

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1568 /2023

Mrs. Shabnam Sohrab, Ex-Lady Health Visitor BPS-09 North Waziristan Tribal District.....(Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary to Govt: of KP Health Department Peshawar and others.....(Respondents)

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Respondent No. 3

DR. M. A. P.
DHO North Waziristan

27-02-2024

Pesh

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1568/2023

Shabnam Sohrab Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11395

Versus

Govt. of Khyber Pakhtunkhwa and others Respondents

Dated 27-02-2024

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

Respectfully Sheweth:

Preliminary Objections:-

1. That the Appellant has got no cause of action or locus standi to file the instant Appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the instant appeal is not maintainable in its present form.
5. That the appellant has filed the instant appeal with mala-fide intentions hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That this Honorable Tribunal has no jurisdiction to adjudicate upon the matter.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
9. That the appeal is badly barred by law and limitations.
10. That the appellant is not an "AGGRIEVED" person.

ON FACTS:

1. Incorrect: That the appellant was appointed on contract basis and her appeal is not maintainable in its present form. Neither she has performed her duty for a single day nor her service record is available in the office of Respondent No. 3, i.e. DHO District North Waziristan, resultantly she was a ghost employee, hence denied.

(2)

2. Incorrect: the appellant was absent from Government duty w.e.f. 1st appointment without prior permission of the competent authority and her termination order dated 27-10-2022 has been issued in accordance with law, after adopting all codal formalities, hence denied (Codal formalities attached as Annexure-A). That the instant Appeal is against the prevailing Law and Rules.

3. Incorrect: That her termination order dated 27-10-2022 was displayed on the office notice board at the moment, however no Departmental appeal of the appellant has been received in the office of Respondent No.3 till to date and the present appeal of the appellant has already been time barred, hence denied.

ON GROUNDS

A. Incorrect: That termination order dated 27-10-2022 has been issued after adopting all codal formalities and appeal of the Appellant has not yet received so far, as the annexed appeal with the Service Appeal is fake, bogus and fabricated having no diary number, which is also time barred, hence denied.

B. Incorrect: That explanation and show cause notice has been communicated to the appellant beside also a show cause notice has been published to the appellant through Daily News Paper "AAJ" dated 02-11-2021 (Attached as Annexure-B).

C. Incorrect, that case of the appellant has been preceded in accordance with Govt. prevailing Rules & Regulation.

D. Incorrect, that explanation of the appellant was called time and again. At last the answering Respondents have issued a Show Cause Notice in written and also in Daily News Paper "AAJ" but she failed to submit reply with cogent reasons or to be present for personal hearing. After adopting all codal formalities and failure of the appellant to comply with the explanation as well as with the show cause notice, then answering respondent issued her termination order dated 27-10-2022.

E. Incorrect and misleading as already explained in preceding paras.

F. Incorrect and misleading as already explained in preceding paras.

G. Incorrect and misleading as already explained in preceding paras.

H. Incorrect and misleading as already explained in preceding paras.

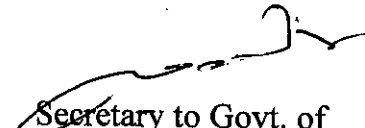
I. Incorrect and misleading as already explained in preceding paras.


J. Incorrect, that if the appellant is true in her statement, she will have to produce in the Honorable Tribunal her attendance duly attested by the Incharge of Health Centre, where she was serving.

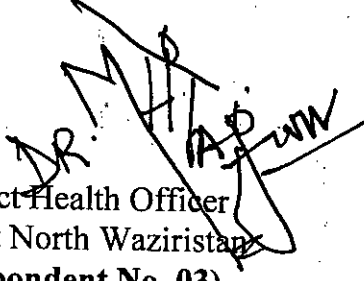
- K. Incorrect, that Charge Sheets are clear cut mentioned in the Show Cause Notice from Serial No. 1 to 6, but the appellant is misrepresenting the Honorable Tribunal, which is punishable behaviors.
- L. Incorrect, and misleading as already explained in preceding paras.
- M. Incorrect, that the aforementioned Annexure is clear cut evidence of opportunity of personal hearing and personal defense, which has lost by the appellant.
- N. Incorrect, that the appellant was ghost employee and salaries received by the her during her entire service is a huge embezzlement, which needs to be recovered back into Government treasury through proper challan.
- O. Incorrect, and misleading as already explained in preceding paras.
- P. The answering Respondent also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

PRAYER:

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


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


 Director General Health Services
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 02)
 Dr. Shaukat Ali


 District Health Officer
 District North Waziristan
 (Respondent No. 03)
 Dr. Mervat Din

(4)

**OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT AT MIRANSHAH**

Tel: (0928) 300788 FAX: (0928) 311662

Email: agency surgeon nwa2018@gmail.com

No. 2474 /PF,MRN/DHO

Dated, 5/05/2020.

