

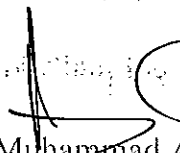
Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	26.04.2017	<p style="text-align: center;">3</p> <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 638/2016</p> <p style="text-align: center;">Pir Zada Muhammad Ismail Versus Director General Health Services, Khyber Pakhtunkhwa, Peshawar and another.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p style="text-align: center;">Counsel for the appellant and Mr. Usman Ghani, Senior Government Pleader for respondents present.</p> <p>2. Pir Zada Muhammad Ismail son of Pir Muhammad Sufaid hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 28.05.2014 vide which his appointment order was withdrawn and where-against his departmental appeal dated 16.02.2016 was not responded constraining him to prefer the instant service appeal on 13.06.2016.</p> <p>3. We have heard arguments of learned counsel for the appellant as well as learned Senior Government Pleader for respondents and perused the record.</p> <p>4. A careful perusal of record would suggest that the impugned order was passed without affording an opportunity of hearing to the appellant as neither any notice was served nor any</p>


AS
26.04.17.

enquiry was conducted. In the absence of any such notice or opportunity of hearing to the appellant the impugned order is not tenable in the eyes of law.

5. In view of the above the appeal is accepted and as a consequence thereof the impugned order is set aside. The appellant is reinstated in service while the respondents are placed at liberty to proceed against the appellant in accordance with law subject to affording an opportunity of hearing to the appellant.

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


(Muhammad Azim Khan Afridi)
Chairman


(Muhammad Amin Khan)
Member

26.04.17

ANNOUNCED
26.04.2017

12.01.2017

Appellant in person present and Mr. Muhammad Jan GP, for respondents present. Rejoinder is submitted which is placed on file. To come up for arguments on 26.04.2017.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER



27.09.2016

Appellant with counsel, Mr. Yar Gul, Senior Clerk and Mr. Mukhtiar, Junior Clerk alongwith Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply on 18.10.2016.



Member

MEMBERS

18.10.2016

Counsel for the appellant, M/S Dr. Zahoor Ahmad and Yar Gul, Senior Clerk alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 02.11.2016 before S.B.



Member

02.11.2016

Clerk to counsel for the appellant and Mr. Yar Gul, Senior Clerk alongwith Assistant AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 12.01.2017.



Chairman

19.07.2016

Appellant with counsel present. Preliminary arguments heard. Appointed as Ward Orderly in DHQ Mardan vide order dated 31.03.2014, the appellant in view of his higher qualification and eligibility was appointed as Junior Clerk in the officer of DHO Mardan vide order dated 22.04.2014. It is the contention of learned counsel for the appellant that the appellant was appointed by competent authority in the prescribed manners in accordance with rules. The learned counsel submitted that the appellant however was not lawful and in violation of the rules without giving him any opportunity of hearing etc was terminated vide order dated 28.05.2014 and his departmental appeal dated 16.02.2016 has not yet been decided. Learned counsel for the appellant argued that the instant appeal is within time for the reason that the respondents are even yet of the opinion that in view of the higher qualification of the appellant, they are in search of adjusting the appellant against the available/suitable seat. He also submitted that a condonation of delay application is also appended herewith with this appeal and at the time of full arguments, the learned counsel would justify on factual of legal grounds including the case laws on the subject that the appeal cannot thrown away on the basis of limitation.



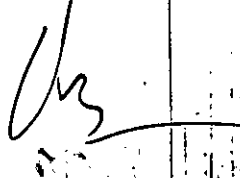
The points raised at the bar need further consideration, therefore, admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 27.09.2016.

Appellant Deposited
Security & Process Fee

Member

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 638 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/06/2016	<p>The appeal of Pir Zada Muhammad Ismail presented today by Mr. S.M Ilyas 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	16.6.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>20.6.16</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	20.06.2016	<p>No one is present on behalf of the appellant. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 19.7.2016. before S.B.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KHABER PAKHTOON KHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 638 of 2016

Pir Zada Muhammad Ismail

(Appellant)

Vs

Director General, Health etc

(Respondents)

INDEX

S.NO.	DISRUPTIONS	ANNEXURE	PAGE NO.
1	Appeal	B - C	1 - 4
2	Memo of addresses	- B	5
4	office order No. 7140-44/DHO, Dated: 22/04/2014.	A	6 - 7
5	Office Order Dated; 28/05/2014	B	8
6	Copy of departmental appeal with supported documents.	C	9 - 17
7	Office letter dated 31/03/2016	D	18
8	Appeal to Ombudsman	E	19 - 20
9	Application for condonation of delay	-	21 - 22
9	Wakalat Nama	--	23

Through,
S.M.Ilyas (Advocate High Court)
Dist. Courts Mardan

①

**BEFORE THE KHABER PAKHTOON KHWA SERVICE
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 638 of 2016 Diary No. 625
13-6-2016

Pir Zada Muhammad Ismail S/o Pir Muhammad Sufaid R/o
Muhaib Road District and Tehsil Mardan (Appellant)

1. Director General, Health and Services, Khyber Pukhtoon
Khwa, Peshawar.
2. District Health officer Mardan (Respondents)

APPEAL UNDER SECTION 4 OF THE KHABER
PUKHTUN KHWA SERVICE TRIBUNAL ACT 1974.
AGAINST THE OFFICE ORDER NO 9521-
26/DHO/MRD, DATED:28/05/2014, WHEREBY
THE DISTRICT HEALTH OFFICER MARDAN
CANCEL/TERMINATED THE SERVICE OF
APPELLANT FROM THE POST OF JUNIOR CLEAR
BPS-7.

Respected Sir:

1. That appellant was initially appointed as Ward
Ardali, vide office order No. 5387-92/DHO (P &
D/ESTB) Dated: 31/03/2014. Appellant took over
the charge of his post and thereafter on availability
of vacant post in the department the appellant was
later on appointed as junior clerk BPS-7 by the
District Health officer Mardan, vide office order No.
7140-44/DHO, Dated: 22/04/2014. (Copy is
attached as annex A)

Filed to-day

Registrar

13/6/16

2. That the appellant submitted arrival report and
assumed the charge of his post on 23/04/2014,
meanwhile after about one month the District
Health Officer Mardan vide Office Order Dated;
28/05/2014 cancelled the appointment order and
directed him to immediately to deposited the entire

②

amount to the Govt Exchequer. (Copy is attached as annex B)

