

30.09.2015

Counsel for the appellant and Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 1.12.2015 before S.B.

Chairman

01.12.2015

Counsel for the appellant and Mr. Yar Gul, Senior Clerk alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 30.3.2016 before S.B.

Chairman

21.12.2015

The appeal was requisitioned on application of the appellant for today. Learned counsel for the appellant requested for withdrawal of appeal as the grievances of the appellant have been redressed.

In the light of application of the appellant and copy of order dated 4.6.2015 as well as submission of the learned counsel for the appellant, the appeal is dismissed as withdrawn. File be consigned to the record room.

Chairman

ANNOUNCED  
21.12.2015

21.12.15

3  
15.04.2015

Ms. Uzma Sayed, Advocate on behalf of counsel for the appellant present. Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned for preliminary hearing to 29.04.2015 before S.B.

  
Chairman

4  
29.04.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant, while serving as Ward Orderly at BHU, Khalifa Gul Nawaz Hospital, Bannu, was suspended on 2.6.2014 on the ground of willful absence and from the said date of suspension salary of the appellant was withheld regarding which he preferred departmental representation on 28.11.2014 which remained un-responded and hence the instant service appeal on 1.4.2015.

That withholding of salary during suspension stretching over three months is violative to F.R-53 of the relevant rules.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for 27.7.2015 before S.B.

  
Chairman

5  
27.07.2015

Counsel for the appellant, M/S Yar Gul, Senior Clerk and Dilawar Khan, Senior Clerk alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 30.9.2015 before S.B.

  
Chairman



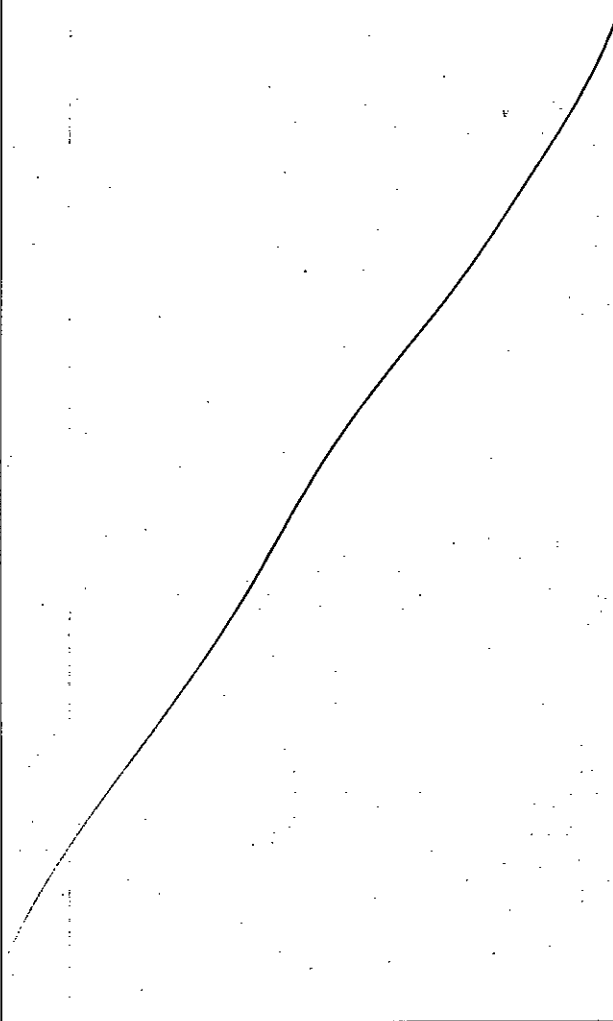
Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 259/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.04.2015	<p>The appeal of Mr. Mr. Ajab Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3 - 4 - 15	<p>This case is entrusted to Bench <u>F</u> for preliminary hearing to be put up thereon <u>15-4-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Ajab Khan son of Sardaraz Khan Ward Orderly BHU received to-day i.e. on 26.03.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is unsigned which may be got signed.
- 2- Annexures of the appeal may be attested.
- 3- Appeal may be page marked according to the Index.
- 4- Five more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 413 /S.T,

Dt. 30/3/2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

*Sir*

*Resubmitted after completion.*

*ky*

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

S.A No. 259 /2015

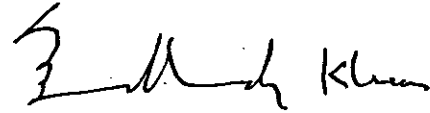
Ajab Khan                      Versus                      District Officer & others

**I N D E X**

<b>S.#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Page</b>
1.	Memo of Appeal		1-2
2.	Fixed Pay Order, 15.06.2004	"A"	3
3.	Entry of regularization of service in S.B, 03.08.2008	"B"	4- <del>6</del>
4.	Suspension Order, 02.06.2014	"C"	<del>10</del> 7
5.	Representation, 28.11.2014	"D"	<del>8-02</del>

