

23.11.2016

Appellant in person, M/S Muhammad Tufail, SO, Shah Rahman, Assistant, Mst. Sobia, LHV and Amjad Ali, Assistant alongwith Mst. Bushra Bibi, Government Pleader for respondents present. Due to incomplete bench, case is adjourned to 17.01.2017 for final hearing before D.B at camp court, Abbottabad. Any appointment against the subject post shall be subject to final decision of the appeal by this Tribunal.

Chairman
Camp court, A/Abad

17.01.2017

Counsel for the appellant and Mr. Muhammad Siddique, Senior Government Pleader alongwith M/S Amjad Ali, Assistant, Dr. Muhammad Irshad, Mst. Sobia L.H.V and Dr. Muhammad Daud, M.S for respondents present. Arguments heard. Record perused.

Vide our detailed judgment of to-day placed in connected service appeal No. 1265/2015, titled "Mehboobullah Khattak Versus the Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar and 3 others", we accept the instant appeal also as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

Member

Chairman

Camp court, A/Abad,

ANNOUNCED

17.01.2017

20.06.2016

Counsel for the appellant present. Case-file has been requisitioned on application for early hearing submitted by learned counsel for the appellant. File has been requisitioned.

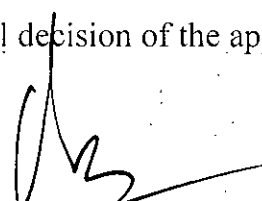
Application for restraining the respondents from filling the advertised post till disposal of the appeal has also been submitted. Notice of application be issued to the respondents for the date fixed i.e 19.09.2016 before D.B at camp court Abbottabad. Any appointment against the subject post by the respondents shall be subject to final decision of the appeal by this Tribunal.



Member


Chairman
Camp Court, A/Abad.

19.09.2016

Agent of counsel for the appellant and Mr. Shah Rahman, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Counsel for the appellant has not turned up from Peshawar. seeks adjournment. To come up for final hearing on 23.11.2016 before the D.B at camp court, Abbottabad. Any appointment against the subject post by the respondents shall be subject to final decision of the appeal by this Tribunal.


Member


Chairman
Camp court, A/Abad

Appellant Deposited
Security & Process Fee



24.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Junior Clinical Technician (Physiotherapy) vide appointment order dated 28.3.2012 and was regularly performing his duty when vide impugned order dated 23.7.2015 he was removed from service on the allegations of presenting fake documents for appointment where against appellant preferred departmental appeal on 6.8.2015 which was not responded and hence the instant service appeal on 11.11.2015.

That the appellant was neither subjected to inquiry nor any opportunity of hearing was afforded to him.

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 17.2.2016 before S.B at Camp Court Abbottabad as the matter pertains to the territorial limits of Hazara Division.


Chairman

17.02.2016



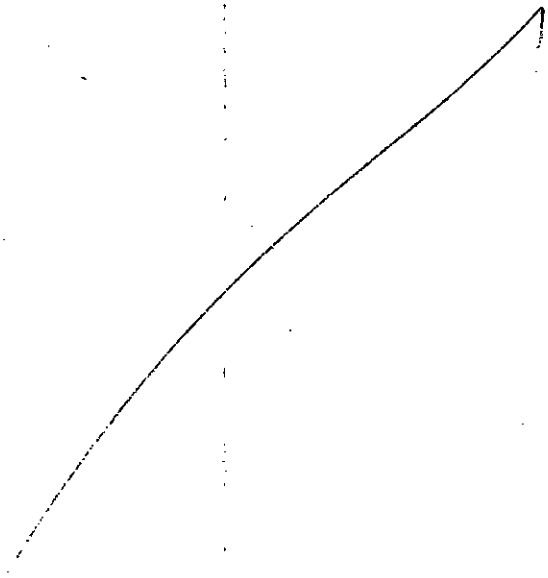
None present for appellant. M/S Muhammad Arshad, S.O and Shah Rehman, Assistant alongwith Mr. Muhammad Saddique, Sr.G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.9.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1266/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.11.2015	<p>The appeal of Mr. Mufti Salah-ud-Din presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>24-11-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1266 /2015

MUFTI SALAH-UD-DIN

VS

HEALTH DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1- 4.
2.	Advertisement	A	5.
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5.	Charge report	D	16.
6.	Medical certificate	E	17.
7.	Impugned order	F	18.
8.	Departmental appeal	G	19- 23.
	Vakalat nama	24.

APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1266 /2015

K.W.P. Province
Service Tribunal
Diary No. 1348
Dated 11-11-2015

Mr. Mufti Salah-Ud-Din, JCT (Physiotherapy),
DHQ Hospital Battagram **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Health Officer Battagram, District Battagram.
- 4- The Medical Superintendent DHQ Hospital, Battagram.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 23.7.2015 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT UNDER MISCONCEPTION OF LAW AND WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER: That on acceptance of this appeal the impugned order dated 23.7.2015 may very kindly be set aside and the appellant may kindly be re-instated with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day
11/11/15

R.SHEWETH:

ON FACTS:

- 1- That the respondent No.3 advertised various posts including the post of junior clinical technician (physiotherapy) on 5.11.2011. That appellant having the requisite qualification and experience applied for the post of JCT (Physiotherapy) and after participated in the test and interview the appellant was declared successful. Copies of the advertisement and educational & professional testimonials are attached as annexure **A and B.**

- 2- That vide Notification dated 28.3.2012 the appellant was appointed as JCT (Physiotherapy) on the proper recommendation of Departmental selection committee. That in response the appellant submitted his charge report and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the appointment order, charge report and medical certificate are attached as annexure **C, D and E.**
- 3- That after appointment the appellant served the respondent Department with all zeal and zest at District Battagram and as such no complaint whatsoever has been received against the appellant. That it is very pertinent to mention that after proper verification of the documents of the appellant the salary of the appellant was released.
- 4- That appellant has successfully completed his probationary period and was regularized on the post of junior Clinical Technician (Physiotherapy).
- 5- That appellant while serving as JCT (Physiotherapy) in DHQ Hospital Battagram an order dated 23.7.2015 was issued against the appellant whereby major penalty of removal from service was imposed on the appellant on the baseless allegation that appellant has been appointed in violation of the rules and standard criteria of the Government. Copy of the removal order is attached as annexure **F.**
- 6- That appellant feeling aggrieved from the impugned order dated 23.7.2015 filed Departmental appeal on 6.8.2015 before the respondent No.2 but no reply has been received so far. Copies of the Departmental appeal and other connected documents are attached as annexure **G and H.**
- 7- That having no other appellant preferred this appeal inter alia on the following grounds.

GROUND:

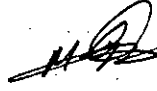
- A- That the impugned order dated 23.7.2015 issued by the respondent No.3 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondent Department violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That so far verification of Diploma/Certificate as concerned the same has already been verified by the concerned quarter. The salary of the appellant has been initiated/granted on this score para No. 14 of the appointment order dated 28.03.2012, wherein it has been laid down that salaries of newly appointed employees could be released only upon the verification of his certificates/diplomas.
- D- That appellant's Diploma in the discipline of Pathology is genuine and not bogus the same can be verified again from the concerned authority/quarter.
- E- That no show cause notice has been served on the appellant before issuing the impugned order dated 23.7.2015.
- F- That no regular inquiry has been conducted before issuing the impugned order dated 23.7.2015 against the appellant. That as per Supreme Court judgments regular inquiry is must in each and every service case.
- G- That the punishment awarded by the respondent No.3 is not attributed to the appellant because the appellant has not committed any misconduct within the definition of section-3 of the E&D Rules 2011 rather it is the fault on the part of authority for which the said authority be punished and not the appellant.
- H- That no fact finding inquiry has been conducted by the respondent Department and as such the impugned order dated 23.7.2015 is not tenable and liable to be set aside.
- I- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 23.7.2015 against the appellant.
- J- That the impugned order has been issued by the wrong authority, therefore, the impugned order is void ab initio in the eyes of law.
- K- That appellant seeks permission to advance other grounds and facts at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 3.11.2015

APPELLANT



MUFTI SALAH-UD-DIN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

A-5

شمار	نوم برائے کام	پہاڑی نمبر / سکیل	مرد	تعداد	تفصیلی آیت
1	Jr. Clinical Technician (Dentistry)	BPS-09	518	30 سال	ہرگز سائنس میں متعلقہ نہیں ہوئے۔ مگر سائنس کے متعلقہ اداروں سے متعلقہ ہوئے۔
2	Jr. Clinical Technician (Surgery)	BPS-09	ایسا	ایسا	ایسا
3	Jr. Clinical Technician (Ophthalmology)	BPS-09	ایسا	ایسا	ایسا
4	Jr. Clinical Technician (Anesthesia)	BPS-09	ایسا	ایسا	ایسا
5	Jr. Clinical Technician (Cardiology)	BPS-09	ایسا	ایسا	ایسا
6	Jr. Clinical Technician (Nephrology)	BPS-09	ایسا	ایسا	ایسا
7	Jr. Clinical Technician (Sterilization)	BPS-09	ایسا	ایسا	ایسا
8	Jr. Clinical Technician (Physiotherapy)	BPS-09	ایسا	ایسا	ایسا
9	Female Jr. Clinical Tech (Dental)	BPS-09	ایسا	ایسا	ایسا
10	Female Jr. Clinical Tech (Pharmacy)	BPS-09	ایسا	ایسا	ایسا
11	Female Jr. Clinical Tech (Pathology)	BPS-09	ایسا	ایسا	ایسا
12	Female Jr. Clinical Tech (Anesthesia)	BPS-09	ایسا	ایسا	ایسا
13	Female Jr. Clinical Tech (Cardiology)	BPS-09	ایسا	ایسا	ایسا
14	Female Jr. Clinical Tech (Surgical)	BPS-09	ایسا	ایسا	ایسا
15	Electrician	BPS-06	ایسا	ایسا	1۔ مقررہ ہوا۔ 2۔ مقررہ ہوا۔ 3۔ مقررہ ہوا۔ 4۔ مقررہ ہوا۔ 5۔ مقررہ ہوا۔ 6۔ مقررہ ہوا۔ 7۔ مقررہ ہوا۔ 8۔ مقررہ ہوا۔ 9۔ مقررہ ہوا۔ 10۔ مقررہ ہوا۔ 11۔ مقررہ ہوا۔ 12۔ مقررہ ہوا۔ 13۔ مقررہ ہوا۔ 14۔ مقررہ ہوا۔ 15۔ مقررہ ہوا۔ 16۔ مقررہ ہوا۔ 17۔ مقررہ ہوا۔ 18۔ مقررہ ہوا۔
16	Storekeeper	BPS-06	ایسا	ایسا	1۔ مقررہ ہوا۔ 2۔ مقررہ ہوا۔ 3۔ مقررہ ہوا۔ 4۔ مقررہ ہوا۔ 5۔ مقررہ ہوا۔ 6۔ مقررہ ہوا۔ 7۔ مقررہ ہوا۔ 8۔ مقررہ ہوا۔ 9۔ مقررہ ہوا۔ 10۔ مقررہ ہوا۔ 11۔ مقررہ ہوا۔ 12۔ مقررہ ہوا۔ 13۔ مقررہ ہوا۔ 14۔ مقررہ ہوا۔ 15۔ مقررہ ہوا۔ 16۔ مقررہ ہوا۔ 17۔ مقررہ ہوا۔ 18۔ مقررہ ہوا۔
17	Junior Clerk	BPS-07	ایسا	ایسا	1۔ مقررہ ہوا۔ 2۔ مقررہ ہوا۔ 3۔ مقررہ ہوا۔ 4۔ مقررہ ہوا۔ 5۔ مقررہ ہوا۔ 6۔ مقررہ ہوا۔ 7۔ مقررہ ہوا۔ 8۔ مقررہ ہوا۔ 9۔ مقررہ ہوا۔ 10۔ مقررہ ہوا۔ 11۔ مقررہ ہوا۔ 12۔ مقررہ ہوا۔ 13۔ مقررہ ہوا۔ 14۔ مقررہ ہوا۔ 15۔ مقررہ ہوا۔ 16۔ مقررہ ہوا۔ 17۔ مقررہ ہوا۔ 18۔ مقررہ ہوا۔
18	Plumber	BPS-05	ایسا	ایسا	1۔ مقررہ ہوا۔ 2۔ مقررہ ہوا۔ 3۔ مقررہ ہوا۔ 4۔ مقررہ ہوا۔ 5۔ مقررہ ہوا۔ 6۔ مقررہ ہوا۔ 7۔ مقررہ ہوا۔ 8۔ مقررہ ہوا۔ 9۔ مقررہ ہوا۔ 10۔ مقررہ ہوا۔ 11۔ مقررہ ہوا۔ 12۔ مقررہ ہوا۔ 13۔ مقررہ ہوا۔ 14۔ مقررہ ہوا۔ 15۔ مقررہ ہوا۔ 16۔ مقررہ ہوا۔ 17۔ مقررہ ہوا۔ 18۔ مقررہ ہوا۔