3. That the appellant was appointed and posted in BPS-7 as a junior clerk by the competent authority under the Law and the appellant received salary etc as regular junior clerk and he had been removed during his service without any show cause notice and without any reason which is totally illegal against Law and fact.
4. That the appointment of appellant was declared medically fit by the medical superintendent, DHQ hospital Mardan, The service record of the appellant was crystal clear while the impugned order was passed due to political influence particularly the impugned order was passed at the behest and command of MPA Muhammad Atif who is political rival of appellant family.
5. That appellant filed departmental representation before the respondent No.1 but no response hence the instant appeal, because the appellant had not challenged the impugn order within time because, the impugn order was based on politically motivated as the same order issued on 28/05/2014 and the appellant was directed by the competent authority that the impugn cancelation order will be withdrawn as soon as possible. (Copy is attached as annex C)
6. That on 31/03/2016 respondent No. 2 submitted comments during departmental representation wherein respondent No.2 categorically stated that without unknown reason the appointment order of the appellant was withdrawn. (Copy is attached as annex D)
7. That meanwhile appellant also approached to the Provincial Ombudsman Peshawar and the case of appellant is still pending, because respondents have no reasons for the closure the service of the appellant (Copy is attached as annex E)

8. That the appellant was appointed through proper channel therefore the impugned order is perverts arbitrary, illegal and ineffective upon the right of the appellant, The appellant was working in the department and he received the salary after his appointment, so the direction for the return and deposit of salary etc. is patently illegal and without Lawful authority, illegal unlawful void, on the following grounds.

GROUND

- a. That impugned office order issued from the office of the respondent No.2 is illegal, unlawful, void and ineffective, and against the principles of Natural Justice, also.
- b. That no show cause notice was issued to the appellant by the respondents, nor any inquiry was conducted and impugned office order was issued.
- c. That as per the precedents of the Superior Courts, it is now well established law that before any punishment regular inquiry to that effect is necessary in order to separate chaff from the grain.
- d. That purportedly regular enquiry has not been conducted in order to extend undue benefit to influential employees, which speaks volumes of malafides against the appellant.
- e. That impugned order is based on malafide and has been passed in arbitrary manner by passing the relevant law.
- f. That no meaningful purposeful chance of personal hearing has been offered to the appellant by the competent authority.
- g. That impugned order is not based on true facts and figures rather the same is based on surmises and conjectures.

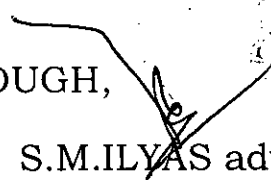
It is therefore humbly prayed that on acceptance of this appeal the impugned order Dated: 28/05/2014 passed by the District Health officer Mardan respondent No.2 may graciously be set aside, also please be restored, reinstated as junior clerk BPS-7 with salary and allowance and along with all back benefits, any other relief deemed fit may also be graciously granted.

Dated 07/06/2016



Appellant,

THROUGH,



S.M.ILYAS advocate High Court

At District Courts Mardan

Affidavit:

I plaintiff solemnly affirm that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

Deponent:

Pir Muhammad Ismail (Appellant)



ATTESTED
Oath Commissioner
Zafar Khan Advocate
Dist: Court Peshawar

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____ of 2016.

Pir Zada Muhammad Ismail Vs Director General Health etc
(Appellant) (Respondents)

MEMO OF ADDRESSES

APPELLANT. Pir Zada Muhammad Ismail S/o Pir Muhammad Sufaid R/o
Muhib Road District and Tehsil Mardan.

RESPONDENTS.

1. Director General, Health and Services, Khyber Pukhtoon
Khwa, Peshawar.
2. District Health Officer Mardan.

Through


S.M. Ilyas Advocate

Annex A
P-6

OFFICE OF THE DISTRICT HEALTH OFFICER, MARDAN

Ph: # (0937) 9230030 Fax: # (0937) 9230349 Email: edohmr@yahoo.com

APPOINTMENT ORDER

As per written direction of the Hon. Chief Minister Khyber Pakhtunkhwa by relaxing all the codal formalities as a special case, Mr. Pirzada Muhammad Ismail S/O Pir Muhammad Sufaid Village Arzi Abad Muhib Road Tehsil & District Mardan, is hereby appointed Junior Clerk BPS-7 Plus usual allowances as admissible under the rules and posted at DHO Office, Mardan on the following terms and conditions:-

Terms & Conditions:-

1. He is domiciled in District Mardan.
2. His appointment is purely on temporary basis for a probation period of initially one year and is liable to terminate at any time without assigning any notice or reason.
3. He will not be entitled to any TA/DA for Medical examination and joining the first appointment.
4. His appointment will be subject to medical fitness for Govt. service.
5. He is liable to serve anywhere in District as well as in Khyber Pakhtunkhwa.
6. He will be governed by such service rules and order as framed by the Government from time to time for the category of government servants to which he belongs.
7. His services can be dispensed with during the probation period, if his work and conduct found unsatisfactory.
8. If he wishes to resign his service, he will submit his resignation two months notice in advance in writing or deposit one month salary in lieu thereof to Govt. Treasury, however he will continue to serve the Govt. till his resignation is accepted by the competent authority.

If he accepts the above-mentioned terms and conditions, he should report to the DHO Mardan for duty on his own expenses within seven days after the receipt of this letter, otherwise his appointment order will be considered as cancelled.

N.B:- you will have no legal rights to challenge your termination in case if your Academic & Professional documents have been found fake.

District Health Officer,
Mardan

No. 7440-44 /DHO

dated Mardan the 22 / 4 /2014

A copy is forwarded to the:-

1. District Comptroller of Accounts, Mardan.
2. Deputy DHO Mardan
3. Accountant DHO Office Mardan
4. Computer Cell, DHO Office Mardan
5. Mr. Pirzada Muhammad Ismail S/O Pir Muhammad Sufaid Village Arzi Abad Muhib Road Tehsil & District Mardan for information and necessary action.

ATTESTED

District Health Officer,
Mardan

P-7

OFFICE OF THE DISTRICT HEALTH OFFICER MARDAN

Ph: # (0937) 9230030 Fax: # (0937) 9230349 Email: cdohmr@yahoo.com

No. 5387-92

/DHO (P&D/Estb:)

Dated:

31/03/2014

OFFICE ORDER.

Mr Pirzada Muhammad Ismail S/O Pir Muhammad Sufaid Gharib Nawaz village Arzi Abad Muhib road Tehsil & District Mardan is hereby appointed as Ward Orderly BPS-2 plus usual allowances as admissible under the rules and posted against the available vacant post at DHQ Hospital Mardan on the following terms and condition.

TERMS & CONDITION.

