

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1427/2019

Date of Institution ... 28.10.2019

Date of Decision ... 06.01.2022

Mst. Nadia Jabeen widow of Ishaq (Late), resident of Nothia Qadeem, House No. 110-S, Mohallah Akbar Khan Street, Peshawar, Presently Bagatram City, Tehsil & District Battagram. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Peshawar and two others. ... (Respondents)

Taimur Ali Khan,
Advocate

... For Appellant

Kabirullah Khattak,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN ...
ATIQU-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant while serving as Lady Health Visitor (LHV) in health department, was proceeded against on the charges of absence from duty and was ultimately terminated from service vide order dated 29-01-2009. The appellant filed departmental appeal, which was not responded within the statutory period; hence, the instant service appeal with prayers that the impugned order dated 29-01-2009 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned order is against law, facts and norms of natural justice, as the appellant performed her

duty till September, 2013 and respondent No. 3 issued such order in back date, hence liable to be set aside; that termination order of the appellant was never delivered to the appellant, inspite of the fact that she repeatedly visited offices of the respondents and submitted applications to every forum including Minister Health of the province; that finally the impugned order was handed over to the appellant by one of the official on the promise of anonymity; that the appellant was proceeded against under Removal from Service (Special Powers) Ordinance, 2000, but the word termination is nowhere mentioned in the list of penalties contained in the relevant clause, hence the impugned order is void; that the appellant has not been treated in accordance with law, as no disciplinary proceedings were undertaken and the appellant was simply terminated without affording her opportunity of defense; that no charge sheet/statement of allegations nor any show cause served upon the appellant; that no regular inquiry was conducted in case of the appellant and it is a well settled legal proposition that regular inquiry is must before imposition of major penalty.

03. Learned Additional Advocate General for the respondents has contended that the appellant was proceeded against on the charges of absence from duty; that the appellant was posted in a far flung area in district Batagram and reportedly she was absent from duty most of the time and only visited Batagram to collect her salary; that the appellant was subsequently transferred to a near station, where again she did not prove her worth; that the appellant was repatriated to the office of DG Health Services vide relieving order dated 23-01-2009, but the DG Health sent her back to district Batagram and directed respondent No. 3 to withdraw the relieving order dated 23-01-2009 and proceed the appellant under Removal from Service (Special Powers) Ordinance, 2000 being competent authority; that in light of instructions of DG Health, the appellant was terminated from service vide order dated 29-01-2009; that the appellant did not file any application before respondent No 3, rather submitted

her applications to DG Health, Secretary Health and even Minister Health and all such applications were communicated by the high ups to respondent No 3; that respondent No. 3 apprised the high ups of the situation leading to termination of the appellant; that the appellant filed proper departmental appeal with considerable delay and when departmental appeal is barred by time, the service appeal before this tribunal is not competent.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant alongwith ten other, were appointed as LHV vide order dated 19-01-2007, whose services were subsequently regularized vide Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009. Record would suggest that other colleagues of the appellant, who were appointed as LHV alongwith the appellant in the same notification, are still working in their respective places; hence, it is undisputed that the appellant was a regular civil servant. The appellant was posted in a far-flung area in district Batagram, where she was serving in a hospital jointly run by government and a private NGO. On the complaint of the said NGO, she was repatriated to the office of DG Health services, but the DG Health services sent her back to district Batagram with direction to the respondent No. 3 to proceed against her under RSO 2000 being the competent authority, but respondent No. 3 without observing the codal formalities prescribed in law, terminated her services vide order dated 29-01-2009. The impugned order provided for penalty to the appellant in terms of termination from service, which as rightly argued by the learned counsel for the appellant is not included in the list of penalties provided in the rules applied on the appellant. The order, therefore, having been passed in blatant disregard of law can only be termed as void and on this score alone, the impugned order is liable to be set at naught.

06. We are of the considered opinion that the appellant has not been treated in accordance with law and was kept deprived of her lawful duty in an illegal and mechanical manner, which is evident from record. Placed on record is an application dated 15-02-2014 submitted by the appellant to DG Health Services, requesting that DHO Batagram may be advised to allow the appellant to perform her duty as he has developed grudge with the appellant, hence is not allowing her to resume her duty. Another application dated 30-12-2013 to Secretary Health and still another application to Provincial Ombudsman asking for the same relief. Submission of such applications to the respondents strengthen the contention of the appellant to the effect that she served until September 2013 and her termination order was issued in back date, as the appellant never mentioned of her termination in such applications. It also strengthens contention of the appellant that her termination order was not delivered to her and was kept restricted to the office of respondent No. 3.

07. We have observed that the appellant was removed from service in an arbitrary manner without adhering to the method prescribed in law. It otherwise is a well settled legal proposition that regular inquiry is must before imposition of major penalty of removal from service, which however was not done in case of the appellant and the appellant was condemned unheard. Reliance is placed on 2009 PLC (CS) 650. The Supreme Court of Pakistan in another judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice.

08. We are also mindful of the question of limitation, as the appellant filed departmental appeal after obtaining her termination order, but in case of the

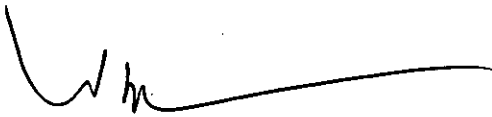
appellant, major penalty was awarded in violation of mandatory provisions of law, hence no limitation would run for challenging such order. Reliance is placed on 2007 SCMR 834. Moreover, the impugned order is void in terms of the penalty so awarded and no limitation runs against void order. It is a well-settled legal proposition that decision of cases on merit is always encouraged instead of non-suiting litigants on technical reason including ground of limitation. Reliance is placed on 2004 PLC (CS) 1014 and 1999 SCMR 880. The Apex Court vide judgment in PLD 2002 SC 84 has held that where on merit the respondent had no case, then limitation would not be a hurdle in the way of appellant for getting justice, further observed that the court should not be reluctant in condoning the delay depending upon facts of the case under consideration. Moreover the Apex Court vide judgment reported as 1999 SCMR 880 has held that condonation of delay being in the discretion of the Tribunal, the findings cannot be set aside on technical grounds alone, where nothing contrary to the contention for condonation of delay was produced before the Tribunal, Supreme Court refrained from disturbing the findings of the Tribunal on the question of limitation as well. Since case of the appellant on merit is on strong footings with reasonable justifications for delay in submission of departmental appeal and the respondents had no case on merit except limitation.

09. In view of the foregoing discussion, the instant appeal is accepted. The impugned order dated 29-01-2009 is set aside and the appellant is re-instated in service. The intervening period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

06.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)


ORDER
06.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak,
Additional Advocate General for the respondents present. Arguments
heard and record perused.

Vide our detailed judgment of today, separately placed on file, the
instant appeal is accepted. The impugned order dated 29-01-2009 is set
aside and the appellant is re-instated in service. The intervening period is
treated as leave of the kind due. Parties are left to bear their own costs.
File be consigned to record room.

ANNOUNCED
06.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

21.12.2021

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant stated that learned counsel for the appellant is unable to appear due to strike of Lawyers. He also ^{stated} requested that the appellant had submitted an application for transfer of the instant appeal for hearing before D.B at Peshawar, which has been allowed and the next date for hearing has been fixed as 06.01.2022 at Peshawar. Adjourned. To come up for arguments before D.B at Peshawar on 06.01.2022.



(Mian Muhammad)
Member (E)
Camp Court A/Abad



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

17.11.2021

Appellant alongwith counsel present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Safi Ullah S.O (Litigation) and Jaffar Ali Assistant for respondents present.

Preliminary arguments heard and record perused.

Appellant has challenged the order dated 29.01.2009 vide which she was terminated however, pre-admission notice was issued to the respondents for reply. In view of the objection raised by the learned D.D.A in respect of the status of the appellant being not that of a civil servant as she was employed on contract. Today, learned counsel for appellant argued the case in the light of Section-3 of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 vide which all employees including recommendees of High Court appointed on Contract or Adhoc Basis and holding that post on 31st December, 2008 or till the commencement of Act shall be deemed to have been validly appointed on Regular Basis having the same qualification and experience for regular post. The present appellant was admittedly appointed on 19.10.2007 while her services were terminated on 29.01.2009.

In view of the above, this appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Comments have already been submitted. To come up for full arguments on 21.12.2021 before D.B at Camp Court, Abbottabad.

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Appellant Deposited
Security & Process Fee

Multan

15.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 01.10.2021 for the same as before.

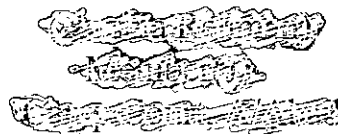

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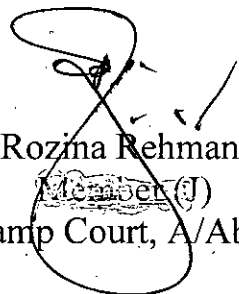
01.10.2021

Appellant with counsel present.

Muhammad Rasheed, learned Deputy District Attorney alongwith Safi Ullah S.O (Litigation) and Yasir Pasha Litigation Officer for respondents present.

Reply submitted. Case was fixed for submission of comments as well as preliminary hearing however, learned counsel requested for a short adjournment as request was made on behalf of respondents for dismissal of appeal on the ground that the appellant was not a civil servant as she was employed on contract. Request of the appellant's counsel is acceded to with direction to argue the case positively on the point of jurisdiction on the next date positively. To come up on 17.11.2021 before S.B at Camp Court, Abbottabad.