Appellant

Through



Dated: ~~26~~ 03.2015

(Saadullah Khan Marwat)  
Advocate  
21-A Nasir Mension,  
Shoba Bazar, Peshawar.  
Ph: 0300-5872676

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**S.A No. 259/2015

Ajab Khan S/o Sardaraz Khan, Ward Orderly,  
 BHU, Khalifa Gul Nawaz Hospital, Bannu . . . . . Appellant

Versus

1. District Officer (Health), Bannu.
2. Director General Health, KP, Peshawar.
3. Secretary, Government of KP, Health  
 Department, Peshawar. . . . . Respondents

**K.P. Province**  
**Service Tribunal**  
 Diary No. 275  
 Dated 26-3-2015

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,  
 1974 AGAINST OFFICE ORDER NO. 3333-38/PH,  
 DATED 02.06.2014 OF R. NO. 1 WHEREBY  
 SERVICES OF APPELLANT WERE SUSPENDED  
 FOR INDEFINITE PERIOD.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

Short facts giving rise to the present appeal are as under:-

1. That on 15.06.2004, appellant was appointed against vacant post of Ward Orderly in BPS-02 on fixed pay basis of Rs. 2800/- per month at BHU, Khalifa Gul Nawaz Hospital, Bannu, being land owner. (Copy as annex "A")
2. That on 03.08.2008, post of Orderly on fixed pay was regularized in BPS-01 and his pay was fixed Rs. 3330/- per month with effect from 01.07.2008 vide Govt. of KP, Finance Department No. BO1/FD/1-22/2008-09, dated 30.07.2008 and BD-(H)Bannu No. 3079-81/1-3, dated 03.08.2008. (Entry in Service Book as annex "B")
3. That on 02.06.2014, order of suspension from service was issued by R. No. 1 on account of absence from duty regarding celebration of Tabligh. (Copy as annex "C")

Filed to-  
 26/3/15

26/3/15

Co-submitted to-  
 and filed.

1/4/15

4. That on 28.11.2014, appellant submitted representation before R. No. 2 for withdrawal of suspension order and release of salaries but in vain till date. (Copy as annex "D")

Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**

- a. That as per instructions of the Govt. and judgments of the apex courts, appellant shall be entitled for all benefits of service during suspension period.
- b. That appellant was in the way of Allah (Tabligh) and has informed Office Superintendent in the matter, so his monthly salary were not required to be held.
- c. That appellant is regularly attending the office for performance of his official duties which is quite evident in the attendance register.
- d. That suspension order cannot be made for unlimited period but the same should be for 3 months, so such act is based on malafide.

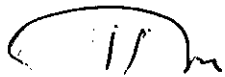
It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 02.06.2014 of R. No. 1 be set aside and monthly salaries of the appellant be released since the date of its stoppage, with such other relief as may be deemed proper and just in circumstances of the case.

Dated: 26.03.2015

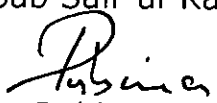
Through

  
Appellant

  
Saadullah Khan Marwat

  
Arbab Saif-ul-Kamal

&

  
Miss Robina Naz,  
Advocates,

A

3

**OFFICE OF THE DISTRICT COORDINATION OFFICER, BANNU.**

No. 5074-76 /Estab  
Dated Bannu the 15.06.2004

To,

Mr. Ajab Khan s/o Sardaraz Khan,  
R/O Village Kotka Adil, Teh. & Distt: Bannu.

Subject:- **APPOINTMENT AGAINST THE VACANT POST OF WARD ORDERLY IN BPS-2 ON FIXED PAY BASIS @ RS. 2800/- PER MONTH AT BHU KHALIFA GUL NAWAZ AS LAND OWNER.**

You are hereby appointed against the post of Ward Orderly in B-2 on fixed pay basis i.e. Rs. 2800/- per month at BHU Khalifa Gul Nawaz, District Bannu being the recommendee of land donor.

1. Your services will be governed under the Govt of NWFP, Fixed Pay Policy.
2. Either party can terminate the contract on two months notice.
3. You will not be liable to contribute to GP Fund and shall not be entitled for any pension and gratuity benefits.

If the above offer of appointment on fixed pay basis on the above terms and conditions are acceptable to you then you are advised to report to the EDO (Health) Bannu after getting proper medical certificate from the Medical Superintendent, DHQ Hospital, Bannu.

Sd/-  
District coordination Officer,  
Bannu.

Even No. &amp; Date.

