

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT SWAT.

Service Appeal No. 380/2019

Date of Institution ... 19.03.2019

Date of Decision ... 02.12.2019

Said Alam (Ex-Ward Orderly Civil Hospital Barikot, Swat.

... (Appellant)

VERSUS

District Health Officer, Swat and one other.

... (Respondents)

MR. SHAMS UL HADI,
Advocate

For appellant.

MR. M. RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

For respondents

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

MEMBER(Executive)
MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused..

ARGUMENTS.

02. Learned counsel for the appellant argued that he joined the respondent-department as Ward Orderly in 1990 and had an unblemished service record. That in May, 2012, he was taken into custody by the Pakistan Army and remained there till June 2018. Upon release, when he went to join duty, he came to know about his removal from service vide impugned order dated 11.03.2016. He filed departmental appeal on 04.10.2018, which remained unanswered, hence, the present service appeal. The learned counsel for the appellant further argued that the issue pertaining to his arrest was in the knowledge of the respondents, as was evident from order dated 23.04.2013, where-under he was placed under suspension. Moreover, the

Army Authorities issued certificate dated 23.09.2018, wherein it was clarified that he was neither involved in any terrorist activities nor wanted by them. The DPO, Swat, vide letter dated 15.03.2019 also confirmed his arrest by the Army. The appellant was not deliberately absent from duty and the charge of misconduct could not be leveled against him.

03. Learned Assistant Advocate General raised preliminary objections that the present appeal was badly time barred thus not maintainable. He further argued that on account of willful absence from duty proceedings were initiated against the appellant by calling his explanation. It was followed by notices directing him to resume duty. Final notice was published in Daily Mashriq on 02.02.2016 but he failed to resume duty. Thereafter a show cause notice dated 18.12.2016 was also served on the appellant but to no avail. Finally the respondents had no other option but to remove him from service. Accordingly, major penalty of removal from service was awarded to him vide impugned order dated 11.03.2016.

CONCLUSION.

04. Before proceeding further let us first decide the issue of maintainability of the present service appeal. Impugned order was passed on 11.03.2016, against which departmental appeal was filed by the appellant on 04.10.2018, followed by service appeal on 19.3.2019. Departmental appeal filed by the appellant was badly time barred so on this score alone the present service appeal was not in accordance with the parameters laid down in Section-04 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, thus not maintainable. It is not disputed that the appellant was taken into custody by the Army Authorities on 20.05.2012 and released on 14.06.2018. After release from custody, he came to know about his removal from service impugned order dated 11.03.2016. Thereafter, departmental appeal was filed by the appellant on 04.1.2018. One thing is clear beyond doubt that circumstances

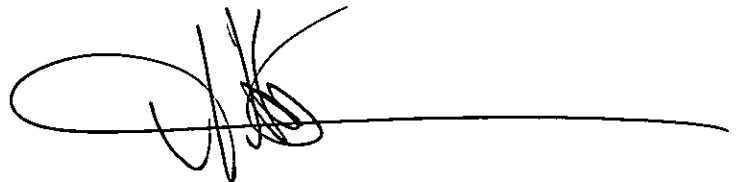
were beyond his control and the course adopted by the appellant was right and as such his appeal cannot be dislodged on the ground of limitation. Furthermore, stance of the appellant has not been repelled by the respondents. In these circumstances, he has every right to be treated fairly on merit.

05. Even on merits, he has a very strong case to be reinstated in service. Attention is invited to letter dated 23.04.2013 through which he was suspended from service. His wife through application dated 08.04.2013 had also informed the respondents about his arrest by Pak Army. Despite knowledge, the respondents initiated disciplinary proceedings against the appellant which finally culminated in award of major penalty of removal from service. Had they applied their mind and taken into consideration the mitigating circumstances the present situation could have been averted? Anyhow in no way this is the case of willful absence from duty which constituted misconduct under the relevant rules. The appellant has suffered a lot for sins he did not commit and deserves to be reinstated in service.

06. In view of the foregoing, the appeal is accepted, impugned order dated 11.03.2016 is set aside and appellant is reinstated into service. However, the intervening period shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
Member



(AHMAD HASSAN)
Member
Camp court Swat

ANNOUNCED

02.12.2019

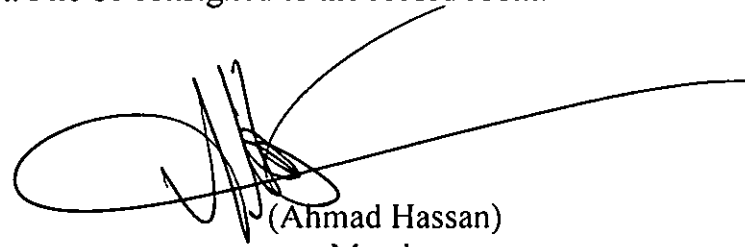
ORDER

02.12.2019

Appellant with counsel present. Mr. M. Riaz Khan
Paindakhel, Assistant Advocate General for respondents present.
Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed
on file, the appeal is accepted, impugned order dated 11.03.2016 is
set aside and appellant is reinstated into service. However, the
intervening period shall be treated as leave of the kind due. Parties
are left to bear their own cost. File be consigned to the record room.

Announced:
02.12.2019



(Ahmad Hassan)
Member
Camp Court Swat



(Muhammad Hamid Mughal)
Member

01.07.2019

No one present on behalf of appellant. Written reply not submitted. Muhammad Aman Assistant representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 03.09.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

03.09.2019

Learned counsel for the appellant present. Mr. Mian Amir Qadir learned Deputy District Attorney alongwith Muhammad Asif J.C present and submitted written reply/comments. Adjourn. To come up for rejoinder if any and arguments on 08.10.2019 before D.B at Camp Court, Swat.



Member
Camp Court, Swat.

08.10.2019

Appellant in person and Mian Amir Qadir, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 02.12.2019 for rejoinder if any and arguments before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

05.04.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Ward Orderly) has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against office order dated 11.03.2016 whereby major penalty of removal from service was imposed upon him on account of absence from duty.

Learned counsel for the appellant argued inter-alia that in the month of May, 2012 the appellant was taken into custody by the security forces and he remained in their custody till June, 2018.

Points urged need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 10.06.2019 before S.B at Camp Court, Swat.


Member
Camp Court, Swat.

10.06.2019

Learned counsel for the appellant present. Security & process fee not deposited. Learned counsel for the appellant submitted application for extension of time to deposit the same. Application allowed with direction to deposit security & process fee within 7 days. Thereafter, notices be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 01.07.2019 before S.B at Camp Court, Swat.



Appellant Deposited
Security & Process Fee


Member
Camp Court, Swat.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 380/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/03/2019	<p>The appeal of Mr. Said Alam presented today by Mr. Shams-ul-Hadi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR - 19/3/2019</p>
2-	22-3-19	<p>This case is entrusted to S. Bench at Swat for preliminary hearing to be put up there on <u>05-04-19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. 380 /2019.

Said Alam.....Appellant

V E R S U S

District Health Officer Swat and others.....Respondents

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4.	Copy of appointment order.	A	6
5.	Copies of Application & Pak Army Certificate.	B	7-8
6.	Copy of impugned removal order dated: 11.03.2016.	C	9
7.	Copies of Departmental appeal.	D	10
6.	Wakalat Nama		11

Appellant

Through



Shams ul Hadi

Advocate, Peshawar.

Office: Near Al-Falah Mosque, Hayat
Abad, Mingora.

Cell No. 0347-4773440.

Dated: 14/03/2019.

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**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. 380 /2019.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 356

Said Alam (Ex-Ward Orderly Civil Hospital Barikot, Swat)

Dated 19/3/2019

R/O Fazal Abad Barikot, Swat.....Appellant

V E R S U S

1. District Health Officer, Swat.
2. Director General Health Khyber Pakhtunkhwa, Peshawar... ..Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE
ORDERS DATED:11.03.2016.**

PRAYER IN APPEAL:

On acceptance of this appeal the impugned Orders dated: 11.03.2016 regarding major penalty i-e Removal from service of appellant may kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits of service.

Respectfully Sheweth:

1. That initially the appellant joined the respondent/department in the year 1990 and as such performed his duties with zeal and zest.(Copy of appointment order is annexure-A)
2. That in month of May 2012, the appellant was taken in to custody by the Pak Army personals on the basis of some fake information and as such the appellant remained in his custody till June 2018 and finally he was exonerated from the charges and was released.(Copies of Application & certificate from Pak army is annexure-B)
3. That thereafter when the appellant approached to concerned authority for joining his duties where he was refused and finally in October 2018 he was informed

Filed to-day
Registrar
19/03/19

about his impugned removal from service order dated:11.03.2016.(Copies of impugned office order dated:11.03 2016 is annexure-C)

4. That against the said order the appellant filed departmental appeal which was not decided within statutory period.(Copy of Departmental appeal is annexure-D)

That being aggrieved from the impugned orders, the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

GROUND:

- A. That the impugned office order is against the facts, law and procedure, hence, untenable being unjust and unfair.
- B. That the appellant was removed from service retrospectively which is a void order and now it is settle preposition of law that no limitation runs against void order nor the same has any legal sanctity.
- C. That absence from duty was not willful because admittedly the appellant was in custody of Pak Army and when he was released from Army confinement centre so well within time the petitioner approached for joining his duties.
- D. That the whole departmental proceedings against the appellant was based on personal ill will and with ill intention a harsh and illegal penalty was imposed on the appellant.
- E. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that On acceptance of this appeal the impugned Orders dated: 11.03.2019 regarding major penalty i-e Removal from service of appellant may kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits of service.

Appellant



Said Alam

Through



Shams ul Hadi

Advocate, Peshawar.

Dated: 14/03/2019

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019.

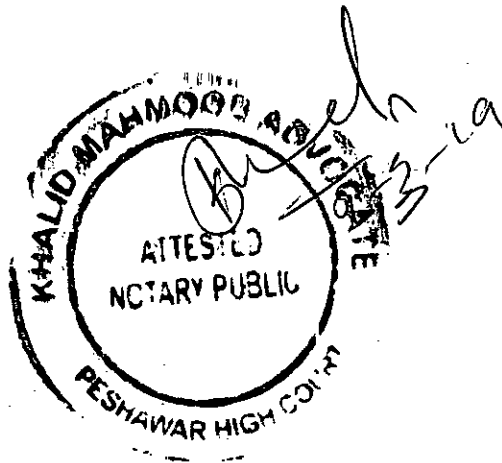
Said Alam.....Appellant

V E R S U S

District Health Officer Swat and others.....Respondents

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client, 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 Court.



[Handwritten Signature]
ADVOCATE

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. _____/2019.

Said Alam.....Appellant

V E R S U S

District Health Officer Swat and others.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Said Alam (Ex-Ward Orderly Civil Hospital Barikot, Swat)

R/O Fazal Abad Barikot, Swat

Cell No.