1. He is Domicile in District Mardan.
2. His appointment is purely on temporary basis and liable to termination at any time without assigning any notice or reason.
3. He will not be entitled to any TA/DA for his medical examination.
4. He is declared medically fit for Govt. Services.
5. He liable to serve anywhere in the District as well as in Khyber Pakhtunkhwa .
6. He will be governed by such Services rules and orders as framed by the Government from time to time for the Category of Government Servants to which he belongs.
7. He will be carrying out such duties, function in relation to his duties as the Govt. may from time to time assign to him.
8. He will be entitle to claim his pay and allowances which is admissible to Civil Servant of the same status and grade from the date of appointment.
9. If he intends to resign his services, he will give two months notice in advance in written or deposit one month salary in lieu thereof to Government till the acceptance of resignation by the competent authorities.

If he accepts the above mentioned terms and conditions ,he should report to the Medical Superintendent DHQ Hospital Mardan for duty on his own expense within seven days after receipts of this letter otherwise his appointment order will be considered as cancelled.

N.B:- You will have no legal rights to challenge your termination in case if you're academic and other documents have been found fake.

District Health officer
Mardan.

Copy forwarded to the following for information and necessary action.

1. District Comptroller of Accounts, Mardan.
2. Medical Superintendent DHQ Hospital Mardan .
3. Deputy DHO Mardan
4. Mr Pirzada Muhammad Ismail S/O Pir Muhammad Sufaid Gharib Nawaz village Arzi Abad Muhib road Tehsil & District Mardan .

District Health officer
Mardan.

ATTESTED

And B
p-8

OFFICE OF THE DISTRICT HEALTH OFFICER, MARDAN

Ph: # (0937) 9230023, Fax: # (0937) 9230349, Email: edohmr@yahoo.com

OFFICE ORDER

The office order bearing No. 7140 - 44/DHO, dated Mardan the 22/04/2014, regarding the appointment of Mr. Pirzada Muhammad Ismail S/o Pir Muhammad Sufaid, resident of village Arzi Abad, Muhib Road, Tehsil & District Mardan, as a Junior Clerk BPS - 07, plus usual allowances is hereby cancelled with immediate effect, due to the personal observation of the undersigned regarding the validity of the directives of the Honourable Chief Minister of Khyber Pakhtunkhwa, and also the verbal directives of MPAs of District Mardan.

However, Mr. Pirzada Muhammad Ismail S/o Pir Muhammad Sufaid, can apply for the same post through proper channel as per laid down policy of the government.

Moreover, Mr. Pirzada Muhammad Ismail S/o Pir Muhammad Sufaid, Junior Clerk, BPS - 07, is hereby directed to immediately deposit the entire amount into the government exchequer regarding the salary and allowances which he has received against the mentioned post from the date of appointment till date and submit the receipt in original to the account section of the office of the undersigned, failing which the undersigned is liable to proceed against Mr. Pirzada Muhammad Ismail, as per rules and regulations.

Sd _____
District Health Officer
Mardan

No. 9521-26 / DHO-MRD

Date: 28-4-5 /2014

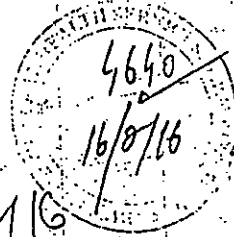
Copy forwarded to the:

1. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary to Govt, Khyber Pakhtunkhwa, Health Department, Peshawar.
3. District Account Officer, Mardan.
4. Accountant, DHO Office, Mardan.
5. Computer Cell, DHO Office, Mardan.
6. Mr. Pirzada Muhammad Ismail S/o Pir Muhammad Sufaid, village Arzi Abad, Muhib Road, Tehsil & District Mardan, for information and strict compliance.

District Health Officer
Mardan

ATTES  ED

The Director General,
Health and Services, Khyber Pukhtoon Khwa,
Peshawar.



Subject: Departmental appeal against the Order No. 9521-26/DHO/MRD. Dated: 28/05/2014. whereby the District Health officer Mardan terminated the service of appellant from the post of junior clerk BPS-7.

Respected Sir:

Respectfully submitted that appellant was initially appointed as Ward Ardali, vide officer order No. 5387-92/DHO (P & D/ESTB) Dated: 31/03/2014. Appellant took over the charge of his post and thereafter on availability of vacant post in the department the appellant was later on appointed as junior clerk BPS-7 by the District Health officer Mardan, vide office order No. 7140-44/DHO, Dated: 22/04/2014.

The appellant submitted arrival report and assumed the charge of his post on 23/04/2014, meanwhile after about one month the District Health Officer Mardan vide order Dated: 28/05/2014 cancelled the appointment order and directed him to immediately to deposited the entire amount to the Govt Exchequer.

Further the appellant was appointed and posted in BPS-7 as a junior clerk by the competent authority under the Law and the appellant received salary etc as regular junior clerk and he had been removed during his service without any show cause notice and without any reason which is totally illegal against Law and fact.

The appointment of appellant was declared medically fit by the medical superintendent, DHQ hospital Mardan, The service record of the appellant was crystal clear while the impugned order was passed due to political influence particularly the impugned order was passed at the behest and command of MPA Muhammad Atif who is political rival of appellant family.

The appellant was appointed through proper channel therefore the impugn order is Perverst arbitary.

ATTESTED

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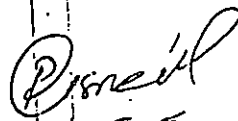
ineffective upon the right of the appellant, The appellant was working in the department and he received the salary after his appointment, so the direction for the return and deposit of salary etc is patently illegal and without Lawful authority.

That the appellant has not challenged the impugn order within time because, the impugn order was based on politically motivated as the same order issued on 28/05/2014 and the appellant was directed by the competent authority that the impugn cancellation order will be withdrawn as soon as possible while still the competent authority have not withdrawn the impugned cancellation order. The appellant request for condonation of delay which was due to political influence, hence the instant appeal.

It is therefore humbly prayed that on acceptance of this appeal the impugn order Dated: 28/05/2014 passed by the District Health officer Mardan may graciously be set aside, illegal unlawful, void ineffective and as a result the service of the appellant may please be restored, reinstated as junior clerk BPS-7 with salary and allowance and along with all back benefits, any other relief deemed fit may also be graciously granted.

Dated 16/02/2016

Appellant



Pir Zada Muhammad Ismail

S/o Pir Muhammad Sufaid

ATTESTED



To: The District Health Officer,
Mardan.

Through: PROPER CHANNEL.

Subject: APPOINTMENT AS JUNIOR CLERK.