Copy to:-

1. The EDO (Health), Bannu for information w/r to his letter No. 2058/E.9 dated 14.06.2004.
2. The District Accounts Officer, Bannu for n/action.

Sd/-  
District coordination Officer,  
Bannu.

Copy of above is forwarded to:-

1. Mr. Ajab Khan s/o Sardaraz Khan residence of vill, & P.O. Kot Adil Teh. & Distt: Bannu for information & compliance for duty with the receipt of this letter within stipulated period under intimation to the undersigned.
2. Medical Officer, I/C BHU Khalifa Gul Nawaz for information and necessary action.
3. The District Accounts Officer, Bannu for information & n/action.
4. A/Cs section of this office for information & n/action.

*Ajab Khan*  
*By*

Sd/-  
District coordination Officer (H),  
Bannu.



B

4

# SERVICE BOOK

سروس بک

کتاب ملازمت

D O B ، 1972

محمد خان وارڈ آرڈی  
تحلیف گٹنوار

B H U

Name _____
Father's Name _____
Qualification _____
Designation _____
Department _____
Current Address _____
_____

Handwritten signature  
by

1. Name Mr. Ajab Khan.
2. Nationality and Religion Muslim (Pakistani)  
(قومیت اور مذہب)
3. Residence Vill: Kot Adil Teh: & Distt: Bannu.  
متعلق رہائش
4. Father's Name and residence Mr. Sardaraz Khan.  
والد کا نام و پتہ
5. Date of birth Christian era as 1972  
nearly as can be ascertained  
(- تاریخ میلاد مسیح مطابق سن عیسوی)
6. Exact height by measurement '5.3'  
(قد و قامت)
7. Personal Mark of Identification \_\_\_\_\_  
(نشان شناخت)
8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer)  
(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)  
Little Finger انگلی درمیان Middle Finger چھٹا انگلی انگلی Ring Finger چھٹا انگلی انگلی  
Fore finger انگلی Thumb انگلی
9. Signature of Government Servant (سرکاری ملازم کے دستخط)
10. Signature and designation of the Head of the Officer or other Attesting Officer.  
(تصدیق کنندہ افسر کے دستخط اور مہر)

Sd/-  
Executive Distt: Officer  
(Health) Bannu

Note: The entries in this page should be renewed or re-aggested at least ever five years and the signature in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 hears under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں۔ اور ہر 5 اور 6 ماہ میں دستخطوں کے نئے تاریخ تکستی چاہیے۔ انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

محمد علی  
Sd/-

Ward Orderly)  
At BHU Khalifa  
Gul Nawaz

Contract Per Rs. 2800/= PM (Fixed Salary)

1245-35-1770	1245/- PM
BPS-01/920-26-1310	Pay @ Rs 920/- PM 15/6/04
BPS-01/1245-35-1770	Pay @ Rs 1245/- PM 1280/- PM 30/6/05 FN
BPS-01/1870-55-3520 W/O	Pay @ Rs 1870/- PM 1/7/05 FN
-Do-	Pay @ Rs 1925/- PM 1/12/06 FN
BPS-01/2150-65-4100	Revised Entry see at page 4

Attested  
Sd/-  
Executive District Officer  
(Health) Bannu

Appointment against Ward Orderly post on fixed pay basis i.e. Rs. 2800/- Per Month at BHU Khalifa Gul Nawaz District Bannu vide DCO Bannu No. 5074-76 dated 15-6-04

BPS-01/1870-55-3520 W/O	Pay @ Rs 1870/- PM 15/6/04 FN
-Do-	Pay @ Rs 1925/- PM 30/6/05 AN
BPS-01/2150-65-4100	Pay @ Rs 2215/- PM 1/07/05 FN
-do-	Pay @ Rs 2280/- PM 1/12/05 FN
-do-	Pay @ Rs 2345/- PM 1/12/06 FN
BPS-01/2475-75-4725 W/O	Pay @ Rs 2700/- PM 1/7/07 FN
-do-	Pay @ Rs 2775/- PM 1/12/07 FN
BPS-01/2970-90-5670	Pay @ Rs 3300/- PM 1/7/08 FN

3330/-  
Attested  
Sd/-  
Executive District Officer  
(Health) Bannu

Post of ward orderly on fixed pay is hereby regularized in BPS-01 and pay fixed @ Rs. 3330/- PM w.e.f. 01.07.2008 fore noon vide Govt. of NWFP Finance Department No. BO1/FD/1-22/2008-09, dated 30.07.2008 and EDO (H) Bannu No. 3079-81/A-3, dated 23-08-2008.