(Rozina Rehman)
Member (J)
Camp Court, A/Abad

16.09.2020

Mr. Hamayun Khan, Advocate for appellant is present. Pre-admission notice was ordered to be issued to the respondents by virtue of order sheet dated 24.01.2020, however, services of the respondents could not be procured, therefore, fresh notice be issued to the respondents for 18.12.2020. Those respondents who were posted outside the territorial limits of the District will be served through registered A.D accompanied with A.D card.

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

*Due to COVID-19 case is
adjourned to 17-03-2021*

17.03.2021

Appellant with counsel present.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Yasir Pasha Litigation Officer for respondents present.

Written reply was not submitted. Representative of respondents made a request for adjournment to furnish reply/comments; granted. To come up for reply and preliminary hearing on 15/06/2021 before S.B at Camp Court, Abbottabad.

(Rozina Rehman)
Member (J)
Camp Court, A/Abad


24.01.2020

Appellant present. Heard.

The appellant (Ex-Lady Health Visitor) has filed the present service appeal against the order dated 10.01.2009 whereby her services were terminated.

The appellant was appointed as LHV vide order dated 19.01.2007. Services of the appellant were terminated vide order dated 29.01.2009. Appellant has annexed, with the memo of appeal, an application dated 15.07.2019 for her reinstatement in service.


Case/departamental application of the appellant appears to be hopelessly time barred. In the interest of justice, pre-admission notice be issued to the respondents for reply. Adjourn. To come up for reply of the respondents and preliminary arguments on 19.03.2020 before S.B at Camp Court, A/Abad.


Member
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on 1/16
9 / 20 at camp court abbottabad.

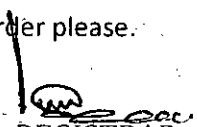


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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1427/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/10/2019	<p>The appeal of Mst. Nadia Jabeen received today by post through Hamayun Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 28/10/19</p> <p>2-</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-1-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1427 /2019

Mst. Nadia Jabeen widow of Ishfaq (Late), resident of Nothia Qadeem, House No. 110-S, Mohallah Akbar Khan Street, Peshawar, presently Baggatram City, Tehsil & District Battagram.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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S.#	Des~cription	Page No.	Annexure
1.	Memo of Appeal	1 to 8	
2.	Copy of appointment order	9-11	"A"
3.	Copy of application	12-17	"B"
4.	Copy of impugned order	18	"C"
5.	Copy of departmental appeal	19-20	"D"
6.	Copy of ...		"E"
7.	Wakalatnama		

...APPELLANT

Through

Dated: 24-10 /2019


(HAMAYUN KHAN)
Advocate High Court, Abbottabad

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1427 /2019

Mst. Nadia Jabeen widow of Ishfaq (Late), resident of Nothia Qadeem, House No. 110-S, Mohallah Akbar Khan Street, Peshawar, presently Baggram City, Tehsil & District Battagram.

...APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1512

Dated 28/10/2019

1. Government of Khyber Pakhtunkhwa through Secretary Health Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Battagram.

...RESPONDENTS

SERVICE APPEAL UNDER ARTICLE 212 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, READ WITH SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 10/01/2009 WHEREBY RESPONDENT NO. 3 TERMINATED SERVICE OF APPELLANT, WHICH IS ILLEGAL, UNLAWFUL, AGAINST THE NATURAL JUSTICE VOID ABI-INITIO AND LIABLE TO BE SET-ASIDE.

Filed to-day
Registrar
22/10/19

PRAYER:- ON ACCEPTANCE OF THIS SERVICE APPEAL IMPUGNED ORDER DATED 10/01/2009 MAY KINDLY BE DECLARED NULL AND VOID AND APPELLANT BE RE-INSTATED IN SERVICE ALONGWITH ALL BACK BENEFITS, ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMED FIT PROPER IN THE INTEREST OF JUSTICE.

Respectfully Sheweth;-

May it please your lordship appellant bet to solicit on the following factual and legal grounds;-

1. That on 18/11/2009 appellant was appointed as LHV in BPS-9 against the vacant post and was posted BHU Sedra Belin Kot Battagram. Copy of appointment order is annexed as Annexure "A"
2. That in consequences of appointment order dated 18/11/2009 appellant took charge and joined duty as LHV.

3. That thereafter, appellant performed her duty with full devotion and liabilities till September 2013,
4. That in meanwhile respondent No. 3 verbally stopped appellant from performing her lawful duty.
5. That thereafter, appellant filed application against the illegal order of the respondent NO. 3 before the respondent No. 1 and 2 respectively and similarly before the provisional ombudsman. Copy of application is annexed as Annexure "B".
6. That despite application filed by the appellant, respondent Nos. 1, 2 and other executive officer not given any response to the appellant.
7. That on 15/07/2019 appellant unofficially received the impugned order from the office of respondent No. 3 after many requests subject to condition that she will not disclose the name of said official. Copy of impugned order is annexed as Annexure "C".

8. That on 22/07/2019 appellant filed departmental appeal before the respondent NO. 2 against the impugned order issued by respondent No. 3 but till date respondent NO. 2 not passed any order on the same. Hence, this appeal on the following grounds. Copy of departmental appeal is annexed as Annexure "D".

GROUND:-

- a. That impugned order dated 10/01/2019 against the law fact and natural justice because till September 2013 appellant performed her duty and now respondent No: 3 issued the same in back date. Hence liable to be set-aside.
- b. That till 15/07/2019 respondent No. 3 not delivered / handed over the impugned order to appellant and issued the so-called order without any reason.
- c. That it is clear malafide of the respondents that first they restrained/ abstained appellant from performing duty without any black and

white and later on 15/07/2019 delivered impugned order by the official of respondent No. 3.

- d. That impugned order passed by the respondent No. 3 without lawful justification, authority; hence liable to be set-aside.
- e. That respondent NO. 3 passed impugned order without show cause notice inquiry charge sheet.
- f. That allegation mentioned in impugned order is self made and so-called.
- g. That respondent issued impugned order for adjustment of his persons on the same post.
- h. That appellant applied for copies of her show cause notice, charge sheet, statement of allegation, service book but respondent No. 3 refused the same without any reason, which is shows the malafide of the

respondents. Copy of application is annexed as Annexure "E".

- i. That impugned order passed without communication and association of appellant, hence, liable to be set-aside.
- j. That other points shall be urged at the time of arguments.

It is, therefore, humbly prayed that, on acceptance of this service appeal impugned order dated 10/01/2009 may kindly be declared null and void and appellant be reinstated in service alongwith all back benefits. Any other relief which this Honourable Tribunal deemed fit proper in the interest of justice.


...APPELLANT

Through

Dated: 24/X /2019


(HAMAYUN KHAN)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____ /2019

Mst. Nadia Jabeen widow of Ishfaq (Late), resident of Nothia Qadeem, House No. 110-S, Mohallah Akbar Khan Street, Peshawar, presently Baggram City, Tehsil & District Battagram.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health Peshawar & others.

...RESPONDENTS

**APPLICATION FOR CONDONATION OF DELAY IF
ANY.**

Respectfully Sheweth;-

1. That the above titled appeal is being filed before this Honourable Tribunal and contents of the same may kindly be treated as integral part of this application.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favour of the appellant.
3. That valuable rights of appellant are involved.

4. That the impugned order received on 15/07/2019 from the office of respondent No.3 and respondent No. 3 intentionally did not deliver and inform the appellant from actual situation.
5. That delay in filing of service appeal is not willful.

It is therefore, humbly requested that the delay if any may kindly be condone in the interest of justice.

Nandee
...APPELLANT

Through

Dated: 24/8 /2019

H. Khan
(HAMAYUN KHAN)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Nandee
...APPELLANT

EXECUTIVE DISTRICT OFFICER (HEALTH) BATTAGRAM

OER

Based on the recommendation of Departmental Selection Committee meeting held on 12.12.2006, the following candidates are hereby appointed against vacant post of Lady Health Visitor in BPS-09 at Health facility mentioned against each as under.

S.No	Name of Candidate	Father Name	Mailing Address	Place of Posting
1	Nadia Jabeen	Ali Zaman	Peshawar	SBKoa
2	Farida Ayub	Mohammad Ayub	Mansehra	MCH
3	Shoukat Bibi	Abdul Hameed	Mansehra	Sakargah
4	Robina	Khushal	Mansehra	Kuz Mandol
5	Sobia	Manzoor Elahi	Haripur	GN Said
6	Shaguffa Naz	W/O Malik Nadeem	Abbottabad	Bateela
7	Baseerat	Abdul Latif	Mansehra	Roopkani
8	Ghazala Kanwal	Mohammad Ismail	Mansehra	Jambra
9	Saira Sarwar	Sarwar Khan	Abbottabad	Kotehra
10	Lubna Shaheen	Abdul Hafeez	Mansehra	Paimal Shara
11	Shaguffa Bano	Salah ud Din	Abbottabad	Pashit

TERMS & CONDITION

- You will be placed in BPS-9(2770-165-7720) with usual allowance as permissible to the government servants of the same scale for contract employees.
- Your services will be governed under the government of NWFP contract policy 2002.
- Your initial contract will be for three years, which shall be automatically terminated on expiry of the agreements.
- Your appointment will be subject to Provide a Medical Fitness Certificate (Health & Age) for Govt. Service from Medical Superintendent DHQ Hospital Battagram.
- If you wish to resign from service, two months advance notice or to deposit two months salary.
- Your services can be terminated at any time without any reasons by the competent authority.
- You will be provided the same facilities under benevolent fund as admissible to the government servants, the rates to be prescribed by the government 05% of minimum pay by the employee and 05% contribute by the government.
- You will not contribute to GP fund and shall not be entitled for pension & gratuity benefits.
- Where the employee remains absent without leave for a period of Seven (7) days he/she shall be deemed to have violated the relevant contract provisions and shall be terminated from the posts.
- The Contract appointee shall be responsible for all utility bills and other charges of the residential accommodation as is applicable to the category of staff.
- The contract employee shall be 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 employees for breach of discipline or unsatisfactory service. The Health Department shall be competent to terminate the contract without notice or compensation.
- Contract employee is not permitted to do private practice open any clinics, Private dispensary or have any interest in any such private institutions.
- No contract employee shall indulge in any trade, business or occupation or any activity, which is prohibited for a regular Govt. servants.
- Spouse policy shall not be applicable to the contract employee.
- Non compliance of the terms and conditions would render the employee disqualified for employment not only for this post, but other emplacement in the Health Department, Government of NWFP.
- If you accept the offer of appointment on above terms and conditions, You should report to the Incharge of Health Facilities mentioned against your name mentioned above with in 20 days from the issuance of this offer. The offer will be cancelled, if you fail to report for duty within the above mentioned period.
- No TADA for joining the duty/Medical fitness certificate will be allowed.