RESPONDENTS:

1. District Health Officer, Swat.
2. Director General Health Khyber Pakhtunkhwa, Peshawar

Appellant

Through

Shams ul Hadi

Advocate, Peshawar.

Dated:14/03/2019

No. 2586 /A.5 Dated at Gulkada the 28/6/1970

From:- The District Health Officer,
Swat at Gulkada.

To:- Said Alam, M.A. S/o M. Wahid
W/O: G.P.O. Bankeot

Subject:- APPOINTMENT AS A Ward orderly (6)

Memo:- Reference your application dated. 23/6/70

You are hereby offered a post of Ward orderly
in the Scale of BPS-2 (625-16-945) plus usual
allowances sanctioned by the Government from time to time on
the following terms and conditions :-

1. The post is purely temporary but likely to continue on the year basis.
2. Your appointment is purely on temporary basis and your Services can be terminated at any time without any reason being assigned during probationary period and on successful completion of probationary period on 14 days notice or 14 days pay in lieu thereof.
3. If you wish to resign you will have to give a prior notice likewise in para-2 and will continue service to Government till your resignation is accepted and communicated to you writing.
4. You will be governed by such rules and order relating to Pay T.A. leave and Medical Attendance rules etc: issued by the Government for the category of Government servant you belong.
5. Your appointment will be subject to your Medical fitness and satisfactory character report.

If you accept this offer on the above mentioned terms and conditions you should report for duty at in

CH. Bankeot

NO. _____ /A-5

(DISTRICT HEALTH OFFICER)
SWAT AT GULKADA.

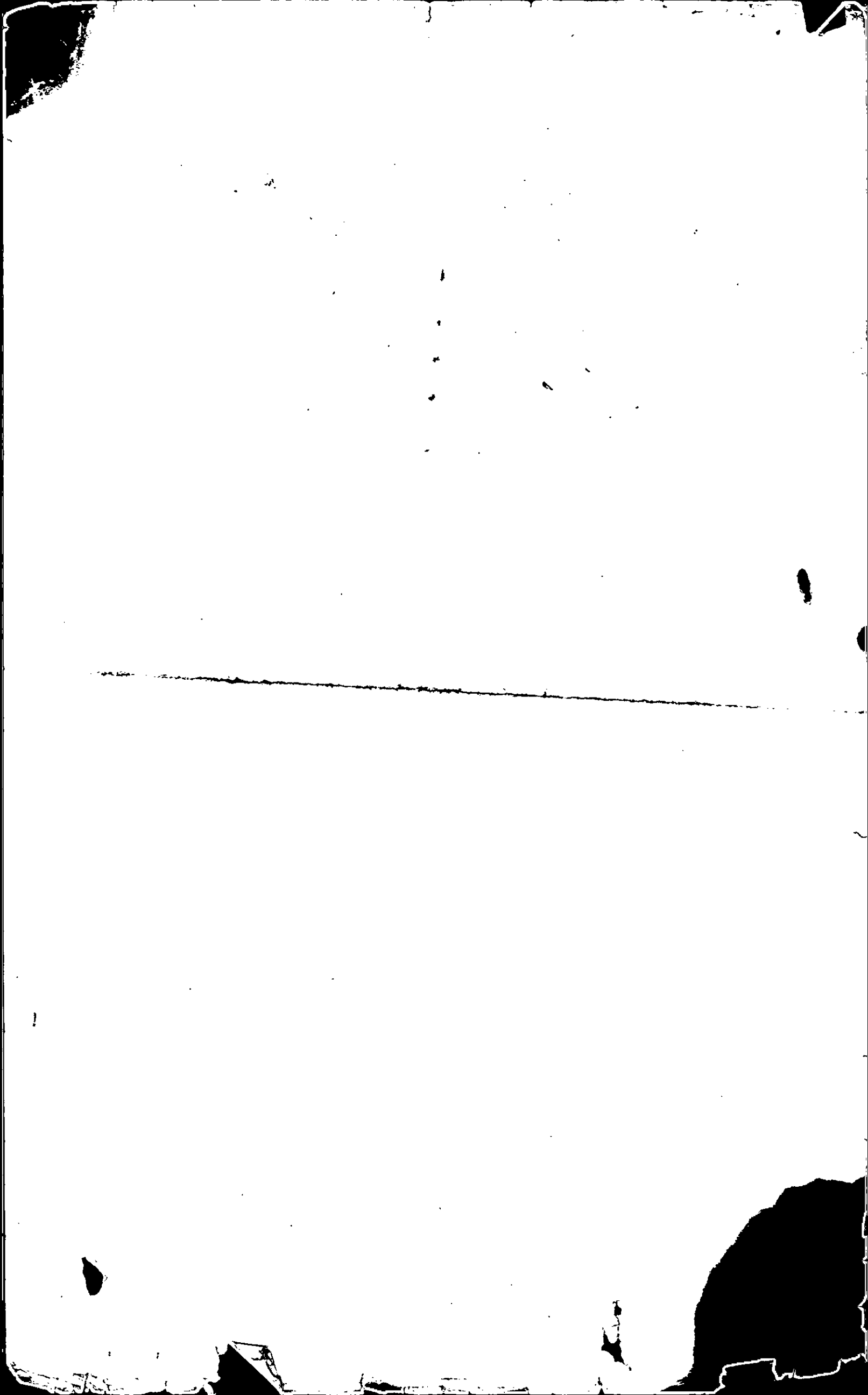
Copy forwarded to the :-

1. I/C M.O. CH/DHU/CD. _____
2. Account Clerk DHO Office.
3. Service Book Clerk DHO Office.

(DISTRICT HEALTH OFFICER)
SWAT AT GULKADA.

* * * * *
S.A.
W/O: G.P.O.

C.F.C.



No. 2586/A.5

dated at Gulkada the 28/06/1990.

From:- the district health officer,
Swat at gulkada.

To:- said Alam S/o Khyber
Vill: P.O Barikot.

Subject:- Appointment as a ward orderly.
Memo:- reference your application dated 23/6/90.

You are hereby offered a post of wad orderly.
In the scale of BPS-2 (625-16945) plus usual allowances sanctioned by the
government from time to time on the following terms and conditions:-

1. The post is purely on temporary but likely to continue on the year basis.
2. Your appointment is purely on temporary basis and your services can be terminated at any time with any reason being assigned during probationary priod and on successful completion of probation period on 14 days' notice or 14 days' pay in lieu thereof.
3. If you wish to resign you will have to give a prior notice likewise in para -2 and will continue service to government til your resignation is accepted and communicated to you writing.
4. You will be governed by such rules and order relating to pay T.A leave and medical attendance rules etc: issued by the government for the category of government servant you belong.
5. Your appointment will be subject to your medical fitness and satisfactory character report.

If you accept his officer on the above mentioned terms and conditions you should report for duty in CH. Barikot.

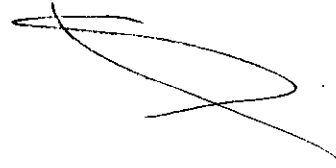
No. _____/A-5

(District Health Officer)
Swat at Gulkada

Copy forwarded to the:-

1. I/C M.O CH/BHU/CD. _____
2. Account clerk DHO office.
3. Service book clerk DHO office.

(District Health Officer)
Swat at Gulkada

C.T-C


بخدمت جناب G.O.C صاحب ضلع سوات بمقام خوازہ حیلہ۔

Announcement

جناب عالی!

-

B₂
(7)

درخواست ذیل عرض ہے۔

- 1: یہ کہ سالکہ کاشو ہر سٹی سید عالم ولد خیر سکندر بریکوٹ تحصیل بریکوٹ ضلع سوات کا مستقل باشندہ ہے۔
- 2: یہ کہ سالکہ کی تین بیٹیوں مسلمان زینب، کبیرہ، آسیلا اور تین بیٹوں سمیان بلال، ارسلان، عیسیٰ کی ماں ہے۔
- 3: یہ کہ موصوف سول ہسپتال بریکوٹ میں بحیثیت دائرہ ذی فرائض انجام دیتا تھا۔
- 4: یہ کہ سوات میں کامیاب آپریشن کے بعد جب لوگ واپس آئیں تو موصوف سول ہسپتال بریکوٹ میں فرائض انجام دیتا تھا۔
- 5: یہ کہ 2011 میں پاک آرمی نے کسی کی شکایت اور شک کے بنا پر موصوف کو گھر سے گرفتار کیا ہے۔
- 6: یہ کہ گرفتاری کے بعد سالکہ اور بچے اس انتظار میں تھے کہ بہت جلد موصوف کو رہا کیا جائے گا۔ کیونکہ موصوف کسی غیر قانونی کام میں ملوث نہیں تھا۔
- 7: یہ کہ وقت گزرتا گیا انتظار کی گھڑیاں ختم ہوئی۔ آج تک تقریباً ساڑھے 4 سال پورے ہو گئے۔ بچے سالکہ سے اپنے باپ کے جرم کا بار بار سوال کر رہے ہیں۔ کہ ہمارا باپ کس جرم کی سزا کاٹ رہا ہے۔
- 8: یہ کہ سالکہ بچوں کیساتھ ادھر ادھر کی ٹوکریں کھانے پر مجبور ہو گئی ہے۔ ابتداء میں عزیز واقارب اظہار ہمدردی کے خاطر سالکہ اور بچوں کے خاطر تواضع کرتے تھے۔ لیکن وقت گزرنے کے ساتھ ساتھ سب اپنے پرانے ہو گئے۔
- 9: یہ کہ موصوف کی ملازمت واحد ذریعہ آمدن تھی اب نہ سالکہ کا کوئی ذریعہ آمدن ہے اور نہ کوئی سہارہ ہے۔
- 10: یہ کہ سالکہ کے بچے بنیادی حق تعلیم سے محروم ہو گئے۔ احساس کمتری کے شکار ہوئے۔ آخر بچوں کو کس جرم کی سزا مل رہی ہے۔
- 11: یہ کہ موصوف سنٹرل جیل لکی مروت میں قید ہے۔
- 12: یہ کہ بذریعہ درخواست سالکہ نے موصوف کے ساتھ جیل مذکورہ میں انتہائی مختصر وقت کیلئے تین دفعہ ملاقات کی ہے۔
- 13: یہ کہ موصوف کی بوڑھی ماں بھی سالکہ کیساتھ رہائش پذیر ہے۔ اور موصوف کی بوڑھی اور ناچار ماں بیٹے کے غم میں اپنا دماغی توازن کھو چکا ہے۔ لہذا استدعا کی جاتی ہے کہ اگر موصوف کسی مقدمہ میں ملزم ہے تو اس کو عدالت کے رو برو پیش کیا جائے اور اگر موصوف کی سزا پوری ہو گئی ہے تو موصوف کو رہا کرنے کے احکامات صادر فرمادیں۔ ایسا نہ ہو کہ سالکہ اور بچے خود کشی کرنے پر مجبور ہو جائیں۔ تعاون کیلئے مشکور و ممنون رہوں گی۔ فقط۔

مورخہ: 05/06/2015

عریضہ

عالیہ بی بی زوجہ سید عالم
ملکنہ محلہ فضل آباد بریکوٹ سوات

C-1-C

8


CERTIFICATE

Certificate that **Said Alam Khan son of Khyber** (CNIC 15602-1353626-7) residence of Fazalabad Colony, Tehsil Barikot, District Swat has been apprehended by Army on 20 May 2012 and released on 14 Jun 2018. He has neither been involved in Terrorist activities in Army record nor wanted to Army uptill now, in any contact with miscreant's elements.

Station: Operation area Swat (Buner)

Dated: 23 Sep 2018




Captain
(Muhammad Jameel Khan)

C-f-c

A large, stylized handwritten signature or scribble consisting of several overlapping lines, located at the bottom center of the page.



OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: edohswat@yahoo.com

Dated: // 13/2016

No.

OFFICE ORDER

WHEREAS, Disciplinary proceedings under Khyber Pakhtunkhwa government Servant E&D rules 2011, initiated against Mr. Said Alam S/O Khyber Ward orderly (BPS 4) Civil Hospital Barikot Swat on account of his absence from duty with effect from 9/4/2013.

AND WHEREAS, He was directed at his home address to immediately resume duty and explain his position for remaining absent from duty vide this office registered letter No.7674/PF dated 3/9/2012, NO.8002/C-1 dated 19/9/2012, NO.8900/PF dated 24/10/2012, and NO.1747/C-1 dated 19/3/2013, but he did not respond.

AND WHEREAS an absence notice was served upon him through press published in Daily "Mashriq" Peshawar on 2/2/2016, but he failed to report for duty.

Therefore I, District Health Officer Swat being competent Authority in exercise of powers conferred under Khyber Pakhtunkhwa E&D Rules 2011, am pleased to impose major Penalty of Removal FROM SERVICE upon Mr. Said Alam S/O Khyber Ward orderly (BPS-4) Civil Hospital Barikot Swat with immediate effect and his absence from duty since 9/4/2013, shall treated as unauthorized absence from duty without pay.

Sd/xxxxx
District Health Officer
District Swat at Gulakda.

NO 3175-3600
Jc/c-4

Copy forwarded to the :-

- 01- District Account Officer Swat
 - 02- Medical officer I/C Barikot Swat.
 - 03- Divisional Monitoring Officer swat.
 - 04- Account Section of this office .
 - 05- Mr. Said Alam S/O Khyber resident of Mohalla Nazir Abad Barikto Swat .
 - 06- DHIS Cell of this office .
- For information .

District Health Officer
District Swat at Gulakda.

C-T-C

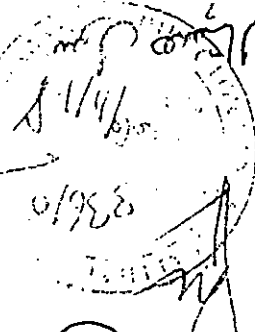
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Handwritten word or phrase, possibly "بیت" (Bait), located below the top right notes.

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Text at the bottom of the page, possibly a signature or a reference number, including a circled number "10".

Final line of handwritten text at the very bottom of the page, including a signature that appears to be "Amir".

Handwritten marks and symbols, possibly including the number '10' and other illegible characters.

For the Kyber Paktankhwa Service Station
Reshow, at Camp Court Road.

Subject: Application for Submission of

Security & Process fee

Sir,

With due respect of Sir,

that in Service Appol 380/2018 Security

& Process fee have not been submitted.

Therefore, extension may be granted

for Submission of Security & Process fee

Thank you

Date 10.6.19



Shankar Hari Purohit

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT MINGORA SWAT.

Service appeal, No.380 of 2019

Said Alam R/O Fazal Abad Barikot District
Swat.....Petitioner..

VERSUS

1. District Health Officer Swat at Gulkada
2. Director General Health Services Khyber Pakthunkhwa
Peshawar.....Respondents.

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7	Removal	D	31



Dr. Sajjad Ur Rehman (Litigation)
District Health Office Swat.

1

BEFORE THE HON, BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA , PESHAWAR.

Service Appeal No.380 of 2019.

Said Alam R/O Fazal Abad Barikot District Swat.

.....Appellant.

VERSUS

- 1). District Health Officer Swat at Gulkada.
- 2). Director General Health Khyber Pakhtunkhwa Peshawar

..... Respondents.

JOINTS PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1
TO NO.2.

Respectfully Sheweth,

Preliminary Objections:-

1. That the appellant has got neither cause of action nor locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondent.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in the present form and also in the present circumstance of the issue.
5. That the appellant has filed instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to the Tribunal with clean hands.
7. That the present appeal is time barred.

- 29
8. That the appellant is the unusual absentee and on this score alone the appeal of the appellant is liable to dismissed.
 9. That instant appeal is barred for Mis-Jlonder & Non-Joinder of necessary party.
 10. That the Honourable Tribunal lacks Jurisdiction to adjudicate upon the matter.

ON FACTS:-

1. Para No 1 is correct: -
2. Para No 2 is correct: -
3. Para No. 3 is incorrect and misleading hence denied. The department has called so many explanations and finally issued Absence Notice in Daily Mashriq on 2/2/2016 but with no response. Then the dept. issued Show Cause Notice vide No. 2136 on 18/2/2016, wherein ample opportunity was given to him for hearing in person but with no response. In the light of the above mentioned correspondence and every legal procedure was availed then the appellant was removed from service vide order No. 3596-3600/PF/CS-4 dated 11/3/2016.
4. Incorrect:- He was removed from service on 11/3/2016 and his department appeal was submitted on 4/10/2018 to DGHS at Peshawar after the passage of 2 Years, thus time barred.

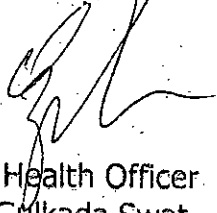
Grounds:-

- a. Incorrect as mentioned in Para- 3 above.
- b. We issued his removal orders of the petitioner within the bounds of law.
- c. Incorrect:- The Army verification of his custody or otherwise will not available at the time of his removal.
- d. Incorrect.
- e. This is jurisdiction of the honourable court.

CS

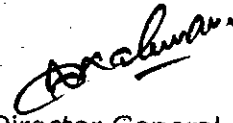
Prayer:-

It is there for humbly prayed that on acceptance of the instant comments the Appellant may graciously dismissed with cost.



District Health Officer
At Gulkada Swat

Respondent No.1



Director General
Health Services Khyber Pakhtunkhwa
Peshawar

9

Respondent No.2

4

BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH/DARUL
QAZA AT SWAT.

Service Appeal No.380 of 2019.

Said Alam R/O Fazal Abad Barikot District Swat.....**Appellant.**

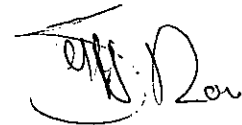
VERSUS

- 1). District Health Officer Swat at Gulkada.
- 2). Director General Health Khyber Pakhtunkhwa Peshawar.

..... Respondents.

AFFIDAVIT.

I Dr. Sajjad Ur Rehman Medical Officer (Litigation) Swat. Do hereby solemnly affirm and state on oath that the whole contents of these comments are true and correct to the best of my Knowledge and belief and nothing has been concealed from the August Court.



Dr. Sajjad Ur Rehman
Litigation Officer
DHO Swat
Cell # 03469455897.
Office # 0946-9240139

5

AUTHORITY LETTER.

Dr. Sajad Medical Officer District Health Office Swat is hereby authorized to attend the honorable Service Tribunal KP, on behalf of Respondents in Service Appeal No. 380 of 2019 in case title of Said Alam V/S District Health Officer Swat & others.

Sarabina

7
Director General, Health Services,
Govt of Khyber Pakhtunkhwa,
Peshawar.
Respondents No.2

[Signature]

District Health Officer
At Gulkada
Respondents No.1

64-102018

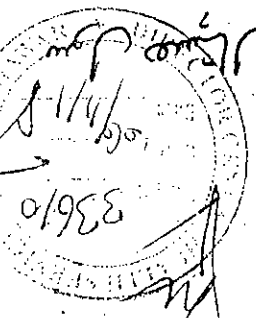
Handwritten text in Urdu, possibly a signature or name.

Handwritten mark or symbol.

Main body of handwritten Urdu text, appearing to be a letter or official communication.

Handwritten text, possibly a date or reference number: 23-4-2013.

Handwritten text, possibly a signature or name.



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Handwritten text at the very bottom, including a signature and a date: 23-4-2013.

Annex A) 7
DIRECTORATE GENERAL HEALTH SERVICES

KHYBER PAKHTUNKHWA PESHAWAR



E-Mail Address: dg@pks.gov.pk office Ph# 091-9210260 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 9589 / Personnel Dated: 09 / 11 / 2018

To,

The District Health Officer
Swat.

9589 /
15/11/18

Subject: APPEAL FOR RE-INS TATEMENT INTO GOVERNMENT SERVICE.

Memo:

I am directed to forward herewith a copy of an appeal alongwith its enclosures in respect of Mr. Said Alam Ex-Ward Orderly Civil Hospital Barikot Swat, which is self explanatory for further necessary action with the request to please furnish your comments in this regard.

ASSISTANT DIRECTOR (Ministerial)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR

E.O.
Said Alam
DHO

OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: cdohswat@yahoo.com

Dated 31/1/2019

(2)

(Handwritten signature)

To

The Director General Health

Services Khyber Pakhtunkhwa

Peshawar

Subject-
R/S/11

APPEAL FOR RE INSTATEMENT IN TO GOVT. SERVICE

Reference your letter No.9589/personnel dated 9/11/2018.

In this connection I have the honor to Submit Para wise detail information
Mr.Said Alam Ward orderly CH Barikot swat as under :-

1- As per report of Medical Officer I/C CH:Barikot swat vide No.44/CH
Barikot dated 25/8/2012 that Mr.Said Alam Ward orderly was absent from
his duty from 21/5/2012.

2- This office called explanation vide this office letter No.7674/PP/C-1 dated
3/9/2012 with stoppage of pay. In response of the same explanation his
brother Mr.Saleem Khan submitted the reply and requested for leave that
Mr. Said Alam is in the custody of Security Forces, but due to the non
availability of official information about his arrest and hence her
application was not accepted.

3- This office issued Notice on his home address to assume his duty with in
15 days vide this office letter No.8900/PP dated 24/10/2012 and reminder
notice vide this office letter No.1747/PP/C-1 dated 19/3/2013. In response
of final notice, wife of Mr.Said Alam submitted an application and
requested to retain her Husband Mr.Said Alam on his post till the release
from Security Forces, but not provided any written proof about his arrest.

4- Due to prolong absence period notice was published in news paper with
the direction to appear before the undersigned with in 15 days after the
publication of the advertisement and to explain the reason of absence
vide this office letter No.834/A-9/PP dated 28/1/2016 but he failed to
attend the office.

5- Then Show cause notice was issued vide letter No.2135/PP/DS-4 dated
18/2/2016, but he could not appear in this office hence was removed from
Service vide this office No.3596-5600/PP dated 11/3/2016, under Para
Rules.

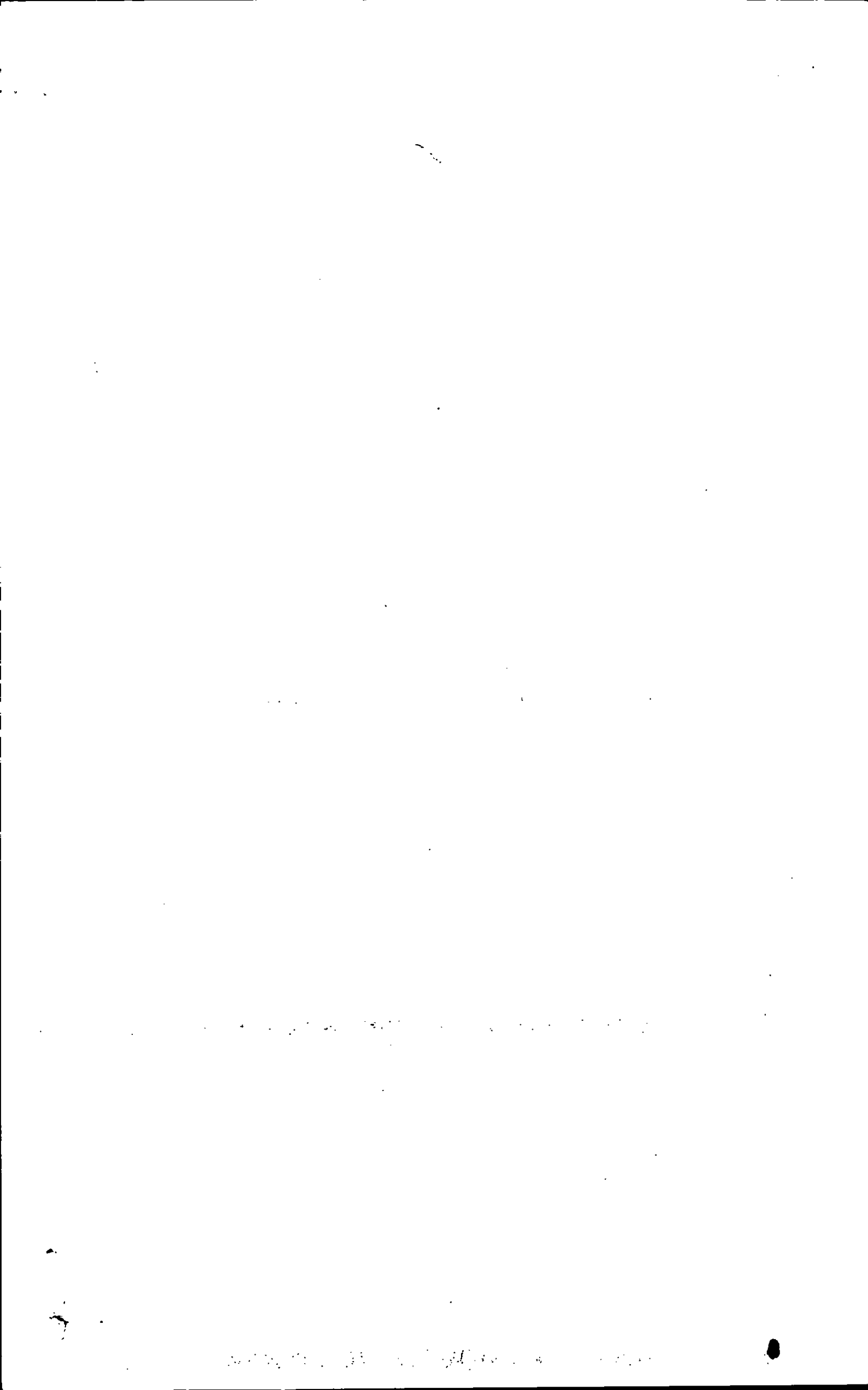
6- Mr. Said Alam now submitted an application requesting for re-instatement
on the plea that he was in the custody of Security Forces and was seen
released on 14/6/2018 and submitted an certificate, issued by Pak Army
(copy attached)

Report submitted for information and advice please.

District Health Officer
District Swat at Gulkada

(Handwritten signature)

(Handwritten initials)



Local Officer
Total
at

To
10/10/13

08/04/2013



الذري

10-04
11/3

Handwritten text in Arabic script, appearing to be a list or a series of notes. The text is dense and somewhat difficult to decipher due to the cursive style and some ink bleed-through. It includes several lines of text, some starting with numbers like 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Handwritten notes and stamps at the bottom left corner. Includes a circular stamp with the text "Date Date Sale Share" and "No - 1181".

Handwritten numbers in circles: (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), (58), (59), (60), (61), (62), (63), (64), (65), (66), (67), (68), (69), (70), (71), (72), (73), (74), (75), (76), (77), (78), (79), (80), (81), (82), (83), (84), (85), (86), (87), (88), (89), (90), (91), (92), (93), (94), (95), (96), (97), (98), (99), (100).

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13
arr.

OFFICE OF THE DISTRICT HEALTH OFFICER SWAT GUL KADA.

OFFICE ORDER.

As per information received from the appeal of Mst:Alia wife of Mr.Said Alam Word Ordely dated 9/4/2013 Of CH Barikot that her husband Mr.Said Alam word ordely is in the custody of Pak Army

Therefore the services of Mr.Said Alam word Ordely are here by Suspended till his release.

Sd/xxxxxxxxxx
DISTRICT HEALTH OFFICER,
DISTRICT SWAT.

NO. 2672-74 /C-1 Dated 23/4/2013
Copy Forwarded to the :-

- 1-Medical Officer Incharge CH Barikot.
- 2-Mst:Alia W/O Said Alam Word Ordely CH Bairkot.(For information)

of
2
DISTRICT HEALTH OFFICER,
DISTRICT SWAT .

The District Police Officer,
Swat.
To: The District Health Officer,
Swat
No. 4-11 /VRC, dated, 15-3/2019.
Subject: VERIFICATION

2070
20/3/19
Swat District

11

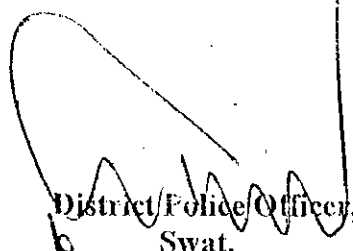
Memorandum:

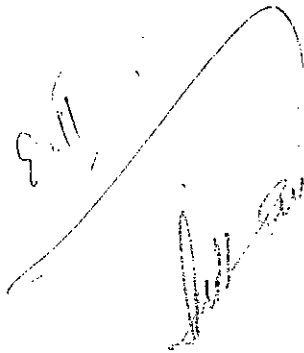
Please refer to your Office letter No.3765/PF, dated 01-03-2019.

It is to state that as per local verification there is nothing adverse against Mr: Said Alam s/o Khyber r/o Fazal Abad Colony Barikot Swat on the record of his home Police Station Ghalignai.

However it is worth mentioning that the above mention person was arrested by the LEA Army on 20th May 2012 and release on 14th June 2018.

Besides his Son-In-Law named Akbar Hussain was involved in the militancy please.


District Police Officer,
Swat.
Ph: 0946-9240393
Fax: 0946-9240402
Email: dposwat@gmail.com


DHO

OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

No. 3764 IPB

Dated: 01/12/2019

12


To,

Mr. Mohammad Jamil Khan
Captain operation area swat (Buner)

subject:- VERIFICATION.
memo


Enclosed please find herewith photo copy of certificate issued by you in respect of Mr. Said Alam S/O Khyber CNIC No. 15602-1353626-7 resident of Fazal Abad Colony Tehsil Barikot swat for verification and returned to this office for further proceeding in the matter.

NO 3765 IPB



District Health Officer
District Swat Gulkada.

Copy along with copy of certificate mentioned above is forwarded to District Police officer swat for information with the request to look in to the matter and submit report to this office please.

NO 3766 IPB


District Health Officer
District Swat Gulkada.

copy forwarded the Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference to his No. 1620/Personnel dated 14/2/2019 please.


District Health Officer
District Swat Gulkada.

CERTIFICATE

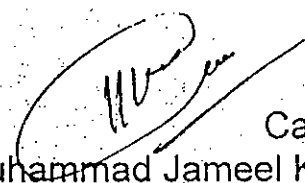
2
13

Certificate that Said Alam Khan son of Khyber (CNIC 15602-353626-7) residence of Fazalabad Colony, Tehsil Barikot, District Swat has been apprehended by Army on 20 May 2012 and released on 14 Jun 2018. He has neither been involved in Terrorist activities in Army record nor wanted to Army uptill now, in any contact with miscreant's elements.

Station: Operation area Swat (Buner)

Dated: 23 Sep 2018




Captain
(Muhammad Jameel Khan)

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR



E-Mail Address: nwfpelghs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 1620 /Personnel Dated: 14 /02/2019

To,

The District Health Officer
Swat.

1638
22/2/19

14

Subject: APPEAL FOR REINSTATEMENT INTO GOVT. SERVICE.

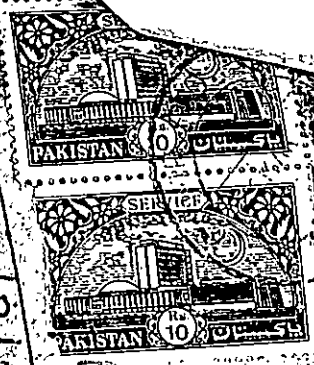
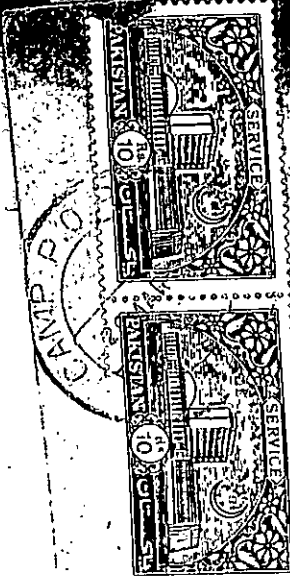
Memo:

I am directed refer to your letter No. 2167/PF dated 31.01.2019 on the subject noted above and to state that the Certificate need to be verified and also a Certificate/ report from police regarding his statement be submitted so as to proceed further in the matter.

DIRECTOR (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

12/02/19

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Checked
D.H.O.



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10/31

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 The Mr. ~~General~~ ~~Alcum~~ ~~810 Klugbe~~ ~~12~~
 General ~~Deputy~~ ~~CH~~ ~~Barikoff~~
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 Felisid ~~Barikoff~~ ~~Swiss~~
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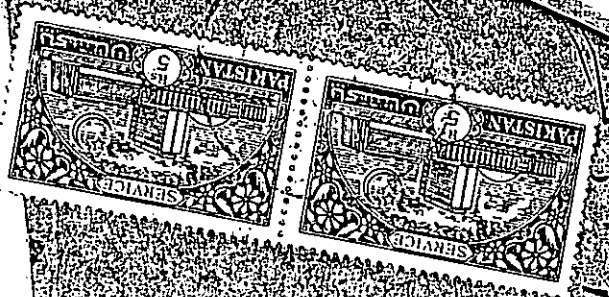
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Office of the D. S. O.

Swiss
1915

15



~~Mr. Saad Alam Wahid
S/o Khayyab Wahid
Barkat Nowale Nigri Abad
Tehsil Barkat Dist. Sindh~~

~~POST OFFICE
BARKAT
DIST. SINDH~~



91

No 89

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0

Office Station
The E.A. Agency
Bes
please

Dated the 27/10/2012

(7)

(17)

Executive District Officer
Health District Swat.

Mr. Said Alam word orderly S/O Khyber
Village and P.O Barikot Mohalla Nazir Abad Tehsil Bairkot
District Swat.

EXPLANATION.

Reference this office letter NO.8002/C-1 dated 19/9/2012, you are found
absent from Govt: Duty w.e.f 21/5/2012 up till now, but your reply is still awaited,
therefore you are directed to once again explain your position within 3 days after the
receipt of this letter, otherwise strict disciplinary action will be taken against you.

Qw.
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT

No 8901-3, C-1

Copy forwarded to the:-

- 01- Medical Officer I/C CH:Barikot Swat for information and necessary action.
- 02- Account section of this office for information.
- 03- Estt:II Section of this office for information.

W
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT

please

Handwritten notes and scribbles at the top of the envelope, including "25/P/12" and various illegible markings.

Handwritten word, possibly "Pasta" or "Pasta".

Handwritten address: "Said Ham St. Kyber".

Handwritten name: "Ward odel CH Barik".

Handwritten name: "Wedge and PD Barik".

Handwritten name: "Mohamad Nagir Asad".

Handwritten name: "E. A. Tesis Barik".

Official stamp: "OFFICE OF THE DISTRICT ATTORNEY, District of Columbia, D. C. 20540".

Official stamp: "Office, Serial".

Stamp: "District Courts P.D. Serial".

Handwritten circled number: "6".



Handwritten number: "180002".

Handwritten circled number: "18".

Regin

From: Govt IC/1

Dated. 19 /9/2012.

(5)

(19)

The Executive District Officer,
Health District Swat.

TO,
Mr. Said Alam W/Orderly S/O Khyber
Village & P.O Barikot Mohallah Nazir Abad
Tehsil Barikot Swat.

Subject: NOTICE.

As reported by Medical Officer I/C CH: Hospital Barikot, you are absent from Govt: duties w.e.f 21-5-2012 till date with out any application/ information.

You are therefore directed assume your duty within 15 days after the receipt of this letter and Explain the reason of your absence.

NO. Govt 3-1 C/1

W
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

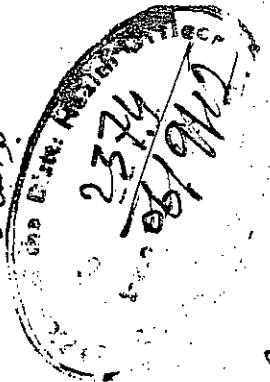
information. Copy forwarded to the Medical Officer I/C CH Barikot swat for

W
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

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ذمہ داری کے ساتھ ساتھ
ذمہ داری کے ساتھ ساتھ



جناب عالی!

درخواست کوئی دلچسپی میں

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27/06/2012

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(21)

(3)

From :-

Dated the 3/9/2012

The Executive District Officer
Health District Swat

To, Mr. Said Alam Word ordly,
CH Brikot.


Subject:- EXPLANATION.
Memo

As ~~per~~ reported by Incharge Medical Officer I/C CH Barikot ^{that} You are found absent from Govt duty without any information/application to the undersigned from 21/5/2012 till date. You are directed to explain your position within three (3) days after the receipt of this letter, other wise strict disciplinary action will be taken against you.

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

NO 7675-76 /PF/C-1

- 01- Copy forwarded to the Medical Officer I/C CH Barikot swat for information
- 02- Account Section of this office for information to stop pay of the above named official concerned through source.


EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

No 4
25/8/12
C.H. Barikot Swat
From:

To,

Subject:-

Absent Report of Said Aalam
Ward Boy of CH Barikot Swat.

Respected Sir,

It is for your kind information that

Said Aalam s/o Kyber
his duty from 21st May 2012 up to

ward boy is absent from

According to his wife information he is in the

custody. ~~Account to ward boy~~

Dr. Jafar Khan
S.M. I.C. CH Barikot Swat.

SM IIC CH Barikot Swat.

Date: 25.8.2012

25/8/12
C.H. Barikot Swat

Executive Distt. Office
Swat

No. 2278
25/8/12

The IIC CH Barikot Swat

(1) (2)

Annexure (C) (23-30) ②

16

23

OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: edohswat@yahoo.com

NO. 834 /A-9 file 2016

Dated: 28/01 /2016

To,

The Director Information
Khyber Pakhtunkhwa
Peshawar.

Subject:-
Memo

ADVERTISEMENT.

Enclose please find herewith 7 copies of advertisement each in (Urdu) for publication in National newspapers. Budget is available to meet out your expenditure.

OTC
District Health Officer
District swat, Gulkada.

rahman ali/
26/2016

Official stamp from the Ministry of Revenue, Government of Punjab, Pakistan. The stamp contains the following text:

Ministry of Revenue
Government of Punjab
Pakistan
Stamp No. 123456789
Date: 15/11/2016
Heavy Duty
TMA (Tax Management Administration) Stamp
www.tma.gov.pk

Official stamp from the Ministry of Revenue, Government of Punjab, Pakistan. The stamp contains the following text:

Ministry of Revenue
Government of Punjab
Pakistan
Stamp No. 123456789
Date: 15/11/2016
Heavy Duty
TMA (Tax Management Administration) Stamp
www.tma.gov.pk

Official stamp from the Ministry of Revenue, Government of Punjab, Pakistan. The stamp contains the following text:

Ministry of Revenue
Government of Punjab
Pakistan
Stamp No. 123456789
Date: 15/11/2016
Heavy Duty
TMA (Tax Management Administration) Stamp
www.tma.gov.pk

Official stamp from the Ministry of Revenue, Government of Punjab, Pakistan. The stamp contains the following text:

Ministry of Revenue
Government of Punjab
Pakistan
Stamp No. 123456789
Date: 15/11/2016
Heavy Duty
TMA (Tax Management Administration) Stamp
www.tma.gov.pk

Handwritten signature or date: 15/11/2016

Handwritten mark: 45

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(175)

(25)

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OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: edohswat@yahoo.com

NO. 4785-1 Pf

Dated: 07/14/2016

To,

The Deputy Commissioner Swat.

Subject:- APPLICATION
Memo

Reference your letter No.7397/16/DC/Estt: dated 29/3/2016, on the subject cited above.

In this connection I have the honor to state that Mr.Said Alam Ward orderly Civil Hospital Barikot swat was absent since 9/4/2013, as per report of Medical Officer I/C Civil Hospital Barikot Swat .He was called to explain from time to time vide No.197674/PF dated 3/9/2012, No.8002/C-1 dated 19/9/2012, No.8900/PF dated 24/10/2012 an, NO.1747/C-1 dated 19/3/2013 and No.834/A-9 dated 28/1/2016, but did not respond /report for duty.

A show cause notice was served upon him through Medical Officer I/C Barikot vide No.2136 dated 18/2/2016, wherein ample opportunity was given to him for hearing in person but with no response .Notice was published in daily "Mashriq " on 2/2/2016 (copy attached) to resume duty but again no response was received from official concerned .

Finally major penalty of removal from Service was applied upon the official (Copy attached) under E& D rules and resultantly was removed from service .

Submitted for information please .

NO. 4785-861 Pf

District Health Officer
District swat at Gulakda.

Copy forward to Secretary to Commissioner Malakand Division Swat for information .

District Health Officer
District swat at Gulakda.



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

27

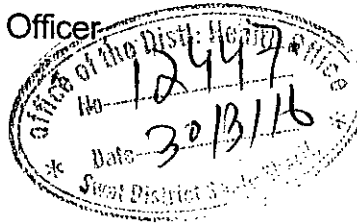
Tel No: 0946-9240336
Fax No: 0946-9240329
E-mail: Deputycommissionerswat1@gmail.com

No. 7397 /16/DC/Estt.

Dated: 29/3 /2016

To,
The District Health Officer
Swat.

Subject: - APPLICATION.



Memo:

A copy of Memo: No. 1036/2/36/Estt: dated 14-03-2016 alongwith its enclosure received from Secretary to Commissioner, Malakand Division, Saidu Sharif, the contents of which are self-explanatory, is sent herewith for appropriate necessary action please.

Encls: As above.

DEPUTY COMMISSIONER, SWAT.

No. 7398 /16/DC/Estt.

Copy forwarded to Secretary to Commissioner, Malakand Division, Saidu Sharif w/r to above for information please.

DEPUTY COMMISSIONER, SWAT.

Handwritten notes:
E-1
Put up said memo
w/ Secretary file

Handwritten notes:
D. H. Officer
30/3

NOTICE (1) - The Post Office is not responsible for loss or damage in the case of inland registered articles, unless they are also insured.

OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: edohswat@yahoo.com

Dated: 18/12/2016

✓
0135 ICS-4/PF

28

19

To,

The Medical Officer I/C
Civil Hospital Barikot swat.

Subject:-

SHOW CAUSE NOTICE

Memo

Enclose please find herewith show cause notice in duplicate to serve it upon Mr. Said Alam Ward orderly attached to Medical officer I/C CH: Barikot swat and returned one copy, as token of receipt duly signed by the concerned official and attested by you, so as to proceed further in the matter.