شرائط و ضوابط:- 1۔ کوئی درخواست طلبہ تاریخ کے بعد وصول نہیں کی جائیگی۔ 2۔ سرکاری ملازمین اسے تحریر کے توسط سے درخواستیں ارسال کر سکتے ہیں۔ 3۔ درخواست دہندہ کو بوقت انظر و اسے اصل اسناد پیش کرنے ہوتے۔ 4۔ صرف شہادت لہذا امیدواروں کو انٹرویو کیلئے بلایا جائیگا۔ 5۔ انٹرویو کیلئے کوئی فی اے ڈی اے نہیں دیا جائیگا۔ 6۔ سلیکشن عملی کو ایک یا تمام درخواستیں منتخب یا مسترد کرنے کا اختیار حاصل ہوگا جو کسی بھی فورم یا عدالت میں باقاعلیٰ منتج ہوگا۔ 7۔ فٹنس ٹیسٹ کے امیدواروں کو ترجیح دی جائیگی۔ 8۔ درخواستیں سادہ کاغذ پر لکھی ہونی چاہئے۔ 9۔ درخواست کے اور متعلقہ آسامی کا نام اور رابطہ نمبر درج ہونا چاہئے۔ 10۔ انٹرویو پر ہونے کے وقت میں ہوگا جس کیلئے شہادت لہذا امیدواروں کو کال کیلئے جاری کیا جائیگا۔

Also available on www.khyberpakhtunkhwa.gov.pk NE(P)3321

PASS

5-11-2011


ATTESTED

[Signature]

ADA No. 150179

B-6
Roll No. 64706

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



Abbottabad N.W.F.P. - Pakistan
SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION ANNUAL 2004

This is to certify that MUFTI SALAHUDDIN
Son/Daughter of NOORUL WAHAB

A candidate from GOVT. HIGH SCHOOL BATAMORI BATTAGRAM
has passed the Secondary School Certificate Examination of the Board of
Intermediate and Secondary Education, Abbottabad held in March 2004 as a
Regular/Private Candidate. He/She obtained 484 marks out of 850 and has been
placed in Grade C Representing GOOD.

The candidate passed in the following subjects.

- | | | | |
|------------|------------|--------------|----------------|
| 1. ENGLISH | 2. URDU | 3. ISLAMIYAT | 4. PAK STUDIES |
| 5. MATHS | 6. PHYSICS | 7. CHEMISTRY | 8. BIOLOGY |

Date of Birth according to admission form is FOURTH FEBRUARY

One Thousand Nine Hundred and EIGHTY-EIGHT (04-02-1988)


Asst. Secretary

This certificate is issued without alteration or erasure


Secretary

ATTESTED

ADA 063195

Roll No. 49696

7

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



Abbottabad N.W.F.P. - Pakistan
HIGHER SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION ANNUAL 2006

Pre-Medical Group

This is to certify that MUFTI SALAH UD DIN

Son of NOOR UL WAHAB

A candidate from GOVT DEGREE COLLEGE BATTAGRAM
has passed the Higher Secondary School Certificate Examination of the Board of
Intermediate and Secondary Education, Abbottabad held in May 2006 as a
Regular Candidate. He has obtained 623 marks out of 1100 and has been
placed in Grade C Representing GOOD.

The Examination was taken as a Whole/In Parts and the candidate passed in the
following subjects:

1. ENGLISH

2. URDU

3. ISL. EDU-PAK STUDIES

4. PHYSICS

5. CHEMISTRY

6. BOTANY / ZOOLOGY



Asstt. Secretary

Secretary
Secretary

ATTESTED

S. No# 423

8

Reg No: 4772



ABASIN TRAINING CENTRE BATTAGRAM STUDENT CERTIFICATE

Mr MUFTI SALAH UD DIN

Son of

NOOR UL WAHAB

Registered under 1725

Successfully completed special training course

Organized by Abasin Training Centre in the trade of

MS Office

From 01-10-14

to

30-03-2015

In recognition thereof this certificate is issued on the 5th

APRIL

Day of 2015

ATTESTED

Principal Sign

Principal
Abasin Training Centre
Battagram

Director
Abasin Training Centre
Battagram

Director

Reg. No. SDC/ATC/141443

R.R. No. 0011596-15

S. No. A- 31002

Skill Development ⁹ Peshawar Council

Established Under National Training Ordinance 1980

Competency Based Certificate



This is to certify that

Mr/Mrs/Miss MUFTI SALAH UD DIN Son/Daughter of NOOR UL WAHAB

Has successfully completed a special training course organized by the SDC Peshawar
in the trade of MICROSOFT OFFICE

held at ABASIN TRAINING CENTRE, BATTAGRAM

From 01-10-2014 To 30-03-2015

In recognition thereof this certificate is issued

On 30th day of JULY-2015

PRINCIPAL
Abasin Training Center
Battagram
PRINCIPAL

ABASIN TRAINING CENTRE
Director



HAJI MUHAMMAD JAVED

CHAIRMAN
SDC PESHAWAR

ATTESTED

Serial No 5325

Roll No 65122

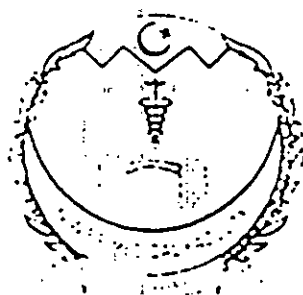
Batch No _____

Examination Session 2009-2009

Technology PATHOLOGY

(10)

N.W.F.P. MEDICAL FACULTY PESHAWAR



RENEWAL OF DIPLOMA

REGISTRATION / ENROLMENT VALID



FOR FIVE YEARS 2010-2015

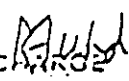
The Diploma registration of Mr. Miss. Mrs. MUFTI SALAHUDDIN Son Daughter of



NOOR UL WAHAB hearing Registration No. MF/09/Path/FIMS and Enrolment Provisional

Diploma Serial No. 2089 Dated 01/6/2010 is hereby renewed for the period of five

years with effect from 6/2010 to 5/2015

Prepared by: 
Checked by: 

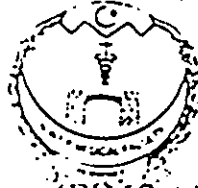

INC. WING
Secrecy Section
N.W.F.P. Medical Faculty
Peshawar


SECRETARY
N.W.F.P. Medical Faculty
Peshawar


ATTESTED

860

NWFP MEDICAL FACULTY PESHAWAR (PAKISTAN)



(FIMS ABBOTTABAD)

Name: MUFTI SLAHUDDINFather Name: NOOR UL WAHAB

Pathology Technology

1st SEMESTER

SESSION. 06/2008 (ROLL NO 65122)

Subject/paper	Total Marks	Obtained Marks	Passing Marks	Result
Anatomy	100	50	50	Passed
Pathology	100	50	50	Passed
Pharmacology	100	50	50	Passed
Physiology/ Biochemistry	100	52	50	Passed
Result	400	202		

2nd SEMESTER

SESSION. 06/2008 (ROLL NO 65122)

Subject/paper	Total Marks	Obtained Marks	Passing Marks	Result
Paper A	100	50	50	Passed
Paper B	100	50	50	Passed
English	100	50	50	Passed
Islamiat	50	29	25	Passed
Result	350	179		

3rd SEMESTER

SESSION. 01/2009 (ROLL NO 65122)

Subject/paper	Total marks	Obtained Marks	Passing Marks	Result
Paper A	100	50	50	Passed
Paper B	100	50	50	Passed
Public Health	100	59	50	Passed
Result	300	159		



4th SEMESTER

SESSION. 10/2009 (ROLL NO 65122)


Subject/paper	Total marks	Obtained Marks	Passing Marks	Result
Paper A	100	50	50	Passed
Paper B	100	50	50	Passed
English	100	50	50	Passed
PakStudy	50	27	25	Passed
Result	350	177		
Grand Total	1400	717		

Date: 01/06/2010

ATTESTED

Prepared by: Checked by: 

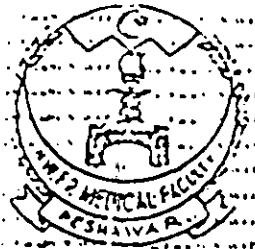
INC. CHARGE
 Secy Section
 N.W.F.P Medical Faculty
 Peshawar


 Secretary
 NWFP Medical Faculty
 Peshawar.