*Your appointments is purely temporary and subject to the verification of documents/Certificates from the concerned institutions.

Sdx-x-x-x-x
Dr. Zafeer Hussain
Executive District Officer
(Health) Battagram

No. 181-95/PF dated Battagram the 19/01/2007.
Copy forwarded to the
Director General Health Services NWFP, Peshawar.
Medical Superintendent DHQ Hospital Battagram.
District Accounts Officer Battagram
Official Concerned.

Executive District Officer
(Health) Battagram

Attested
A

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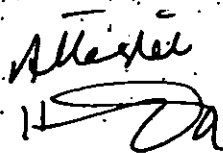
Executive District Officer
(Health) Battagram.

Subject: ARRIVAL REPORT
Sir,

Reference your office order No. 181-95/PF dated 09-01-2007. Mrs. Nadia
Jabeen LHV BHU Saidra Biland Kot is hereby submitted my arrival Report today on
dated /02/2007 forenoon.


Nadia Jabeen

LHV, BHU, Saidra Biland Kot



OFFICE OF THE EXECUTIVE DISTRICT HEALTH OFFICER MANSEHRA

No 47171


Dated 21.08.2009

To,

Dr (Saiar Khan)
Provincial Coordinator
National MNCH Program
NWFP Peshawar.

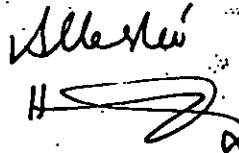
Subject:- **ARRIVAL REPORT**

Ms. Nadia Jabeen D/O Mr. Ali Zaman appointed as Lady Health Visitor has reported his arrival for duty in Rural Health Center Tehsel Oghi District Mansehra on 1.08.2009. (F N).


Executive District Health
Mansehra.

Copy for information:

1. Incharge RHC Oghi



گورنمنٹ آف پاکستان، اسلام آباد

درخواست گزار نے حکم فرمایا جائے کہ DHO صاحب
پتنگرام کو اس وقت تک کہ وہ سائیکل ڈیولپمنٹ
پر انجام دینے میں مستعد نہ ہو

پیدا کر کے

صاحب عالی

کہ سائیکل ڈیولپمنٹ ڈیپارٹمنٹ نے اور سال 2007ء سے
تعلق پتنگرام میں کسٹ ڈیولپمنٹ ہے۔
اس لئے کہ وہ DHO صاحب نے گورنمنٹ 5 ماہ سے
ڈیولپمنٹ پر انجام دینے سے منع کیا اور تا حال کوئی
مقصد اور بھی بیان نہیں کیا ہے۔

کہ سائیکل ڈیولپمنٹ کی قسمی کوئی شکایت بھی
نہیں ہے۔ اور DHO صاحب نے سائیکل ڈیولپمنٹ
سے منع کر دیا ہے۔ جبکہ ایجنس کو کھار سائیکل کو
BHO سے کمال دو اور اسٹیٹ ڈیولپمنٹ کی قسمی
رٹائن دینے ہیں۔ اور گورنمنٹ 5 ماہ سے
سائیکل ڈیولپمنٹ پر اتنا ہی شکایت ہے۔ خارج یہ
میں سائیکل ڈیولپمنٹ ڈیولپمنٹ ڈیولپمنٹ اور DHO
صاحب کے متعلق نہیں کر سکتی ہوں۔

P.T.O

Attested
H

میں آپ سے متعلقہ گٹھ جوڑا گیا ہے اور اس میں
 کہ DH0 مہلک کو حکم ہے کہ مجھے تنگ نہ کریں
 اور عدالت میں جہاں جہاں دینے دیں

العارض

مہمان نادرہ حسین
 سیدہ بلن کوٹ تحصیل و ضلع
 منگراہم

Dated 15/2/2014

کاپی و

سیکرٹری صحت K.P.K. سہارو

خدمت جناب سیکریٹری بلچہ صاحب خیر خیر خواہ پشاور

عنوان: درخواست برائے حکم فرمائے جانے DHO صاحب ٹلگرام
کہ وہ سائلہ کو فراغ منجی سرانجام دینے سے منع کرے۔

جناب عالی! گزارش ہدیہ سائلہ ایک عزیز خاندان سے تعلق رکھتی
ہے اور فلع پشاور کی ریاضی چھ ماہہ سائلہ کی تعیناتی کیسے
LHV فلع ٹلگرام میں ال 752 میں بیوی اور ناخال سائلہ فوٹو اسٹوڈیو
سے اپنے فراغ منجی سرانجام دیتا رہا۔ یہ نہ DHO صاحب نے
ایک سال قبل میری تنخواہ فزرسا دہ کے بند کی بیوی ہے اور
دو ماہ قبل DHO صاحب میرے BHO میں آئے اور کہا
کہ آپ فی الحال بیان پر ڈیوٹی نہ کریں اور میرے دفتر میں
رپورٹ کریں۔ اگلے بعد میں DHO کے دفتر آئی تو DHO
صاحب نے مجھ زبانی طور پر ڈیوٹی کرنے سے منع کیا اور کہا کہ
آپ Next Order تک ڈیوٹی نہ کریں۔ یہ کہ میں یوم

انتظار کے بعد میں DHO صاحب کے دفتر دوبارہ آئی تو DHO
صاحب نے مجھے کہا کہ آپ DG بلچہ کے آفس میں رپورٹ
کریں۔ میں DG بلچہ کے آفس پشاور آئی اور وہاں انکاران
نے کہا کہ ہم آپ کے معاصرات میں کونسی کر کے اور نہ ہمارے
پاس آئی تو Post سے بللا آپ اپنے متعلقہ DHO کے
آفس جا کر اپنی ڈیوٹی کریں۔ یہ کہ اگلے بعد سائلہ دوبارہ
DHO آفس آئی تو DHO صاحب نے دوبارہ سائلہ کو ڈیوٹی
کرنے سے منع کیا اور زبانی طور پر کہا کہ آپ Post فتم بیوہ کی

تذکرہ
14

15
 2/2 اور آپ ڈیڑی نہ رہیں جلد سائلہ سے لے کر تعینات شدہ
 ڈاکٹر LHV ایسی ڈیڑی کر رہے ہیں اور سائلہ کو DHO
 صاحب نے ڈیڑی سے منع کیا ہے اور گزشتہ 2 ماہ سے
 سائلہ کے لیے مشکلات پیدا کر رہے ہیں

کیڑا آجنا سے خودیہ استعما
 عملہ DHO صاحب کو یہ بات دیں
 کہ وہ سائلہ کو ڈیڑی سے منع نہ کرے
 اور مشکلات پیدا نہ کرے

الغرض

سحاة نادینہ جبین LHV
 BHO سیدہ بی بی کوٹ تحصیل و قلعہ گٹنگ

30/12
 2013

Handwritten signature

کر دینا جناب صوبائی محاسب صاحب ضلع کوٹواہ بہار

حرف اولت پر ڈیٹا اور ڈیٹا سے جائیداد ملازمت
محمد صحت ضلع بہار

جناب عالی

کہ سائلہ امیر پورہ مورث ذرات یہ اور محمد صحت بہار
میں بحیثیت ۱۹۷۷ سال ۲۰۰۶ سے تفتیات ہے۔
کہ سائلہ سال ۲۰۱۳ دیکھ (نیا ڈیوٹی سرایام
دیہی دیہا مگر ستمبر ۲۰۱۳ میں DHO صاحب
نے بغیر کسی وجہ کے ڈیوٹی کرنے سے
منع کیا۔

کہ اس کے لئے سائلہ نے DHO صاحب سے
درخواست کی مگر کوئی قصور بناؤ مگر
ڈیوٹی کرنے سے منع کریں۔ مگر اس نے کہا
کہ آپ زیادہ باتیں نہ کریں اور جا کہ
سکرٹری صاحب سے بات کریں۔ میری
طرف سے آپ فارغ ہیں کہ
اگر سائلہ نے سکرٹری صاحب
سے ملاقات کی مگر اس نے پہلے ملاقات کرنے
سے رشتہ رکھا اور بعد میں دوران ملاقات
میری باتوں پر توجہ نہیں دیا اور دفتر سے
التماس
۱۹/۱۱/۲۰