To,

1. Mr.Khan Awar Gul Sweeper CH Dossali.
2. Mr.Hameed Behshti CH Dossali.
3. Miss: Shabnum LHV CD Dossali.
4. Mr.Habib ur Rehman Lab Technician CH Dossali.
5. Mr.Sanullah EPI Tech CH Dossali

Subject: **EXPLANATION.**

Memo:

During surprised visit of the undersigned today on 15-05-2020, that you are absent from duty without prior permission of the undersigned. You also know that CONOVID-19 is declared as a medical emergency in the country. You are hereby directed to explain your position that why you are absent from duty. Your reply should reach to this office within 24 hours positively; otherwise strict disciplinary action will be initiated against you under E&D rules 2011.


District Health Officer
North Waziristan Tribal District

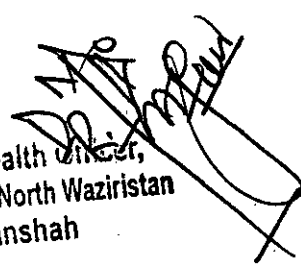
No. _____/Corona, Virus,

Copy forwarded for information to the:

1. Deputy Commissioner North Waziristan Tribal District.
2. Director General Health Services KPK.
3. PS to Secretary Health KPK.
4. HQ-7 Div Camp Aras Miranshah.
5. Commissioner Bannu Division Bannu.


District Health Officer
North Waziristan Tribal District

Attested


District Health Officer,
Tribal District North Waziristan
Miranshah

OFFICE OF THE DISTRICT HEALTH OFFICER
TRIBAL DISTRICT AT MIRANSHAH

5

Tel: (0928) 300788 FAX: (0928) 311662 Email: agencysurgeonnwa2018@gmail.com
No. Explanation dated the 16 / 6 / 2020

1. Dr. Nawab Khan at CH Shewa
2. Dr. Akram Ullah at BHU Adat Khan
3. Lal Taj LHV at CH Shewa
4. Azad Noor LAB Technician at CH Shewa
5. Shabnum Suhrab LHV at BHU Adat Khan

SUBJECT: EXPLANATION.

Memo:

As reported by ADHO on dated 14/06/2020 that you all were found absent from Free Medical Camp which was held on 14/06/2020.

You are once again directed to explain your position of your willful absence with cogent reasons and why disciplinary action should not be taken against you.

Your reply should reach to this office within 03 days positively after receipt of this letter; otherwise strict disciplinary action will be initiated against you under E&D rules 2011 and your salary will be stopped through source !! till further order.

District Health Officer
Tribal District Miransha

No. / Expl: Dated

16 / 6 / 2020

Copy forwarded to the:

1. Director Health Services Merged Area Peshawar.
2. Deputy Commissioner Tribal District Miransha.
3. The HQ 7-Div Cannt Area Miransha.
4. Incharge CH Shewa Hospital.

For information please.

Attested

District Health Officer,
Tribal District North Waziristan
Miransha

District Health Officer
Tribal District Miransha



6

OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT.

PHONE & FAX:0928-300788. Email:agencynwtd2019@gmail.com

No _____ / DHO: Miranshah dated the 18/03/2021.

To

- 1) ~~Shabnum Sohrab (LHV)~~
- 2) Nowsher Ghani (Ward Orderly)
- 3) Hamid khan (Beheshti)
- 4) Habib Ullah (Sweeper)
- 5) Khana War Jan (Sweeper)

Subject: EXPLANATION.

Memo:

As reported by Assistant Commissioner Sub Division Razmak vide latter No 97-98/AC/RZK/Inspection on Dated 18-02-2020, that all you were found absent from your respective Health Station without any prior permission of the competent authority. It means that you are not doing your best to perform your duty with full devotion and sincerity.

You are once again directed to explain your position of your willful absence with cogent reason and why disciplinary action should not be taken against you.

Your reply should reach to this office within 03 days positively after receipt of this letter: otherwise strict disciplinary action will be initiated against you under E and D rules 2011.

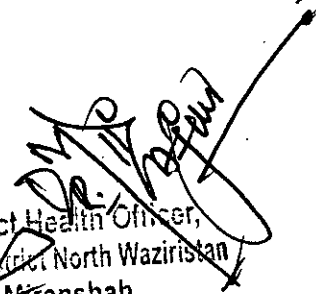
District Health Officer
Tribal District Miranshah

No. 7432-85 / MRN/DHO/NWTD,

Copy forwarded to the and for information and further necessary action please.