Serial No. 2089

Roll No. 65123

N-W.F.P. MEDICAL FACULTY PESHAWAR PAKISTAN



Diploma in Medical Technology

PATHOLOGY TECHNOLOGY

SESSION 2008-2009

This is to certify that Mr./Miss./Mrs. MURTI, SALHODIN Son/ Daughter of
Mr. NOOR UL WAHAB of _____ Batch bearing Registration No. _____
MF/09/Path/FIMS has passed the examination of Diploma in Medical Technology
in the year 10/2009. He/She obtained 717 Marks out of 1400
He/She has been Placed in 6 Grade.

Secretary
Medical Faculty N-W.F.P.
Peshawar, Pakistan.

ATTESTED

Office of the Medical Superintendent DHQ Hospital Battagram.

TO WHOME IT MAY CONCERN

It is certified that Mufti Salahudin s/o Noorul Wahab is working as JCT (Physiotherapy) at DHQ Hospital Battagram since 6 2012 till date. He is also performing the duty of JCT (Pathology) in addition to his own duties being qualified JCT (Pathology). During the period he found regular and hardworking official having good moral character.

[Handwritten Signature]

Medical Superintendent 21-10-12

DHQ Hospital Battagram
Medical Superintendent
DHQ Hospital Battagram

ATTESTED



OFFICE OF THE EXECUTIVE DISTRICT
OFFICER (HEALTH) BATTAGRAM

No. 577 /PF Dated: 26 /03/2012

C-14

To:

✓ Mr. Multi Salahuddin S/o Noor ul Wahab

R/o Village Jissol Tehsil & District Battagram.

Subject:

APPOINTMENT ORDER

Memo:

On the recommendation of Departmental Selection Committee (DSB). You are hereby appointed as JPCIT (Physiotherapy) in BPS-09 (Rs. 6200-380-17600) plus usual allowances as admissible under the rule on-regular basis against the vacant post of JPHCT (Physiotherapy) BPS-09 (Rs. 6200-380-17600) at District Head Quarter Hospital Battagram with immediate effect:- the following terms and conditions:-

TERMS & CONDITION.

1. Initially you will be on probation for a period of one year extendable for a further period of not exceeding 6 months.
2. Your services can be dispensed with during the probation period if your work and conduct is found unsatisfactory.
3. The appointment will be subject to provide a Medical Fitness Certificate (Health & Age) From Medical Superintendent DHQ Hospital Battagram and verification of character and Antecedents/Educational Qualification etc.
4. No TA/DA will be allowed for joining the duty or obtaining the Medical fitness certificate
5. You will be governed by such rule and orders as may be issued by the Govt: from time to time for the category of Govt: Servant to which they belong.
6. You shall for all intents and purposes be Civil Servants except for the purpose of pension and gratuity. In lieu of the same you will be entitled contributory provident fund as per Govt: rules/instructions.
7. You will submit undertaking on judicial stamp paper stating that the documents submitted with application form are genuine and not fake, moreover they have not been dismissed from service by any Govt: or semi Govt: organization.
8. Where you remains absent without leave for a period of Seven (07) days you shall be deemed to have Violated the relevant rules provisions and shall be terminated from service.

ATTESTED

9. If you wish to resign from service, two month advance notice or to deposit two month salary in lieu thereof. However you will continue to serve to the Govt: till the resignation is accepted by the competent authority.

10. The appointee shall be responsible for all utility bills and other charges of the residential Accommodation as is applicable to the category of staff.

11. The appointees shall subject to all rules of Govt; pertaining to a civil servant in respect to Efficiency and Discipline, conduct, Liability to criminal proceeding etc, and any special rules, Instruction issued by the Health Department specified to employee for breach of discipline or unsatisfactory service. The Health Department shall be competent to terminate the services of culprit without notice or compensation.

12. No employee shall indulge in any trades, business or occupation or any activity, which is Prohibited for a regular Govt: servants.

13. Spouse policy shall not be applicable to the appointee.

14. Your pay will be release after verification of your documents.

15. If you accept the offer of appointment on above terms and conditions, you should report to Incharge Medical Superintendent DHQ Hospital Battagram with in 15 days of the issuance of this order. The offer will be cancelled, if you fail to report for duty with in the above mentioned period.

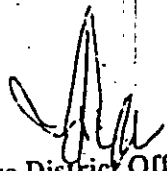
Executive District Officer (Health)
Health Battagram.

No. 578-82 / PF Dated Battagram the,

26/3 /2012

- 1. Director General Health Services KPK Peshawar for information please.
- 2. District Coordination Officer Battagram for information please.
- 3. Medical Superintendent DHQ Hospital Battagram for information and necessary action.
- 4. District Accounts Officer Battagram for information and necessary action
- 5. District Accounts Section office of the undersigned

ATTESTED


Executive District Officer (Health)
Health Battagram.

بخدمت جناب میڈیکل سپرنٹنڈنٹ صاحب ڈی ایچ۔ کیو ہسپتال بنگرہ

مضمون حاضری رپورٹ از فیروز کوالی ہسپتال 9

جناب عالی گزارش ہے کہ سائل کا بحوالہ جناب ای ڈی او صاحب محکمہ صحت بنگرہ آرڈر نمبر 577 مورخہ 26/3/12 فیروز کوالی ہسپتال پوسٹ پر آرڈر موجد کیا۔ سائل آج مورخہ 28/3/12 قبل از وقت ڈی ایچ۔ کیو ہسپتال بنگرہ حاضری رپورٹ پیش کرتا ہے۔ جناب سے استدعا ہے کہ منظور فرمایا جائے۔ عین نوازش ہوگی۔

العارض

مورخہ 28/3/2012

نام: فقیر مہلاج الدین ولد نور الوصاف
ولادت: نور الوصاف
عہدہ: آئی۔ آئی۔ فیروز کوالی 9
ڈی ایچ۔ کیو ہسپتال بنگرہ