R/Sir, With due respect I beg to say that I have come to know through reliable source that there are some post of Junior Clerk (BPS-07) are lying vacant under your kind control for which I offer myself for the same post with the following bio-data:

- 1- I have passed F.Sc examination from BISE Mardan in 2012
- 2- I have passed my Computer course from Frontier College, Mardan.
- 3- Presently I am working as Ward Orderly at District Hospital Mardan.

It is therefore requested to please appointed me as Junior Clerk (BPS-07) under your control and oblige.

Thanks

Yours Obediently,
Pirzad
(Pirzad Muhammad Ismail)
S/O
Pir Muhammad Sufaid
DHO Hospital, Mardan.

*Forwarded to DHO Mardan
for action
AMM
5/4/14*

Medical Superintendent
District Hospital Mardan

DHO Mardan
I hereby appoint the applicant in relaxation
of all usual formalities as a
special case as junior clerk.
CHIEF MINISTER
KHYBER PAKHTUNKHWA

ATTESTED

MEDICAL CERTIFICATE.

Name of Official Mr. Pirzada Muhammad Ismail..... 16101 9307903 1
 Cast of race Afghan.....
 Father's Name Pir Muhammad Sufaid.....
 Residence Mohallah Arzi Abad G:Kapura Road Par Hoti Mardan.....
 Date of Birth 14.03.1993.....
 Exact Height by measurement 5'-6.....
 Personal mark of Identification

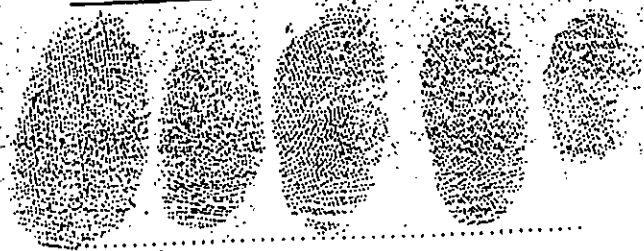
Signature of the official

Signature of head of office

Seal of office

I do hereby certify that I have examined Mr. Mr. Pirzada Muhammad Ismail.....
 a candidate for employment in the office of the: DHO Office Mardan..... and
 cannot discover that he had any disease communicable or constitutional affection or bodily
 infirmity except..... NIL..... I do not consider this as
 disqualification for employment in the office of the above as Junior Clerk BPS-07..... His
 age according to his own statement 21 Year and by
 appearance about. 21 Twenty One years.

Dated 23.04.2014.



Left hand thumb & Finger impression.

Fit

A. Nelli
 Medical Superintendent,
 DHQ Hospital, Mardan.
 Medical Superintendent
 DHQ Hospital, Mardan

ATTESTED

[Signature]

بخدمت جناب میڈیکل سپرنٹنڈنٹ صاحب DHQ ہسپتال مردان

(آمدگی رپورٹ)

جناب عالی۔

گزارش کی جاتی ہے کہ بحوالہ DHO آفس مردان چھٹی نمبر 5387-92 مورخہ 31/03/2014 روکے مطابق فدوی بطور وارڈارڈی آج مورخہ 01/04/2014 اپنا ارے ویل رپورٹ قبل از دیر پیش کرتا ہوں۔

الغرض

فدوی پیرزادہ محمد اسماعیل ولد پیر محمد سفید غریب النواز وارڈارڈی DHQ Hospital مردان

(Signature)

File closed
[Signature]

ATTENDED

[Signature]

To
District Health Officer
Mardan

Subject: ARRIVAL REPORT

Respected Sir,

With due respect it is stated that I am appointed as Junior Clerk vide Office Order issued by the District Health Officer, No. 7140-44, dated 22/04/2014; I have the honour to submit my Arrival report today on 23/04/2014 (Fore Noon).

It is therefore requested to please accept my Arrival report and oblige.

Thanks.