J. Ahmad
DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA



29

LG

**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

Dated: 18/11/2015


No. 2/36 / 1

SHOW CAUSE NOTICE

I **Dr. Said Ali Khan District Health Officer Swat**, as a competent authority, under the Khyber Pakhtunkhwa Govt: Servants (efficiency and Disciplinary) rules ,2011, do hereby serve you, Mr. Said Alam Ward orderly attached to CH; Barikot Swat as follows.-

- 1
- (i) That as per report of Medical Officer I/C CH; Barikot swat you have absented your self from Govt: duty without any information / sanction of leave from competent authorities with effect from 9/4/2013, up till now and recommended for strict disciplinary action ..
- (ii) On going through the above finding and recommendation of the Medical officer and your previous absentee report the material on record and other connected paper, I am satisfied that you committed the following act /omission specified in Rules 3 of the said rules :
- (a)- Inefficient
(b)- Misconduct
(c) Irregular in duty.

- 2- As a result thereof , I as competent authority, have tentatively decided to impose upon you one of the penalties under rules 4 of the said rules (I) (a) (b).
- 3- You are thereof ,required to Show Cause as to why the aforesaid penalty/penalties should not be imposed upon you and also intimate, whether you desired to be heard in person.
- 4- If no reply to this notice is received within fifteen days of its delivery, it shall be presumed That you have no defence to put in, and in that case an ex-party action shall be taken against you.


DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.

280413
SECRET

FOR THE D.H.O GULKADA SWAT

30

12144
7/3/16

Reply To The Show Cause Notice
Dated 18/2/2016.

The applicant received the show cause
notice mentioned above on 2/3/2016
and the following reply is submitted on
behalf of the noticee/respondent.

1 - That Mr. Said Alam Ward attached
to CHi Basikot Swat have never
absented himself from duties rather
he has been confined by the Pak
Army and is still in their custody
in Laki Marwat. These facts have
already been brought into your kind
notice time & again and your respected
Sir should also take the matter with the
gout and Pak army through proper
channel. (copies of other show cause notices
and document regarding
his custody by the Pak
Army attached.)

~~SECRET~~
Jalund
Q.A. Sult

2 - That Mr. Said ALame have been
arrested by the Pak Army

**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

Dated: // 13/2016

31

WHEREAS, Disciplinary proceedings under Khyber Pakhtunkhwa Government Servant E&D Rules 2011, initiated against Mr. Said Alam, S/O Khyber Ward orderly (BPS 4) Civil Hospital Barikot Swat on account of his absence from duty with effect from 9/4/2013.

AND WHEREAS, He was directed at his home address to immediately resume duty and explain his position for remaining absent from duty vide this office registered letter No.7674/PF dated 3/9/2012, NO.8002/C-1 dated 19/9/2012, NO.8900/PF dated 24/10/2012, and NO.1747/C-1 dated 19/3/2013, but he did not respond.

AND WHEREAS an absence notice was served upon him through press published in Daily "Mashreq" newspaper on 11/12/2016, but he failed to report for duty.

The office, District Health Officer Swat being competent Authority in exercise of powers conferred under Khyber Pakhtunkhwa E&D Rules 2011, am pleased to impose major Penalty of **REMOVAL FROM SERVICE** upon Mr. Said Alam S/O Khyber Ward orderly (BPS-4) Civil Hospital Barikot Swat with immediate effect and his absence from duty since 9/4/2013, shall treated as unauthorized absence from duty without pay.

Sd/xxxxx
District Health Officer
District Swat at Gulkada.

- 01- District Account Officer Swat
- 02- Assistant Officer I/C Barikot Swat
- 03- Divisional Monitoring Officer Swat
- 04- General Section of this office
- 05- Mr. Said Alam S/O Khyber Ward orderly of Mohalla Mann Abad Barikot Swat
- 07- Head of this office
- For information

District Health Officer
District Swat at Gulkada.

NO 3138
13/12/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT MINGORA SWAT.

Service Appeal No 380 of 2019.

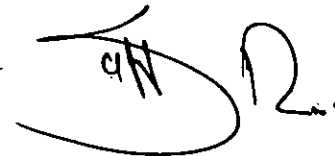
Said'Alam R/O Fazal Abad Barikot District Swat.**Appellant.**

VERSUS

- 1). Director General Health Khyber Pakhtunkhwa Peshawar
- 2). District Health Officer Swat at Gulkada and others..... **Respondents.**

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4	Departmental Appeal	A	6-8
5	Explanation	B	9-2 1
6	Show Cause	C	2 3 -30
7	Removal	D	3 1



Dr. Sajjad Ur Rehman (Litigation)
District Health Office Swat.

BEFORE THE HON,BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA ,PESHAWAR.

Service Appeal No.380 of 2019.

Said Alam R/O Fazal Abad Barikot District Swat.

.....Appellant.

VERSUS

- 1). District Health Officer Swat at Gulkada.
- 2). Director General Health Khyber Pakhtunkhwa Peshawar

..... Respondents.

JOINTS PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO.1
TO NO.2.

Respectfully Sheweth,

Preliminary Objections:-

1. That the appellant has got neither cause of action nor locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondent.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in the present form and also in the present circumstance of the issue.
5. That the appellant has filed instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to the Tribunal with clean hands.
7. That the present appeal is time barred.

8. That the appellant is the unusual absentee and on this score alone the appeal of the appellant is liable to dismissed.
9. That instant appeal is barred for Mis-Jlonder & Non-Joinder of necessary party.
10. That the Honourable Tribunal lacks Jurisdiction to adjudicate upon the matter.

ON FACTS:-

1. Para No 1 is correct: -
2. Para No 2 is correct: -
3. Para No. 3 is incorrect and misleading hence denied. The department has called so many explanations and finally issued Absence Notice in Daily Mashriq on 2/2/2016 but with no response. Then the dept. issued Show Cause Notice vide No. 2136 on 18/2/2016, wherein ample opportunity was given to him for hearing in person but with no response. In the light of the above mentioned correspondence and every legal procedure was availed then the appellant was removed from service vide order No. 3596-3600/PF/CS-4 dated 11/3/2016.
4. Incorrect;- He was removed from service on 11/3/2016 and his department appeal was submitted on 4/10/2018 to DGHS at Peshawar after the passage of 2 Years, thus time barred.

Grounds:-

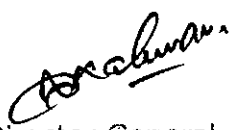
- a. Incorrect as mentioned in Para- 3 above.
- b. We issued his removal orders of the petitioner within the bounds of law.
- c. Incorrect:- The Army verification of his custody or otherwise will not available at the time of his removal.
- d. Incorrect.
- e. This is jurisdiction of the honourable court.

Prayer:-

It is there for humbly prayed that on acceptance of the instant comments the Appellant may graciously dismissed with cost.


District Health Officer
At Gulkada Swat

Respondent No.1


Director General
Health Services Khyber Pakhtunkhwa
Peshawar

Respondent No.2

AUTHORITY LETTER.

Dr. Sajad Medical Officer District Health Office Swat is hereby authorized to attend the honorable Service Tribunal KP, on behalf of Respondents in Service Appeal No. 380 of 2019 in case title of Said Alam V/S District Health Officer Swat & others.

S. Ahmad

7 Director General, Health Services,
Govt of Khyber Pakhtunkhwa,
Peshawar.
Respondents No.2

S. Gil

District Health Officer
At Gulkada
Respondents No.1



BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH/DARUL
QAZA AT SWAT.

Service Appeal No.380 of 2019.


Said Alam R/O Fazal Abad Barikot District Swat.....**Appellant.**

VERSUS

- 1). District Health Officer Swat at Gulkada.
- 2). Director General Health Khyber Pakhtunkhwa Peshawar
..... Respondents.

AFFIDAVIT.

I Dr. Sajjad Ur Rehman Medical Officer (Litigation) Swat. Do hereby solemnly affirm and state on oath that the whole contents of these comments are true and correct to the best of my Knowledge and belief and nothing has been concealed from the August Court.


Dr. Sajjad Ur Rehman
Litigation Officer
DHO Swat
Cell # 03469455897.
Office # 0946-9240139

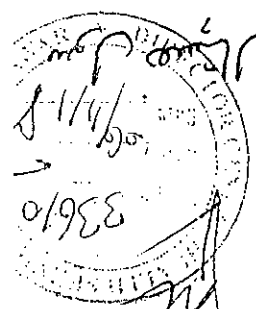
64-10-2018

Handwritten notes and signatures at the top right.

Main body of handwritten text, likely a letter or report.

23-4-2018 2672-74

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DIRECTORATE GENERAL HEALTH SERVICES

KANBER PAKHTUNKHWA PESHAWAR



7
No. 9589 / Personnel Dated: 09 / 11 / 2018

9591
05/11/18

To,
The District Health Officer
Swat.

Subject: APPEAL FOR RE-INSTATEMENT INTO GOVERNMENT SERVICE.

Memorandum

I am directed to forward herewith a copy of an appeal alongwith its enclosures in respect of Mr. Said Alam Ex-Ward Orderly Civil Hospital Barikot Swat, which is self explanatory for further necessary action with the request to please furnish your comments in this regard.

Said Alam
ASSISTANT DIRECTOR (Ministerial)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR

Said Alam
DHO

OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: cdohswat@yahoo.com

Dated 31/1/2019

The Director General Health
Services Khyber Pakhtunkhwa
Peshawar

Subject- APPEAL FOR RE-INSTATEMENT IN TO GOVT. SERVICE

Reference your letter No.9589/personnel dated 9/11/2018.
In this connection I have the honor to Submit Para wise detail information
Mr.Said Alam Ward orderly CH Barikot swat as under :-

1- As per report of Medical Officer I/C CH:Barikot swat vide No.44/CH
Barikot dated 25/8/2012 that Mr.Said Alam Ward orderly was absent from
his duty from 21/5/2012.

2- This office called explanation vide this office letter No.7674/PF/C-1 dated
3/9/2012 with stoppage of pay. In response of the same explanation his
brother Mr.Saleem Khan submitted the reply and requested for leave, that
Mr. Said Alam is in the custody of Security Forces, but due to the non
availability of official information about his arrest and hence her
application was not accepted.

3- This office issued Notice on his home address to assume his duty with in
15 days vide this office letter No.8900/PF dated 19/9/2012 and reminder
notice vide this office letter No.1747/PF/C-1 dated 24/10/2012 and final notice
issued vide this office letter No.1747/PF/C-1 dated 19/3/2013. In response
of final notice, wife of Mr.Said Alam submitted an application and
requested to retain her Husband Mr.Said Alam on his post till the release
from Security Forces, but not provided any written proof about his arrest.

4- Due to prolong absence period notice was published in news paper with
the direction to appear before the undersigned with in 15 days after the
publication of the advertisement and to explain the reason of absence
vide this office letter No.834/A-9/PF dated 28/1/2016 but he failed to
attend the office.