Noted + Com on uncredit
to authority concerned

ATTESTED

28/3/2012

MEDICAL CERTIFICATE

E-17

Name of Official Mr. Mufti Salahuddin

Caste or race Swati

Father's name Mr. Noor ul Wahab

Residence R/O Village Jissal Tehsil and Dist Battagram

Date of birth 04-02-1988

Exact height by measurement 5'5"

Personal mark of identification Nil

Signature of the Official [Signature]

Signature of head of office

Seal of Office

I do hereby certify that I have examined Mr. Mufti Salahuddin a candidate for

Employment in the Office of the Health department

And can not discover that he had any disease communicable or other constitutional affection

or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the above

His age according to his own statement 24 Year and by appearance

about Twenty four year



LEFT HAND THUMB AND FINGER IMPRESSIONS

ATTESTED

[Signature] Medical Superintendent DHO Hospital Battagram 20/3/2012



OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM

MS Office Phone No. 0997-311518 Email Address;
Casualty Dept Phone No. 0997-310018 Fax No.

dhqbtg518@yahoo.com
0997-311518

No. 2526-29100 dated 23/07/2015

F-18

OFFICE ORDER

WHEREAS, Mr. Mufti Salah Ud Din S/O Noor Ul Wahab JCT Physiotherapy BPS-09 attached to DHQ Hospital Battagram was proceeded against under the E&D Rules 2011 for the charges mentioned below:-

2. YOU HAVE BEEN APPOINTED IN VIOLATION OF THE RULES /STANDERED CRITERIA OF THE GOVT: AND THERE FORE GUILTY OF MISCONDUCT AS PROVIDED UNDER RULE-2 SUB PARA K (VI) OF THE E&D RULE 2011.

AND WHEREAS, a show cause notice was served upon him vide this office letter No. 2216-18/ Dated 07.07.2015 wherein major penalty of Removal from service was proposed to be imposed upon him.

AND WHEREAS he did not respond to submit the reply of show cause notice nor he presented himself for personal hearing.

His disinterest in replying the show cause notice has shown that he has nothing in his defence and he could not prove himself as innocent.

NOW WHEREAS, I, the undersigned being the competent authority in exercise of powers conferred under the Khyber Pakhtunkhwa Peshawar E&D Rules 2011, am pleased to impose major penalty of removal from service upon Mr. Mufti Salah Ud Din S/O Noor Ul Wahab JCT Physiotherapy BPS-09 with immediate effect.



Sd/xx xx xx

Medical Superintendent
DHQ Hospital Battagram

No.& date even above:-

Copy forwarded to the:-

1. Director General Health Service Khyber Pakhtunkhwa Peshawar.
2. DAO Battagram.
3. Accountant OHO Office Battagram.
4. Mr. Mufti Salah Ud Din S/O Noor Ul Wahab JCT Physiotherapy BPS-09 DHQ Hospital Battagram For information and necessary action.


Medical Superintendent
DHQ Hospital Battagram


ATTESTED

THROUGH PROPER CHANNEL

G-19

THE DIRECTOR GENERAL HEALTH SERVICES
GOVT OF KHYBER PAKHTUNKHWA,
CIVIL SECRETARIAT PESHAWAR.

Subject: DEPARTMENT APPEAL

RESPECTFULLY SHEWETH,

With due respect, it is humbly submitted as follows:

1. The appellant is highly educated . He has got B.A degree from Hazara University Mansehra . he has got two year diploma in the discipline of Pathology from Khyber Pakhtunkhwa medical Faculty Peshawar. He has also got two years diploma in the discipline of Physiotherapy from skill development council, Pakistan
2. That vide advertisement, the Executive District Officer, Health Battagram invited application for different post of different categories including the post of JCT Physiotherapy.
3. That appellant being qualified under the term and criteria as laid down and the advertisement for the post JCT Physiotherapy, applied for the same and after successfully going through the prescribed procedure was appointed as JST Physiotherapy vide order No. 577/PF dated 26.03.2012.

ATTESTED

4. That in pursuance of the appointment order appellant took over charge of his assignment and started the performance of his duties.
5. That all the relevant document were verified by the district office and their upon his salaries were released.
6. That Appellant has received his salaries upto December of 2014.
7. That appellant has performed his duty to the entire satisfaction of his superior till the date and no complaint what so ever has ever been lodged against him.
8. That appellant has successfully completed his period of probation.
9. That appellant has now got about three years serves at his credit.
10. That all of sudden an enquiry was convened allegedly on the ground of illegal appointment.
11. That the so called enquiry has been conducted in the absence and at the back of appellant. Appellant has not been associated with enquiry proceedings. The prescribed procedure has not been adopted.
12. That the spirit and promotion of section 16 of Khyber Pakhtunkhwa Civil Servant, Act 1973 has been violated.
13. That appellant has been condemned unheard.

ATTESTED

Enquiry Officer vide his enquiry report has recommended and proposed as to the following;

- 15. Appellant may be allowed to continue his service subject to the producing of advertisement / Notice by the DHO Battagram and verification of certificate/ Diploma.
- 16. If found bogus, must be served upon with show cause notice for removal from service. Till than his salary must be stopped.
- 17. That in pursuance of the recommendation of the enquiry report, the salary of the appellant has been attached since December 2014 till the date.
- 18. That so far verification of Diploma/ Certificate as concerned, the same has already been verified by the concerned quarter. The salary of the appellant has been initiated/ granted on this score Para No. 14 of the appointment order dated 28.03.2012, wherein it has been laid down that salaries of newly appointed employees could be released only upon the verification of his certificates/ diplomas.
- 19. That appellant's Diploma in the discipline of physiotherapy as genuine and not bogus, the same can be verified again from the concerned authority/quarter.
- 20. That it has been categorically mentioned in the enquiry report that appellant shall be allowed to continue his service, but the authority in violation of the recommendation of the enquiry officer has issued in order No. 1652-53, dated 14.05.2015, wherein District Officer Health Battagram has prohibited/ restrained the appellant from the performance of his duty.

ATTESTED

1. That the Prohibition order of the district health officer Battagram is illegal, unlawful and without lawful authority.
22. That Appellant could not be prevented from the performance of his lawful duty and in absence of removal / dismissal order and that too after conduction regular enquiry on the charge of misconduct.
23. That being aggrieved from act and action of the authority for not allowing the appellant to perform his duties and to receive his salaries; appellant has been removed from his lawful service.
24. That now vide Office Order No. 25-26-29 /00 dated 23-07-2015, appellant has been removed from his lawful service.
25. That it has been laid down in the impugned removal order that appellant has been served with show cause notice.
26. That this statement is wrong and has no factual and legal backing, appellant has never been served with any show cause notice and therefore, the question of reply and personal hearing is out of context.
27. That appellant has not been treated in accordance with law rules and policy governing the subject and thus the authority has acted in violation of article 4, 10-A, 12, 13, 25 and 27 of the constitution of Pakistan 1973.
28. That appellant his been deprived of his lawful service without any legal justification. Appellant is petty employ with high financial burden of

ATTESTED

is, along parents and the impugned order has matched the
good of the appellant.

In view of the above, it is humbly requested that on the acceptance of the
instant departmental appeal, Your Honor may graciously be please to set
aside the impugned order dated 23-07-2015 of the Medical Superintendent
DHQ Hospital Batagram and re-instate the appellant with back benefits
And also release his outstanding salaries.

Date: 21/09/2015

Your Faithfully



Muhammad Salahuddin
JCI Physiotherapy,
DHQ Hospital Battagram

ATTESTED

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Mufti Salah-ud-Din

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Health Department

(RESPONDENT)
(DEFENDANT)

I/We Mufti Salah-ud-Din

Do hereby appoint and constitute NOOR MOHAMMAD KHATTAK, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2015

Mufti Salahuddin

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

CAMP COURT ABBOTTABAD.

Appeal NO. 1266/ 2015

Mufti Salah-ud-din

Appellant

VERSUS

1. Secretary Govt Of KPK Peshawar (Respondent No.1)
2. Director General Health Services Khyber Pakhtunkhwa Peshawar. (Respondent No.2)
3. District Health Officer Battagram. (Respondent No.3)
4. Medical Superintendent DHQ Hospital Battagram (Respondent No.4)

JOINT COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 4 DISTRICT HEALTH OFFICER BATTAGRAM

Respectfully Sheweth:-

Preliminary Objections:-

1. That the appellant did not come to this Service Tribunal with clean hands.
2. That the appellant has no cause of action/ locus standi to file the instant appeal.
3. That the instant appeal is hit by laches and barred by law of limitation.
4. That the appeal has been filed to pressurize the respondents.
5. That the appellant has suppressed the original fact from this honorable tribunal have not entitled for any relief and appeal is liable to be dismissed.

FACTUAL OBJECTIONS:-

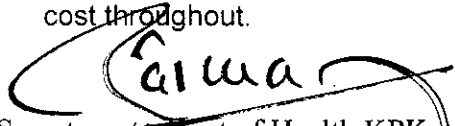
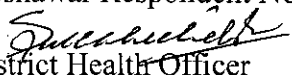
1. Correct to extend of advertised remaining para is subject.
2. Correct to extend of Notification but after enquiry conducted to prove.
3. Correct by the authority the appellant as removal from services vide order No. 2526-29 Dated 23/07/2015 (copy attached for ready reference) to the extend of salary remaining para as incorrect.
4. Incorrect.
5. In inquiry conducted by the Director General Health Services KPK Peshawar, the appellant was directed to produced original Physiotherapy Diploma but the appellant failed to produce to documents till date.

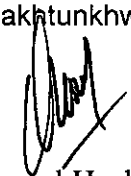
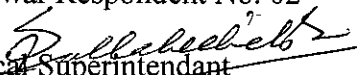
6. Relates to record.
7. Incorrect and denied.

GROUND:-

- a. Incorrect hence denied infact all processed made in the light of inquiry committee conducted by the Director General Health Services KPK Peshawar under the Rules and Law framed for appointment and termination.
- b. Incorrect hence denied same as Para (a) above.
- c. The appellat was directed that provide the verified Diploma by the concerned Medical Faculty but he failed.
- d. The appellat was directed to inquiry committee to provide original diploma of physiotherapy for verification but he did not provide original diploma.
- e. The appellat was directed through official letter to produced the original documents but he failed and did not provided till date.
- f. The regular inquiry was conducted by the Director General Health Services KPK Peshawar vide a copy attached.
- g. Incorrect hence denied all the process made by the responded No. 03 in the light of recommendation of Inquiry committee copy attached.
- h. Incorrect standard inquiry has been carried out.
- i. Incorrect hence denied.
- j. Incorrect hence denied order issued to the appellat by the responded No. 03 under direction of inquiry committee which is competent.
- k. Responded seeks permission to advance other grounds at the time of hearing.

It is therefore in the light of above stated facts very humbly prayed that the appeal in hand being against the law/rules and policy of the Govt of Khyber Pakhtunkhwa be dismissed with cost throughout.


Secretary to Govt of Health KPK
Peshawar Respondent No. 01

District Health Officer
Battagram
Respondent No. 03


Director General Health Services
KPK Peshawar Respondent No. 02

Medical Superintendent
DHQ Hospital Battagram
Respondent No.04

BEFORE THE HONORABLE COURT KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR ABBOTTABAD BENCH.

SUBJECT:-

WRIT PETITION NO.1266/2015

Mufti Salah-ud-Din

Appellant

VERSUS.

GOVERNMENT OF KHYBER PAKHTUNKHWA

Respondent.

AFFIDAVIT.

I Dr. Saifullah Khalid District Health Officer Battagram do hereby affirm and declare that the contents of para wise writ petition are true and correct as per my knowledge and available record that nothing material has been suppressed this honorable court.


RESPONDANT NO. 3



OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM
 MS Office Phone No. 0997-311518 Email Address: dhqbcg510@yahoo.com
 Casualty Dept Phone No. 0997-310018 Fax No. 0997-311513

F-(21)

No. 2219-33 100 dated 23/07 2015

OFFICE ORDER

WHEREAS, Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS-09 attached to DHQ Hospital Battagram was proceeded against under the E&D Rules 2011 for the charges mentioned below:-

1. YOU HAVE BEEN APPOINTED IN VIOLATION OF THE RULES /STANDERED CRITERIA OF THE GOVT: AND THERE FORE GUILTY OF MISCONDUCT AS PROVIDED UNDER RULE-2 SUB PARA K (VI) OF THE E&D RULE 2011.

AND WHEREAS, a show cause notice was served upon him vide this office letter No. 2219-21/ Dated 07.07.2015 wherein major penalty of Removal from service was proposed to be imposed upon him.

AND WHEREAS he did not respond to submit the reply of show cause notice nor he presented himself for personal hearing.

His disinterest in replying the show cause notice has shown that he has nothing in his defence and he could not prove himself as innocent.

NOW WHEREAS, I, the undersigned being the competent authority in exercise of powers conferred under the Khyber Pakhtunkhwa Peshawar E&D Rules 2011, am pleased to impose major penalty of removal from service upon Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS-09 with immediate effect.


Sd/- xx xx
 Medical Superintendent
 DHQ Hospital Battagram

No. & date even above:-

Copy forwarded to the:-

- 1 Director General Health Service Khyber Pakhtunkhwa Peshawar
- 2 DAO Battagram
- 3 Accountant DHO Office Battagram.
- 4 Mr. Mehboob Ullah S/O Rai Khan JCT Physiotherapy BPS-09 DHQ Hospital Battagram
 For information and necessary action.