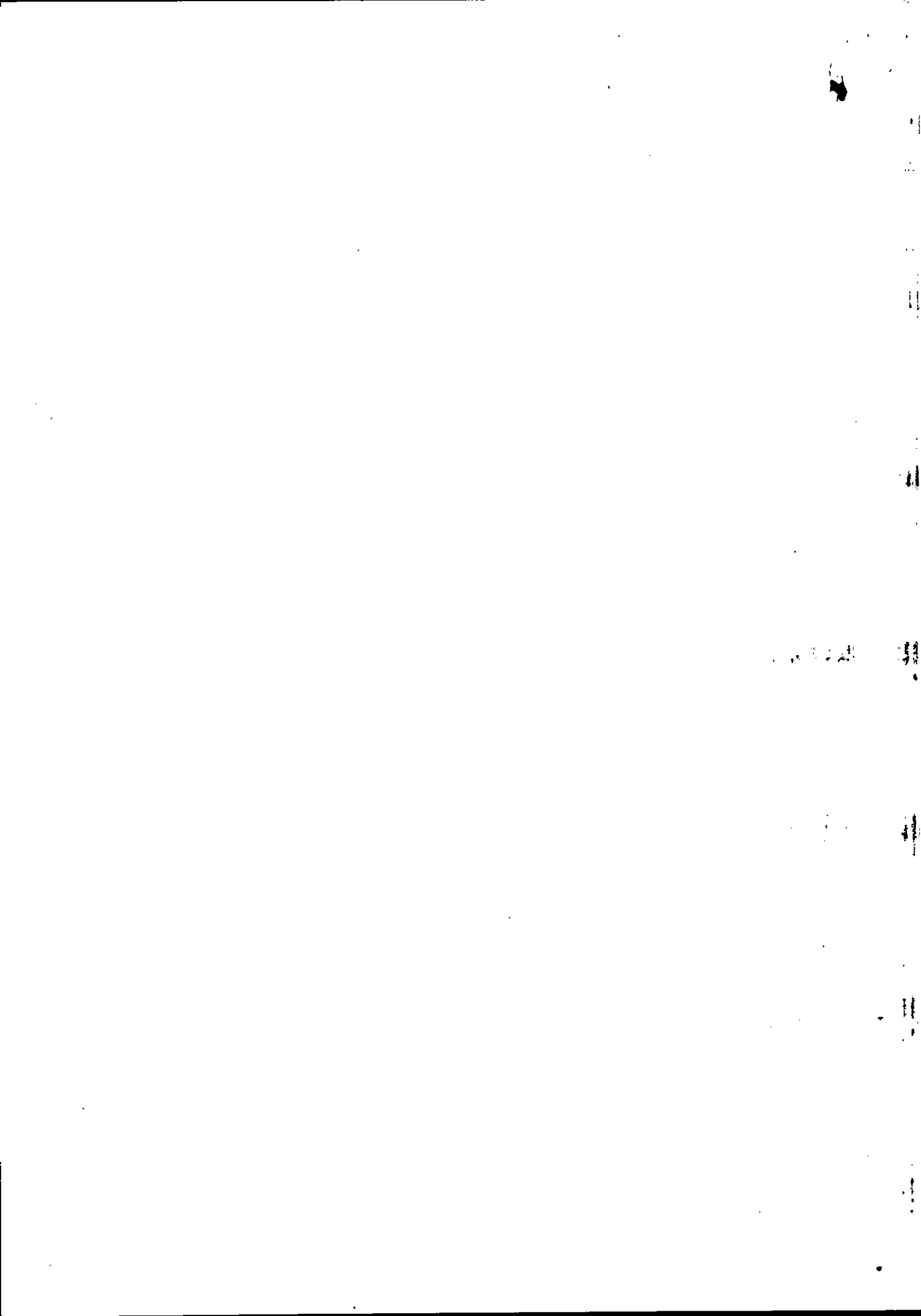
Yours Obediently,

Ismail

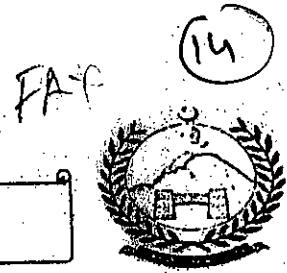
Pirzada Muhammad Ismail
Junior Clerk DHO Office, Mardan
Son of
Pir Muhammad Sufaid (Gharib Nawaz)

Accountant
22/4
[Signature]

ATTESTED
[Signature]



DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR



E-Mail Address: info@dgshs.khyber.gov.pk office Ph# 091-9210269 Fax# Exchange# 091-9210187, 9210196 Fax# 091-9210230
No. 1871 /Personnel Dated: 16/03/2016

To, ✓
The District Health Officer
Mardan.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER NO. 9521-26/DHO/MRD, DATED 28.05.2014, WHEREBY THE DISTRICT HEALTH OFFICER MARDAN TERMINATED THE SERVICE OF APPELLANT FROM THE POST OF JUNIOR CLERK.

Memo:

I am directed to forward a copy of an appeal alongwith its enclosures submitted by Mr. Pir Zada Muhammad Ismail S/o Pir Muhammad Sufaid which is self explanatory with the request to furnish your detailed comments in this regard urgently.

Encl: 07

ASSISTANT DIRECTOR (P-II) 15/3/16
DIRECTORATE GENERAL HEALTH SERVICES, K.P.K PESHAWAR
9/15/3/2016

Mardan
17/3/16
DISPATCHER CLERK
EDS (H) S
TESTED

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**



4-Min Address: 001-9210259 29 exchange# 091-9210187, 9210186 Fax # 001-9210189
No. 2339 / Personl of Dated: 01/04/2016

To,

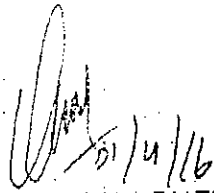
The District Health Officer
Mardan.

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDER NO.9521-29/DHO/MRD DATED 28.05.2014 WHEREBY THE DISTRICT OFFICER MARDAN TERMINATED THE SERVICE OF APPELLANT FROM THE POST OF JUNIOR CLERK.

Memo:

Reference your letter No. 3142/DHO dated 21.03.2016 on the subject noted above and to state to immediately obtain comments from Dr. Muhammad Tahir the than DHO Mardan in the instant case and submit to this Directorate within 07 days positively.


01/04/16
DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR
01/04/2016

ATTESTED



حکومت خیبر پختونخوا

District Health Department – Mardan

DISTRICT HEALTH OFFICER

Mardan (Khyber Pakhtunkhwa)

Ph: # (0937) 9230030 Fax: # (0937) 9230349

Email: mardandho@gmail.com

16

No. 3558 /DHO Dated: 04/04/2016

Director General, Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER NO. 9521-26/DHO/MRD
DATED 28/05/2014 WHEREABOUTS THE DISTRICT OFFICER MARDAN
TERMINATED THE SERVICE OF APPELLANT FROM THE POST OF
JUNIOR CLERK

Reference your letter No. 2339/Personnel dated 01/04/2016 received through Fax on the subject cited above and to say that Dr. Muhammad Tahir, Ex-DHO Mardan is not under the control of this office and his whereabouts is not known.

You are requested to investigate this matter at Provincial level, and he may be asked to submit his comments to your good office.

District Health Officer
Mardan

ATTESTED

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**



E-Mail Address: nwfpdghs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230
No. 3/00-01/Personnel/JC-623 Dated: 26/04/2016

To,

Dr. Muhammad Tahir
Ex: DHO Mardan
Sheikh Maltoon Town
Sector-6 House No. 202
02 Tehsil and District Mardan.

Subject:

**DEPARTMENTAL APPEAL AGAINST THE ORDER NO.9521-26/DHO/MRD DATED
28.05.2014 WHEREBY THE DISTRICT OFFICER MARDAN TERMINATED THE SERVICE OF
APPELLANT FROM THE POST OF JUNIOR CLERK.**


Memo:

Enclosed please find a copy of an appeal alongwith its enclosures submitted by Mr. Pir Zada Muhammad Ismail S/o Pir Muhammad Sufaid of District Mardan which is self explanatory for information and necessary action with the remarks to furnish your detailed comments in this regard urgently.

Encl: 07

C.C

Master File.


DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR
26/04/2016

ATTESTED


Ann D (18)



عمره صحت خیرہ کجوتونوا

District Health Department – Mardan

DISTRICT HEALTH OFFICER

Mardan (Khyber Pakhtunkhwa)

Ph: # (0937) 9230030 Fax: # (0937) 9230349 & Fax: # (0937) 9230283 (EPI)
Email: mardandho@yahoo.com

No. 3142 /DHO Dated: 21/03/2016

Director General Health Services
KPK, Peshawar

Subject: Departmental Appeal Against The Order No. 9521-26/DHO/MRD, Dated 28-05-2014 Whereby The District Officer Mardan Terminated The Service Of Appellant From The post of Junior Clerk

Reference to your office Letter No. 1871/ Personnel dated 16-03-2016.

1. Mr. Pir Zada Muhammad Ismail s/o Pir Muhammad Sufaid was appointed as Junior Clerk by the then District Health Officer Mardan, (Dr. Muhammad Tahir) vide DHO (M) order no. 7140-44/DHO dated 22-04-2014. (copy attached).
2. He was appointed against the Junior Clerk as per directives of honorable Chief Minister Govt: of KPK, on the body of the application (copy attached).
3. Appointment order was withdrawn on 28-05-2014 vide DHO (M) no. 9521-26/DHO by the then District Health Officer Mardan for the reason best known to him (copy attached).
4. The salary drawn by the Mr. Pir Zada Muhammad Ismail s/o Pir Muhammad Sufaid was deposited in Govt: Treasury on the directive of the then District Health Officer Mardan vide challan no. 71 dated 16-06-2014 Rs. 14,023/- for the month of 01-05-2014 to 31-05-2014 (copy attached).

