

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR AT CAMP COURT ABBOTTABAD

BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
SALAH-UD-DIN ... MEMBER (Judicial)

Service Appeal No. 1483/2022

Muhammad Zeb S/O Hassan Zeb, R/O Lodia, Char Bagh, Kishora,
Tehsil Charbagh District Swat. (Appellant)

Versus

Secretary Health Khyber Pakhtunkhwa, Peshawar and 02 others.
(Respondents)

Present:

Mr. Sajid Amin, Advocate.....For the appellant
Mr. Asad Ali Khan, Assistant Advocate GeneralFor respondents

Date of presentation of Appeal.....30.09.2022
Date of Hearing.....26.02.2024
Date of Decision.....26.02.2024

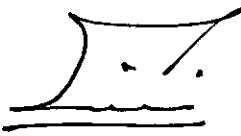
JUDGMENT

SALAH-UD-DIN, MEMBER: Precise facts as alleged by the appellant in his appeal are that certain posts of Clinical Technician were advertised through newspaper vide advertisement No. INF(P)5409/2019. The appellant being eligible and qualified for the said post, also applied for the same and was properly appointed vide offer of appointment order dated 16.11.2019 after fulfilling of all legal and codal formalities. The appellant assumed the charge of his post and started performing of his duties, however he was terminated without any reason and issuance of any order in black & white. The appellant approached the office of Commissioner Right to Information (RTI) for obtaining copy of his termination order but in vain, constraining him to file departmental

representation, however the same was not responded within the statutory period, hence the instant appeal.

2. On receipt of the appeal and its admission to regular hearing, respondents were summoned, who put appearance through their representative and contested the appeal by way of filing para-wise comments raising therein numerous legal as well as factual objections.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned Assistant Advocate General for respondents has controverted the arguments of learned counsel for the appellant and have supported the para-wise comments submitted by the respondents.



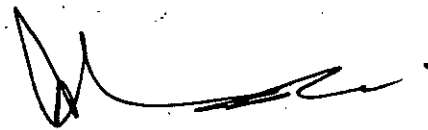
4. We have heard the arguments of learned counsel for the parties and have perused the record.

5. According to stance of the appellant, he was appointed as Clinical Technician vide order dated 16.11.2019 issued by District Health Officer Kohistan. In their comments, the respondents have categorically denied the very appointment of the appellant as Clinical Technician. The appellant has alleged that he had applied for the post of Clinical Technician in pursuance of the advertisement bearing No. INF(P)5409/2019. The said claim of the appellant has been denied by the respondents and they have alleged that the afore-mentioned advertisement No. INF(P)5409 was actually published in daily "Mashriq" on 02.01.2020 and not in the year 2019. In support of their stance, the respondents have annexed

copy of the advertisement, which has not been denied by the appellant through filing of any rejoinder. It is astonishing that the appellant has claimed that he was appointed on 16.11.2019 in consequence of an advertisement which was actually published in daily "Mashriq" on 02.01.2020. The appellant has failed to produce any authentic document in the shape of any advertisement, meeting of Departmental Selection Committee, merit list or service book as well as pay slips etc in support of his alleged appointment as Clinical Technician. Moreover, the appellant has prayed for setting-aside of order dated 01.06.2022 by alleging that the same was termination order, which in fact is a letter addressed by District Health Officer Kohistan at Dassu to the Assistant Registrar Hazara, KP Information Commission, Divisional Office Hazara mentioning therein that no recruitment/appointments were made in the Health Department Kohistan Upper from 01.07.2019 till 01.06.2022, therefore, appointment order dated 16.11.2019 of the appellant is fake and fictitious.

7. Consequently, the appeal in hand is having no force and is dismissed with cost. File be consigned to the record room.

ANNOUNCED
26.02.2024



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



(Salah-Ud-Din)
Member (Judicial)
Camp Court Abbottabad

ORDER
26.02.2024

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is having no force and is dismissed with cost. File be consigned to the record room.

ANNOUNCED
26.02.2024



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



(Salah-Ud-Din)
Member (Judicial)
Camp Court Abbottabad