ATTESTED


 Medical Superintendent
 DHQ Hospital Battagram





OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM

MS Office Phone No. 0997-311518 Email Address: dhqbcg518@yahoo.com
Casualty Dept Phone No. 0997-310018 Fax No. 0997-311513

No. 2526-29/100 dated 23/07/2015

F-18

OFFICE ORDER

WHEREAS, Mr. Mufti Salah Ud Din S/O Noor Ul Wahab JCT Physiotherapy BPS-09 attached to DHQ Hospital Battagram was proceeded against under the E&D Rules 2011 for the charges mentioned below.

2. YOU HAVE BEEN APPOINTED IN VIOLATION OF THE RULES /STANDERED CRITERIA OF THE GOVT: AND THEREFORE GUILTY OF MISCONDUCT AS PROVIDED UNDER RULE-2 SUB PARA K (VI) OF THE E&D RULE 2011.

AND WHEREAS, a show cause notice was served upon him vide this office letter No. 2216-18/ Dated 07.07.2015 wherein major penalty of Removal from service was proposed to be imposed upon him.

AND WHEREAS he did not respond to submit the reply of show cause notice nor he presentec himself for personal hearing.

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NOW WHEREAS, I, the undersigned being the competent authority in exercise of powers conferred under the Khyber Pakhtunkhwa Peshawar E&D Rules 2011, am pleased to impose major penalty of removal from service upon Mr. Mufti Salah Ud Din S/O Noor Ul Wahab JCT Physiotherapy BPS-09 with immediate effect.

Sd/xx, xx xx
Medical Superintendent
DHQ Hospital Battagram

No. & date even above:-

Copy forwarded to the:-

1. Director General Health Service Khyber Pakhtunkhwa Peshawar.
2. DAO Battagram.
3. Accountant DHO Office Battagram.
4. Mr. Mufti Salah Ud Din S/O Noor Ul Wahab JCT Physiotherapy BPS-09 DHQ Hospital Battagram For information and necessary action

[Signature]
Medical Superintendent
DHQ Hospital Battagram

ATTACHED



DIRECTORATE GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Exchange # 091-9210187, Tele # 9210196 Fax # 091-9210230

No. 3247 /CC/2514/2014

Dated 14 /11/2014

The District Health Officer,
Battagram.

Subject: ENQUIRY OF IRREGULAR APPOINTMENTS.

In continuation, of this Directorate letter No.2717-20/cc/2511/2014 dated 08/09/2014, I am directed to forward an enquiry report conducted by Dr.Niaz Muhammad SMO Civil Hospital Battal Mansehra and Mr. Muhammad Jamil Assistant Director(P-II) DGHS Office Peshawar for implementation and necessary action with the following remarks.

- I. After going through the enquiry report it is observed that the said recruitment has been made against the Esta Code of the Govt. almost against the merit and rules regulation of the Govt have been violated.
- II. All those recruited against the merit may be terminated w.e.f the date of recruitment. salaries made so far be recovered from the wrong selectees/ those officers/ officials who are responsible for this illegal appointments immediately.
- III. Disciplinary action may be initiated against the culprits (Responsible for this illegal appointment).
- IV. Fresh procedure as per Esta Code recruitment policy may be initiated for new recruitments.

Mr. Mohammad Hassan & Shah Faizal for Inhibi document class III employees only.

DIRECTOR GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA, PESHAWAR.

*Stop the flow of class III
MK Hind
DHO
14/11/14*

13/11/14



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
Office Ph: 091 - 2210269 Exchange: 091 - 2210137, 091 - 2210196 Fax: 091 - 2210230

No 2717-20/CC/2511/2014

Dated 8 /09/2014


MOST IMMEDIATE

To,

1. Dr. Niaz Muhammad SMO,
Civil Hospital Battal District Manshera.
2. Mr. Muhammad Jamil
Assistant Director (P-II), DGHS Office Peshawar.

SUBJECT: OFFICE ORDER.

I am directed to refer of this DGHS office Order bearing endorsement No.647-53/CC/2511/2014 dated 14-04-2014 on the subject noted above with the remarks to proceed to Battagram for examination /Scrutiny of the remaining documents of the candidates appointed by DH Battagram prior to 01/07/2013.


Director (Admn)
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

Cc:

Copy forwarded to the:

1. District Health Officer Battagram for information and to make available all the relevant record to the enquiry committee.
2. Medical Superintendent DHQ Hospital Battagram for information and necessary action w/r to DHO Battagram letter No.3753-58 dated 01/09/2014, he is directed to provide the relevant record to DHO Battagram within days without fail.

ENQUIRY REPORT INTO THE ALLEGED IRREGULARITIES IN THE RECRUITMENT
PROCESS OF PARAMEDICS/OTHER CLASS-III STAFF AND CLASS-IV EMPLOYEES IN
THE OFFICE OF THE DISTRICT HEALTH OFFICER BATTAGARAM.

BACK GROUND.

Vide Director General Health Services Khyber Pakhtunkhwa office order bearing endorsement No.647-53/complaint cell-2514 dated 14/4/2014 an inquiry committee comprising Dr. Niaz Muhammad SMO CH Battal and Mr. Muhammad Jamil Assistant Director (Personnel-II) Directorate General Health Services Khyber Pakhtunkhwa Peshawar has been constituted to probe the alleged irregularities in the recruitment process of the employees in Department of Health District Battagram (F/A)

PROCEEDINGS

The Committee proceeded to Battagram on 23/04/2014 and remained there upto 26/4/2014. The Committee scrutinized the relevant record pertaining to recruitments made by Dr. Aqeel Bangash and Dr. Shehzad Ali Khan Ex-DHOs Battagram for the periods with effect from 1/7/2013 till their tenures..

This is worthwhile to mention that merit lists and documents pertaining to the recruitment issued by Dr. Aqeel Bangash Ex-DHO Battagram prior to 1-7-2013 were not produced by the DHO Office Battagram; saying that the same were taken away by the Ex-DHO Dr. Aqeel Bangash as per their written statements mentioned below. On enquiry from Dr. Aqeel Bangash, although he produced photo copies of the merit lists at I/B but showed ignorance about the documents.

While forwarding the previous Enquiry Report, the District Health Officer Battagram was asked vide DGHS letter No.1206-09/Complaint Cell/2511/2014 dated 29th May 2014 for producing the remaining documents pertaining to recruitments of Class-III and Class-IV employees made by Dr. Aqeel Bangash the then DHO for the period prior to 1-7-2013 within fifteen days. But after protracted correspondence with the District Health Officer Battagram, he

has been able to produce the documents ibid that is too in piecemeal upto 10th October 2014.

FINDINGS.