دیکھ کر چلے گئے

یک سالہ گزشتہ ہا سالوں سے اسٹریٹ
 بازار کو مسلسل درخوردستیوں دیکھا رہی
 ہے مگر تاحال کوئی شنوائی نہیں ہوئی
 ہے جبکہ سالہ کو اس کی لسوکا ریکارڈ
 بھی نہیں دیتے ہیں

یک DHQ آفس کے اڈیکارٹان بیانی ہیں
 کہ آئی کی تمام ریکارڈ سپو دی چلے گئے
 ناچی NCO کے پاس ہے جبکہ مذکورہ
 NCO کی بابت کافی پیشہ ہزار کیا تو معلوم
 ہوا کہ NCO والے واپس آ رہے گئے ہیں
 اس کے بعد سالہ نے DHQ آفس سیکرٹری والوں
 سے دوبارہ رابطہ کیا تو انہوں نے کہا کہ
 آئی SA کی سفارت خانے میں جا بیٹیں
 آئی کی لسوکا ریکارڈ وہاں پر ہے جبکہ
 وہاں گئی تو سفارت خانے کے اڈیکارٹان نے کہا کہ کسی
 ملک کے محکمہ صحت کے ریکارڈ سے بیمار کوئی تعلق
 نہیں ہے اور نہ ہی رکھے ہیں

یک سالہ مذکورہ بالا اڈیکارٹان کے دعوے کو دیکھا سے بہت تنگ
 آئی ہے اور کوئی پرسان حال نہ ہے

آئی جناب کے گزارش جبکہ DHQ سیکرٹری کو فونم
 کرنا ہے جسے ڈیوٹی دینے سے منع نہ کریں اور میری
 ریکارڈ کی تاحی بھی دیں

العارضی
 سماة نادیرہ فیض DHQ، LHV سیدہ بلبلوٹ تحصیل ضلع شہرام

ANNEXURE "C" 18

FROM : EDO-HEALTH-BATTAGRAM

FAX NO. : 318507

Jul. 06 2012 01:29PM P1

OFFICE OF THE EXECUTIVE DISTRICT
OFFICER HEALTH BATTAGRAM

No. 128 / Dated 28 / 01/2009.

To,

✓ Mrs: Nadia Jaben, LHV.
House No. 110-8 Akbar Khan Street Nothia District Peshawar Cant


Subject:-

TERMINATION FROM SERVICE.

Memo.

Reference Senior Manager Save the Children Battagram vide his No. HR/0261/08 dated 27.11.2008, regarding your will-full absence with the request to repatriate form District Battagram being unwilling worker. Vide this office letter No 12002-03/CS dated 23.12.2008 you were repatriate and relieved from this office for onward report at DGHS NWFP Peshawar office but the Director General Health Services NWFP, Peshawar directed the undersigned to initiate disciplinary action for removal from service under Special Power ordinance 2000 vide No. 922/AE.VI dated 10.01.2009.

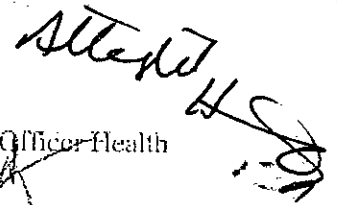
Being competent authority and in the light of allegation imposed upon you and under Para 6 of your appointment order vide No. 181-95/PI dated 19.01.2007, Your services is hereby terminated with immediate effect.


Executive District Officer Health
Battagram.

No. _____

Copy forwarded to the:-

1. Director General Health Services NWFP, Peshawar for information with reference to his No. cited above.
2. District Coordination Officer Battagram for information.
3. District Accounts Officer Battagram for information.
4. Accounts Section office of the undersigned.


Executive District Officer Health
Battagram.

ANNEXURE 19

بخدمت جناب۔ DGI صحت صاحب K.P.K. سہار

سروس ایڈل پوائنٹ کے بحالی ملازمت

جناب عالی۔

یہ کہ سائلہ کی تقاضائی بحیثیت LHV ضلع بہاولپور میں
مورخہ 11/07/18 کو ہوئی تھی۔

تاکہ اس کا لکھنؤ سے ایسا ڈیوٹی رپورٹ DHO
صوبہ کے دفتر میں جمع کیا اور سائلہ کی Posting
بنیادی مرکز گھٹ ملین کوٹ میں ہے۔

تاکہ اس کا لکھنؤ سے ایسا ڈیوٹی خوشحالی سے
سرانجام دیا گیا ہے۔

تاکہ ستمبر 2013ء میں DHO صاحب سائلہ کو
ڈیوٹی کرنے سے منع کیا اور کہا کہ وہ سہار
DGI آفس میں رپورٹ کریں۔

صحت بحیثیت سائلہ نے جناب کے پاس کسی درخواستیں
گزاریں تھیں۔

تاکہ اس کا سائلہ صاحب کو نوٹوں کے ذریعے سیکرٹری
گھٹ کو درخواست گزارا اور وہی طرح گھٹ
18 سالوں سے مختلف اسٹیشن بالا کو درخواستیں
گزارتی رہی۔ مگر کسی نے کوئی شنوائی نہ کی

اللہ اعلم
مہر

یہ کہ آفس کے آفس سیکرٹری میں آئی تو ریکارڈ ان سے اس شرط پر سائڈ کو آرڈر دیا کہ وہ اس کا نام عیوض راز میں رکھیں گے۔

یہ کہ اس کے بعد مذکورہ ایلکٹرانک سائڈ کو آرڈر دیا تو اس میں سائڈ کو DHO نے سال 2009 میں ٹوڑا ہے۔ terminate کیا ہے۔ جبکہ سائڈ 2013 تک ڈیوٹی کر رہا ہے۔

یہ کہ مذکورہ حکم سالیانہ سالوں میں جاری کیا ہے۔ عیب سائڈ کو رد عملی میں رکھا ہے۔ اور اس کا کوئی آرڈر و حشرہ علی سائڈ کو نہیں دیا۔

یہ کہ اس کے بعد سائڈ نے آفس والوں سے دیگر ریکارڈ مانگا تھا۔ یہ کیا تو معلوم ہوا مذکورہ ریکارڈ چاہتے کر کے دینے سے انکار کیا۔ اور اس حکم کو کوئی ریکارڈ دینے سے

انکار ہی ہوا۔
یہ کہ سائڈ نے کوئی مدت قانون عام نہیں کیا۔ نہ سائڈ کو کوئی نوٹس دیا گیا ہے تاکہ سائڈ اپنی دفاتر کو اور سائڈ کے زیر موجودگی میں سالیانہ تاریخ میں سائڈ کو نوٹری سے فارغ کیا ہے۔

اس سلسلہ میں سائڈ کو نوٹری سے بالکل کرنے کا حکم صادر فرمائی جاوے۔

انگریزی 15/7/19

مسماہ تاریخ جس میں سالہ 2019۔ ضلع سیکرٹری، حال مسماہ تاریخ جس میں
پیرہہ و حلقہ کو تحصیلہ قدیم مسماہ تاریخ 110-5 آئیڈیٹری سیکرٹری

مسماہ تاریخ

کورٹ فیس

وکالت نامہ

بعدالت
BEFORE THE ^{K.P.K} ~~RESTAURANT~~ SERVICE TRIBUNAL
عنوان: Mst NADIA JABEEN بنام Govt
منجانب: Appellant
نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

A. Abad
مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

۶ Fazalullah Khan
Hamayun Khan Advocate High Court

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختم مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: 24-12-19

بمقام:

Accepted by

BEFORE THE SERVICE TRIBUNAL AT THE CAMP COURT
ABBOTTABAD.

WP NO.1427/2019

Mst. Nadia Jabeen

...APPELLANT

VERSUS

District Health Officer Battagram etc

... RESPONDENTS

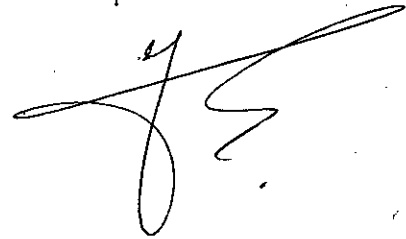
WRIT PETITION

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Dated 26/5/2021

Dr. Yasir Pasha
Litigation Officer
DHO Office Battagram
For Respondent No 3



BEFORE THE SERVICES TRIBUNAL AT THE CAMP COURT
ABBOTTABAD

Mst. Nadia Jabeen.....Appellant

Vs

District Health Officer Battagram etc..... Respondents

Para wise comments on behalf of respondent NO.03

Preliminary Objections: That the respondent submits as under

1. That the appellant has neither cause of action nor locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurise the respondents.
3. That the instant appeal is against the prevailing law and rules.
4. That the appeal is not maintainable in the present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appeal of the appellant is badly time barred.
7. That the appellant being contract employee does not come within the ambit of civil servant hence the honourable court has no jurisdiction to adjudicate the matter.

