


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

253/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	07/02/2024	<p>The appeal of Mr. Tashfeen Khan resubmitted today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____.</p> <p>Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Tashfeen Khan received today i.e on 01.02.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Copy of promotion order mentioned in the memo of appeal is not attached with the appeal be placed on it.
- 4- Index given with spare copies is incomplete.

No. 218 /S.T.

Dt. 2/2 /2024.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kabir Ullah Khattak Adv.
High Court at Peshawar.

Re-submission

In Response of objection No 1
It is stated that the appellant
is working as store keeper
in DHO hospital Noshery
which has been properly
mentioned

objection No 2 has been removed

In Response of objection No 3
It is stated that copy of
promotion order has already
been made as Annexure A4

Kabir

7-2-24

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 253 /2024

Tashfeen Khan

VERSUS

Secretary Health Govt of KPK Health Deptt. Peshawar
and Others

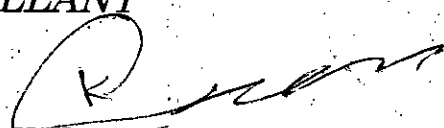
INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Petition.		1-6
2.	Affidavit.		7
3.	Addresses of parties		8
4.	Copy of order dated 05.08.2021, minutes of meeting of selection promotion committee & service book	"A, B & C"	9-21
5.	Copy of arrival report	"D"	22
6.	Copy of departmental appeal	"E"	23
7.	Wakalat Nama		

Dated: 31.01.2024

APPELLANT

Through


Kabirullah Khattak
Advocate, High
Court Peshawar.

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2024

Tashfeen Khan S/o Parvez Khan R/o DHQ Hospital
Nowshera

....Appellant

VERSUS

1. Secretary Health Govt of KPK Health Deptt.
Peshawar.
2. Director General Health Service, Khyber
Pakhtunkhwa, Peshawar.
3. Medical Superintendent DHQ Hospital District
Nowshera.
4. District Health Officer District Nowshera.
5. District Account Officer District Nowshera.
6. Account Section DHQ District Nowshera.

....Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 FOR DIRECTING THE RESPONDENTS TO
RELEASE THE MONTHLY SALARIES OF
APPELLANT W.E.F 05/08/2021 TILL DATE AND
ONWARDS AND AGAINST NOT TAKING ANY
ACTION ON THE DEPARTMENTAL APPEAL OF

APPELLANT WITHIN STATUTORY PERIOD OF
NINETY DAYS.

Prayer:-

ON ACCEPTANCE OF THIS APPEAL
THE RESPONDENTS MAY KINDLY BE
DIRECTED TO RELEASE THE
MONTHLY SALARIES OF APPELLANT
FOR THE POST OF STORE KEEPER BPS-
11 FROM 05.08.2021 TILL DATE AND
ONWARDS WITH ALL ARREARS. ANY
OTHER REMEDY WHICH THIS AUGUST
TRIBUNAL DEEMS FIT THAT MAY
ALSO BE ONWARD IN FAVOUR OF
APPELLANT.

Respectfully Sheweth,

1. That the Appellant was initially appointed as ward Ardali BPS-04 at the year of 2019.
2. That after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.
3. That the appellant has been promoted/ appointed from Ward Ardali to Store Keeper BPS-11 through proper Departmental Selection Committee on 05.08.2021. (Copy of order dated 05.08.2021, service book & minutes of

3)

meeting of selection promotion committee are attached as annexure "A, B, C").

4. That the appellant has been properly submitted his arrival report on 05.08.2021 (Copy of arrival report is attached as annexure "D").
5. That although the appellant has been promoted/appointed from Ward Ardali Clause-IV to Store Keeper through selection promotion committee and continuously performed his duty as a Store Keeper still but the respondent department illegally not release the salary of the appellant for the post of store keeper w.e.f 05.08.2021 till now.
6. That the appellant submitted so many application for the release of his salary but in vain.
7. That the appellant submitted departmental appeal on dated 13.10.2023 for the release of salary for the post of store keeper but no response has been given by the respondent department. (Copy of departmental appeal is annexed as annexure "E").

