

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No 367/2016

Date of Institution... 05.04.2016

Date of decision... 05.10.2017

Faridullah, Senior Ex-Senior Clerk Para Medical Technologies (PIMT) Saidu Sharif, Swat. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Health at Peshawar and 2 others. ... (Respondents)

DR. ADNAN KHAN,  
Advocate

...

For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney

...

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. GUL ZEB KHAN,

...

...

CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on 03.12.2015 against which he filed departmental appeal on 18.12.2015 which was not responded to and thereafter the appellant filed the present service appeal on 05.04.2016. The allegations against the appellant were that he was incompetent, inefficient and non-cooperative but in the operative part of the impugned order he has been found guilty of corruption, embezzlement of institutional funds, inefficiency, and incompetence.

### ARGUMENTS

3. The learned counsel for the appellant argued that there was no formal enquiry nor any show cause notice was issued to the appellant and on record annexed alongwith reply of the respondents there is a preliminary enquiry not holding the present appellant responsible but the administration of the Khyber Pakhtunkhwa was held responsible for the whole charge. That the Audit Officer in his letter dated 23.11.2015 to the Government of Khyber Pakhtunkhwa Health Department has not pin pointed the name of the appellant. Above all the competent authority has violated the mandatory provisions of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 by not issuing any show cause notice to the appellant. There is no order much less reasonable order regarding dispensing with the regular enquiry and no personal hearing was afforded to the appellant. That on the basis of such summary proceedings, the appellant could not have been awarded any penalty much less major punishment. At the last the learned counsel for the appellant pressed into service a letter received by the appellant during pendency of the present appeal on 04.08.2017 from the competent authority setting aside the impugned order by admitting the above mentioned illegalities. In this very order the authority has ordered for denovo enquiry in accordance with the spirit of the law and rules by treating the intervening period of the appellant as extraordinary leave without pay.

4. On the other hand, the learned District Attorney argued that the embezzlement has been made by the appellant. That the illegalities/irregularities pin pointed by the learned counsel for the appellant have been detected by the department that is why fresh order has been made for denovo enquiry.

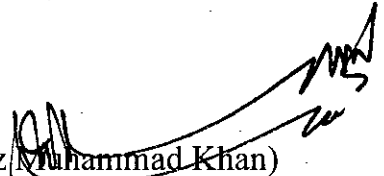
## CONCLUSION

5. There is no need to elaborately discuss the objection of the learned counsel for the appellant as admittedly, the whole proceedings were illegal being against the well established due processes. The only point for determination is whether the authority or the appellate authority could have passed any order by recalling the earlier order and ordering for *denovo* enquiry. Coming to the rules on the subject there is no such provision whereby the authority could have reviewed its own order. Review being creation of statute can be resorted to by an authority specifically permitted by law. Secondly under the established principle of *locus poenitentiae* after passing of the order and filing of departmental appeal and during pendency of service appeal before this Tribunal, the authority passing the original order could not have taken any decision. The order is an order which has been acted upon and attained <sup>ed</sup> finality. This provision can be gathered from sub rule 2 of Rule 19 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 wherein it has <sup>ed</sup> been specifically provided that whenever a service matter is filed before the Service Tribunal then the authority with whom the departmental appeal or review petition is pending shall not take any further action. In the present case the departmental appeal was pending before the appellate authority and when it was not responded to within the statutory period, the present service appeal was filed before this Tribunal. Nothing was pending before the authority passing the original order then it is strange that when the departmental appeal could not be decided due to pendency of service appeal before this Tribunal then how could the competent authority can pass an order reversing his earlier order on the basis of being illegal.

6. This Tribunal, therefore set asides both the orders dated 03.12.2015 and 04.08.2017 and reinstate the appellant in his position. The salary of the intervening period shall be paid to the appellant. The department is at liberty to initiate fresh

departmental proceedings. Parties are left to bear their own costs. File be consigned to the record.

  
(Gul Zeb Khan)  
Member

  
(Niaz Muhammad Khan)  
Chairman  
Camp Court, Swat

ANNOUNCED

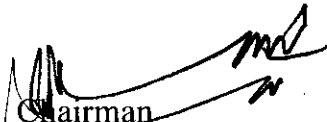
05.10.2017

05.102017

Appellant alongwith counsel and Mr. Muhammad Zubair, District Attorney alongwith Hasham Khan, Asstt. and Dr. Inamullah, Principal for the respondents present. Arguments heard and record perused.

As per our detailed judgment of today this appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.

  
Member


  
Chairman  
Camp Court, Swat.

ANNOUNCED  
05.10.2017

367/16

10.11.2016


Appellant present in person and M/S. Akhtar Zaman, Assistant and Inamullah, Principal alongwith Mian Amir Qadar, GP for the respondents present. Written reply submitted. The appeal assigned to D.B for rejoinder and final hearing for 08.03.2017 at camp court, Swat.

  
Chairman  
Camp court, Swat

08.03.2017

Appellant present in person M/S Akhtar Zaman, Asstt. And Inamullah, Principal alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Appellant requested for adjournment as his counsel is indisposed. Adjourned for rejoinder and final hearing to 08.08.2017 before the D.B at camp court, Swat.

  
Member


  
Chairman  
Camp court, Swat

08.08.2017

Appellant in person and Mr. Muhammad Zubair, District Attorney alongwith Mr. Hashim Khan, Assistant for the respondents present. Rejoinder submitted.

Representative of the respondents submitted copy of office order dated 4/8/2017 wherein the appellant has been reinstated for the purpose of denovo inquiry, which is placed on file. Appellant seeks adjournment as his counsel is not in attendance due to strike of the bar. Adjourned. To come up for further proceedings/arguments on 05.10.2017 before the DB at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat

04.05.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Senior Clerk when dismissed from service vide impugned order dated 03.12.2015 on the grounds of corruption, embezzlement of instrumental funds, and incompetency where-against he preferred departmental appeal on 18.12.2015 which was not responded and hence the instant service appeal on 05.04.2016.

That the appellant was not subjected to any enquiry on the grounds mentioned in the dismissal order. That the appellant was not the custodian of funds nor responsible for any embezzlement in the same. That he was not associated with the enquiry nor opportunity of personal hearing afforded to him.


Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 03.08.2016 before S.B at camp court, Swat.

Appellant Deposited  
Security & Process Fee

  
Chairman  
Camp Court, Swat

03.08.2016

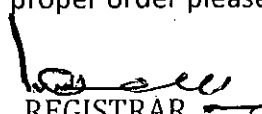

Counsel for the appellant and Hasham Ali, Asstt. and Dr. Inamullah alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Seeks adjournment. To come up for written reply/comments on 10.11.2016 before S.B at camp court, Swat.

  
Chairman  
Camp court, Swat.

Form- A  
FORM OF ORDER SHEET

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

Case No. 367/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.04.2016	<p>The appeal of Mr. Farid Ullah presented today by Mr. Adnan 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</p>
2	11-04-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up thereon <u>04-05-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR**

Service Appeal No. 367 of 2016

Farid Ullah .....Appellant


VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health and others.....Respondents

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Appellant through Counsel

  
Dr. Adnan Khan, Barrister-at-Law  
Office: Adnan Law Associates,  
Opp. Grassy ground Mingora Swat.  
Cell: 03469415233



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK**  
**PESHAWAR**

Service Appeal No. 367 of 2016

Farid Ullah, Senior Ex-Senior Clerk Para Medical  
Technologies (PIMT) Saidu Sharif, Swat..... *Appellant*

**M.W.F. Province**  
**Service Tribunal**

**Diary No** 338

**Dated** 05-4-2016

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Health at Peshawar.
2. Director Provincial Health Services Academy, Dauranpur, Peshawar.
3. Principal Para Medical Institute Saidu Sharif, Swat.

.....*Respondents*

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST**  
**THE ORDER OF DISMISSAL FROM SERVICE AND**  
**IMPOSITION OF MAXIMUM PENALTY**

**PRAYER:**

*On acceptance of this Appeal, the impugned order of dismissal dated 3/12/2015 may be set aside and the appellant be restored to his previous position as a Senior Clerk.*

Respectfully Sheweth:

1. That the appellant was appointed as Junior Clerk in the Health Department on 04-06-1991. Prior to the impugned order of dismissal, the appellant was serving as Senior Clerk (BPS-14) in Para Medical Institute of Medical Technologies Swat.
2. That the appellant has performed his duties with all dedication and devotion, and has used his blood and sweat

**File to file**  
**Alam**  
**Registrar**  
**5/4/2016**

for the uplifting and betterment of his parent institution for long 25 years.

3. That the appellant was performing his duties in normal routine that all of a sudden received a letter **No.42/PHSA/Admn/Enquiry File/2015/16/ dated 03-12-2015**, wherein it was mentioned that the appellant has been dismissed from service under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules (Copy of dismissal order is attached as Annexure "A").
4. That subsequently, the appellant preferred a departmental appeal to Respondent No. 1 for setting aside the order of dismissal on 18/12/2015. The same was not responded to and hence, this appeal. (Copy of departmental appeal is attached as Annexure "B").
5. That the appellant now assails the order of dismissal through this appeal inter alia on the following grounds;

**GROUND:**

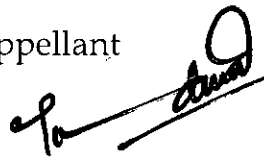
1. That the appellant has been condemned unheard and has not been informed or allowed to participate in the so called enquiries conducted against him. Similarly, no opportunity of personal hearing whatsoever was provided to the appellant.
2. That no show cause notice, charge sheet, statement of allegation or final show cause notice whatsoever was served on the appellant. The whole proceedings being against the principals of natural justice and due process of law are liable to be set aside.
3. That the allegations leveled against the appellant are not only ill-founded but extremely vague as well. In the first Para of the impugned order, the appellant has been blamed for inefficiency and non co-operation, while in the operative part of the impugned order, the appellant has been charged for corruption and embezzlement of institutional funds.
4. That no detail whatsoever has been given as to when the alleged embezzlement took place and how much of institutional funds were embezzled by the appellant. Needless

to say that the appellant being junior in the hierarchy of the institution was not a custodian or responsible personnel of accounts and funds.

5. That the accounts of the institution have been regularly and properly audited by internal and external auditors. Had there been any embezzlement or misappropriation of funds on behalf of the appellant, the auditors should have unearthed the same. In this respect Audit Report dated 30/06/2014 prepared by Mr. Rabnawaz, Audit Officer is worth mentioning. At present copy of the said report is in the possession of respondents who refused to provide copy of the same to the Appellant.
6. That imposition of a major and severe most penalty without any probe is the worst example of highhandedness and non judicious exercise of authority. Therefore on this score as well the impugned proceedings are liable to be set aside.
7. That the proceedings in question have been a result of colourful exercise of authority and personal vendetta against the appellant. Hence, the same are liable to be set aside.
8. That further grounds will be raised at the time of oral submissions before the worthy tribunal.

It is therefore, humbly prayed that on acceptance of this appeal, the impugned order of dismissal from service may be set aside and the appellant be restored to his previous position of Senior Clerk.

Appellant

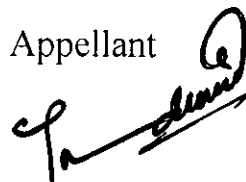


Farid Ullah

**CERTIFICATE:**

Certified that the contents of this appeal are true to the best of my knowledge and belief.

Appellant



4

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2016

Farid Ullah .....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health and  
others.....Respondents

**AFFIDAVIT**

I, **Adnan Khan** (Counsel for Appellant) as per instructions of my client, do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Honourable Tribunal or elsewhere on this subject matter

DEPONENT

*Adnan Khan*

Barrister  
*Dr. Adnan Khan*  
Advocate High Court

**ATTESTED**

*Muhammad Mushtaq Khan*

**Muhammad Mushtaq Khan**  
**OATH COMMISSIONER**  
District Courts Swat.  
upto 17/11/2017

No. *08* Date *2.4.2016*

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2016

Farid Ullah .....Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Health and others.....Respondents

**ADDRESSES OF THE PARTIES**


**APPELLANT:**

Farid Ullah, Senior Ex-Senior Clerk Para Medical Technologies (PIMT)  
Saidu Sharif, Swat.

**RESPONDENTS:**

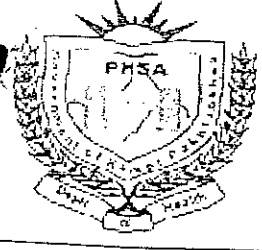
2. Government of Khyber Pakhtunkhwa through Secretary Health at Peshawar.
3. Director Provincial Health Services Academy, Dauranpur, Peshawar.
4. Principal Para Medical Institute Saidu Sharif, Swat.

Appellant



Farid Ullah

A  
25

	<p><b>Provincial Health Services Academy (PHSA).</b>          Health Department, Government of Khyber Pakhtunkhwa,          Budhni Road Duranpur, Near Northern By Pass, Peshawar.          ☎ # 091- 2614124 Fax # 091- 2614360.          Exchange ☎ # 091- 2650881, 2264716, 2264717, 2264718,  <b>www.phsa.edu.pk</b>          E-mail: info@phsa.edu.pk, phsa_peshawar@yahoo.com</p>
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No. 42/PHSA/Admn/Enquiry File/2015-16/

Date: \_\_\_/12/2015

Mr. Faridullah  
 Senior Clerk / Accountant  
 Paramedical Institute of Medical Technologies (PIMT)  
 Saidu Sharif, Swat

Subject: DISMISSAL FROM SERVICE

I, Dr. Javed Khan Director PHSA being competent authority, do hereby dismiss you from services under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rule 5 (a) (iv) on the basis of findings of the enquiry committee constituted vide Principal PIMT order No. 2254-62/PF/2015 dated 01/09/2015 with its report submitted to PHSA and Department of Health vide No. 2267/PF dated 22/09/2015. Your incompetence inefficiency and non-cooperation is also established under enquiry Committee report of dated 02-Dec-2015 constituted vides Director PHSA order No. 10/PHSA/Admn/Movement Order/5035 dated 12/10/2015.

The findings of inquiry report is further elaborated in subsequent findings of the report submitted by the Health Departments Internal Audit Cell vide their letter No. IAC/HD/IA/2015/21 dated 23/11/2015 regarding PIMT Saidu Sharif Swat.

Therefore, in light of above findings I am satisfied that you have been found guilty of corruption, embezzlement of institutional funds, inefficiency, incompetence and hence your dismissal.

-sd-  
DIRECTOR

No. 42/PHSA/Admn/Enquiry File/2015-16/ 5730-37

Date: 03/12/2015

Copy forwarded for information to:

1. Accountant General Office, Peshawar.
2. Principal PIMT Saidu Sharif Swat.
3. District Account Officer Swat.
4. Manager Allied Bank Saidu Sharif Swat
5. I/C Internal Audit report, Health Department Peshawar.
6. PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
7. PA to Director General Health Services Peshawar.

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Barrister  
 Dr. Adnan Khan  
 Advocate High Court

  
 Administrative Officer

BEFORE THE SECRETARY HEALTH,

GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR

Departmental Appeal No. 10666 of 2015 *Dated 18/12/2015*

Farid Ullah, Senior Clerk Para Medical Technologies (PIMT)  
Saidu Sharif, Swat.

.....Appellant

VERSUS

1. Dr. Javed Khan, Director Provincial Health Services Academy, Peshawar.
2. Principal Para Medical Institute Saidu Sharif, Swat.

.....Respondents

DEPARTMENTAL APPEAL UNDER RULE 3 OF THE  
KHYBER PAKHTUNKHWA CIVIL SERVANT  
(APPEAL) RULES 1986:

Respected Sir,

1. That the appellant was appointed as Junior Clerk in the Health Department on ~~06-04~~ 1991. Prior to the impugned order of dismissal, the appellant was serving as Senior Clerk (BPS-14) in Para Medical Institute of Medical Technologies Swat.
2. That the appellant has been performing his duties with all dedication and devotion and has used his blood and sweat for the uplifting and betterment of his parent institution for long 25 years.
3. That the appellant was performing his duties in normal routine that all of a sudden received a letter No.42/PHSA/Admn/Enquiry File/2015/16/ dated 03-12-2015, wherein it was mentioned that the appellant has been

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Barrister  
*Dr. Adnan Khan*  
Advocate High Court



dismissed from service under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules (Copy of dismissal order is attached herewith).

4. That the appellant now assails the said dismissal order through this appeal inter alia on the following grounds;

GROUND:

1. That the appellant has been condemned unheard and has not been informed or allowed to participate in the so called enquiries conducted against him. Similarly, no opportunity of personal hearing whatsoever was provided to the appellant.
2. That no show cause notice, statement of allegation or final show cause notice whatsoever was served either on the appellant.
3. That the allegations leveled against the appellant are not only ill-founded but also extremely vague. In the first Para of the impugned order, the appellant has been blamed for inefficiency and non co-operation, while in the operative part of the impugned order, the appellant has been charged for corruption and embezzlement of institutional funds.
4. That no detail whatsoever has been given as to when and how much funds were embezzled by the appellant. Needless to say that the appellant being junior in the hierarchy of the institution was not a custodian or a responsible personnel of accounts and funds.
5. That the accounts of the institution have been regularly and properly audited by internal and external auditors. Had there been any embezzlement or misappropriation of funds on behalf of the appellant, the auditors should have unearthed the same.
6. That imposition of a major and severe most penalty without any probe is the worst example of highhandedness and non judicious exercise of authority.
7. That the proceedings in question have been a result of colourful exercise of authority and personal vendetta against the appellant. Hence, the same are liable to be set aside.

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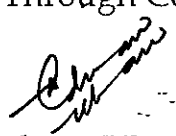
*Adnan Khan*  
Barrister  
*Dr. Adnan Khan*  
Advocate High Court

8. That further grounds will be raised at the time of oral submissions before your goodself.

In view of the above, it is humbly requested that on acceptance of this appeal, the impugned order of dismissal from service may be set aside and the appellant be restored to his previous position of Senior Clerk.

Appellant

Through Counsel



Dr. Adnan Khan, Barrister-at-Law



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**Barrister  
Dr. Adnan Khan  
Advocate High Court**

بعدالت خیمہ بختونخواہ سروسز ٹریڈینگز پبلا



مورخہ ۹ اپریل ۲۰۱۶ء منجانب  
مقدمہ مزید اللہ بنام حکومت و عین  
دعویٰ سروسز ٹریڈینگز  
جرم باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام چٹاورد / مینگورہ سوات کیلئے بیسٹ ڈائریکٹرز خان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اس کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم ۲۱ ماہ اپریل ۲۰۱۶ء

العبد گداہ شادہ العبد

Attested

مقام چٹاورد / مینگورہ سوات Accepted کے لئے منظور ہے



Dr. Adnan Khan  
Advocate High Court

مزید اللہ ولد خلیل رحمن

(5)

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**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR.**

Service Appeal NO. 367/2016.

Farid Ullah Senior Clerk Para Medical Technologist (PIMT) Saidu Sharif, Swat.

..... **PETITIONER.**

**VERSUS**

1. The Secretary Health KPK Peshawar.
2. Director, Provincial Health Services Academy, Peshawar Budhni Near Northern by Pass Dauranpur, Peshawar.
3. Dr. Javed Khan, Director Provincial Health Services Academy Peshawar.
4. Principal PIMT Swat.

..... **RESPONDENTS**

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①

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

Service Appeal NO. 367/2016.

Farid Ullah Senior Clerk Para Medical Technologist (PIMT) Saidu Sharif, Swat.

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3. Dr. Javed Khan, Director Provincial Health Services Academy Peshawar.
4. Principal PIMT Swat.

..... **RESPONDENTS**

**PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO.1,2&4**

**RESPECTFULLY SUBMITTED:**

**Preliminary objections:**

- i. The petitioner has neither cause of action nor locus standi.
- ii. The petition is not maintainable in its present form.
- iii. The petitioner has not come to the court with clean hands and hit by laches.
- iv. That the petition is bad due to non-joinder and mis-joinder of necessary parties.
- v. The Petitioner has got no statutory backing to invoke jurisdiction of this Honorable Court.

**PARA WISE COMMENTS BY THE RESPONDENTS NO. 1,2&4.**

1. Before the order of dismissal, the petitioner was Senior Clerk (BPS-14) working against the post of Accountant (BPS-14) in PIMT Swat.
2. No comments.
3. On taking over the charge as Principal, Dr. Inam Ullah Khan (BPS-19) directed the above named Accountant to submit record of all financial matters of the Institute showing, Receipt, Expenditures & Bank Statements etc but he failed to do so. The Principal constituted an Enquiry Committee to find out details of financial matters of the Institute. The Inquiry Committee found the concerned Accountant involved in embezzlement of funds. Photocopy of enquiry report along with all relevant record is attached as Annexure (A).

To reconfirm, another impartial Inquiry Committee was constituted from PHSA to investigate the actual facts. He again failed to produce the record and satisfy the new enquiry committee as well. He was given 15 days' time to submit the required original official documents but failed again. Photocopy of enquiry report along with relevant record is attached as per Annexure (B).

Meanwhile an internal audit of the Institute was conducted by the Health Department. The Audit Party also reported the matter regarding embezzlement of more than 10 million Rupees in Institution funds. It further mentioned in the Internal Audit Report that no proper cash book and payment vouchers were found on record. Photocopy of Internal Audit Report is attached as per Annexure (C).

4. The petitioner has neither cause of action nor locus standi.

### GROUNDS.

1. Incorrect to the extent that several opportunities have been given as in para 3.
2. Mr. Farid Ullah Senior clerk was dismissed from service while applying efficiency and disciplinary rule 5(a) (IV) in view of evidences and committee reports.
3. Incorrect to the extent that clear embezzlement have been established as in para No.3.
4. Incorrect to the extent that the petitioner has been directed to deposit the embezzlement amount but in vain.
5. Please refer to para 2 above.
6. Incorrect and misleading as embezzlement reported in the internal audit.
7. Incorrect and baseless as all the process was in accordance to E&D Rules 2011.
8. No comments.

### PRAYED

In view of the above clarifications, it is very humbly prayed that the appeal may please be dismissed and request to please recover the embezzled amount of public exchequer from the petitioner as well.



**(Respondent No.1)**  
Secretary to Govt. of Khyber Pakhtunkhwa  
Health Department, Peshawar.



**(Respondent No. 2)**  
Director  
Provincial Health Services Academy,  
Peshawar.



**(Respondent No. 04)**  
Principal,  
Paramedical Institute of Medical  
Technology, Swat

3

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

Service Appeal NO. 367/2016.

Farid Ullah Senior Clerk Para Medical Technologist (PIMT) Saidu Sharif, Swat.

..... **PETITIONER.**

**VERSUS**

5. The Secretary Health KPK Peshawar.
6. Director, Provincial Health Services Academy, Peshawar Budhni Near Northern by Pass Dauranpur, Peshawar.
7. Dr. Javed Khan, Director Provincial Health Services Academy Peshawar.
8. Principal PIMT Swat.

..... **RESPONDENTS.**

**AFFIDAVIT.**

I, Mr. Tofeeq Ullah, Administrative Officer Provincial Health Services Academy (PHSA), Health Department, Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare on oath that all the content of para-wise comments submitted in response to Service Appeal NO. 367/2016, are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable court.

Identified by

  
**DEPONENT.**

17201-2250671-3



(4)

A

of

APPROXIMATE CALCULATION OF 13THE BATCH

Total admitted students 77

In Service 14 students

Fresh 63 Students

1- Admission fee per student	1000x77=	Rs.77000/-
2- Tuition fee per student (In service)	6000x14=	Rs. 84000/-
3- Tuition fee per student ( Fresh)	12000x63=	Rs.7,56000/-
Total		Rs. 9,17000/-

OTHER FEES :-

1- Security(Institute) per student	500x77=	Rs.38500/- Refundable
2- Hostel charges+Security	500x ? the actual No. of boarder students is not available.	RF
3- Hostel Charges per student	1000x ? the actual No. of boarder students is not available.	Non refundable.
4- Books and library per student	Rs. 2400x77=	Rs. 184800/- Non Ref.
5- Computer Laboratory Charges per student	4800x77=	Rs. 369600/- Non Ref.
6- Transportation/study tours per student	4800x77=	Rs. 369600/- Non ref.
7- Sports and recreation per student	2400x77=	Rs. 184800/- Non ref.
8- internal evaluation fee per student	1000x77=	Rs.77000/- Non ref.
Total non refundable amount		Rs.1185800/-

Mr. Faridullah Senior Clerk with additional charges of accounts was asked to provide the record including Govt. treasury Challans or Bank statements which reflects the above amounts but he did not provided the said.

Report submitted for further necessary action please.

Assigned Committee members

- 1- Dr. Sheraz Ahmad Instructor PIMT Swat. Sheraz Ahmad 18.09.015
- 2- Mr. Fazal Hadi Chief Tutor PIMT Swat. Fazal Hadi 18/9/15
- 3- Mr. Didar Ali Sr. Scale stenographer PIMT Swat. Didar Ali 18/9/15
- 4- Mr. Fazli Rabbi Chief Tutor PIMT Swat. Fazli Rabbi 18-9-15
- 5- Mr. Fazal Mohammad Chief Tutor PIMT Swat. Fazal Mohammad 18/9/15

Annex - B

5

13

15/11/11

CONFIDENTIAL



**Provincial Health Services Academy**  
 Department of Health  
 Government of Khyber Pakhtunkhwa  
 Budhni Road Duranpur Peshawar  
 ☎ 0912650861 / 2264718; Fax: 0912261249  
 E-mail: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)  
 Website: [www.phsa.edu.pk](http://www.phsa.edu.pk)

Director  
 Provincial Health Services Academy

*2.4*  
*Achir*

Subject: PRELIMINARY ENQUIRY REPORT OF PIMT SWAT

*17/11*

Subject report is enclosed please.

Enclosure: Four Pages Report with Annexure-1 (10 Pages) and Annexure-2 (01 Page)

Member Enquiry Committee

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17/11/15

PRELIMINARY ENQUIRY REPORT

COMPILED BY ENQUIRY COMMITTEE ESTABLISHED vide PHSA OFFICE

ORDER NO. F-42/PHSA/Admin/Enquiry/2015-16/5035 dated: 12-10-2015

Submitted on 10 Nov-2015

1. BACKGROUND

On 31 July 2015 Mr. Amin, Naib Qasid, custodian of official record room by reaching superannuation handed over keys to Dr. Inam Ullah, a member of Management cadre services (BPS-19), Principal PIMT (Paramedical Institute for Medical Technology Saidusharif), Swat. Dr. Inam Ullah handed over the keys to Dr. Sheraz Ahmad, a general cadre doctor serving as instructor/ex-Principal PIMT Swat.

On 26 August 2015, Principal PIMT Swat vide its letter No. 2217/PF/2015 dated 26/08/2015 on subject "Provision of Accounts/Financial Record of PIMT Swat" directed Mr. Faridullah Khan, Senior Clerk cum Accountant BPS-14 to submit all record regarding finance, budget, student fees and bank accounts etc for the last ten years within three days. Prior to issuing this letter another warning letter with subject of "Misconduct" was also served upon Mr. Faridullah Khan vide letter No. 2216/PF/2015 to refrain from pressurizing Principal PIMT Swat.

On 27 August 2015, Mr. Faridullah Khan submitted replies to both letters stating to extend full cooperation in this regards however failed to accomplish the assigned task due to some official and domestic constraints for the time being.

On 01 September 2015, Principal PIMT Swat being unsatisfied with ibid replies constituted a five member enquiry committee headed by Dr. Sheraz Ahmad, instructor/ ex-Principal vide letter No. 2254-62/PF/2015 dated 01/09/2015 to inquire Mr. Faridullah, Senior Clerk, regarding non-provision of official record for the last 10 years.

On 08 September 2015, the employee under inquiry was transferred from PMIT Swat to The Office of Director PHSA. Director PHSA cancelled its order upon knowing the fact that the employee is under report vide Principal PIMT letter No. 2269/PF/2015 dated 09/09/2015.

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19/2/23/1

On 22 September 2015, the Principal PIMT Swat forwarded the inquiry report to Director PHSA, Peshawar under intimation to Secretary Health and DGHS offices vide a private courier services. The compiled inquiry report lists

1. Approximate collection of Admission/Tuition fee and College fund (Refundable /Non-refundable) for the last two sessions 2014-15 (13<sup>th</sup> Batch) and 2013-14(12<sup>th</sup> Batch separately with the findings that Mr. Faridullah Khan did not provide relevant record for the two sessions.

Furthermore Following documents were attached to inquiry report

- i. Allied Bank Statement (11 pages) titled as Principal PIMT Saidu Sharif Swat from 2005 till 03 September 2015.
- ii. Student Lists of relevant two sessions
- iii. Fee structure pages photocopied from relevant sessions' prospectus
- iv. Official corresponding record (letters and dispatch registry record)

On 12 October 2015, director PHSA, constituted an enquiry committee to investigate the financial matter of PMIT Swat to find out actual facts in light of Principal PIMT Swat office order No. 2254-62/PF dated 01/09/2015. PHSA Enquiry Team paid a visit to PMIT Swat on 02-03 November 2015 to find the facts on ground.

**2. Methodology adopted for facts findings i.e. Inspection of Record Room, documentary evidence and conducting oral interviews:**

- 2.1. Oral Interviews of the Principal, members of the enquiry committee and Mr. Faridullah Khan, senior Clerk cum accountant of PMIT Swat were conducted
- 2.2. Primary documents i.e. 10 Questionnaires one each for respective financial year from 2005 to 2015 were handed over both to Principal PIMT and Mr. Faridullah Khan for data collection related to college's fee/fund received from students with the direction to furnish the same within a fortnight (Questionnaires attached as Annexure A)
- 2.3. Secondary documents i.e. complete record of last Ten (10) years that includes fee/fund collections (refundable/Non-refundable), funds deposits in banks, deposits in Treasury, relevant Challans, Treasury Department

(3)

21/1/15

reconciliation statements , bank statements, attendance registers both for students and employee, relevant notification regarding remittances of fee , receipts record of fines from students, relevant cash books, ledgers, sanctioned budget, earlier complaints, explanations served, institution's audit reports, complete DDO ship record, detail of approval from finance department for utilization of college funds collected from students were directed to produce in a fortnight as per letter at annexure B.

2.4 Record room was inspected and two weeks time were given to bring the record back in order.

### 3. FACTS

The following facts were provisionally established during preliminary enquiry:

1. The institute's building was inaugurated by General Raheel Sharif, NI(M) Chief of the Army Staff in April 2014, and the institute was shifted to the present building subsequently.
2. All the record was shifted to the new building and was maintained by a literate Naib Qasid till his superannuation on 31 July, 2015.
3. Upon superannuation the record room keys were handed over to the Principal PIMT Swat.
4. The record room was not properly maintained. The entire record was scattered in almirahs and open cartons i.e. boxes.
5. Mr. Faridullah was having no access to record since retirement of the custodian of the record room.
6. It was literally impossible for Mr. Fardidullah to furnish record of 10 years just in 03 days while having no access to the record room.
7. The attendances in classrooms were very low and only few of the female students were found in attendance.
8. The last year fee collection due on 31 December 2014 is so far not collected due to the poor attendance and loose administration.

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23/11/15

9. The college fund was not kept in an agent bank of the State Bank of Pakistan i.e. National Bank or Bank of Khyber rather it was kept in Allied Bank Limited.

4. RECOMMENDATIONS

- 4.1 If any embezzlement of the public fund is found, respective DDO will be held responsible for his tenure as per rules.
- 4.2 Record provision is also the responsibility of head of institute and it is recommended that the record which is ordered to be provided for detail inquiry shall be provided in letter in spirit.
- 4.3 The administration of the institute is very loose. The management of class attendance, teacher and staff attendance, record keeping and communication through channel of authority is unsatisfactory.

5. ANNEXURE ATTCHED

- 5.1 Ten (10) Questionnaire proforma from 2005 to 2015 (Annexure-A) 10 pages each questionnaire for corresponding year
- 5.2 List of Secondary documents for provision of detail inquiry

MR FAIZ MUHAMMAD  
Librarian PHSA  
Member Inquiry Committee  
Date: 10-Nov-15

MR ASGHAR  
Accounts Assistant, PHSA  
Member/Convener Inquiry committee  
Date: 10-Nov-15

DR ABDUR REHMAN  
DY. DIRECTOR (M&R), PHSA  
Chairman Inquiry Committee  
Date: 10-Nov-15

Mode of ADMISSION/TUTION FEE PAYMENT  
Prospectus Charges

FEE FOR ENTIRE PROGRAM AT THE TIME OF  
ADMISSION

1	Admission Fee (Non-Refundable)	800	
2	Security (institute) Refundable	1000	
3(b)	Security (Hostel) Refundable	500	
3(a)	Hostel Charges (Rs. 200 Per Month) per program*	500	
(a)	Tution Fee (In-Service) per program	4800	
(b)	Tution Fee Fresh per program	6000	
	Litigation Charges per annum	12000	
5	Computer Lab. Charges Per Program	Discontinued	
6	Documents Verification fee (non-refundable)	5000	
7	Books and Library Per Program	500	
8	Transportation/ Study Tours Per Program	5000	
9	Sports/Recreation Per Program	5000	
10	Hostel Electricity Charges	2400	
11	Mess Charges	In case of Over expenditure	
12	Exam. Fee	to Mess Committee	
13	Faculty Registration Fee	TO BE PAID TO KP MEDICAL FACULTY	
14	Per Program Internal Evaluation Fee (Monthly Test) Stationary + E	TO BE PAID TO KP MEDICAL FACULTY	
15	General Fund Per Program (Rs. 400 per annum)	2000	
	TOTAL FEE TO BE PAID BY FRESH ADMITTED CANDIDATE wi	800	
	TOTAL FEE TO BE PAID BY IN-SERVICE CANDIDATE without 3	34900	
16	Re-Admission for struck off Students (Contineouse absence for 2 v	28,900	
17	Charges for each Absentee per day	2000	Re-Admissioly Rule only once
18	Mandatory attendance	50	Attendance/Leave Rules
19	Admission by Migration/Transfer ( Rule 6)	75%	Attendance/Leave Rules
20	ID-Card to be issued	10000	Migration Fee to the recipient inst
21	Duplicate card	120	ID Card Rules
22	Fine without uniform per day	150	ID Card Rules
23	Act of indiscipline/Misconduct Rule 24 page 43	50	Uniform Dress Rule
24	Act of indiscipline/Misconduct Rule 29 page 43	3000	Minor Punishment
		10000	Major Punishment

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER / QUA	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Scholor	99	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
6 No. of Fresh (General) candidates		
7 Amount received as admission fee		
8 Amount received as Tution Fee		
9 Amount recieved as Refundable Fee		
10 Amount received for college fund (Non-refundable)		
11 Amount of Hostel Charges Collected from Hostel Boarder		
12 Amount of fine collected on Fine of absenteeism		
13 No. of struck off students		
14 Amount of fine collected from Struck off students		
15 Amount of total ID-Card Fee colected		
16 Amount of Duplicate ID Card fee Collected		
17 Total Amount collected from violation of uniform code fines		
18 Total amount of desciplinary/Misconduct Minor Punishment fine collected		
19 Total amount of desciplinary/Misconduct Major Punishment fine collected		

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PROSPECTUS 2013-14

Mode of ADMISSION/TUTION FEE PAYMENT

Prospectus Charges (Non-Refundable)		AT ADMISSION TIME/ YEARLY BASIS	
1	Admission Fee (Non-Refundable)	500	
2	Security (institute) Refundable	1000	
3(b)	Security (Hostel) Refundable	500	
3(a)	Hostel Charges	500	
4(a)	Tuition Fee (In-Service) per Month	1000	
4(b)	Tuition Fee Fresh per Month	250	
5	Litigation Charges per annum	500	
6	Computer Lab. Charges Per Annum	Discontinued	
7	Books and Library Per Month	2400	
8	Transportation/ Study Tours Per Month	100	
9	Sports/Recreation Per Month	200	
10	Hostel Electricity Charges	100	
11	Mess Charges	In case of Over expenditure	
12	Exam. Fee	to Mess Committee	
13	Faculty Registration Fee	TO BE PAID TO KP MEDICAL FACULTY	
14	Per Annum Internal Evaluation Fee (Monthly Test) Stationary + Exam	TO BE PAID TO KP MEDICAL FACULTY	
15	Re-Admission for struck off Students (Contineouse absence for 2 we	500	
16	Withdrawal of admission	2000	
Note	Willful withdrawn of admission by in-service candidates	5000	
15	Charges for each Absentee	5000	Reverse entry in service book
16	Mandatory attendance	50	Attendance/Leave Rules
17	ID-Card	80%	Attendance/Leave Rules
18	Duplicate card	20	ID Card Rules
19	Fine without uniform	100	ID Card Rules
20	Interim Action	50	Uniform Dress Rule
		100	Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER / QUANT	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Scholar	88	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
6 No. of Fresh (General) candidates		
7 Amount received as admission fee		
8 Amount received as Tution Fee		
9 Amount recieved as Refundable Fee		
10 Amount received for college fund (Non-refundable)		
11 Amount of Hostel Charges Collected from Hostel Boarder		
12 Amount of fine collected on Fine of absenteeism		
13 No. of struck off students		
14 Amount of fine collected from Struck off students		
15 Amount of total ID-Card Fee colected		
16 Amount of Duplicate ID Card fee Collected		
17 Total Amount collected from violation of uniform code fines		
18 Total amount of Interim Action charges collected		



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ANNEXURE 29/6/1

PROSPECTUS 2012-13

Mode of ADMISSION/TUTION FEE PAYMENT

AT ADMISSION TIME/ YEARLY BASIS

Prospectus Charges (Non-Refundable)		
1	Admission Fee (Non-Refundable)	500
2	Security (institute) Refundable	1000
	Security (Hostel) Refundable	500
	Hostel Charges	500
	Tution Fee (In-Service) per Month	1000
	Tution Fee Fresh per Month	250
5	Litigation Charges per annum	500
6	Computer Lab. Charges Per Annum	Discontinued
7	Books and Library Per Month	2400
8	Transportation/ Study Tours Per Month	100
9	Sports/Recreation Per Month	200
10	Hostel Electricity Charges	100
11	Mess Charges	In case of Over expenditure
12	Exam. Fee	to Mess Committee
13	Faculty Registration Fee	TO BE PAID TO KP MEDICAL FACULTY
14	Per Annum Internal Evaluation Fee (Monthly Test) Stationary + Exam	TO BE PAID TO KP MEDICAL FACULTY
e:(2)	Re-Admission for struck off Students (Contineouse absence for 2 we	500
Note (4)	Withdrawal of admission	2000
Note (4)	Willful withdrawn of admission by in-service candidates	5000
15	Charges for each Absentee	5000 Reverse entry in service book
16	Mandatory attendance	50 Attendance/Leave Rules
17	ID-Card	80% Attendance/Leave Rules
18	Duplicate card	20 ID Card Rules
19	Fine without uniform	100 ID Card Rules
20	Interim Action	50 Uniform Dress Rule
		100 Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER / QU	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Scholor	88	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
6 No. of Fresh (General) candidates		
7 Amount received as admission fee		
8 Amount received as Tution Fee		
9 Amount recieved as Refundable Fee		
10 Amount received for college fund (Non-refundable)		
11 Amount of Hostel Charges Collected from Hostel Boarder		
12 Amount of fine collected on Fine of absenteeism		
13 No. of struck off students		
14 Amount of fine collected from Struck off students		
15 Amount of total ID-Card Fee colected		
16 Amount of Duplicate ID Card fee Collected		
17 Total Amount collected from violation of uniform code fines		
18 Total amount of Interim Action charges collected		

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ANNEXURE "A"

PROSPECTUS 2011-12

Mode of ADMISSION/TUTION FEE PAYMENT

Prospectus Charges (Non-Refundable)

AT ADMISSION TIME/ YEARLY BASIS

1	Admission Fee (Non-Refundable)	500	
2	Security (institute) Refundable	1000	
(b)	Security (Hostel) Refundable	500	
(a)	Hostel Charges	500	
(a)	Tuition Fee (In-Service) per Month	1000	
(b)	Tuition Fee Fresh per Month	250	
5	Litigation Charges per annum	500	
6	Computer Lab. Charges Per Annum	Discontinued	
7	Books and Library Per Month	2400	
8	Transportation/ Study Tours Per Month	100	
9	Sports/Recreation Per Month	200	
10	Hostel Electricity Charges	100	
11	Mess Charges	In case of Over expenditure	
12	Exam. Fee	to Mess Committee	
13	Faculty Registration Fee	TO BE PAID TO KP MEDICAL FACULTY	
14	Per Annum Internal Evaluation Fee (Monthly Test) Stationary + Exam	TO BE PAID TO KP MEDICAL FACULTY	
(b)	Re-Admission for struck off Students (Contineouse absence for 2 we	500	
(a)	Withdrawal of admission	2000	
(4)	Willful withdrawn of admission by in-service candidates	5000	
15	Charges for each Absentee	5000	reverse entry in service book
16	Mandatory attendance	50	Attendance/Leave Rules
7	ID-Card	80%	Attendance/Leave Rules
18	Duplicate card	20	ID Card Rules
19	Fine without uniform	100	ID Card Rules
20	Interim Action	50	Uniform Dress Rule
		100	Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER / QUAN	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Scholor	88	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
6 No. of Fresh (General) candidates		
Amount received as admission fee		
Amount received as Tution Fee		
Amount received as Refundable Fee		
Amount received for college fund (Non-refundable)		
Amount of Hostel Charges Collected from Hostel Boarder		
Amount of fine collected on Fine of absenteeism		
13 No. of struck off students		
14 Amount of fine collected from Struck off students		
15 Amount of total ID-Card Fee collected		
16 Amount of Duplicate ID Card fee Collected		
17 Total Amount collected from violation of uniform code fines		
18 Total amount of Interim Action charges collected		

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83/12/2011

ANNEXURE "A"

Prospectus 2010-11

Mode of ADMISSION/TUTION FEE PAYMENT

AT ADMISSION TIME/ MONTHLY BASIS

Prospectus Charges		AT ADMISSION TIME/ MONTHLY BASIS	
1	Admission Fee (Non-Refundable)	300	
2	Security (Institute) Refundable	1000	
(a)	Security (Hostel) Refundable	500	
(a)	Hostel Charges	500	
(a)	Tuition Fee (In-Service) per Month	1000	
(a)	Tuition Fee Fresh per Month	250	
5	Litigation Charges per annum	500	
6	Computer Lab. Charges Per Annum	1000	
7	Books & Library Per Month	2400	
8	Transportation/ Study Tours Per Month	100	
9	Sports/Recreation Per Month	200	
10	Hostel Electricity Charges	100	
11	Mess Charges	In case of Over Expenditure	
12	Exam. Fee	to Mess Committee	
13	Faculty Registration Fee	TO BE PAID TO NWFP MEDICAL FACULTY	
14	Per Annum Internal Evaluation Fee (Monthly Test) Stationary + Ex	TO BE PAID TO NWFP MF	
	Re-Admission for struck off Students (Contineouse absence for 2	500	
	Withdrawal of admission	2000	
	Willful withdrawn of admission by in-service candidates	5000	
15	Charges for each Absentee	5000	Reverse entry in his service book
1	Mandatory attendance	50	Attendance/Leave Rules
17	ID-Card	80%	Attendance/Leave Rules
18	Duplicate card	20	ID Card Rules
19	Fine without uniform	100	ID Card Rules
20	Interim Action	50	Uniform Dress Rule
		2000	Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER / QUANTITY	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Scholar	57	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
6 No. of Fresh (General) candidates		
Amount received as admission fee		
Amount received as Tulion Fee		
Amount recieved as Refundable Fee		
10 Amount received for college fund (Non-refundable)		
11 Amount of Hostel Charges Collected from Hostel Boarder		
12 Amount of fine collected on Fine of absenteeism		
13 No. of struck off students		
14 Amount of fine collected from Struck off students		
15 Amount of total ID-Card Fee colected		
16 Amount of Duplicate ID Card fee Collected		
17 Total Amount collected from violation of uniform code fines		
18 Total amount of Interim Action charges collected		

15

55/279/

ANNEXURE "A"

PROSPECTUS 2009-10

Mode of ADMISSION/TUTION FEE PAYMENT  
Prospectus Charges

AT ADMISSION TIME/ MONTHLY BASIS

1	Admission Fee	300	
2	Security (institute) Refundable	1000	
3	Security (Hostel) Refundable	500	
4	Hostel Charges	500	
5	Tution Fee (In-Service) per Month	1000	
6	Tution Fee Fresh per Month	250	
7	Litigation Charges per annum	500	
8	Computer Lab. Charges Per Annum	1000	
9	Books & Library Per Month	2400	
10	Transportation/ Study Tours Per Month	100	
11	Sports/Recreation Per Month	200	
12	Hostel Electricity Charges	100	
13	Mess Charges		In case of Over Expenditure to Mess Committee
14	Exam. Fee		TO BE PAID TO NWFP MEDICAL FACULTY
15	Faculty Registration Fee		TO BE PAID TO NWFP MF
16	Per Annum Internal Evaluation Fee (Monthly Test) Stationary + Exam. (		
17	Re-Admission for struck off Students (Contineouse absence for 2 week	500	
18	Withdrawal of admission	2000	
19	Willful withdrawn of admission by in-service candidates	5000	
20	Charges for each Absentee	5000	Reverse entry in service book
21	Mandatory attendance	50	Attendance/Leave Rules
22	ID-Card	80%	Attendance/Leave Rules
23	Duplicate card	20	ID Card Rules
24	Fine without uniform	100	ID Card Rules
25	Interim Action	50	Uniform Dress Rule
		2000	Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER / QUANTITY	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Scholor	57	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
6 No. of Fresh (General) candidates		
7 Amount received as admission fee		
8 Amount received as Tution Fee		
9 Amount recieved as Refundable Fee		
10 Amount received for college fund (Non-refundable)		
11 Amount of Hostel Charges Collected from Hostel Boarder		
12 Amount of fine collected on Fine of absenteeism		
13 No. of struck off students		
14 Amount of fine collected from Struck off students		
15 Amount of total ID-Card Fee colected		
16 Amount of Duplicate ID Card fee Collected		
17 Total Amount collected from violation of uniform code fines		
18 Total amount of Interim Action charges collected		

16

37/2/11

PROSPECTUS 2008-09  
Mode of ADMISSION/TUTION FEE PAYMENT  
Prospectus Charges

ANNEXURE "A"

AT ADMISSION TIME/ MONTHLY BASIS

1	Admission Fee	300	
2	Security (institute) Refundable	1000	
3(b)	Security (Hostel) Refundable	500	
3(a)	Hostel Charges	500	
4(a)	Tuition Fee (In-Service) per Month	1000	
4(b)	Tuition Fee Fresh per Month	250	
5	Litigation Charges per annum	500	
6	Computer Lab. Charges Per Annum	1000	
7	Books & Library Per Month	2400	
8	Transportation/ Study Tours Per Month	100	
9	Sports/Recreation Per Month	200	
10	Hostel Electricity Charges	100	
11	Mess Charges	In case of Over Expenditure	
12	Exam. Fee	to Mess Committee	
13	Faculty Registration Fee	TO BE PAID TO NWFP MEDICAL FACULTY	
14	Per Annum Internal Evaluation Fee (Monthly Test) Stationary + E	TO BE PAID TO NWFP MF	
12	Re-Admission for struck off Students (Contineouse absence for 2	500	
14	Withdrawal of admission	2000	
Note 4	Willful withdrawn of admission by in-service candidates	5000	
15	Charges for each Absentee	5000	and a reverse entry in his service book
16	Mandatory attendance	50	Attendance/Leave Rules
17	ID-Card	80%	Attendance/Leave Rules
18	Duplicate card	20	ID Card Rules
19	Fine without uniform	100	ID Card Rules
20	Interim Action	50	Uniform Dress Rule
		2000	Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER / Q	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Schooler	57	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
6 No. of Fresh (General) candidates		
7 Amount received as admission fee		
8 Amount received as Tution Fee		
9 Amount recieved as Refundable Fee		
10 Amount received for college fund (Non-refundable)		
11 Amount of Hostel Charges Collected from Hostel Boarder		
12 Amount of fine collected on Fine of absenteeism		
13 No. of struck off students		
14 Amount of fine collected from Struck off students		
15 Amount of total ID-Card Fee colected		
16 Amount of Duplicate ID Card fee Collected		
17 Total Amount collected from violation of uniform code fines		
18 Total amount of Interim Action charges collected		

(17)

PROSPECTUS 2007-08

Mode of ADMISSION/TUTION FEE PAYMENT

AT ADMISSION TIME/ MONTHLY BASIS

Prospectus Charges

1	Admission Fee	300	
2	Security (institute) Refundable	1000	
(b)	Security (Hostel) Refundable	500	
(a)	Hostel Charges	500	
(a)	Tution Fee (In-Service) per Month	1000	
(b)	Tution Fee Fresh per Month	250	
5	Litigation Charges per annum	500	
6	Computer Lab. Charges Per Annum	1000	
7	Books & Library Per Month	2400	
8	Transportation/ Study Tours Per Month	100	
9	Sports/Recreation Per Month	200	
10	Hostel Electricity Charges	100	
11	Mess Charges		In case of Over Expenditure
12	Exam. Fee		to Mess Committee
13	Faculty Registration Fee		TO BE PAID TO NWFP MEDICAL FACULTY
	Per Annum Internal Evaluation Fee (Monthly Test) Stationary +		TO BE PAID TO NWFP MF
	Re-Admission for struck off Students (Contineouse absence for	500	
ote	Withdrawal of admission	2000	
ote	Willful withdrawn of admission by in-service candidates	5000	
	Charges for each Absentee	5000	and a reverse entry in his service book
15	Mandatory attendance	50	Attendance/Leave Rules
17	ID-Card	80%	Attendance/Leave Rules
18	Duplicate card	20	ID Card Rules
19	Fine without uniform	100	ID Card Rules
20	Interim Action	50	Uniform Dress Rule
		2000	Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER /	AMOUNT RECEIVED
1	No. of Prospectus issued	
2	No. of admitted candidates	
3	No. of Day Scholor	57
4	No. of Hostel Boarder	
5	No. of In-service Candidates	
	No. of Fresh (General) candidates	
7	Amount received as admission fee	
8	Amount received as Tution Fee	
9	Amount recieved as Refundable Fee	
	Amount received for college fund (Non-refundable)	
11	Amount of Hostel Charges Collected from Hostel Boarder	
12	Amount of fine collected on Fine of absenteeism	
13	No. of struck off students	
14	Amount of fine collected from Struck off students	
15	Amount of total ID-Card Fee colected	
16	Amount of Duplicate ID Card fee Collected	
17	Total Amount collected from violation of uniform code fines	
18	Total amount of Interim Action charges collected	

18

PROSPECTUS 2006-07

Mode of ADMISSION/TUTION FEE PAYMENT

AT ADMISSION TIME/ MONTHLY BASIS

Prospectus Charges		300
1	Admission Fee	
2	Security (institute) Refundable	
(b)	Security (Hostel) Refundable	
(a)	Hostel Charges	
(a)	Tution Fee (In-Service) per Month	
b)	Tution Fee Fresh per Month	
5	Litigation Charges per annum	
6	Computer Lab. Charges Per Annum	
7	Books & Library Per Month	
8	Transportation/ Study Tours Per Month	
9	Sports/Recreation Per Month	
10	Hostel Electricity Charges	
11	Mess Charges	In case of Over Expenditure to Mess Committee
12	Exam. Fee	TO BE PAID TO NWFP MEDICAL FACULTY
13	Faculty Registration Fee	TO BE PAID TO NWFP MF
Per Annum Internal Evaluation Fee (Monthly Test) Stationary + Exam. Charges		
Re-Admission for struck off Students (Contineouse absence for 2 weeks)		
ote	Withdrawal of admission	
ote	Willful withdrawn of admission by in-service candidates	
	Charges for each Absentee	and a reverse entry in his service book
to	Mandatory attendance	Attendance/Leave Rules
17	ID-Card	Attendance/Leave Rules
18	Duplicate card	ID Card Rules
19	Fine without uniform	ID Card Rules
20	Interim Action	Uniform Dress Rule
		Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER /	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Scholor	57	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
6 No. of Fresh (General) candidates		
7 Amount received as admission fee		
8 Amount received as Tution Fee		
9 Amount recieved as Refundable Fee		
10 Amount received for college fund (Non-refundable)		
11 Amount of Hostel Charges Collected from Hostel Boarder		
12 Amount of fine collected on Fine of absenteeism		
13 No. of struck off students		
14 Amount of fine collected from Struck off students		
15 Amount of total ID-Card Fee colected		
16 Amount of Duplicate ID Card fee Collected		
17 Total Amount collected from violation of uniform code fines		
18 Total amount of Interim Action charges collected		

(19)

437/244/  
ANNEXURE "A"

PROSPECTUS 2005-06

Code of ADMISSION/TUTION FEE PAYMENT

Prospectus Charges

AT ADMISSION TIME/ MONTHLY BASIS

300

Admission Fee		
Security (Institute) Refundable		
Security (Hostel) Refundable		
a) Hostel Charges		
a) Tuition Fee (In-Service) per Month		
b) Tuition Fee Fresh per Month		
5 Litigation Charges per annum		
6 Computer Lab. Charges Per Annum		
7 Books & Library Per Month		
8 Transportation/ Study Tours Per Month		
9 Sports/Recreation Per Month		
10 Hostel Electricity Charges		
11 Mess Charges	In case of Over Expenditure	
12 Exam. Fee	to Mess Committee	
13 Faculty Registration Fee	TO BE PAID TO NWFP MEDICAL FACULTY	
Per Annum Internal Evaluation Fee (Monthly Test) Stationary + Exam. Charges	TO BE PAID TO NWFP MF	
Re-Admission for struck off Students (Contineouse absence for 2 weeks)		
ite Withdrawal of admission		
ite Willful withdrawn of admission by in-service candidates		
5 Charges for each Absentee		and a reverse entry in his service book
6 mandatory attendance		Attendance/Leave Rules
7 ID-Card		Attendance/Leave Rules
8 Duplicate card		ID Card Rules
9 Fine without uniform		ID Card Rules
0 Interim Action		Uniform Dress Rule
		Interim Action

FEE/FUND COLLECTION RECORD FOR BOTH YEARS FULL PROGRAM (02 YEARS)

TITLE	NUMBER / QU	AMOUNT RECEIVED
1 No. of Prospectus issued		
2 No. of admitted candidates		
3 No. of Day Scholar	57	
4 No. of Hostel Boarder		
5 No. of In-service Candidates		
No. of Fresh (General) candidates		
Amount received as admission fee		
3 Amount received as Tuition Fee		
Amount received as Refundable Fee		
Amount received for college fund (Non-refundable)		
Amount of Hostel Charges Collected from Hostel Boarder		
Amount of fine collected on Fine of absenteeism		
3 No. of struck off students		
Amount of fine collected from Struck off students		
Amount of total ID-Card Fee colected		
Amount of Duplicate ID Card fee Collected		
Total Amount collected from violation of uniform code fines		
Total amount of Interim Action charges collected		



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15/2/19/  
Annexure "B"

To  
The Principal  
PIMT Swat.

Sub: PROVISION OF OFFICIAL RECORD.

You are directed to kindly provide the following official record of your institute for the period 2005 to 2015 (last 10 years) being essential to proceed further into the enquiry.

S.#	Record required
1	Details of Collection funds from students
2	Details of funds deposits in Bank
3	Details of deposits in Treasury, Challan form copies alongwith reconciliation with Treasury office.
4	Details of expenditures from students funds (if any)
5	Bank Statement copies
6	Notification regarding remittance of fee for the period 2007-2011
7	Details of DDOs alongwith duration for the last 10 years
8	Details of fines collection from students (if any)
9	Photocopies from Attendance Register of students

*Dr. Abdul Rahman*  
3.11.15  
Dr. Abdul Rahman  
Chairman Enquiry Committee  
o/c

INTERNAL AUDIT CELL, GOVT. OF KHYBER PAKHTUNKHWA,  
HEALTH DEPARTMENT PESHAWAR.

No.IAC/HD/IA/2015/21

Dated: 23/11/2015

To

The Secretary  
Govt. of Khyber Pakhtunkhwa  
Health Deptt. Peshawar.

Subject: EMBEZZLEMENT OF RS. 09.2749 MILLIONS (APPROX.)

Kindly refer to your approval vide Para 34-39/N dated; 21/10/2015 (copy enclose as annexure "A") regarding internal audit of allied institutions of Provincial Health Services Academy (PHSA).

During internal audit of the affairs and accounts of Govt. Paramedical Institute of Medical Technologies Swat for the financial year 2014-15, it has been observed that various type of fee being collected are not properly accounted for, therefore detail audit for the period w.e.f 01/01/2011 to 30/06/2015 was carried out which revealed that a total sum of Rs.12.1054 Million was received from the students of **Batch 11,12,13,14 and 15** on account of admission fee, tuition fee, hostel fee and other charges but till the date of audit i.e. 22/11/2015 a total sum of Rs.2.8304 million was found deposited into Govt. treasury under the head of account "02829" and institute account number **5891** maintained in Allied Bank Limited Saidu Sharif, leaving the balance of Rs.09.2749 million in the pockets of dealing hands.

The detail of received amount is as under.

**Detail of fee collection from Batch 11 (Session 2011-13)**

Batch No	Total No. of students	Fresh students	In-service students	No. of Boarders
11	58	47	11	30

Fresh student fee for 02 years	47 fresh students fee	In service student fee for 02 years	11 in service students fee	Hostel fee	30 students hostel fee	Total collection from batch 11 students
Rs.30900/-	Rs.1452300/-	Rs.24900	Rs.273900/-	Rs.1500/-	Rs.45000/-	Rs.1771200/-

**Detail of fee collection from Batch 12 (Session 2012-14)**

Batch No	Total No. of students	Fresh students	In service students	No. of boarders
12	74	65	09	29

Fresh student fee for 02	65 fresh students fee	In service student fee for 02	09 in service students fee	Hostel fee	29 students hostel fee	Total collection from batch

As discussed. Put up DFA. 26/11/15  
DFA added  
Hez

years		years				12 students
Rs.28900/-	Rs.1878500/-	Rs.22900/-	Rs.206100/-	Rs.1500/-	Rs.43500/-	Rs.2128100/-

**Detail of fee collection from Batch 13 (Session 2013-15)**

Batch No	Total No. of students	Fresh students	In service students	No. of boarders
13	77	63	14	20

Fresh student fee for 02 years	63 fresh students fee	In service student fee for 02 years	14 in service students fee	Hostel fee	20 students hostel fee	Total collection from batch 13 students
Rs.29400/-	Rs.1852200/-	Rs.23400/-	Rs.327600/-	Rs.1500/-	Rs.30000/-	Rs.2209800/-

**Detail of fee collection from Batch 14 (Session 2014-16)**

Batch No	Total No. of students	Fresh students	In service students	No. of boarders
14	90	76	14	38

Fresh student fee for 02 years	76 fresh students fee	In service student fee for 02 years	14 in service students fee	Hostel fee	38 students hostel fee	Total collection from batch 14 students
Rs.29400/-	Rs.2234400/-	Rs.23400/-	Rs.327600/-	Rs.1500/-	Rs.57000/-	Rs.2619000/-

**Detail of fee collection from Batch 15 (Session 2015-17)**

Batch No	Total No. of students	Fresh students	In service students	No. of boarders
15	96	79	17	37

Fresh student fee for 02 years	79 fresh students fee	In service student fee for 02 years	17 in service students fee	Hostel fee	37 students hostel fee	Total collection from batch 15 students
Rs.34200/-	Rs.2701800/-	Rs.28200/-	Rs.479400/-	Rs.5300/-	Rs.196100/-	Rs.3377300/-

**Total Receipt Rs. 1, 21, 05,400  
Rs. (in Millions)**

Total collection from all five (05) Batches w.e.f 01/01/2011 to 30/06/2015	12.1054
Total amount deposited in Account NO "5891" w.e.f 01/01/2011 to 31/10/2015	(-)02.3824
Total amount deposited in Govt. Treasury in the Head of Account NO "02829"	(-)00.448
<b>Total amount embezzled</b>	<b>09.2749</b>

The matter being very serious in nature is reported for immediate prompt action in the best interest of public /institution fund.

Besides above another alarming situation is also brought into your kind notice that since the establishment of subject institution in 1983 no proper cash book as required under the rules has been found maintained for various receipts from the students etc.

Furthermore, it has also been observed that a sum of Rs.536834/- was drawn from Bank Account number 5891 during the period mentioned above for various expenditures but neither any detail was provided nor any record for said expenditure was found maintained.

It is once again requested to please look into the matter personally in the best interest of public fund. However detail internal audit report is in progress and will be submitted shortly for your kind perusal please.

sd.


(Mufti Musa Shafiq)  
Audit Officer  
Internal Audit Cell  
Govt. of KP Health Deptt.  
Camp Office at Swat.

NO.IAC/HD/IA/2015/22

Dated: 23/11/2015

Cc, to:

- 1) Director PHSA Peshawar for perusal and further necessary action please.



(Mufti Musa Shafiq)  
Audit Officer  
Internal Audit Cell  
Govt. of KP Health Deptt.  
Camp Office at Swat

- (iii) a Government servant is involved in subversive activities; or
- (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

- (i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

6. **Suspension.**---A Government servant against whom action is proposed to be initiated under rule 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the Government servant shall be deemed to be reinstated.

Provided that the competent authority may, in appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him, from such date as may be specified by the competent authority.

7. **Procedure where inquiry is dispensed with.**---If the competent authority decides that it is not necessary to hold an inquiry against the accused under rule 5, it shall-

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, along with apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period, as the competent authority may determine;

4. Penalties.---(1) The following are the minor and the major penalties, namely:

(a) Minor penalties:

- (i) Censure;
- (ii) Withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post.

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- (iii) Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

(b) Major penalties:

- (i) Reduction to a lower post or pay scale or to a lower stage in a time scale;
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. Initiation of proceedings.---(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

(a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry.

Provided that no opportunity of showing cause or personal hearing shall be given where-

(i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or

(ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR**

Service Appeal No.367 of 2016

Farid Ullah .....Appellant


VERSUS

Government of Khyber Pakhtunkhwa through Secretary Health and  
others.....Respondents

**INDEX**

S. No.	Description	Annexure	Pages No.
1.	Memo of Rejoinder		1-2
2.	Affidavit		3

Appellant through Counsel

  
Dr. Adnan Khan, Barrister-at-Law  
Office: Adnan Law Associates,  
Opp. Grassy ground Mingora Swat.  
Cell: 03469415233

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK**  
**PESHAWAR**

In Service Appeal No.367 of 2016

Farid Ullah, Senior Ex-Senior Clerk Para Medical  
Technologies (PIMT) Saidu Sharif, Swat

..... *Appellant*

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary  
Health at Peshawar and others

..... *Respondents*

**REJOINDER ON BEHALF OF APPELLANT IN**  
**RESPONSE TO PARA WISE COMMENTNS OF**  
**RESPONDENTS No.1,2 & 4**

Respectfully Sheweth:

**Rejoinder to preliminary objections:**

- (i) Incorrect. The appellant has rightly filed the appeal and has got both *locus standii* and cause of action.
- (ii) Incorrect. The appeal is maintainable in its present form.
- (iii) Incorrect. The appellant has approached this Hon'ble Tribunal with clean hands, the appeal is within time and principle of laches.
- (iv) Incorrect. The appeal is maintainable and relevant parties have been properly joined.
- (v) Incorrect. The appeal has been filed in accordance with relevant law of the land.

**ON FACTS:**

1. Correct to the extent that prior to the impugned dismissal order, the appellant was serving as Senior Clerk BPS-14.
2. No need of reply.



2

3. That this comment of answering respondents is incorrect. The appellant was dismissed from service without being associated with any inquiry whatsoever. Furthermore, there is nothing in the audit report conducted by the Health Department to implicate the appellant for any wrong doing or embezzlement.
4. Incorrect. As mentioned earlier the appellant has both cause of action and *locus standii* to file the instant appeal.

**ON GROUNDS:**

1. That the replies of grounds 1 to 8 are evasive in nature and not specific. Furthermore, the replies are just repetitions of assertions already made so no need of further elucidation, hence denied. However, in the present case neither E & D Rules have been applied in their letter and spirit nor principles of natural justice have been resorted to in the present case.

In view of the above, these submissions may be considered graciously and the tilted appeal may be allowed in the interest of justice.

Appellant  
Through Counsel



Dr. Adnan Khan, Barrister-at-Law

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR**

In Service Appeal No.367 of 2016

Farid Ullah, Senior Ex-Senior Clerk Para Medical Technologies  
(PIMT) Saidu Sharif, Swat

..... *Appellant*

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Health at  
Peshawar and others

.....*Respondents*

**AFFIDAVIT**

I, **Farid Ullah** (Appellant), do hereby solemnly affirm and declare  
that the contents of the annexed rejoinder are true and correct to the best of  
my knowledge and belief.

DEPONENT

*[Handwritten signature]*

Farid Ullah

**ATTESTED**