Factual Objections:

Respectfully Sheweth:-

1. Incorrect, Mrs Nadia Jabeen was appointed LHV in BPS-9 on 19/1/2007 on contract bases for a period of three years and was posted at BHU SedraBelidKot.(Copy Annexed A)
2. Incorrect, Mrs Nadia jabeen submitted her arrival report at BHU SaidraBilandkot in februray 2007. (Copy Annexed B).
3. In reply to para No 3 it is stated that that Mrs Nadia Jabeen was posted initially at BHU SB Kot since February 2007. When Save The Children Organization (STC) stated to operate in District Battagram since 1st July 2007, it was observed by the management of STC that Mrs Nadia Jabeen was absent most of the time from her place of duty and only visited Battagrm to collect her pay. Mrs Nadia Jabeen was summoned for a personal hearing by the management of STC and was asked to explain the reason for her absence. Mrs Nadia Jabeen informed the three membercommittee that SB Kot was an unapproachable station and she should be transferred to RHC Kuzabanda. The Management of STC facilitated Mrs Nadia Jabeen and posted her at RHC Kuzabanda. Mrs Nadia Jabeen continued to be absent from RHC Kuzabanda. Through letter dated HR/217/08 dated 16-10-2008, senior manager Health Save the Children reported that the concerned LHV was irregular (Copy Annexed C). The DHO office issued an explanation letter to Ms Nadia Jabeen (Copy annexed D).Mrs Nadia Jabeen neither responded to the explanation letter nor resumed her duty (Copy Annexed D). Through letter NO HR/0261/08 dated 11-11-2008 again management of STC reported prolong absence from duty and surrendered her services under clause part C:2(f) of the MoU signed by District, provincialGov.& SC. The management of STC also requested for disciplinary action against Mrs Nadia Jabeen (Copy Annexed D). DHO Battagram through letter No 12001 dated 23/01/2009 surrendered her services to DG Health Services KPK, and directed LHV to report to DG Health Services (Copy Annexed E). Through letter No.922/AE-VI

Dated 10-01-2009, the DG Health informed the then DHO Battagram that as there was no reserved pool for unwilling workers in directorate and directed the then DHO Battagram to withdraw the reliving order of Mrs Nadia Jabeen LHV and to terminate the services of LHV Nadia Jabeen under the removal from service(special powers) ordinance,2000 being competent authority ,(Copy Annexed F).The DHO Battagram proceeded to terminate the services of LHV Nadia Jabeen,under Para 6 of the terms and conditions of the appointment order No 181-95/PF Dated 19/1/2007 through letter No 128, Dated 29-01-2009. The Para 6 of the terms and conditions stated "Your services can be terminated any time without any reason by the competent authority" (Copy Annexed G).

4. In correct, through letter No. 12001/SC. Dated 23-12-2008, Mrs Nadia Jabeen was directed to report to Director General Health Services KPK office immediately, (Copy Annexed E).
5. Incorrect, she has not filed an appeal directly with The DHO Battagram. She has filed an application with the then Health Minister who directed the Director General Health Services on 27/7/2012 to look into this matter, (Copy Annexed H). The DGHS asked the DHO Battagram to for release of salary of Mst Nadia Jabeen on the recommendation of the then health minister through letter No.21623/AE-VI, Dated 27-7-2012 (Copy Annexed I). The DGHS was apprised about the grounds of termination vide letter No. 1277-78 Dated 18-07-2016,(Copy Annexed J). She again filed an Application to the Secretary Health Services KPK on 16/05/2015, six years after the end of public private partnership.(Copy Annexed K). The Health Secretary asked the DHO Battagram to comment on the case of Mst Nadia Jabeen, No. SOH-III/1-1/NadiaJabeen (Copy Annexed L).The Health Secretary was apprised about the grounds of termination vide letter No. 1886 Dated 1-07-2015, (Copy Annexed M). Both respondents No.1 and 2 took up the matter with Respondent No. 3 i.e DHO Battagram and on both occasions DHO Battagram apprised the DGHS and Health Secretary about the grounds of termination of services of Mst Nadia Jabeen.
6. Incorrect. No application placed on record.

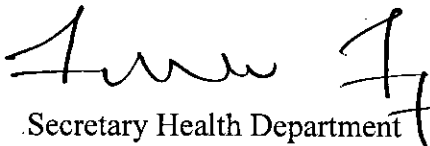
7. Termination letter was issued to the postal address of Mst Nadia Jabeen. House No.110-8 Akbar Khan Street Nothia District Peshawar No.128, Dated 29-1-2009,(Copy Annexed G).

Grounds:-

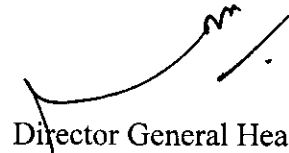
- a. Incorrect the appellant was terminated vide this office order No 128 Dated 29-01-2009. (Copy Annexed G).
- b. Incorrect the termination order from competent authority i.e Respondent No 03 EDO Health Battagram was addressed to the appellant (copy of termination order attached).
- c. Incorrect the appellant was well informed and all the legal formalities were fulfilled as already replied above at serial No 04.
- d. Incorrect, being Executive District Health Officer the Respondent No 03 served as competent authority and performed all lawful justifications.
- e. The DHO Battagram proceeded to terminate the services of LHV Nadia Jabeen under Para 6 of the terms and conditions of the appointment order No 181-95/PF Dated 19/1/2007, through letter No 128, Dated 29-01-2009. The Para 6 of the terms and conditions stated "Your services can be terminated any time without any reason by the competent authority" (Copy Annexed G).
- f. Incorrect, at that time the District Health was run by Save the Children and Senior Manager Health of the said Organization forwarded a letter bearing No HR/0261/08 Dated 07-11-2008 regarding prolonged and wilful absence of the appellant from RHC Kuzabanda Battagram (Copy Annexed D).
- g. Incorrect, the intent of the Respondent No 3 was not the adjustment of his persons on the same post. Upon the direction from DG Health services the appellant was proceeded against (DG letter No 922 Dated 10-01-2009. (Copy Annexed F).

- h. Mrs Nadia Jabeen was appointed LHV on contract bases for a period of three years. The Para 6 of the terms and conditions stated "Your services can be terminated any time without any reason by the competent authority" (Copy Annexed G).
- i. The termination order was sent to the appellants mailing address, as already mentioned at serial No 7.
- j. That the respondents seek permission to agitate further points at the time of arguments.


Prayer: - It is requested that the appeal may be dismissed being worth meritless and badly time barred.


Secretary Health Department
Khyber Pakhtunkhwa Peshawar

Respondent No 01.


Director General Health Services
Khyber Pakhtunkhwa Peshawar

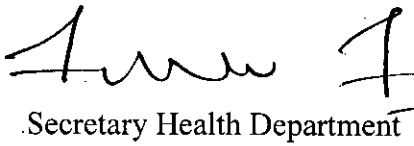
Respondent No 02.


District Health Officer, Battagram

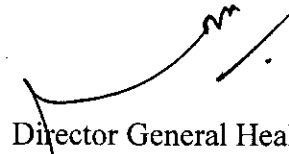
Respondent No 03.

- h. Mrs Nadia Jabeen was appointed LHV on contract bases for a period of three years. The Para 6 of the terms and conditions stated "Your services can be terminated any time without any reason by the competent authority" (Copy Annexed G).
- i. The termination order was sent to the appellants mailing address, as already mentioned at serial No 7.
- j. That the respondents seek permission to agitate further points at the time of arguments.

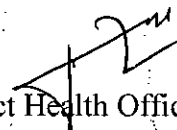
Prayer: - It is requested that the appeal may be dismissed being worth meritless and badly time barred.


Secretary Health Department
Khyber Pakhtunkhwa Peshawar

Respondent No 01.


Director General Health Services
Khyber Pakhtunkhwa Peshawar

Respondent No 02.


District Health Officer, Battagram

Respondent No 03.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
CAMP COURT ABBOTTABAD

WP No.1429/2019

Mst. Nadia Jabeen

...APPELLANT

VERSUS

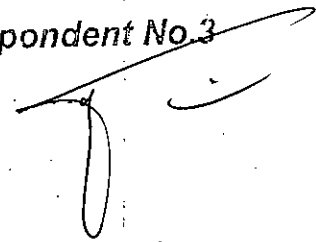
District Health Officer Battagram etc

...RESPONDENTS

AFFIDAVIT

I, Dr. Yasir Pasha Medical Officer attached District Health Officer office Battagram, do hereby solemnly affirm and declare on Oath that the parawise comments of writ petition are true and correct as per my knowledge and available record and no material has been suppressed from this Hon'ble Court.

For
Respondent No.3



EXECUTIVE DISTRICT OFFICER (HEALTH) BATTAGRAM

Based on the recommendation of Departmental Selection Committee

dated 12/12/2006, the following candidates are hereby appointed against the post of Lady Health Visitor in BPS.09 at Health facility mentioned against

Name of Candidate	Father Name	Mailing Address	Place of Posting
Nadia Jabeen	Ali Zaman	Peshawar	SB Koat
Farida Avul	Mohammad Ayub	Mansehra	MCH
Shoukat Bibi	Abdul Hameed	Mansehra	Sakargah
Roza	Khushai	Mansehra	Kuz Tandol
Bushra	Manzoor Elahi	Haripur	GN Said
Sanaqta Naz	W/O Malik Nadeem	Abbottabad	Bateela
Basharat	Abdul Latif	Mansehra	Roopkani
Orzala Kanwal	Mohammad Ismail	Mansehra	Jambera
Saira Sarwar	Sarwar Khan	Abbottabad	Kotehra
Luna Shaheen	Abdul Hafeez	Mansehra	Pamal Sharif
Sanaqita Bano	Salah ud Din	Abbottabad	Dashu

CONDITION

As will be placed in BPS-9(2770-165-7720) with usual allowance as permissible to the government servants of the same scale for contract employees.

Your services will be governed under the government of NWFP contract policy 2002.