5- Then Show cause notice was issued vide letter No.2135/PF/CS-4 dated
18/2/2016, but he could not appear in this office hence was removed from
Service vide this office No.3596-3600/PF dated 11/3/2016, under Head
Rates.

6- Mr. Said Alam now submitted an application requesting for re-instatement
on the plea that he was in the custody of Security Forces and has been
released on 14/6/2018 and submitted an certificate, issued by Pak Army
(copy attached)

Report submitted for information and advice please.

District Health Officer
District Swat at Gulkada

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OFFICE OF THE DISTRICT HEALTH OFFICER SWAT GUL KADA.

OFFICE ORDER.

As per information received from the appeal of Mst:Alia wife of Mr.Said Alam Word Ordely dated 9/4/2013 Of CH Barikot that her husband Mr.Said Alam word ordely in the custody of Pak Army

Therefore the services of Mr.Said Alam word Ordely are here by Suspended till his release.

Sd/xxxxxxxxxx
DISTRICT HEALTH OFFICER,
DISTRICT SWAT.

NO. 2672-74 /C-1 Dated: 23/4/2013

Copy Forwarded to the :-

- 1-Medical Officer Incharge CH Barikot.
- 2-Mst:Alia W/O Said Alam Word Ordely CH Bairkot.(For information)

oh
DISTRICT HEALTH OFFICER,
DISTRICT SWAT
[Signature]

To: The District Police Officer,
Swat.
From: The District Health Officer,
Swat
No. 4-11 /VRC, dated, 15-3 /2019.

2070
20/3/19

Subject: VERIFICATION

Memorandum:

Please refer to your Office letter No.3765/PF, dated 01-03-2019.

It is to state that as per local verification there is nothing adverse against Mr: Said Alam s/o Khyber r/o Fazal Abad Colony Barikot Swat on the record of his home Police Station Ghaligai.

However it is worth mentioning that the above mention person was arrested by the LEA Army on 20th May 2012 and release on 14th June 2018.

Besides his Son-in-Law named Akbar Hussain was involved in the militancy please.

District Police Officer,
Swat.
Ph: 0946-9240393
Fax: 0946-9240402
Email: dposwat@gmail.com

8-11
DHO

12

**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

No. 3764 1/12/19

Dated: 01/12/2019

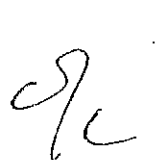
To,

Mr. Mohammad Jamil Khan
Captain operation area swat (Buner)

subject:- VERIFICATION.
memo


Enclosed please find herewith photo copy of certificate issued by you in respect of Mr. Said Alam S/O Khyber CNIC No. 15602-1353626-7 resident of Fazal Aba Colony Tehsil Barikot swat. for verification and returned to this office for further proceeding in the matter.

NO 3765 1/12/19



District Health Officer
District Swat Gulkada.

Copy along with copy of certificate mentioned above is forwarded to District Police officer swat for information with the request to look in to the matter and submit report to this office please.

NO 3766 1/12/19


District Health Officer
District Swat Gulkada.

copy forwarded the Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference to his No. 1620/Personnel dated 14/2/2019 please.


District Health Officer
District Swat Gulkada.

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**



E-Mail Address: mvfcdghs@yahoo.com Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

No. 1620 / Personnel

Dated: 14 / 02 / 2019

To,

[Signature]
The District Health Officer
Swat.

19
1638
22/2/19

Subject:

APPEAL FOR REINSTATEMENT INTO GOVT. SERVICE.

Memo:

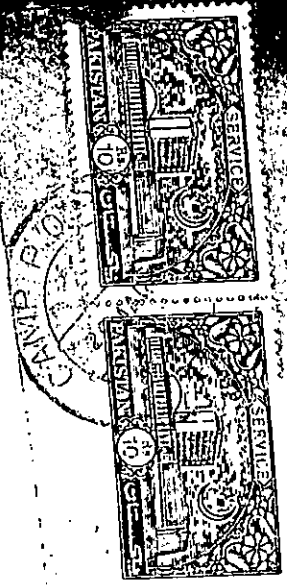
I am directed refer to your letter No. 2167/PF dated 31.01.2019 on the subject noted above and to state that the Certificate need to be verified and also a Certificate/ report from police regarding his statement be submitted so as to proceed further in the matter.

[Signature]

DIRECTOR (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

[Signature]
12/02/19

E.T.
Chakar
[Signature]
DHO



Serial No. 2013

19/3/2013

~~The Mr. Saad Akram 810 Klumber
 Messge card J. B. Barikat
 Makhala Nagn Abdul
 Telisi B. Barikat Suss~~

OPEN

DISPATCHED
SERIAL NO. 2013

19/3/13
MIRAN COINS P.O.
SWAT

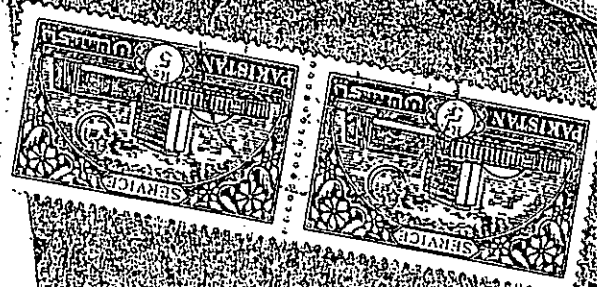
15

Please
The Embassy
Algeria

No 89

01

0



~~Mr. Saad Salem
810 Kimpber Village
Barrack Mohammed Negeri Alach
Telsie Barrack Dist. east
DIPLOMATS NO 5900161~~



91

Dated the 27/10/2012

Executive District Officer
Health District Swat.

(17)

Mr. Said Alam word orderly, S/O Khyber
Village and P.O Barikot Mohalla Nazir Abad Tehsil Bairkot
District Swat.

EXPLANATION.

Reference this office letter NO.8002/C-1 dated 19/9/2012, you are found
absent from Govt: Duty w.e.f 21/5/2012, up till now, but your reply is still awaited,
therefore you are directed to once again explain your position within 3 days after the
receipt of this letter, otherwise strict disciplinary action will be taken against you.

[Signature]
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

No 8901-3, C-1

Copy forwarded to the:

- 01- Medical Officer I/C CH:Barikot Swat for information and necessary action.
- 02- Account section of this office for information.
- 03- Estt:II Section of this office for information.

[Signature]
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

[Handwritten signature]

9 C

om:- Govt 101

Dated. 19 / 9 / 2012.

The Executive District Officer,
Health District Swat.

TO,
Mr. Said Alam W/Orderly S/O Khyber
Village & P.O Barikot Mohallah Nazir Abad
Tehsil Barikot Swat.

Subject:- NOTICE.

As reported by Medical Officer I/C CH: Hospital Barikot, you are absent from Govt: duties w.e.f 21-5-2012 till date with out any application/ information.

You are therefore directed assume your duty within 15 days after the receipt of this letter and Explain the reason of your absence.

[Handwritten signature]

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

NO. Govt 101

information. Copy forwarded to the Medical Officer I/C CH Barikot swat for

[Handwritten signature]

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

4
خدمت جناب ڈائریکٹریٹ سلیوٹس ہسپتال سول ہسپتال بہاولپور
20 برائے اساتذہ - اینچارج سلیوٹس ہسپتال سول ہسپتال بہاولپور

2374
06/09/12

جناب عالی!
درخواست ذیل عرض ہیں۔

1۔ یہ سہیلی کا بھائی تھا۔ یہ عالم سول ہسپتال بہاولپور میں
بیماریت وارڈ اولیٰ کے خدشات انجام دے رہا ہے۔

2۔ یہ سہیلی کو بیاب آری نے دھماکے جہرم میں گرفتار کر کے
مٹا کر قتل کیا ہے۔

3۔ یہ سہیلی کو بیاب آری نے دھماکے جہرم میں گرفتار کر کے
مٹا کر قتل کیا ہے۔

4۔ یہ سہیلی کو بیاب آری نے دھماکے جہرم میں گرفتار کر کے
مٹا کر قتل کیا ہے۔

5۔ یہ سہیلی کو بیاب آری نے دھماکے جہرم میں گرفتار کر کے
مٹا کر قتل کیا ہے۔

06/2012

الکارس

11/11

محمد قیصر
سہیلی کو بیاب آری نے دھماکے جہرم میں گرفتار کر کے
مٹا کر قتل کیا ہے۔

11/11

محمد قیصر

Dated the 3/9/2012

(3)
21

The Executive District Officer
Health District Swat

To, Mr. Said Alam Word ordly,
CH Brikot.

Subject:- EXPLANATION.
Memo

As ~~per~~ reported by Incharge Medical Officer I/C CH Barikot ^{that} You are found absent from Govt duty without any information/application to the undersigned from 21/5/2012 till date. You are directed to explain your position within three (3) days after the receipt of this letter, other wise strict disciplinary action will be taken against you.

EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

NO 7675-76 /PF/C-1

Copy forwarded to the
01- Medical Officer I/C CH Barikot swat for information
02- Account Section of this office for information to stop pay of the above named official concerned through source.

2
EXECUTIVE DISTRICT OFFICER
HEALTH DISTRICT SWAT.

Gulkada
Swat

NO 44 / 25787012 C.H. Barikot
From:

The I/c CH Barikot Swat (22) (1)

To:

No. 2278
25787012
Executive Distt. office
(Health) Swat

Subject: Absent Report of Said Aalam
Ward Boy of CH Barikot Swat.

Respected Sir,

It is for your kind information that
Said Aalam S/o Khyber Ward Boy is absent from
his duty from 21st May 2012 up till.

According to his wife information he is in the
Army custody.

Added to EAD custody
M/action pl.

E-11 Account to stop the pay

25/8/2012
Said Aalam
Ward Boy
CH Barikot Swat

Dr. Tajangir Khan
SMA I/c CH Barikot Swat

Dated: 25.8.2012

23-30

2

16

OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: edohswat@yahoo.com

NO. 834 /A-9 file 2016

Dated: 28 / 10 / 2016

To,
The Director Information
Khyber Pakhtunkhwa
Peshawar.

Subject:- ADVERTISEMENT
Memo

Enclose please find herewith 7 copies of advertisement each in (Urdu) for publication in National newspapers .Budget is available to meet out your expenditure .