The Committee after scrutiny found various irregularities in the recruitment process which are mentioned below:-

- Format of the merit list is not according to the standard criteria of the Government.
- As required under the relevant criteria of the Government at Flag-C, Diploma marks not included in the merit list after the marks of prescribed qualification i.e. matric. More so the marks allotted for the prescribed qualification were not according to standard criteria, e.g. certain candidates with 2nd division were allotted the marks of first division and vice versa. In certain cases marks for higher qualification have been given to the candidates although no documentary proof was produced in this regard to the Enquiry Committee which makes selection/recruitment of some of the candidates doubtful.
- Written test marks included in the merit list in violation of the approved Service Rules.
- In some cases more than 8 marks allotted to the candidates in the column of interview marks, in violation of the criteria fixed by the Government.
- Experience marks are not given as per Government criteria and in some cases experience marks are given on the basis of experience certificates of unregistered private institutions; even in some cases marks given without experience certificate.
- Minutes of the Departmental Selection Committees duly signed by chairman and members of the DSC, are not recorded.
- Candidates in various categories have been recruited by Dr. Aqeel Bangash without valid certificates/diplomas.
- Class-IV employees have been appointed by the Ex-DHO viz: Dr. Aqeel Bangash without inviting applications through employment exchange (not available in District Battagram) or press advertisement.
- Ward Ayas (nomenclature thereof not available in the sanctioned strength of District Battagram) have been appointed by Dr. Aqeel Bangash against the posts of Dais without observance of codi

u. fair merit list

5-

Exp

formalities which is again violation of the rules/regulations and policy of the Government. The Committee noted with concern as to how their salaries have been allowed by the DAO Battagram.

- As a matter of fact the educational qualification/technical diplomas etc of paramedics are required to be verified by the concerned Board of Intermediate and Secondary Education and Khyber Pakhtunkhwa Medical Faculty Peshawar. To the utter surprise of the committee, salaries of all paramedics/other employees have been activated without verification from the above institutions.
- In spite of the fact, meeting of the DSC was attended and merit list signed by the Representative of DCO Battagram and representative of the DG Health Services, but none of them were able to pin point the irregularities mentioned above.

who was this fellow?

CONCLUSION

Dr. Aqeel Bangash ex-District Health Officer District Battagram is responsible for the irregular recruitments and a warning in this regard has already been issued to him.

only warning - what about the wrong selectees?

RECOMMENDATIONS

In view of the foregoing the Enquiry Committee recommends action against various categories of employees as mentioned against each below:-

S.No	Nomenclature of the post	Names of employees appointed.	Observation of the Committee	Recommendation
1	Receptionist (merit list at Annex: I)	Ijaz Ali s/o Muhammad Khateeb (Battagram) Merit list at Annexure-I	a) BA marks added in the column of higher qualification but BA degree not produced. b) As per matric certificate, the Official has got 2 nd divn: but marks given of 1st divn. c) Matric certificate not verified from the concerned	If the marks of prescribed/higher qualification irregularly added in the merit list are deleted, another candidate in the merit list would have been eligible for selection.

			service.	
Malaria Supervisors (Merit list at Annex:III)	ii.Abdul Manan Shah s/o Syed Amir NawabShah (Battagram)	a) No documents produced to the Enquiry Committee. b) He was already serving as Insect Collector but again applied for Malaria Supervisor and subsequently appointed in contravention of the approved S/Rules.	As per revised service structure of Paramedics notified in 2006, the post of insect collector has since been re-nomenclatured as Jr.PHC Tech:(MP), therefore, he may be allowed to continue as Jr.PHC Tech:(MP) and his irregular recruitment order as Malaria Supervisor withdrawn	
Malaria Supervisors (Merit list at Annex:III)	iii.Amjed Khan s/o Babu Khan (Battagram)	Recruited in violation of the Approved S/Rules & without valid diploma from Medical Faculty Peshawar.	May be served upon show cause notice for removal from service and salary stopped.	
Malaria Supervisors (Merit list at Annex:III)	iv.Muhammad Amjed s/o Muhammad Afzal (Battagram)	Recruited in violation of the Approved S/Rules & without valid diploma from Medical Faculty Peshawar.	May be served upon show cause notice for removal from service and salary stopped.	
4	JCT(Physiotherapy) Merit list at Annex:IV	Sajid Ali s/o Bashir Khan (Battagram)	a)Matric with arts(science required) b) No valid diploma from Medical Faculty Peshawar.	May be served upon show cause notice for removal from service and salary stopped.
5	JCT Anaesthesia	Muhammad Rafiqullah Khan	Matric with science with valid diploma from Medical	May be allowed to continue service

Physiotherapy Merit list at Annex: XII	i. Mufti Salahuddin s/o Noorul Wahab (Battagram).	<p>a) Matric with science having diploma from Medical Faculty Peshawar but the same seems suspicious.</p> <p>b) 6 marks for higher qualification allotted but FA certificate not produced.</p> <p>c) Advertisement for the post not produced.</p>	<p>May be allowed to continue service subject to producing of FA certificate/Advertisement notice by the DHO Battagram and verification of certificate/diploma and if failed to produce FA certificate or the documents found bogus, must be served upon with show cause notice for removal from service. Till then his salary must be stopped.</p>
	ii. Mehboobullah s/o Rai Khan (Karak)	<p>a) Matric with science.</p> <p>b) Diploma of Med: Faculty produced, seems fairly bogus</p> <p>c) Advertisement for the post not produced.</p>	<p>May be allowed to continue service subject to producing of advertisement notice by the DHO Battagram and verification of certificate/diploma. If found bogus, must be served upon with show cause notice for removal from service. Till then his salary must be stopped.</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No.1266/2015

MUFTI SALAH-UD-DIN

VS

HEALTH DEPTT:

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondents hence need no comments.
- 3- Admitted correct by the respondents hence need no comments.
- 4- Incorrect and not replied accordingly. That appellant has successfully completed his probationary period and was regularized on the post of Junior Clinical Technician (Physiotherapy) and as such the respondents are duty bound to act in accordance with law and Rules and treated the appellant in lights of the Rules and regulations.
- 5- Incorrect and not replied accordingly. That appellant while serving as JCT Physiotherapy in DHQ Hospital Battagram, an order dated 23-07-2015 was issued against the appellant whereby Major Penalty of removal from service was imposed on the appellant on the baseless allegation that appellant has been appointed in violation of the rules and standard criteria of the Government. That it is very pertinent to mention that the so called enquiry has been conducted in the absence of appellant and appellant has not been associated with enquiry proceedings. Moreover the appellant has not committed any misconduct nor any illegality. Copies of the relevant record are attached as annexure R.

6- Incorrect and not replied accordingly. That the appellant feeling aggrieved from the impugned order dated 23-07-2015 filed Departmental appeal on 06-08-2015 but no reply has been received so far.

7- Incorrect and not replied accordingly hence denied.

GROUND:

(A to E):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That the impugned order dated 23-07-2015 issued by the respondent No.3 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That the Diploma in the discipline of Physiotherapy is genuine and not bogus; the same can be verified again from the concerned authority/quarter. That the same has been registered/renewed up to July,2018. That no show cause Notice has been served and no fact finding enquiry has been conducted. That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 23-07-2015 against the appellant.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT



MUFTI SALAH-UD-DIN

THROUGH:

NOOR MOHAMMAD KHATTAK

&

**SYED IMDAD HUSSAIN
ADVOCATES**