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8. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

- A. That not paying monthly salaries to appellant and not taking any action on the departmental appeal of appellant within statutory period of ninety days by Respondents are against the norms of justice, material on record and principles of fair play.
- B. That the appellant has not been treated according to law and rules and has been deprived from his legal right of monthly salaries for the post of store keeper for no good grounds.
- C. That it is evident from the promotion order that the same was passed after proper recommendations of Selection Promotion Committee, therefore appellant submitted arrival report and started his duty as store keeper regularly with the Respondent department.

- D. That the appellant is still in service and performing his duties to continuously as store keeper w.e.f 05.08.2021 till now therefore under section 17 of the civil servants Act 1973 as well as article-11 of the constitution of Islamic of Islamic Republic of Pakistan, the appellant is fully entitled to his claim.
- E. That non release /payment of monthly salaries to the appellant for the post of store keeper w.e.f 05.08.2021 and the respondent department without any legal justification not release the monthly salary for the post of store keeper is against the law and rules.
- F. That the Respondent department also violated article of 25-A of the Constitution of Islamic Republic of Pakistan.
- G. That the Respondent department also violated the well settle principal of law "*work done pay done*".
- H. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

6)

It is therefore, most humbly prayed that on acceptance of this appeal the respondents may kindly be directed to release the monthly salaries of appellant for the post of store keeper bps-11 from 05.08.2021 till date and onwards with all arrears.

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Dated 31.01.2024



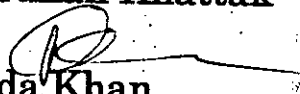
APPELLANT

Through



Kabirullah Khattak

&



Roeda Khan

Advocates, High Court
Peshawar.

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.



Advocate.

(7)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2024


Tashfeen Khan

VERSUS

Secretary Health Govt of KPK Health Deptt. Peshawar
and Others

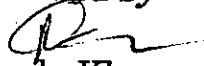
AFFIDAVIT

I, Tashfeen Khan S/o Parvez Khan R/o DHQ Hospital
Nowshera, do hereby solemnly affirm and declare that all the
contents of the **instant appeal** are true and correct to the best of
my knowledge and belief and nothing has been concealed or
withheld from this Hon'ble Court.



DEPONENT

Identified by:



Roeeda Khan
Advocate High Court
Peshawar.

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BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2024

Tashfeen Khan

VERSUS

Secretary Health Govt of KPK Health Deptt. Peshawar
and Others

ADDRESSES OF PARTIES

PETITIONER.

Tashfeen Khan S/o Parvez Khan R/o DHQ
Hospital Nowshera

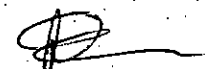
ADDRESSES OF RESPONDENTS

1. Secretary Health Govt of KPK Health Deptt.
Peshawar.
2. Director General Health Service, Khyber
Pakhtunkhwa, Peshawar.
3. Medical Superintendent DHQ Hospital District
Nowshera.
4. District Health Officer District Nowshera.
5. District Account Officer District Nowshera.
6. Account Section DHQ District Nowshera.

Dated: 31.01.2024


APPELLANT

Through


Roeda Khan
Advocate, High
Court Peshawar.

CA³ (9)

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL NOWSHERA

Phone & Fax: 0923-9220021

E-Mail: dhqnowshera4306@gmail.com

OFFICE ORDER

Consequent upon approval / confirmation accorded by the Departmental Selection / Appointment Committee constituted for the purpose on 02-08-2024, MR. TASHFEEN KHAN S/O PERVAIZ KHAN is hereby appointed as Store Keeper BPS-07 with pay protection, plus usual allowances against the vacant post of Store Keeper BPS-07 at DHQ Hospital Nowshera with immediate effect, with the following terms & conditions.