Your initial contract will be for three years, which shall be automatically terminated on expiry of the agreement.

Your appointment will be subject to Provide a Medical Fitness Certificate (Health & Age) for Govt. Service from Medical Superintendent DHQ Hospital Battagram.

If you wish to resign from service, two months advance notice or to deposit two months salaries.

Your services can be terminated any time without any reasons by the competent authority.

You will be provided the same facilities under benevolent fund as admissible to the government servants, as far as to be prescribed by the government 05% of minimum pay by the employee and 05% contribute by the government.

You will not contribute to GF fund and shall not be entitled for pension & gratuity benefits.

Where the employee remains absent without leave for a period of Seven (7) days he/she shall be deemed to have vacated the relevant contract provisions and shall be terminated from the posts.

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

The contract employee shall be 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 employees for breach of discipline or unsatisfactory service.

The Health Department shall be competent to terminate the contract without notice or compensation.

Contract employee is not permitted to do private practice open any clinics, Private dispensary or have any interest in any such private institutions.

No contract employee shall indulge in any trade, business or occupation or any activity, which is prohibited for a regular Govt. servants.

Spouse policy shall not be applicable to the contract employee.

Non-compliance of the terms and conditions would render the employee disqualified for employment not only in this post, but other employment in the Health Department, Government of NWFP.

You should accept the offer of appointment on above terms and conditions, You should report to the Incharge of Health facilities mentioned against your name mentioned above with in 20 days from the issuance of this offer. The offer will be cancelled, if you fail to report for duty within the above mentioned period.

Medical fitness certificate will be allowed.

This appointment is purely temporary and subject to the verification of documents /Certificates from the concerned institutions.

Sdx-x-x-x-x-x

Dr. Zafeer Hussain
Executive District Officer
(Health) Battagram

No. 101-95 dated Battagram the 19/10/2007.

Copy forwarded to the:

Director General Health Services NWFP, Peshawar.

Medical Superintendent DHQ Hospital Battagram.

District Accounts Officer Battagram

Official Concerned.

18/10/07
Executive District Officer,
(Health) Battagram

Executive District Officer
(Health) Battagram.

Subject: ARRIVAL REPORT.
Sir,

Refrence your office order No.181-95/PF dated 09-01-2007. I Mrs. Nadia
Jabeen LHV BHU Saidra Biland Kot is herchy submitted my arrival Report today on
dated : /02/2007 forenoon.

Nadia Jabeen
Nadia Jabeen

LHV BHU Saidra Biland Kot

To


October 16, 2008

The EDO (Health)
Battagram

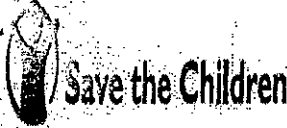
Subject: Absence of Nadia LHV RHC Kuza Banda

It is to bring in to your kind notice that Mrs. Nadia Jabeen LHV attached with RHC Kuza Banda has been reported absent for the last three months but she has produced sanction leave for Two months from EDO (Health). Ironically, she is still at large without any intimation during the month of October 2008.

She is unwilling worker & it is recommended to please repatriate her to other district besides initiating disciplinary proceeding.


Zafeer Hussain
Sr. Manager Health JSDF
Battagram

CC: AM Finance to stop her salary
HR JSDF
MO Incharge RHC Kuza Banda



Reference: letter no HR/0261/08 dated 7th November 2008

To
The Executive District Officer (Health)
Batagram, NWFP

Subject: Prolong Willful Absence of Nadia L.H.V. RHC Kuzabanda, Batagram

Sir,

It is to bring in to your kind notice that Mrs. Nadia Jabeen LHV is unwilling and disinterested worker, which can be well gauged from the following facts:

She was posted at RHC Kuza Banda where she did not work for a day and kept on producing Medical certificates, which were approved by then EDO (H) Batagram. He sanctioned earned leave for that period.

She hardly worked for a day ever since her posting & she is still at large and just comes to collect her salary.

Vide letter no HR/217/ 08 dated 16th October 2008 all such irregularities on her part were communicated to your good office and an explanation letter was issued by your office but she did not respond or resumed her duty.

SC JSDF project cannot compromise on prolongs absence of LHV's as MCH services & indicators related to MCH services are affected badly.

Management of JSDF SC hereby surrenders her services under clause Part C: 2 (f) of MoU signed by District, provincial Gov. & SC.

It is requested to please repatriate her immediately besides initiating disciplinary action so that she can be replaced her by appointing another LHV.

Thanks,

[Handwritten signature]
107-11-08

Senior Manager Health (A)
Save the Children, JSDF
District Batagram, NWFP

ANNEX E

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) BATTAGRAM

No. 12001 /SC Dated: 23/12/2008

To:

Mst: Nadia Jabeen LHV
RHC Kuza Banda

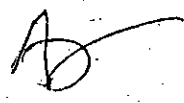
Subject: REPATRIATION OF NADIA JABEEN LHV

Sir,

It has been reported by the Senior Manager Health Save the Children JSDF District Battagram vide his letter No. HR/0261/08 dated 07.11.2008, that you are unwilling and disinterested worker and you have not work for a day at RHC Kuza Banda since from the date of your posting to the said station. You always producing Medical Certificates for your absent period. Your services has been surrender and recommended for repatriation from District.

In view of the above you are hereby repatriated and directed to report at Directorate General Health Services NWFP Peshawar for further duty immediately.

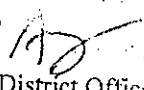
Service documents will forward in due course of time.


Executive Health

12002-03
No. _____ /SC

Copy forwarded for information to the:-

1. Director General Health Services NWFP Peshawar along with copy of Senior Manager Health Save the Children District Battagram dated 07.11.2008 for his use.
2. Senior Manager Health Save the Children with reference to his letter cited above.


Executive District Officer
Health Battagram

DIRECTORATE GENERAL HEALTH SERVICES, N.W.F.P., PESHAWAR

No. 929 (AE-VI,
Dated 10/01/2009.

To

The Executive District Officer,
(Health) Battagram.

Subject:- REPATRIATION OF NADIA JABEEN LHV.

Reference your letter No.12002-03/SC dated 23.12.2008, on the subject noted above.

This Directorate has got no reserved pool for an willing worker.

Please withdraw the reliving order of Mrs. Nadia Jabeen LHV and proceed against her under the removal from service (special powers) ordinance, 2000 being competent authority.

[Signature]
FOR DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR.
09/11/09

*please keep pending discuss SA SA
Amul 15/11/2009*

FROM : EDO-HEALTH-BATTAGRAM

FAX NO. : 310507

Jul. 06 2012 01:23PM P1

OFFICE OF THE EXECUTIVE DISTRICT OFFICER HEALTH BATTAGRAM

No. 128 / Dated 29 / 01/2009.

To.

✓ Mrs: Nadia Jabon, L.I.V.
House No. 110-8 Akbar Khan-Street Nothia District Peshawar Cant

Subject:- TERMINATION FROM SERVICE.

Memo.

Reference Senior Manager Save the Children Battagram vide his No. HR/0261/08 dated 27.11.2008, regarding your will full absence with the request to repatriate from District Battagram being unwilling worker. Vide this office letter No 12002-03/CS dated 23.12.2008 you were repatriate and relieved from this office for onward report at DGHS NWFP Peshawar office but the Director General Health Services NWFP, Peshawar directed the undersigned to initiate disciplinary action for removal from service under Special Power ordinance 2000 vide No. 922/AE.VI dated 10.01.2009.

Being competent authority and in the light of allegation imposed upon you and under Para 6 of your appointment order vide No. 181-95/PP dated 19.01.2007, Your services is hereby terminated with immediate effect.

[Signature]
Executive District Officer Health Battagram.

No.

Copy forwarded to the:-

1. Director General Health Services NWFP, Peshawar for information with reference to his No. cited above.
2. District Coordination Officer Battagram for information.
3. District Accounts Officer Battagram for information.
4. Accounts Section office of the undersigned.

Executive District Officer Health Battagram. *[Signature]*

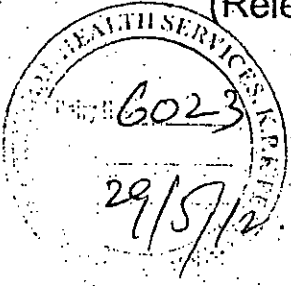
385
4/6/02

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بخدمت جناب وزیر صحت خیبر پختون خواہ، پشاور

عنوان: درخواست برائے ریلیز آف سیرق (Release of Salary)

LHV نادیاہ جبین، ڈسٹرکٹ بنگرام



جناب عالی:-

گزارش ہے کہ تحت آفس آرڈر نمبر 181-95/PF، مورخہ 09/10/2007 جاری شدہ منجانب EDO ہیلتھ بنگرام من سائلہ کی تقرری بطور LHV ہوئی تھی چونکہ حسب ضابطہ من سائلہ نے فروری 2007 میں BHU SB KOAT کی Arrival Report پیش کی تھی۔ (نقولات اپوائنٹ منٹ آرڈر، ایراول رپورٹ ہمراہ لف ہیں)۔

1- یہ کہ سائل مستقل طور پر ضلع پشاور کی رہائشی اور سکونت ہے اور سائلہ ایک بیوہ عورت نکلت ہے