OT
District Health Officer
District swat at Gulkada.

rahman ali/
2612016

تاریخ 2/2/16

http://www.dailymashriq.com.pk

DAILY MASHRIQ PESHAWAR

روزنامہ سید تاج میر شاہ
عمیدو کے بانی
پشاور
مستقل اشاعت کے 49 سال

ABC CERTIFIED
پشاور اسلام آباد سکسکٹ وقت شائع ہونے والا پبلکیشن سروس ڈوی انڈیا

روزنامہ
پشاور
مستقل اشاعت کے 49 سال
ذوق قدر
لاہور

نیوٹن فیئر حاضری

آپ کی فلاحی ادارہ سوسائٹی کے ذریعہ جاری کیے جانے والے سہ ماہی (3) سہ ماہی
اور روزانہ کی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی
حاضر ہیں۔ جس کی آپ کو فوری اطلاع دی گئی ہے کہ اپنی ذمہ داری پر حاضر ہو
جائیں لیکن آپ اس بارے میں باکامیاب رہے۔ لہذا آپ کو ذریعہ اشتہار ہوا۔ اطلاع کیا
جاتا ہے کہ آپ دونوں اشتہار ہذا کے شائع ہونے کے بعد پندرہ دن کے اندر اندر
اپنی ذمہ داری پر حاضر ہو جائیں اور اپنی غیر حاضرگی کی وجہ سے کسی صورت دیگر آپ
کے خلاف کوئی کارروائی نہیں کی جائے گی۔

شہزاد اکبر سید علی خان

Say No to Corruption
www.diyobeapakistan.gov.pk

ٹائمز آف انڈیا / کوئٹہ ٹائمز

Heavy Duty
TMA کی سروس میں کال و سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی
ت میں 18/2/2018

ٹائمز آف انڈیا / کوئٹہ ٹائمز
TMA کی سروس میں کال و سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی سہ ماہی

(۱)

- ۱۔ ایسے کسی مظلوم بیمار سے جو پندرہ سو سال قبل فوت ہو گیا ہو اور وہ عیال مند ہو
- ۲۔ کسی سید عالم و اورد اور ان کی سول ہستان پر پورے سوا

دو سو عترت دراز سے اپنے راجہ کی سے عترت حاضر نہیں جسکی

ایک وقتاً فوتاً اطلاع دی گئی ہے کہ اپنے راجہ کی پر حاضر ہو جائیں

تکین ایسے ایسے کرنے میں لگا رہیں۔ لہذا ان کو مذکورہ اشتیاقاً حضرت

صالح لکھا جاتا ہے کہ ایسے دنوں اشتیاقاً حضرت کو سامع ہونا چاہیے

پندرہ دن کے اندر اندر اپنی راجہ کی پر حاضر ہو جائیں اور

اپنے عترت حاضر کی وصی بنائیں۔ لہذا دیکھو کہ

خلاف نیک طرف کارروائی عمل میں آئی جائیگی۔

المستشرق

دانشور علی خان

۱۱/۱۱/۱۱

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OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: edohswat@yahoo.com

NO. 4785 1 Pf

Dated: 07/14/2016

To,

The Deputy Commissioner Swat.

Subject:- APPLICATION.
Memo

Reference your letter No.7397/16/DC/Estt: dated 29/3/2016, on the subject cited above.

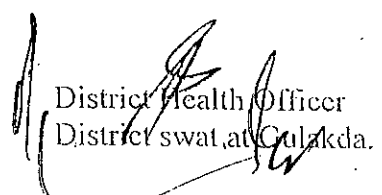
In this connection I have the honor to state that Mr.Said Alam Ward orderly Civil Hospital Barikot,swat was absent since 9/4/2013, as per report of Medical Officer I/C Civil Hospital Barikot Swat .He was called to explain from time to time vide No.197674/PF dated 3/9/2012, No.8002/C-1 dated 19/9/2012, No.8900/PF dated 24/10/2012 an, NO.1747/C-1 dated 19/3/2013 and No.834/A-9 dated 28/1/2016, but did not respond /report for duty.

A show cause notice was served upon him through Medical Officer I/C Barikot vide No.2136 dated 18/2/2016, wherein ample opportunity was given to him for hearing in person but with no response .Notice was published in daily "Mashriq " on 2/2/2016 (copy attached) to resume duty but again no response was received from official concerned .

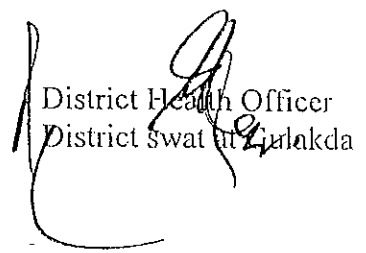
Finally major penalty of removal from Service was applied upon the official (Copy attached) under E& D rules and resultantly was removed from service .

Submitted for information please .

NO 4785-861 Pf


District Health Officer
District swat at Gulakda.

Copy forward to Secretary to Commissioner Malakand Division Swat for information .


District Health Officer
District swat at Gulakda



OFFICE OF THE DEPUTY COMMISSIONER, SWAT.

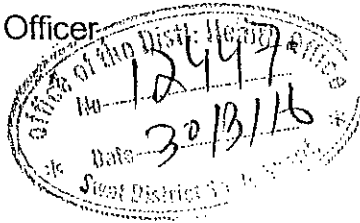
Tel No: 0946-9240336
Fax No: 0946-9240329
E-mail: Deputycommissionerswat1@gmail.com

No. 7397 /16/DC/Estt

Dated: 29/3 /2016

To, ;
The District Health Officer
Swat.

Subject: - APPLICATION.



Memo:

A copy of Memo: No. 1036/2/36/Estt: dated 14-03-2016 alongwith its enclosure received from Secretary to Commissioner, Malakand Division, Saidu Sharif, the contents of which are self-explanatory, is sent herewith for appropriate necessary action please.

Encls: As above.

DEPUTY COMMISSIONER, SWAT.

No. 7398 /16/DC/Estt:

Copy forwarded to Secretary to Commissioner, Malakand Division, Saidu Sharif w/r to above for information please.

DEPUTY COMMISSIONER, SWAT.

Handwritten notes and signatures at the bottom of the page:
- A large handwritten 'E-1' with a checkmark.
- A note: "Part of Saidu Sharif w/r to above by Rla".
- A signature and the date "30/3".

NOTICE (1) - The Post Office is not responsible for loss or damage in the case of inland registered articles, unless they are also insured.

**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: edohswat@yahoo.com

Dated: 18/12/2016

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2135 /CS-4/PF

To,

The Medical Officer I/C
Civil Hospital Barikot swat.

Subject:-

SHOW CAUSE NOTICE

Memo

Enclose please find herewith show cause notice in duplicate to serve it upon Mr.Said Alam Ward orderly attached to Medical officer I/C CH: Barikot swat and returned one copy as token of receipt duly signed by the concerned official and attested by you, so as to proceed further in the matter.

J. Ahmad
DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA

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**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

Dated: 18/11/2015/16


No. 2136/1

SHOW CAUSE NOTICE

I Dr.Said Ali Khan District Health Officer Swat, as a competent authority, under the Khyber Pakhtunkhwa Govt: Servants (efficiency and Disciplinary) rules ,2011, do hereby serve you, Mr.Said Alam Ward orderly attached to CH; Barikot Swat as follows.-

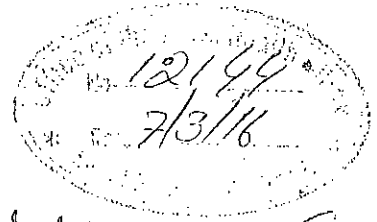
- 1
- (i) That as per report of Medical Officer I/C CH; Barikot swat you have absented your self from Govt: duty without any information / sanction of leave from competent authorities with effect from 9/4/2013, up till now and recommended for strict disciplinary action ..
- (ii) On going through the above finding and recommendation of the Medical officer and your previous absentee report the material on record and other connected paper, I am satisfied that you committed the following act /omission specified in Rules 3 of the said rules :
 - (a)- Inefficient
 - (b)- Misconduct
 - (c) Irregular in duty.

- 2- As a result thereof , I as competent authority, have tentatively decided to impose upon you one of the penalties under
- 3- rules 4 of the said rules (I) (a) (b).
- 3- You are thereof ,required to Show Cause as to why the aforesaid penalty/penalties should not be imposed upon you and also intimate, whether you desired to be heard in person.
- 4- If no reply to this notice is received within fifteen days of its delivery, it shall be presumed That you have no defence to put in, and in that case an ex-party action shall be taken against you.


DISTRICT HEALTH OFFICER
DISTRICT SWAT, AT GULKADA.

THE D.H.O GULKADA SWAT

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Reply To The Show Cause Notice
Dated 18/2/2016.

The applicant Received The Show cause
notice mentioned above on 2/3/2016
and The Following reply is submitted on
behalf of The noticee/respondent.

1- That Mr. Said Alam Ward attached
to C.H. Basikot Swat have never
absented himself from duties rather
he has been confined by The Pak
Army and is still in Their Custody
in Laki Marwat. These Facts have
already been brought into your kind
notice some ss again and you respect
sir should solve the matter with the
govt and pak army through proper
channel. (copies of other Show cause notice
and Document regarding
his custody by The Pak
Army attached.)

Handwritten notes:
12/11
J. Ahmad
D. Ahmad

2- That Mr Said ALame have been
arrested by The pak Army

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31

**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139. Fax No: 0946-9240215

Email: edohswat@yahoo.com

Dated: // /3/2016

ORDER

WHEREAS, Disciplinary proceedings under Khyber Pakhtunkhwa government Servant E& D rules 2011, initiated against Mr. Said Alam, S/O Khyber Ward orderly (BPS 4) Civil Hospital Barikot Swat on account of his absence from duty with effect from 9/4/2013.

AND WHEREAS, He was directed at his home address to immediately resume duty and explain his position for remaining absent from duty vide this office registered letter No.7674/PF dated 3/9/2012, NO.8002/C-1 dated 19/9/2012, NO.8900/PF dated 24/10/2012, and NO.1747/C-1 dated 19/3/2013, but he did not respond.

AND WHEREAS an absence notice was served upon him through press published in Daily "Mashriq" Peshawar on 12/2/2016, but he failed to report for duty.

Therefore I, District Health Officer Swat being competent Authority in exercise of powers conferred under Khyber Pakhtunkhwa E&D Rules 2011, am pleased to impose major Penalty of Removal FROM SERVICE upon Mr. Said Alam S/O Khyber Ward orderly (BPS-4) Civil Hospital Barikot, Swat with immediate effect and his absence from duty since 9/4/2013, shall treated as unauthorized absence from duty without pay.

Sd/xxxxx
District Health Officer
District Swat at Gulakda.

NO 3175

Copy forwarded to the :-

- 01- District Account Officer Swat
- 02- Medical officer I/C Barikot, Swat.
- 03- Divisional Monitoring Officer swat.
- 04- Accounts Section of this office.
- 05- Mr. Said Alam S/O Khyber orderly of Mohalla Nazir Abad Barikot Swat.
- 06- DHO's Cell of this office.
- 07- For information.

District Health Officer
District Swat at Gulakda.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2194 /ST

Dated 13-12- / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 380/2019, MR. SAID ALAM.

I am directed to forward herewith a certified copy of Judgement dated 02.12.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.