1. Director Health Services Merged Areas.
2. Deputy Commissioner North Waziristan Tribal District.
3. HQ-7 Div. Camp Area Miranshah.
4. Assistant Commissioner Sub-Division Razmak

Attested


District Health Officer,
Tribal District North Waziristan
Miranshah


District Health Officer
Tribal District Miranshah



OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH.

Tel: (0928) 300788 FAX: (0928) 311662 Email: agency Surgeon nwt2019@gmail.com

No. 10005 / Absent staff, Dated Miranshah the 27 / 08 / 2021.

To

Mrs. Shabnam Sohrab, LHV CH Dossali.

Subject:- SHOW CAUSE NOTICE.

Memo :-

During surprise visit of the undersigned on 25.08.2022 in your respective duty station Civil Hospital Dossali, you were found chronic and willful absent for long time without prior permission of the competent authority which is against the service rules. This office has been called your explanations again and again vide letter No. 2434 /PF, MRN/DHO dated 15.05.2020, letter No.2697-2700 / Expl: dated 16.06.2020 and letter No. 7482-85 / MRN / DHO/ NWTD dated 18.03.2021, but you failed to comply with the letters. You are directed for the last time to reply to the following grounds of show cause notice.

1. Long absence from Government duty.
2. No Gynea and Obs services in monthly DHIS report of CH Dossali.
3. Less interest in your Government duty.
4. Long absence from Government duty without prior permission/leave.
5. Non participation / contribution in Polio campaigns, 2020.
6. Non reply to the explanations called by this office mentioned above.

Your reply to the show cause should reach this office within a Week time positively, failing which your contract service will be terminated and you will be held personally responsible for the consequences if any.

No. 10006-9 / Absent staff,

Copy forwarded to:-

1. The Director General Health Service Khyber Pakhtunkhwa Peshawar.
2. The Director Health Services Merged Areas Peshawar.
3. The Deputy Commissioner, District North Waziristan Miranshah.
4. The Accounts Pay Bill Clerk of this office with the direction to stop pay of the official concerned till further order.

Attested

District Health Officer,
Tribal District North Waziristan
Miranshah

District Health Officer,
North Waziristan Tribal District

(7)



پشاور ایبٹ آباد سے پید وقت شائع ہونے والی شہر کی سب سے بڑی اخبار

روشنی کی خدمات آج کا نائب امین

آج

روزنامہ

پشاور

پاکستان

بانی
عبدالواحد یوسفی

صفحہ 12

جلد 32 | تکمل 26 ربیع الاول 1443 | نمبر 2-1443-18-2021 | شمارہ 293

نوٹس غیر حاضری

ڈسٹرکٹ ہیلتھ آفیسر نارنگہ وزیرستان سے نوٹس مایہ مند رجسٹریڈ (LHV) ایڈیٹیو ہیلتھ ورک جو عرصہ دراز سے بلاوجہ بغیر کسی طبی اطلاع یا چھٹی سے غیر حاضر ہیں۔ یہ (15) روز کے اندر زیر تخطی کے دفتر میں پیش ہو کر اپنی اپنی ڈیوٹی سٹیشن پر حاضر ہو جائیں بصورت دیگر کارروائی میں لائی جائے گی اور یکطرفہ کارروائی کر کے نوکریوں سے برخاست کیا جائیگا۔

- (1) شاہ انیس (2) آسیہ (3) نائیلہ پروین (4) سمینا سلطانہ (5) رخسانہ (6) تسویم شرم (8) ہوسیا (9) شمع سہراب (10) مہناز بیگم (11) شام نواز (12) حملا (13) خالیدہ (14) روزینہ خالد (15) فوٹیائی بی (16) رخسانہ پروین (17) زینت نورین (18) بیگم (19) ذقیہ شاہ (20) شاہدہ قاسم (21) نوشاد اختر (22) وسیم طاہر (23) سائما ام (24) لال تاج (25) شاکتہ جاوین (26) سفیہ بی بی

One Fair, No Corruption
پاکستان کے لیے ایک سچا اور پاک
پاکستان کے لیے ایک سچا اور پاک

We special care special persons

ڈسٹرکٹ ہیلتھ آفیسر
DHO نارنگہ وزیرستان

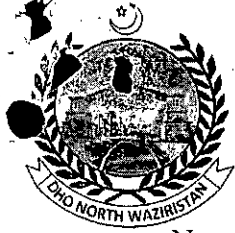
NF/P/5472/2021

www.khyberpakhtunkhwa.gov.pk

Attested

District Health Officer
Tribal District North Waziristan
Miranshah

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**OFFICE OF THE DISTRICT HEALTH OFFICER
NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH.**

Tel: (0928) 300788 FAX: (0928) 311662

Email: agency Surgeon nwt2019@gmail.com

No. 4990 /Litigation/Court Case, Dated Miranshah the 25/09/2023.