2- یہ کہ سائلہ کے چھوٹے چھوٹے بچے ہیں، جو کہ ضلع پشاور میں سکونت رکھتے ہیں

3- یہ کہ سائلہ کا خاندان کافی عرصہ پہلے کالے ریقان کی مرض میں مبتلا تھا اور سائلہ کی باوجود نوکری پر حاضر ہوتی رہی اور باقاعدہ طور سے اس کے ساتھ خاندان کی وفات کے بعد نہایت مجبوری کی وجہ سے اپنی ڈیوٹی سے کچھ عرصہ (تقریباً دو مہینے) تک غیر حاضر رہی، جب سائل واپس اپنی ڈیوٹی پر آئی تو اس کو معلوم ہوا کہ سائلہ کی سروس بک، تمام دستاویزات، بابت نوکری غائب ہو چکی ہیں اور آفس کے عملہ سے پوچھ گچھ کرنے پر بتایا گیا کہ سائلہ کا کوئی ریکارڈ سرے سے موجود ہی نہیں ہے، سائلہ کی جگہ دوسری LHV کو تعینات کیا گیا تھا، جو کہ سائلہ کے ساتھ سراسر نا انصافی ہے۔

یہ کہ سائلہ کی تنخواہ سائل 2009ء سے بند ہے، چونکہ سائل 5، 4 ماہ کی اکٹھی تنخواہ لیتی تھی اس لیے سائلہ کو کچھ مہینے بعد اس بات کا علم آفس کے عملہ سے ہوا جب انہوں نے سائلہ سے کہا کہ آپ کو کوئی ریکارڈ ہمارے ساتھ موجود نہیں۔ جبکہ سائلہ کے ساتھ اس کی مکمل ڈاکومنٹری پروف موجود ہے کہ اس نے سائل 2007ء سے LHV کے حیثیت سے BHU مذکورہ میں اپنے خدمات انجام دی ہیں اور 2009ء سے اب تک کئی کئی بار دفتر کی چکر کاٹ چکی ہے۔

یہ کہ سائلہ کی تنخواہ سائل 2009ء سے بند ہے، چونکہ سائل 5، 4 ماہ کی اکٹھی تنخواہ لیتی تھی اس لیے سائلہ کو کچھ مہینے بعد اس بات کا علم آفس کے عملہ سے ہوا جب انہوں نے سائلہ سے کہا کہ آپ کو کوئی ریکارڈ ہمارے ساتھ موجود نہیں۔ جبکہ سائلہ کے ساتھ اس کی مکمل ڈاکومنٹری پروف موجود ہے کہ اس نے سائل 2007ء سے LHV کے حیثیت سے BHU مذکورہ میں اپنے خدمات انجام دی ہیں اور 2009ء سے اب تک کئی کئی بار دفتر کی چکر کاٹ چکی ہے۔

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۵۔ یہ کہ سائلہ نے ڈی جی ہیلتھ کے نام لیٹر لکھا جس پر آرڈر نمبر SOH-III/8-89/2012 مورخہ 07/02/2012 جاری ہوا، اس پر بھی آفس/BHU مذکورہ میں کسی نے کوئی ایکشن نہیں لیا اور یہ کہ ۳ ماہ سے ٹال رہے ہیں کہ کیس انڈر پراسیس ہے اور سائل کا مسئلہ ابھی تک بحال ہے۔

۶۔ یہ کہ مورخہ 24/04/2012 کو دوبارہ سائلہ نے Arrival Report پیش کی اور مگر EDO نے رپورٹ پر یہ نوٹ لکھا:-

Check to provide detailed report for DGHS PESH/PS to secretary Health peshawar for further process

۷۔ یہ کہ اس دوران بھی سائلہ کئی مرتبہ آفس حاضر ہو چکی ہیں، لیکن سائلہ کی مدد کرنے کے لیے کوئی نہیں اور نہ کوئی راستہ بتاتا ہے کہ اس مسئلہ کو کیسے حل کیا جائے۔

لہذا استدعا ہے کہ سائلہ کی مندرجہ بالا درخواست کو مد نظر رکھتے ہوئے سائلہ کی تنخواہ جو کہ سال 2009ء سے اب تک کی تمام تنخواہیں ریلیز کی جائیں، چونکہ سائلہ کی کوئی غلطی نہیں اور تمام غلطی آفس کے عملے کی ہے اور سائل کو دوبارہ اپنی پوسٹ پر صحیح طور سے بحال کیا جائے۔

العارض

سائلہ: نادیدہ جبین بیوہ محمد اسحاق سکنا گلبرگ نمبر ۱ پشاور صدر
شناختی کارڈ نمبر 8-1236247-17301

Executive District Officer
(Health) Battagram.

Subject:
Sir,

ARRIVAL REPORT.

Refrence your office order No.181-95/PF dated 09-01-2007. I Mrs. Nadia
Jabeen LHV. BHU Saidra Biland Kot is herchy submitted my arrival Report to day on
dated: 10/2/2007 forenoon.

Nadia

Nadia Jabeen

LHV BHU Saidra Biland Kot

EXECUTIVE DISTRICT OFFICER (HEALTH) BATTAGRAM

Based on the recommendation of Departmental Selection Committee held on 12.12.2006, the following candidates are hereby appointed against post of Lady Health Visitor in BPS.09 at Health facility mentioned against as under

S.No.	Name of Candidate	Father Name	Mailing Address	Place of Posting
1	Nadia Jabeen	Ali Zaman	Peshawar	SB/Koat
2	Farida Ayub	Mohammad Ayub	Mansehra	MCH
3	Shoukat Bibi	Abdul Hameed	Mansehra	Sakargah
4	Robina	Khushal	Mansehra	Kuz Tandol
5	Sobia	Manzoor Elahi	Haripur	GN Said
6	Shagufta Naz	W/O: Malik Nadeem	Abbottabad	Bateela
7	Baseerat	Abdul Latif	Mansehra	Roopkani
8	Ghazala Kanwal	Mohammad Ismail	Mansehra	Jamberan
9	Saira Sarwar	Sarwar Khan	Abbottabad	Kotehra
10	Lubna Shaheen	Abdul Hafeez	Mansehra	Paimal Sharif
11	Shagufta Bano	Salah ud Din	Abbottabad	Pashtu

TERMS & CONDITION

- You will be placed in BPS-9(2770-165-7720) with usual allowance as permissible to the government servant of the same scale for contract employees.
- Your services will be governed under the government of NWFP contract policy 2002.
- Your initial contract will be for three years, which shall be automatically terminated on expiry of the agreements.
- Your appointment will be subject to Provide a Medical Fitness Certificate (Health & Age) for Govt. Service from Medical Superintendent DHQ Hospital Battagram.
- If you wish to resign from service, two months advance notice or to deposit two months salaries.
- Your services can be terminated any time without any reasons by the competent authority.
- You will be provided the same facilities under benevolent fund as admissible to the government servant at the rates to be prescribed by the government 05% of minimum pay by the employee and 05% contribute by the government.
- You will not contribute to GP fund and shall not be entitled for pension & gratuity benefits.
- Where the employee remains absent without leave for a period of Seven (7) days he/she shall be deemed to have violated the relevant contract provisions and shall be terminated from the posts.
- The Contract appointee shall be responsible for all utility bills and other charges of the residential accommodation as is applicable to the category of staff.
- The contract employee shall be 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 employees for breach of discipline or unsatisfactory service.
- The Health Department shall be competent to terminate the contract without notice or compensation.
- Contract employee is not permitted to do private practice open any clinics, Private dispensary or have any interest in any such private institutions.
- No contract employee shall indulge in any trade, business or occupation or any activity, which is prohibited for a regular Govt. servants.
- Sp. policy shall not be applicable to the contract employee.
- No. compliance of the terms and conditions would render the employee disqualified for employment not only for this post, but other emplacement in the Health Department, Government of NWFP.
- If you accept the offer of appointment on above terms and conditions, You should report to the Incharge of Health Facilities mentioned against your name mentioned above with in 20 days from the issuance of this offer. The offer will be cancelled, if you fail to report for duty within the above mentioned period.
- No TA/DA for joining the duty/Medical fitness certificate will be allowed.

Your appointments is purely temporary and subject to the verification of documents/Certificates from the concerned institutions.

Sdx-x-x-x-x
Dr. Zafeer Hussain
Executive District Officer
(Health) Battagram

81-95 PF dated Battagram the 19/01/2007.

Copy forwarded to the
Director General Health Services NWFP, Peshawar.
Medical Superintendent DHQ Hospital Battagram.
District Accounts Officer Battagram
Official Concerned.

18/1/07
Executive District Officer,
(Health) Battagram



ANNEX I 18

DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHWA PESHAWAR.

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

NO. 21623

/AE-VI,

Dated. 27/07/2012

To,

The Executive District Officer,
(Health) Battagram.

Subject:-
Dear Sir,

APPLICATION FOR RELEASE OF SALARY.

I am directed to forward a copy of an application alongwith its enclosures in r/o Mrs. Nadia Jabeen Jr PHC Tech(MCH) / LHV which is self explanatory duly recommended by the Minister for Health Khyber Pakhtunkhwa Peshawar for information and with the request to offer your comments in this regard urgently.

[Signature]
26/7/12
ASSISTANT DIRECTOR (P-II)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

No. _____ /E-V

Copy forwarded to the:-

- 01. PS to Minister for Health Khyber Pakhtunkhwa Peshawar.
- 02. PA to DGHS Office Peshawar.

For information.

[Handwritten signature]
7/8/12

[Signature]
ASSISTANT DIRECTOR (P-II)
DGHS, KHYBER PAKHTUNKHWA
PESHAWAR

Haji Kamran Khan

(19)

ANNEX J



OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

No. 1277-78 / Dated 18/07/2016.