- The appointment shall be subject to the Medical Fitness and initially on probation for a period of 02-years.
- The service can be dispensed with during the probation period on unsatisfactory performance.
- You will not entitle to any TA/DA for Medical Examination and joining the first appointment.
- In case if any of the documents submitted by you, with your application is found forged/fake you shall be liable to terminate without any notice and will also be liable to further legal proceeding.
- The appointment will be governed by such rules and order issued by the Govt. from time to time.
- If you wish to resign from service, you will have to submit resignation in writing one month in advance OR deposit one month pay in the Govt. treasury.
- If the above terms & conditions are acceptable to you then you should report to DHQ Hospital Nowshera within 07-days after the receipt of this appointment order.

ABD HAYAT SAFI
Civil Judge (S)

Handwritten initials/signature

Medical Superintendent
DHQ Hospital Nowshera

Sd/ _____
Medical Superintendent,
DHQ Hospital, Nowshera

071-75

MS/DHQP/NSR

Date: 05/08/2024

05/8/2024

Copy forwarded to the:

- Director General Health Services Khyber Pakhtunkhwa Peshawar.
- District Accounts Officer Nowshera.
- Accounts Section DHQ Hospital Nowshera.
- Mr. Tashfeen Khan S/O Pervaiz Khan Resident of Mohallah Sahibzadgan Dagi Khat Nowshera Kalan, Nowshera.
- Office Record.

Medical Superintendent

Form No. 10 (2018) - 10/11/2018
Use only for appointment orders. Do not use for other purposes.
If used for other purposes, the Government will not be responsible for any loss or damage.

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BETTER COPY

OFFICE OF THE MEDICAL SUPERINTENDENT
DHO HOSPITAL NOWSHERA

Phone & Fax – 0923-9220023

E-Mail dhqnowshera4306@gmail.com

OFFICE ORDER

Consequent upon approval / recommendation accorded by the Departmental Selection / Appointment Committee constituted for the purpose on 03-08-2021, Mr. TASHFEEN KHAN S/O PERVAZ KHAN is hereby appointed as **Store Keeper BPS-07** with pay protection as usual allowances against the vacant post of Store Keeper BPS-07 at DHQ Hospital Nowshera with immediate effect with the following terms & conditions.

8. The appointment shall be subject to the Medical Fitness initially on probation for a period of 02-year.
9. The service can be dispensed with during the probation period on un-satisfactory performance.
10. You will not entitle to any TA/DA for Medical Examination and joining the first appointment.
11. In case of any of the documents submitted by you, with your application is final forge/ fake, your service shall be liable to terminate without any notice and will also be liable to further legal proceeding.
12. The appointment will be governed by such rules and order issues by the Govt. from time to time.
13. If you wish to resign from service, your will have to submit resignation in written one month in advance OR deposit one month pay in the Govt treasury.
14. If the above term & conditions are acceptable to you then you should report to DHQ Hospital Nowshera with 07-days after the receipt of this appointment order.

Sd. _____
Medical Superintendent
DHOQ Hospital Nowshera

071-75/MS/DHQH-NSR

Date 05/08/2021

Copy forwarded to the:

6. Director General Health Services Khyber Pakhtunkhwa Peshawar.
7. District Accounts Officer Nowshera.
8. Accounts Section DHQ Hospital Nowshera.
9. Mr. Tashfeen Khan S/o Pervez Khan Resident of Mohallah Sahibzadagan Dagi Khel. Nowshera Kalan Nowshera.
10. Office File.



OFFICE OF THE MEDICAL SUPERINTENDENT,

DHQ HOSPITAL NOWSHERA

Phone & Fax: 0923-9220023

E-Mail: dhqnowshera4306@gmail.com

MINUTES OF MEETING OF SELECTION / PROMOTION COMMITTEE

A meeting of the said committee held under chairman ship of Medical Superintendent DHQ Hospital Nowshera on 3rd August 2021 attended by the following members:

1. Dr. Muhammad Tahir D.M.S Member
2. Dr. Afzal Asghar M.O Member of Admin Dept.
3. Dr. Muhammad Shoaib Medical Superintendent Chairman

Attendance sheet attached.