The report is submitted as desired please.

District Health Officer
Mardan

ATTESTED

To,

The Provincial Ombudsman
Khyber Pakhtun Khwah,
Hayat Abad Peshawar.

Subject: **Application for release of salary of the applicant to continue his service as junior clerk BPS-7.**

Respected Sir:

1. That applicant was initially appointed as Ward Ardali, vide officer order No. 5387-92/DHO (P & D/ESTB) Dated: 31/03/2014. Applicant took over the charge of his post and thereafter on availability of vacant post in the department the applicant was later on appointed as junior clerk BPS-7 by the District Health officer Mardan, vide office order No. 7140-44/DHO, Dated: 22/04/2014. (Copy of order is attached)
2. That the applicant submitted arrival report and assumed the charge of his post on 23/04/2014.
3. That the applicant was appointed and posted in BPS-7 as a junior clerk by the competent authority under the Law and the applicant received salary etc as regular junior clerk, while during his service the salary of the applicant was stopped, without any show cause notice and without any reason which is totally illegal against Law and fact.
4. That the appointment of applicant was declared medically fit by the medical superintendent, DHQ

ATTESTED

12

hospital Mardan, and service record of the appellant is crystal clear.

It is therefore humbly prayed that on acceptance of this application the District Health officer Mardan may please be directed to release the salary of the applicant, to continue his service as junior clerk BPS-7 along with all back benefits, any other relief deemed fit may also be graciously granted.

Dated 13/04/2016

Applicant *Pir Zada*

Pir Zada Muhammad Ismail
S/o Pir Muhammad Sufaid
R/o Muhib Banda Mardan.

[Signature]
ATTESTED

BEFORE THE KHABER PAKHTOOON KHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ of 2016

Pir Zada Muhammad Ismail

(Appellant)

Vs

Director General, Health etc

(Respondents)

APPLICATION FOR CONDONATION OF DELAY.

Respectfully Sheweth,

1. That above titled case has been filed today in which no date has yet been fixed.
2. That appellant filed departmental representation before the respondent No.1 but no response hence the instant appeal, because the appellant had not challenged the impugn order within time because, the impugn order was based on politically motivated as the same order issued on 28/05/2014 and the appellant was directed by the competent authority that the impugn cancelation order will be withdrawn as soon as possible
3. That on 31/03/2016 respondent No. 2 submitted comments during departmental representation wherein respondent No.2 categorically stated that without unknown reason the appointment order of the appellant was withdrawn, thus respondent now could not legalized their unlawful act under the shelter of limitation Act and respondent have act illegally and arbitrary manner, for the reason that no Government institution could be allowed or have the authority to deprive any citizen from his lawful right.

AMIR

- 4. That appellant valuable right are attached to the instant appeal and primary object of the Court to give justice and to decide the case on merits, to condon the delay due to above circumstances.
- 5. So, it is therefore humbly prayed that on acceptance of this application the delay for filing of appeal may please be condone, any other relief deemed fit may also be graciously granted.

Appellant

Through,

S.M.Ilyas (Advocate High Court)

Dist. Courts Mardan

Affidavit:

I plaintiff solemnly affirm that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

Deponent:

Pir Muhammad Ismail (Appellant)

M. Ismail

ATTESTED

Oath Commissioner
Zafoor Khan Advocate
Distt. Court Peshawar

بعدالت

کوریٹ فیس

مورخہ: 2016/06/13
 مقدمہ: سید ذوالحمیر الساسی بنام: D & S
 دعویٰ: (سرسر کا اسٹیج)
 جرم:

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام سردان سے لئے اسیم. الیاس ابذوکنیت 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 دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی۔ جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشت منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ 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 پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

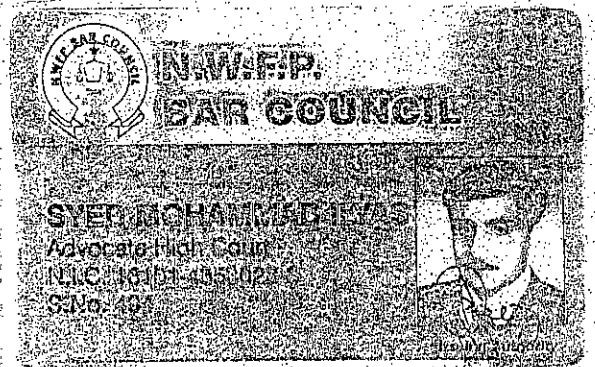
المرقوم _____ ماہ _____ 2016ء

العبد گواہ نشدہ العبد

بمقام: _____ کے لئے منظور ہے۔

سید ذوالحمیر الساسی

7. August
 S-M-1



BEFORE THE SERVICES KHYBER PAKHTUNKHWA TRIBUNAL, PESHAWAR

Service Appeal No. 638/2016

Pirzada Muhammad Isamil (Petitioner)

Versus

Govt of Khyber Pakhtunkhwa through Director General Health Services & others

Parawise comments on behalf of Respondents

Respectfully Sheweth:-

Preliminary Objections:-

1. That the appellant has no cause of action and locus standi to file the instant appeal.
2. That the instant appeal is not maintainable in the eye of law.
3. That the appellant has not come to this Honorable Tribunal with clear hands.
4. That the appeal of the appellant is time barred.
5. That the appeal of the appellant is illegal, baseless, against facts and law, based on mala fide, hence liable to be dismissed with compensatory cost.
6. The appeal of the appellant is hit by the principle of estoppels.

ON FACTS

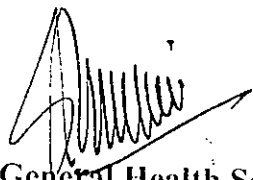
1. Correct to the extent of order No. 5387-92/DHO (P&D/Estb) dated 31/03/2014, but as there is and was no post available. Similarly he has then resigned from Ward Orderly post. The Ex-DHO has appointed appellant illegally & unlawful without completing codal formalities even without advertisement for the post of J/Clerk without DSC, and he may be called in person to explain. The appeal is time barred for about 02 years (Anex-I).
2. Incorrect. As sanctioned post of Junior Clerk BPS-7 was not available at the time of appellant appointment, nor it is available till date. The Ex-DHO can explain the same for the reasons best known to him, (Copy of the Budget Book as Anex-II).
3. Incorrect. As the Junior Clerk post was neither available at the time of appellant appointment, he was illegally appointed by Ex-DHO, who latter on cancelled the appellant appointment, because he has not come through proper channel. No advertisement was given by the Ex-DHO, hence his appointment was cancelled by the Ex-DHO Mardan. (Cancellation order, Anex-III).


4. Incorrect. Reply as given in Para No.2 & Para No.3. Medical fitness is concerned with the MS DHQ Hospital Mardan.
5. Incorrect. The appeal is time barred for about 02 years. Therefore the case may be dismissed. The impugned order is in accordance with law as per section 21 of General Claws Act, the competent authority has the power to cancel the appointment order issued by him.
6. Incorrect. Reply as given in Para No.2 & Para No.3 respectively.
7. Pertains to Record. However, the same matter cannot run at the same time before two forums.
8. Incorrect. The appellant was not appointed through proper channel as the Ex-DHO has not announced/advertised the post of Junior Clerk in the Newspaper. Moreover, no sanctioned vacant post of J/Clerk was & is available at DHO Office Mardan.

ON GROUNDS

- A. Incorrect. The order of appellant which was issued by the Ex-DHO was illegal & unlawful, the reasons best known to him. Hence, the impugned order is in accordance with law.
- B. Incorrect. As there was no sanctioned post was available at the time of appointment of appellant and he was appointed illegal and unlawful. Therefore his order was cancelled by the Ex-DHO Mardan. Moreover, no post of Junior Clerk was available at that time, therefore, order was recalled by the Ex-DHO Mardan.
- C. Incorrect. The appellant was appointed by Ex-DHO on political pressure in the air as J/Clerk sanctioned post was not available.
- D. Incorrect. There was no need of enquiry, because codal formalities were not followed by the Ex-DHO Mardan.
- E. Incorrect. The impugned order was issued as per law.
- F. Reply as given in Para (E)
- G. Incorrect. The impugned order was based on facts & figures as discussed in Para No. (8).

It is therefore requested that the appeal of the appellant may please be dismissed with cost.


Director General Health Services
Khyber Pakhtunkhwa, Peshawar


District Health Officer,
Mardan

District Health Officer
Mardan

OFFICE OF THE DISTRICT HEALTH OFFICER MARDAN

Ph: # (0937) 9230030 Fax: # (0937) 9230349 Email: edohmr@yahoo.com
No. 5387-92 /DHO (P&D/Estb:) Dated: 31/03/2014

OFFICE ORDER

Mr Pirzada Muhammad Ismail S/O Pir Muhammad Sufaid Gharib Nawaz village Arzi Abad Muhib road Tehsil & District Mardan is hereby appointed as Ward Orderly BPS-2 plus usual allowances as admissible under the rules and posted against the available vacant post at DHQ Hospital Mardan on the following terms and condition.

TERMS & CONDITION

1. He is Domicile in District Mardan.
2. His appointment is purely on temporary basis and liable to termination at any time without assigning any notice or reason.
3. He will not be entitled to any TA/DA for his medical examination.
4. He is declared medically fit for Govt. Services.
5. He liable to serve anywhere in the District as well as in Khyber Pakhtunkhwa.
6. He will be governed by such Services rules and orders as framed by the Government from time to time for the Category of Government Servants to which he belongs.
7. He will be carrying out such duties, function in relation to his duties as the Govt. may from time to time assign to him.
8. He will be entitle to claim his pay and allowances which is admissible to Civil Servant of the same status and grade from the date of appointment.
9. If he intends to resign his services, he will give two months notice in advance in written or deposit one month salary in lieu thereof to Government till the acceptance of resignation by the competent authorities.

If he accepts the above mentioned terms and conditions, he should report to the Medical Superintendent DHQ Hospital Mardan for duty on his own expense within seven days after receipts of this letter otherwise his appointment order will be considered as cancelled.

N.B:- You will have no legal rights to challenge your termination in case if you're academic and other documents have been found fake.

District Health officer
Mardan.

Copy forwarded to the following for information and necessary action.

1. District Comptroller of Accounts, Mardan.
2. Medical Superintendent DHQ Hospital Mardan.
3. Deputy DHO Mardan
4. Mr Pirzada Muhammad Ismail S/O Pir Muhammad Sufaid Gharib Nawaz village Arzi Abad Muhib road Tehsil & District Mardan.

District Health officer
Mardan.

... he was illegally appointed by Ex-DHO, who latter on cancelled the appellant appointment, because he has not come through proper channel. No advertisement was given by the Ex-DHO, hence his appointment was cancelled by the Ex-DHO Mardan. (Cancellation order, Anex-III).

(1 Annex III)

OFFICE OF THE DISTRICT HEALTH OFFICER, MARDAN

Ph: # (0937) 9230030, Fax: # (0937) 9230349 Email: edohmr@yahoo.com

P-6

APPOINTMENT ORDER

As per written direction of the Hon. Chief Minister Khyber Pakhtunkhwa by relaxing all the codal formalities as a special case, Mr. Pirzada Muhammad Ismail S/O Pir Muhammad Sufaid Village Arzi Abad Muhib Road Tehsil & District Mardan is hereby appointed Junior Clerk BPS-7 Plus usual allowances as admissible under the rules and posted at DHO Office, Mardan on the following terms and conditions:-

Terms & Conditions:-

1. He is domiciled in District Mardan.
2. His appointment is purely on temporary basis for a probation period of initially one year and is liable to terminate at any time without assigning any notice or reason.
3. He will not be entitled to any TA/DA for Medical examination and joining the first appointment.
4. His appointment will be subject to medical fitness for Govt. service.
5. He is liable to serve anywhere in District as well as in Khyber Pakhtunkhwa.
6. He will be governed by such service rules and order as framed by the Government from time to time for the category of government servants to which he belongs.
7. His services can be dispensed with during the probation period, if his work and conduct found unsatisfactory.
8. If he wishes to resign his service, he will submit his resignation two months notice in advance in writing or deposit one month salary in lieu thereof to Govt. Treasury, however he will continue to serve the Govt. till his resignation is accepted by the competent authority.

If he accepts the above-mentioned terms and conditions, he should report to the DHO Mardan for duty on his own expenses within seven days after the receipt of this letter, otherwise his appointment order will be considered as cancelled.

N.B:- you will have no legal rights to challenge your termination in case if your Academic & Professional documents have been found fake.

District Health Officer
Mardan

No. 7410-44 /DHO

dated Mardan the 21 / 4 /2014.