AUTHORITY LETTER.

Mr. Syed Muhammad Litigation Assistant attached to this office is hereby fully authorized to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the undersigned as representative of Health Department North Waziristan Tribal District in Service Appeal No. 1568 /2023.

N.B:- TA/DA will be paid by this office as per Government rules.

**SD/x x x
District Health Officer,
North Waziristan Tribal District.**

No. 4990-91 /Litigation/Court Case,
Copy forwarded to:-

1. The Additional Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Mr. Syed Muhammad Litigation Assistant of this office.

[Handwritten Signature]
**District Health Officer,
North Waziristan Tribal District.**

BEFORE THE PESHAWAR HIGH COURT CIRCUIT BENCH BANNU.

Writ Petition No. 1568-B / 2023

Mr.s.Shabnam Sohrab, Ex-Lady Health Visitor BPS-09 North Waziristan Tribal District.

.....(Petitioner)

Versus

Government of Khyber Pakhtunkhwa through Secretary to Govt: Khyber Pakhtunkhwa Health Department Peshawar & Others.

.....(Respondents)

AFFIDAVIT.

I Dr.Miraj-ud-Din Wazir BPS-17 do affirm & declare on oath on behalf of the respondents that the contents of the Para wise comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this honourable Court. It is further stated that in this Writ Petition, the answering respondents have neither been placed ex-parte nor their defense has been struck off. *cost-*

Deponent

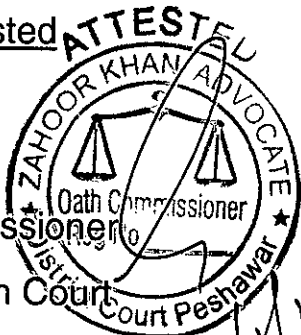
DR. MIRAJ UD DIN WAZIR
Name Dr.Miraj-ud-Din Wazir

Designation District Health Officer BPS-17

CNIC #. 21507-3505677-7

Mob:0335-8288081

Attested



Oath Commissioner
Advocate High Court

22/11/23

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 1568 OF 2023

Shabnam Sohrab Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 03

Respectfully Sheweth:

Preliminary Objections:-

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2. That the appellant has filed the instant appeal just to pressurize the respondents.
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9. That the appeal is badly barred by law and limitation.
10. That the appellant is not "AGGREVED" person.

ON FACTS:

1. Incorrect: That the appellant was appointed on contract basis and her appeal is no maintainable in its present form. Neither she had performed her duty for a single day nor her service record is available in the office of Respondent No. 3, i.e DHO District North Waziristan, resultantly she was a ghost employee, hence denied.

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3. Incorrect: That her termination order dated 27.10-2022 was displayed on the office notice board at the moment, however no Departmental appeal of the appellant has been received in the office of Respondent No. 3 till to date and the

Present Appeal of the Appellant has already been time barred, hence denied.

ON GROUNDS

- A. Incorrect: That termination order dated 27.10.2022 has been issued after adopting all codell formalities and appeal of the Appellant has not yet received so far, as the attached Appeal with the Service Appeal is fake, bogus and fabricated having no diary number, which is also time barred, hence denied.
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- E. Incorrect and misleading, as already explained in preceding paras.
- F. Incorrect and misleading, as already explained in preceding paras.
- G. Incorrect and misleading, as already explained in preceding paras.
- H. Incorrect and misleading, as already explained in preceding paras.
- I. Incorrect and misleading, as already explained in preceding paras.
- J. Incorrect, that if the appellant is true in her statement, she will have to produce in the Honorable Tribunal her attendance duly attested by the Incharge of Health Center, where she was serving.

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- K) Incorrect:- That charge sheets are clear cut mentioned in the show cause notice from serial No. 1 to 6, but the Appellant is misrepresenting the honorable Tribunal, which is punishable behaviors.
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- O) Incorrect and misleading as already explained in preceding Paras.
- P) The answering respondents also seek prior permission of this Honorable Tribunal to adduce additional grounds at the time of arguments.

Keeping in view of the above, the honorable Service Tribunal is humbly prayed that present Service Appeal of the appellant may kindly graciously be dismissed.

Secretary
to Government of KP Health Deptt:
Respondent No.1

Director General Health Services
Khyber Pakhtunkhwa Peshawar
Respondent No.2

District Health Officer
District North Waziristan
Respondent No.3

*with forged & corrected
compliance of letter dt 29/9/23
of AAE and approval*

29/9/23

*Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar
28-9-23*