The Selection / Promotion Committee agreed on the following action points:

1. The Selection / Promotion Committee agreed on the appointment/promotion of the following staff w.e.f 1st September 2021.
2. The appointments were made as per requirement of the Hospital Services.
3. Their performance was also kept in view while making their appointments.
4. The committee unanimously agreed for the appointments of the staff in hospital interest as well as public interest.
5. All those who are appointment to new cadre will be liable for Pay Protection.

S. No	Name	From	To
1	Tashfeen Khan S/O Pervaiz Khan	Ward Orderly	Store Keeper
2	Ibrar Khan S/O Kinar Gull	Behishti	Store Keeper

1. Dr. Muhammad Tahir

(Member)

2. Dr. Afzal Asghar

(Member)

3. Dr. Muhammad Shoaib

(Chairman)

Handwritten signatures and initials of the committee members, including a circular stamp with the number 11.

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GOVT. OF KHYBER PAKHTUNKHWA



Department: _____

SERVICE BOOK

Grade 1 to 15 (Non-Gazetted)

Mr. Tashfeen Khan

S/o Pervez Khan

Designation ward attendant BPS 04

Date of appointment _____

Place of Posting/Station _____

The entries on this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

Name: MR. Tashfeen Khan

Race: Muslim

Residence: Sahibzadgan Kandi Dajikhel Muzshera Kolan
Tehsil of District Muzshera

Father's name and residence: Parvaz Khan

Date of birth by Christian era as nearly as can be ascertained: 27-11-1984

Exact height by measurement: 5-8

Personal marks for identification: nil

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

Little Finger: [Impression] Ring Finger: [Impression]
Middle Finger: [Impression] Fore Finger: [Impression]

Thumb: [Impression]

Signature of Government Servant: [Signature]

Signature and designation of the Head of the office, or other Attesting Officer. Medical Superintendent D.H.O. Hospital Nowshera

1	2	3	4	5	6	7	8
Name of Post	Whether existing post or officiating and whether permanent or temporary	If officiating state if substitute appointment, or if Weather service Permit for position under Art 371 C.B.N	Pay in substance post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of Appointment	Signature of Government servant
BPS-07 10990-610-29290	Store keeper		Pay Rs. 10990/-			05/08/2021	
			All casting attached				
BPS-11 12570-850-38990	Store keeper		Pay Rs. 12570/-			05/08/2021	
BPS-11 18650-1310-57950	Store keeper		Pay Rs. 18650/-			07/01/2022	
			Pay Rs. 19760/-			12/01/2022	

Medical Superintendent
District

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 O.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
<u>BPS-03</u>							
<u>9610-390-21310</u>							
Dehishit			Pay B	12780/PM	1	12 2020	Ear
du							
<u>BPS-11</u>							
<u>12570-800-38970</u>							
Store keeper				Pay B = 13450/PM		05-8 2020	FN

محمد عتیق جناب حیدر علی سعید ایف ڈیٹ منسٹ صاحب (DHA 05) اسپتال نوشہرہ

درخواست نمبر اور حاضری رپورٹ
Arrival Report at Store Room

9

جناب عالی

گزارش ہے

یہ مذکورہ گارجے ڈیم سٹاٹ DHA 05 اسپتال نوشہرہ میں اہمیت مشورہ کیس ہے
BPS-7 بتاریخ 05⁰⁸/₂₀₂₁ لیٹر نمبر 075/25/MS DHA پر مبنی ہوا ہے

یہ مذکورہ اب مذکورہ گارجے ڈیم سٹاٹ مشورہ کیس BPS-7 کا آج 13⁰⁸/₂₀₂₁ بتاریخ
اپنی ڈیوٹی پر حاضری کرانا چاہتا ہے

لہذا آپ صاحبان سے بانی فرمانر مذکورہ گارجے ڈیم سٹاٹ مشورہ کیس پر
حاضری رپورٹ Arrival Report قبول فرمانر مذکورہ دفتر کی روائی کا حکم فرمایا ہے

نوادرش ہوگی

ذری نامشین خان ولد پرینز خان سکند نوشہرہ

13⁰⁸/₂₀₂₁

نباشورہ کیس پر DHA نوشہرہ

Accepted
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بخدمت جناب میڈیکل سپرنٹنڈنٹ DIIQ ہسپتال نوشہرہ