Sd/-  
Executive District Officer  
(Health) Bannu

*Attested by*



**OFFICE OF THE DISTRICT HEALTH  
OFFICER BANNU**

Near Civil Zanana Hospital Ph: 0928-9270132

No. 333-58

Dated: 2 / 04 / 14 / 2014

**OFFICE ORDER / SUSPENSION.**

With reference to this office letter No.331/PE dated 18/3/2014 regarding Explanation in connection with willful absence from Government duty and subsequent received reply of your explanation.

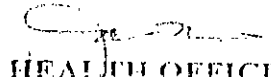
whereas you have submitted comments in lieu of your absence from duty with the remarks that you have proceeded for purpose of tabligh for a period of some months with out any application or prior approval of the undersigned which is quite irresponsibility and fraudulent tracks at part of you. you are till to date absent from duty since issuance of this office letter after lapse of three months period, which reveals that you are not interested towards performance of Government duty, hence the reply received to this effect is not in order.

In light of the above circumstances your services are hereby "SUSPENDED" with immediate effect.

Sd-xxx  
( Dr. Akbar Jan )  
District Health Officer,  
Bannu

CC:-

1. The Director General Health Service Khyber Pakhtunkhwa Peshawar for information.
2. The Deputy Commissioner, Bannu for information.
3. Medical Officer I/C BHU K. Halifa Gul Nawaz for information and also Communicated the latest position of the above name official concerned.
4. Mr. Ajab Khan Word Orderly Residence of Village Kot Adil District for information with reference to your reply date 21/04/2014.
5. Personal File of the official concerned.
6. Office Superintendent of this office for information and necessary action..

  
DISTRICT HEALTH OFFICER,  
BANNU.

Attested



D  
8  
2/9/14  
The Director General Health,  
Khyber Pakhtunkhwa.

Subject:- **APPEAL FOR REINSTATEMENT IN TO SERVICE / RELEASE OF SALARY**

Dear Sir,

With great reverence, it is stated that I was suspended from service w.e.f 2-06-2014 vide District Officer (Health) Bannu order dated 2<sup>nd</sup> June 2014. Soon after suspension, I submitted my reply to the DHO (Bannu) explaining the factual position of my absence and requested for the withdrawal of suspension order and release of salary during my suspension (copies enclosed). The concerned officer has not provided any relief to the undersigned till now despite my suspension I have been attending my duties regularly.

2. It is pertinent to mention here that stoppage of salary during suspension is against the standing instructions of the Government as contained in the Government of Khyber Pakhtunkhwa Finance Department's order No. FD (SR-II) 8-36-99 dated 29-8-2000(copy enclosed). In accordance with these instructions a Government servant during suspension shall be entitled to subsistence grant comprising of full pay and allowances.

3. I being a low paid employee has been deprived of my due right of monthly salary for the last 8 months as a result of which I sustained huge financial losses. Therefore, I have no other option except to knock at your door for immediate relief.

4. It is, therefore, humbly requested through this appeal for withdrawal of my suspension order and release of my salaries on humanitarian grounds. In future I will be careful in discharging my duties.

5. I shall highly be thankful to you for this act of kindness.

Yours obediently

Attested  
ky

عجیب خان  
(Ajab Khan)

Ward Orderly

BHU Khalifa Gul Nawaz Bannu  
Dated :- 28-11-2014

9

DIRECTORATE GENERAL HEALTH SERVICES, GOVT. OF KHYBER PUKHTUNKHWA, PESHAWAR  
NO. 9760 /Personnel  
DATED 2 /12/2014

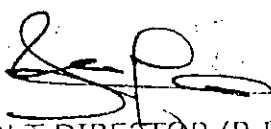
The District Health Officer,  
Bannu.

Subject: **APPEAL FOR RE-INSTATEMENT IN TO SERVICE / RELEASE OF SALARY.**

Dear Sir,


I am directed to refer to the subject noted above and find enclose a copy of an appeal alongwith its enclosure in respect of Mr. Ajab Khan Ex: Ward orderly attached to BHU Khalifa Gul Nawaz Bannu which is self explanatory.

Please furnish your comments in this regard urgently so as to proceed further in the matter.

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

07/12/14

17/12/14

Attested  


Hafiz S.M Ali Shah

بعد الت چاپ سروس ٹریڈ ہونے کی صورت میں پشاور

مجناب اسلامیت  
عجیب خان  
دعویٰ اسل

باعث شکر یہ اینکہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سید احمد خان دوستی ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے یا رضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور نیشنل نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا نثار قانونی کو اپنے اجراء یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المترقوم

العبد العبد العبد

ارباب نیف انکار  
ایڈووکیٹ

Siddiq Khan  
سید اللہ خان مروت  
ایڈووکیٹ

عجیب خان

Pravica  
من روپیہ تاز  
ایڈووکیٹ