A copy is forwarded to the:-

1. District Comptroller of Accounts, Mardan.
2. Deputy DHO Mardan.
3. Accountant, DHO Office Mardan.
4. Computer Cell, DHO Office Mardan.
5. Mr. Pirzada, Muhammad Ismail S/O Pir Muhammad Sufaid Village Arzi Abad Muhib Road Tehsil & District Mardan for information and necessary action.

District Health Officer
Mardan

... was irregularly appointed by EX-DHO, who latter on cancelled the appellant appointment, because he has not come through proper channel. No advertisement was given by the Ex-DHO, hence his appointment was cancelled by the Ex-DHO Mardan. (Cancellation order, Anex-III).

(Anex III)

OFFICE OF THE DISTRICT HEALTH OFFICER, MARDAN

Ph: # (0937) 9230023; Fax: #.(0937) 9230349, Email: edohmr@yahoo.com

OFFICE ORDER

The office order bearing No: 7140 - 44/DHO, dated Mardan the 22/04/2014, regarding the appointment of Mr. Pirzada Muhammad Ismail S/o Pir Muhammad Sufaid, resident of village Arzi Abad, Muhib Road, Tehsil & District Mardan, as a Junior Clerk BPS - 07, plus usual allowances is hereby cancelled with immediate effect, due to the personal observation of the undersigned regarding the validity of the directives of the Honourable Chief Minister of Khyber Pakhtunkhwa, and also the verbal directives of MPAs of District Mardan.

However, Mr. Pirzada Muhammad Ismail S/o Pir Muhammad Sufaid, can apply for the same post through proper channel as per laid down policy of the government.

Moreover, Mr. Pirzada Muhammad Ismail S/o Pir Muhammad Sufaid, Junior Clerk, BPS - 07, is hereby directed to immediately deposit the entire amount into the government exchequer regarding the salary and allowances which he has received against the mentioned post from the date of appointment till date and submit the receipt in original to the account section of the office of the undersigned, failing which the undersigned is liable to proceed against Mr. Pirzada Muhammad Ismail, as per rules and regulations.

Sd _____
District Health Officer
Mardan

No. 9521-26 /DHO MRD |

Date: 22/5 /2014

Copy forwarded to the:

1. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary to Govt, Khyber Pakhtunkhwa, Health Department, Peshawar.
3. District Account Officer, Mardan.
4. Accountant, DHO Office, Mardan.
5. Computer Cell, DHO Office, Mardan.
6. Mr. Pirzada Muhammad Ismail S/o Pir Muhammad Sufaid, village Arzi Abad, Muhib Road, Tehsil & District Mardan, for information and strict compliance.

District Health Officer
Mardan

..... who was irregularly appointed by Ex-DHO, who latter on cancelled the appellant appointment, because he has not come through proper channel. No advertisement was given by the Ex-DHO, hence his appointment was cancelled by the Ex-DHO Mardan. (Cancellation order, Anex-III).

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Appeal No 638 of 2016

Pirzada Muhammad Ismail
(Appellant)

Vs,

Director Health etc
(Respondents)

Rejoinder of Para wise comments submitted by Respondents

Respectfully Sheweth:

The preliminary objections Para No. 1 to 6 raised by the respondents is baseless against Law and facts, based on mala-fide intention, so case of appellant is maintainable because the impugned office Order is illegal against Law and facts and ineffective upon the rights of the appellant. No other remedy and relief is available to the appellant except the instant petition before this Honourable Tribunal.

FACTS:

1. That Para No.1 of the comments is miss-convinced because if no post was available in the office of respondent No.2, then why respondents appointed the appellant initially vide office Order No. 5387-92/DHO (P&D/ESTB) dated: 31/03/2014. Further the appellant took over the charge of his post and thereafter on availability of a vacant post in the department the respondent No.2 again vide office Order No. 7140-44/DHO, dated: 22/04/2014 appointed the appellant as junior clerk as BPS-7, therefore Para No.1 of the comment is totally wrong that no post was available and appellant resigned from initial post.
2. That Para No.2 of the comments is also miss-convinced because the appellant was appointed after fulfillment of the codal formalities and statement of the

respondent No.2 that the sanction post for the junior clerk was not available at the time of appellant appointment, is totally incorrect and without any record and justification.

3. That in response of Para No.3 of the comments that Ex-DHO had canceled the appellant appointment which is absolutely wrong because Ex-DHO and the present respondent No.2 is responsible for any illegality and irregularity, the appellant is totally innocent because he submitted arrival reports through proper channel and assumed the charge of his post, appellant also received the salary as a regular junior clerk and he had been removed during his service without any show cause notice and without any reason.
4. That Para No. 4 of the comments is incorrect, miss-convinced, detailed reply is given in Para No. 3.
5. That Para No.5 of the comments is also incorrect because the application for condonation of delay also appended with the appeal and appellant has justify the delay, further the factual of legal grounds including the case Law on the subject that the appeal cannot thrown away on the basis of limitation, hence the Para No.5 is incorrect.
6. That Para No.6 of the comments is also incorrect because the respondent No.2 submitted the comments during the departmental representation, wherein respondent No.2 categorically stated that without unknown reason the appointment Order of the appellant was withdrawn, which shows the mala-fide on the part of respondents.
7. That in response of Para No.7 of the comments, appellant has withdrawn the application which was pending before the provincial Ombudsman Peshawar.
8. That Para No.8 of the comments is totally illegal against Law and facts and ineffective upon the rights of the appellant hence denied.

GROUND:

The Para Wise comments of the Grounds No. A to G submitted by the respondents is cohesive denial, no legal justification of the impugned office Order, because no show cause notice was issued to the appellant, no inquiry was conducted by the respondents. The impugned office Order is based on mala-fide intention has been passed in arbitrary manner by passing the relevant Law. The comments of respondents is not based on true facts and figures, rather the same is based on presumptions, hence not appealable to a legal mind.

So it is therefore humbly requested that the case may please be decided by consideration of material on record mentioned in appeal.

Date: 04/01/2017.

Appellant

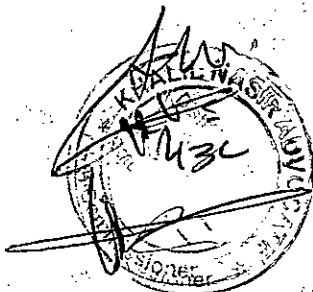
Through Counsel
Barrister at Law,
Advocate High Court
Dist: Courts Mardan

Affidavit:

I appellant solemnly affirm that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Deponent:

Pirzada Muhammad Ismail (appellant)



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 992 /ST

Dated 27 /4/ 2017


To

The District Health Officer,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 26.4.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.