لیدر ہسپتال اہل برائے جاری کرنے کی خواہ برائے پوسٹ سنور کیمبر از مورخہ

05.08.2021 تا حال اور آئندہ بھی

جناب عالی مسائل حسب ذیل عرض رہا ہے۔

- 1- یہ کہ مسائل ایک سوز شہری ہے اور ضلع نوشہرہ کا تعلق رہا تھا اور پھر اس کا تعلق ہوا ہے۔
- 2- یہ کہ مسائل دارا اردو سال 2021ء میں 11 دہشتہاں ضلع نوشہرہ میں بھرتی ہوا۔
- 3- یہ کہ مسائل کو پراپر پروموشن بذریعہ سلیکشن پروموشن کمیٹی / اشتہار مسائل کو دارا اردو سے سنور کیمبر پر پروموشن دے دی گئی۔ (نقل سلیکشن پروموشن کمیٹی لف ہے)۔
- 4- یہ کہ مسائل کا پراپر پروموشن نوٹیفیکیشن 05.08.2021 کو سنور کیمبر کا آرڈر جاری کر دیا گیا اور ہر دس بج میں پراپر سنور کیمبر کا اندرون کیا گیا۔ (نقل پروموشن آرڈر 05.08.2021 اور مردوں بک لف ہے)۔
- 5- یہ کہ مسائل نے چارج لینے کے بعد اپنی ذیوقی پوری ایمانداری سے سرانجام دی ہے اور تا حال مسائل سنور کیمبر کے پوسٹ پر اپنی خدمات سرانجام دے رہا ہے۔
- 6- یہ کہ اگرچہ مسائل کو باقاعدہ طور پر دارا اردو سے سنور کیمبر پر ترقی دی گئی اور مسائل سے سنور کیمبر کی ذیوقی بھی لے رہا ہے لیکن تا حال سال 05.08.2021 سے لیکر مسائل کو سنور کیمبر کی بجائے دارا اردو کی خواہ جاری ہے جو کہ خلاف قانون ہے کیونکہ مسائل سنور کیمبر کی ذیوقی سرانجام دے رہا ہے۔ لیکن تا حال مسائل کی خواہ برطانی سنور کیمبر جاری نہیں کی گئی ہے۔
- 7- یہ کہ مسائل نے اس سے پہلے بھی درخواستیں متعلقہ محکموں کو پیش کی ہے لیکن تا حال اس پر کوئی عمل درآمد نہیں ہوئی۔

لہذا استدعا ہے کہ مسائل کی خواہ بابت سنور کیمبر از مورخہ 05.08.2021 سے تا حال اور

آئندہ بھی جاری کرنے کے احکامات صادر فرمائی جائے۔

الترتیب 13-10-23

لہذا: تاشیفین ولد پراویز خان سنور کیمبر DIIQ ہسپتال نوشہرہ

سہیل

بعد االت ضار اس پر سوال کے لئے مندرجہ ذیل



موزہ سروریں اس کے لئے مندرجہ ذیل
 مقدمہ 2 منجانب سے
 دعویٰ بنام
 جم

باعث تخریر آنکہ

مقدمہ مندرجہ عنوان بالا میں ایسی طرف سے واسطے بیرونی وجوہات وہی دکل کارروائی متعلقہ

مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو مرضی نامہ کرنے کی تقرر ثالث و فیصلہ پر حلف دینے، جواب دہی اور اقبال دعویٰ کی
 بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا ڈگری کی طرف یا ایبل کی برادری
 اور منسوخی نیز دائر کرنے ایبل نگرانی و نظر ثانی و بیرونی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے
 اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ ہوں گے
 سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ بر ہو یا حد سے باہر ہو تو وکیل صاحب با بند ہوں گے۔
 کہ بیرونی مذکور کریں۔ لہذا االت نامہ لکھ دیا کہ سند ہے۔

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ماہ

المرقوم

العبد
 محمد علی