To

The Director General Health,
Service Khyber Pakhtun Khwa Peshawar.

Subject:- PETITION REGARDING RE-INSTATMENT IN SERVICE AS LHV.

Sir,

39-40/AE-VI Dated 30.06.2016 on the subject cited above.

It is stated that Jabeen was appointed as LHV on contract basis on 19.01.2007 under contract policy 2002. She was absent from duty March 2008 to November 2008 on the report of Sr. Manager Health Save the Children Battagram ltr No.Hr 211/08 Dated 08/11/2008 regarding her prolong will full absence from duty.

Her absent report Appointment order and termination order are attached for ready reference.

Copy for information.

District Health Officer
Battagram.

inKhwa Peshawar for

District Health Officer
Battagram

The Secretary to Govt. of Kpt, Pwms,
Health Department.

ASCE

Subject- Application for Re-instatement pc see
and PV

Respected Sir,

with the high of esteem ^{11/6/11} it
is humbly requested that I was appointed
as LHV, SBKOT vide letter No. 181-95/PF dated
09-01-2007.

Now I have been terminated from
Service vide letter No. 128 dated 29-10-2009
without any reason. My husband has also
been died in 2010.

It is requested that kindly
reinstale me because I belong to poor
family I shall be very thankful to
you for this act of kindness.

Thank

Yours obediently

P. J. Jodi

LHV, Baidyan.



ANNEX 6 (21)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOH-III/1-1/NADIA JABEEN/201
DATED: 22ND JUNE, 201

To

The District Health Officer,
Battagram.

Subject:

APPLICATION FOR RE-INSTATEMENT.


I am directed to refer to the subject noted above and to forward herewith a copy of self explanatory application in respect of Mrs. Nadia Jabeen LHV, regarding re-instatement into Government Service.

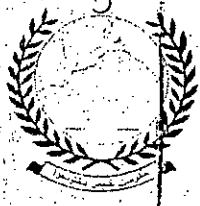
I am further directed that your candid views/comments in this regarding may be furnish to this office for further processing in the case.

Encl: AA


SECTION OFFICER-III

Copy is forwarded to Director General Health Services, Khyber Pakhtunkhwa.


SECTION OFFICER-III



OFFICE OF THE DISTRICT HEALTH OFFICER

Battagram (Khyber Pakhtunkhwa)

Phone & Fax: # (0997) 310507

No. 1886 / Dated 1/7 /2015.

To

The Secretary to the Government
Health Department Khyber Pakhtunkhwa
Peshawar.

Attention: - section officer - III

Subject: - APPLICATION FOR REINSTATEMENT

Sir

Reference your letter No. SOH-II/1-1/Nadia Jabeen /2015 dated 22nd June 2015.
It is stated that Mrs. Nadia Jabeen was appointed as LHV on contract basis on
19/11/07 under Government of Khyber Pakhtunkhwa contract policy 2002. She was
terminated on the report of senior Manager Save the children Battagram letter No.
HR/0261/08 dated 27/11/2008 regarding her prolong willful absent duty.

*She was appointed in
She was absent from
March 2008 to Nov 2009.*

District Health Officer
Battagram

copy

00359732 SAIRA SARWAR CNIC: 1310188022022 Desig: CLINICAL TECHNICIAN (80033373) Grade: 12 NTN: Buckle No.: Gazetted/Non-Gazetted: N

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
0001 Basic Pay	22,920.00	3012 GPF Subscription	2,220.00-				
1210 Convey Allowance 20	2,856.00	3501 Benevolent Fund	600.00-				
1300 Medical Allowance	1,500.00	4004 R. Benefits & Death C	600.00-				
1593 Incentive Allowance	8,000.00	3609 Income Tax	289.00-				
1923 UAA-OTHER 20%(1-15)	1,000.00						
1985 Health Professional	10,000.00						
2148 15% Adhoc Relief All	462.00						
2199 Adhoc Relief Allow @	324.00						
2211 Adhoc Relief All 201	1,674.00						
2224 Adhoc Relief All 201	2,292.00						
2247 Adhoc Relief All 201	2,292.00						
2264 Adhoc Relief All 201	2,292.00						

PAYMENTS 55,612.00 DEDUCTIONS 3,709.00- NET PAY 51,903.00 01.05.2020 31.05.2020
Branch Code:230301 MAIN BRANCH, ABBOTABAD. NATIONAL BANK OF PAKISTAN MAIN BRANCH, ABBOTABAD. ABBOTABAD Accnt.No: 299369

UNITED STATES DEPARTMENT OF JUSTICE

INVESTIGATION OF THE ACTS OF VIOLENCE COMMITTED BY THE ORGANIZATION OF BLACK PANTHER PARTY

MEMORANDUM FOR THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

FROM: SAC, NEW YORK (100-100000)

RE: MURDER OF MARTIN LUTHER KING, JR.

RE: MURDER OF MARTIN LUTHER KING, JR.

lenovo

00359755 SOBIA BIBI

CNIC: 1320233969158

Desig: CLINICAL TECHNICIAN (80033363) Grade: 12 NTN:

Buckle No.:

Gazetted/Non-Gazetted: N

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
0001 Basic Pay	23,880.00	3012 GPF Subscription	2,220.00-		GPF#:	150,188.00	
1000 House Rent Allowance	1,961.00	3501 Benevolent Fund	600.00-		INCOME TAX 5,038.20	4,584.00	454.60
1210 Convey Allowance 20	2,856.00	4004 R. Benefits & Death C	600.00-				
1300 Medical Allowance	1,500.00	3609 Income Tax	455.00-				
1593 Incentive Allowance	8,000.00						
1923 UAA-OTHER 20%(1-15)	1,000.00						
1985 Health Professional	10,000.00						
2148 15% Adhoc Relief All	462.00						
2199 Adhoc Relief Allow @	340.00						
2211 Adhoc Relief All 201	1,754.00						
2224 Adhoc Relief All 201	2,388.00						
2247 Adhoc Relief All 201	2,388.00						
2264 Adhoc Relief All 201	2,388.00						

PAYMENTS	58,917.00	DEDUCTIONS	3,875.00-	NET PAY	55,042.00	01.05.2020	31.05.2020
Branch Code:240622	BATAGRAM	MUSLIM COMMERCIAL BANK	BATAGRAM	BATAGRAM	BATAGRAM	Accnt.No: 1001645	

Accounts Office Batagram

PAYROLL REGISTER

For the month of May ,2020

Page : 1,504

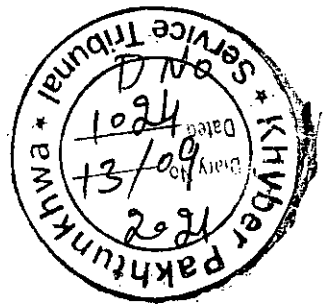
Date : 15.05.2020

DDO : BM6262 EDO HEALTH TBCONTROL Battagr

Payroll Section : 001 Payroll 1

15/6

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.



put up to the worthy chairman
with relevant appeal.

Appeal No. 1427/2019

Nadia jabeen

13/9/2021

V/S

Health Deptt:

readi

APPLICATION FOR EARLY HEARING AND TRANSFERRING THE
INSTANT APPEAL FROM ABBOTTABAD CAMP COURT TO
PRINCIPAL SEAT PESHAWAR OF THE HONORABLE TRIBUNAL to
MEET THE END OF JUSTICE.

RESPECTFULLY SHEWETH:

Fix in 2nd term to Abbottabad

13/9/2021

1. That the appellants have filed the instant appeal for Reinstatement with all back and consequential benefits.
2. That the appeal is in pre-admission notice and reply has been called is fixed at Abbottabad Camp Court of this Honorable KP Service Tribunal. But due to shortage of Hon'able Members of KP Service Tribunal and covid-19 the Bench cannot be held at Abbottabad Camp Court and the next date was not given.
3. That due to covid-19 viral disease lock down was announced so date has been fixed at Abbottabad Camp Court and it is also in near future not possible to held Abbottabad Camp Court.
4. That so, in the interest of justice may kindly be fixed early date in above captioned appeals at Principal Seat Peshawar of the Hon'able Service Tribunal.
5. That due to the above scenario, it will be difficult to hear arguments in Abbottabad Camp Court. Due to which the case will be linger on.

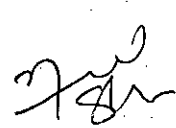
6.

That it will be in the interest of justice to transfer the instant appeal from Abbottabad Camp Court of this Honorable Tribunal to principal seat Peshawar.

It is, therefore, most humbly prayed that on acceptance of this application, the instant appeal may be transfer from Abbottabad Camp Court to principal seat Peshawar of this Honorable Tribunal and may be fixed early as possible. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellent.


Appellant
Nadia Jabeen

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT
PESHAWAR.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.


Deponent

VAKALATNAMA

NO. _____/20

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

Nadia Jabeen

Appellant
Petitioner
Plaintiff

VERSUS

Health Dept

Respondent(s)
Defendants (s)

I/WE Nadia Jabeen

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE _____/20

Nadia

(CLIENT)

ACCEPTED

**SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT**

CELL NO: 0306-5109438



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 155 /ST

Dated: 25/01 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The District Health Officer,
Government of Khyber Pakhtunkhwa
Battagram.

Subject: JUDGMENT IN APPEAL NO. 1427/2019 MST. NADIA JABEEN.

I am directed to forward herewith a certified copy of Judgement dated 06.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR