institution under this Act to which this Act is applied or an existing Medical Teaching Institution to which this act applies shall be a body corporate having perpetual succession and a common seal with power to **acquire hold and dispose of moveable** and immovable property and may in its name sue and be sued.
 2. Section 5(1) of MTI Act states that “ **There shall be a Board administer and manage its affairs**”
 3. **Section 7** of the above act under Heading of “Functions and power of Boards” Says:
 - 3.1. The Board shall be responsible for:
 - a. Ensuring that the objectives of the medical teaching institution within the overall ambit of Government policy are achieved, overseeing the **effective management, and providing strategic direction** to the Medical Teaching Institution:
10. That section 7 of the said act Caluse B , C, I & K is crystal clear for the recruitments and other responsibilities of the concern authority.
11. That any other point and proof on behalf of the respondents by the counsel or respondents themselves may please be considered the part of the instant reply.

Reply on Facts:

1. Para No.1 belongs to record. So no need to reply.
2. Para No.2 presented for his own benefits. Incorrect hence denied.
3. That para No.3 explain to mislead the hon'ble court. Hence denied and incorrect.

4. That Para No. 4 misleading and not discussing the actual facts. Hence incorrect and denied.
5. That Para No. 5 no need to reply, because no restriction on thoughts, emotions, ideas and dreams. But the department and concerned authority will according to the law and prevailing rules. Hence incorrect and denied.
6. That Para No. 6 no need to reply. Hence incorrect and denied.
7. That Para No. 7 is incorrect. Hence denied.
8. That Para No. 8 based on wishes and malafide intention. So incorrect and denied.

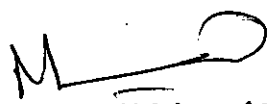
→ Grounds

- a. That Para a is incorrect, hence denied, detail answer is present in preliminary and factual objections.
- b. That Para b is incorrect, hence denied, detail answer is present in preliminary and factual objections.
- c. That Para c is incorrect. Hence denied.
- d. That Para d is incorrect, detail answer is present in preliminary and factual objection.
- e. That Para e is incorrect, hence denied. detail answer is present in preliminary and factual objection.
- f. That Para f is incorrect, because self praise has got no recommendation. Hence denied.
- g. That Para g is incorrect, explained for misleading the hon'ble tribunal. Hence denied.
- h. That Para h is neither according to the law nor the law and rules provide such an opportunity in the instant situation. Hence denied.

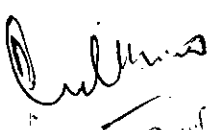
It is, therefore, prayed that the instant appeal may please be dismiss with cost. Any other remedy according to law may please be graciously provide to the respondents.

.....Date 24/6/2017

Respondents through representative _____


M. LUQMAN Advocate
Oath Commissioner
 No. _____ Date: 8/9/17
 Distt Courts Mardan

Through _____



Dawlat Khan Mohmand
Advocate High Court
At Distt. Courts Mardan

Dawlat Khan Mohmand Advocate High
 court at District Courts Mardan.

Before The Peshawar High Court Peshawar

Service Appeal 1117/2016

Mr. Gul Sad Barg.....Appellant.

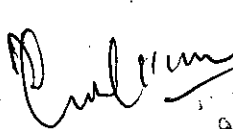
VERSUS

The Hospital Director MTI, MMC & others

.....Respondents

Affidavit:

It is, solemnly affirm and declare on oath that all the contents of the instant reply are true and correct and nothing has been concealed from this Hon'ble tribunal.


Dawlat Khan Mohmand
Advocate High Court
At Distt: Courts Mardan

Dawlat Khan Mohmand Advocate
High court at District Courts Mardan.

Deponent _____




M. LUQMAN Advocate
Oath Commissioner
No. 707 Date 28/09/17
Distt Courts Mardan

Before The Peshawar High Court Peshawar

Service Appeal 1117/2016

Mr. Gul Sad Barg.....Appellant.

V E R S U S

The Hospital Director MTL, MMC & others

.....Respondents

Application for considering the reply in hand *and set aside Ex-parte order.*
Respectfully sheweth,

1. That the case in hand is pending this hon'ble tribunal and fixed for 18/9/2017.
2. That previously the instant case was fixed for 31/6/2017 but on 24/6/2017, representative of the respondents received a call approximately on 11: 00 am that the instant case is fixed for 24/6/2017 for today.
3. That on the same day the Uncle of the counsel for respondents had been died and for the purpose he could not attend the court. While the instant reply was written and ready to submit.
4. That it is the law of the land that no one may be condemned unheard.
5. That the superior courts also encourage to decide the cases on merit.

It is, therefore, requested that the reply in hand may please be considered and treated according to law and justice.

.....Date 24/6/2017

Respondents through representative *[Signature]*

Through *[Signature]*

Dawlat Khan Mohmand
Advoc. High Court
District Courts Mardan
Dawlat Khan Mohmand Advocate High
court at District Courts Mardan.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA PESHAWER

Service Appeal No. _____ 2016

Mr. Gul Sad Barg----- (appellant)

VERSUS

The Hospital Director, MMC Teaching Hospital ,Mardan and

Others ----- (Respondents)

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7	Copy of application dated 28/06/2016		12
8	Copy of impugned order dated 16/07/2016		13
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13	Copy relevant pages of service book of respondent No.3		25-29
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Appellant

Through

Dated:03/11/2016

Haleem Shah

Advocate High Court,

At Mardan

Cell No. 0333-9851336

[Signature]
HALEEM SHAH
ADVOCATE HIGH COURT
Peshawar at Mardan

**BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWER**

Service Appeal No. _1117_ /2016

Mr. Gul Sad Barg S/O Rozi Akber Muslim Sweeper, M.M.C,
Mardan R/o mohallah Peeran Manga , Tehsil and District
Mardan..... (Appellant)

VERSUS

1. The Hospital Director , MMC Teaching Hospital , Mardan .
2. The Medical Director , MMC, Mardan
3. Mr. Arshad Khan ward orderly, MMC Mardan S/o Muhammad
Zaman R/o

Khwaja Rashaka , Tehsil and District
Mardan..... (Respondent)

4. Director General Health Services KPK Peshawar .
5. Secretary to Govt. of KPK Health Department KPK.

Amended:

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUN
KHWA SERVICE TRIBUNAL ACT, 1974, AGAINST
THE ORDER OF APPOINTMENT OF RESPONDENT
NO.3 VIDE LETTER NO.7180/83/ MMC/DATED:-
19/07/2016 DEPRIVING THE APPELLANT, IS
ILLEGAL, INCORRECT AND THE APPELLANT IS
ENTITLED TO BE APPOINTED/ PROMOTED AS
WARD ORDERLY WITH BACK BENEFITS**

Respectfully sheweth :

FACTS:

1. That the appellant was appointed as a Muslim sweeper
vide letter No. 1462/65/MMC dated 30/03/2010. (copy
of appointment letter is Annexure A)

2. That respondent No.3 was appointed as such vide letter No.9452-57/MMC dated 17/10/2014(copy appointment letter of respondent No.3 as attached as annexure B).
3. That father of appellant Mr.Rozi Akbar ward orderly was retired on 30/06/2016 in the age of superannuation vide letter No.7121/24/MMC dated 13/07/2016. (copy of retirement order is attached as annexure C)
4. That father of petitioner submitted an application dated.28/06/2016 to appoint his son (petitioner) on his post which was dually recommended by the concerned , for appointment as ward orderly but the same was placed on file on 13/07/2016. (copy of application dated28/06/2016 is attached as annexure D)
5. That just after three days the respondent No.3 was promoted / appointed as ward Boy in "BPS-4" on the post vacated by the father of petitioner impugned letter No.7180/83/16-07-2016 under the political influence by respondent No.1 depriving the appellant.(Copy of impugned order dated 16-07-2016 ~~these~~ is attached as annexure "E")
6. That the appellant is bonafide resident of mardan district and has read upto class 6TH and healthy young man.(copies of

domicile certificate and School certificate or attached as annexure "F" & "F-1")

7. That the appellant aggrieved with the same preferred Departmental appeal to the respondents as well as senior officers of respondents Department but no response till date. (copies of departmental appeal and registered receipt are attached as annexure "G" & "G-1").
8. That the impugned appointment/ promotion of respondent no.3 is incorrect, illegal, against the principle of natural justice and same is liable to be set aside and the appellant has preferential right of promotion as ward Boy on the following grounds.

Grounds:-

- A. That rules and law on the subject was totally violated and ignored, while appointing/ promoting the respondent no.3
- B. That the appellant was discriminated and fundamental right have been violated.
- C. That the appellant is "senior" than respondent no.3, hence preferential right of promotion/ appointment in the higher scale and the appellant has better footing than respondent above mentioned.

- D. That the appellant is also entitled out of 25% employees Son Quota being son of the retired ward Boy.
- E. That respondent no.3 promotion is purely based on political influence, which void-ab-initio in civil service .(copies of News paper cutting are attached as annexure H-1 "to" H-3" respectively).
- F. That appellant has clean and unblemished service record through out, while the respondent no.3 has no such qualities.(copy of penalty given to respondent no.3 are annexure "I" and "I-1").
- G. That relevant pages of respondent no.3 service book, explain about 1st Appointment as well as 2nd Appointment impugned in the same service book.(copy relevant pages of service book are attached as annexure "J-1" to "J-5").
- H. That the appellant beg to raise further grounds at the stage of hearing.

It is, therefore , prayed that appellant may please be promoted / appointed as ward Boy with back benefits from the date of impugned order while the respondent no.3 appointment / promotion to ward Boy post may please be cancelled / set aside.

Appellant

Wale

Through

Dated:03/11/2016

Haleem Shah
HALEEM SHAH
ADVOCATE HIGH COURT

Haleem Shah Peshawar at Mardan

Advocate High Court,

At Mardan.

Cell No. 0333-9351336

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA PESHAWER

Service Appeal No. _____ 2016

Mr. Gul Sad Barg----- (appellant)

VERSUS

The Hospital Director, MMC Teaching Hospital, Mardan and

Others ----- (Respondents)

AFFIDAVIT

I, Rozi Akbar S/o said wali Muslim sweeper, MMC, Mardan R/o Mohallah Peeran Manga Tehsil and district Mardan (Father/ Attorney for appellant) do hereby solemnly affirm and declare, that the contents of the **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

[Handwritten signature]

CNIC:16101-1130461-1

[Handwritten signature]



BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTOONKHWA
PESHAWER

Service Appeal No. _____ 2016

Mr. Gul Sad Barg----- (appellant)

VERSUS

The Hospital Director, MMC Teaching Hospital, Mardan and

Others -----

(Respondents)

ADDRESSES OF THE PARTNERS

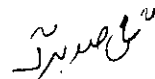
APPELLANT:

Mr. Gul Sad Barg S/o Rozi Akbar Muslim, Sweeper, MMC, Mardan
R/o Mohallah peeran Manga, Tehsil and district Mardan

RESPONDENT:


VERSUS

1. The hospital director, MMC teaching Hospital, Mardan.
2. The Medical director, MMC Mardan.
3. Mr. Arshad Khan ward orderly, MMC Mardan S/o Muhammad Zaman R/o Khwaja Rashaka, Tehsil and District Mardan
4. Director General Health KPK Peshawar.
5. Secretary Health Govt. of KPK Secretarial Peshawar.

Appellant 

Through

Dated: 03/11/2016


HALEEM SHAH
ADVOCATE HIGH COURT
Peshawar at Mardan

Advocate High Court,

At Mardan.

Cell No. 0333-9851336