

Service Appeal No.7889/2021 titled "Jamal Qadir Vs. Government of Khyber
Pakhtunkhwa"

ORDER

13th Mar. 2024

Kalim Arshad Khan, Chairman. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Mehmood Aslam, Secretary to Government of Khyber Pakhtunkhwa, Health Department (respondent No.1) present.

2. The appellant's case in brief is that he was initially appointed as PHC Technician (BPS-12) vide order dated 10.08.2016. That after submission of arrival report, he started performing his duties, and in the meanwhile, vide order dated 20.09.2016 his appointment order was cancelled. That the cancellation order was challenged through departmental appeal followed by Service Appeal No.108/2016. This Tribunal vide order dated 18.12.2018, accepted his appeal remitted the matter with direction to the respondents to issue show cause notice to the appellant and decide his case within 60 days, the outcome of which shall decide the reinstatement of the appellant. That show cause notice was issued to the appellant which was replied by him and Inquiry was conducted, however, the result of the same was not communicated to the appellant within stipulated period. That the appellant filed Execution Petition for implementation of judgment dated 18.12.2018 and during the pendency of the implementation petition, vide impugned order dated 03.08.2021 his appointment order dated 22.08.2016 was withdrawn.

3. Feeling aggrieved, he filed departmental appeal, which was not responded, hence, this appeal.




4. Arguments heard. Record perused.


5. The only issue in this matter is revolving around an experience certificate issued by the Chief Executive Mardan Medical Complex, Mardan which the respondents have termed to be fake in Para-01 (i) of their reply on facts basing on the verification report of the Hospital Director MTI Mardan Medical Complex Mardan issued vide No.7849 dated 14.12.2020. The same shows that there is nothing said in the verification of experience certificate that it was fake or not issued by the Chief Executive Mardan Medical Complex. As against that, the appellant had produced a certificate dated 14.03.2023 issued by Dr. Qaim Ali Shah, Retired Chief Executive Mardan Medical Complex Mardan, again certifying that the experience certificate No.6848 dated 07.11.2012 correctly bore his signature and designation stamp. When confronted, the Secretary to Government of Khyber Pakhtunkhwa Health Department very fairly submitted that the reply of the respondents regarding fakeness of the experience certificate could only be correct when there was a clear verification about fakeness of the experience certificate.

6. In this view of the matter, when fate of the entire case is hinging upon the genuineness or otherwise of the experience certificate of the appellant, alleged to be fake by the respondents, and the fakeness is not clearly mentioned in the verification letter nor is that declared fake, rather a vague report is based by the authority for issuing the impugned order, therefore, while setting aside the impugned order 03.08.2021, we direct that genuineness of the experience certificate shall be

verified in clear terms and then the authority may make an appropriate order regarding fate of the appellant. The exercise be completed within 30 days, positively. Order accordingly. Consign.

7. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 13th day of March, 2024.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah