



10.11.2016

Appellant present in person and Dr. Adnan, Medical Officer alongwith Mian Amir Qadar, GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 09.12.2016 before S.B at camp court, Swat.


Chairman
Camp court, Swat

09.12.2016

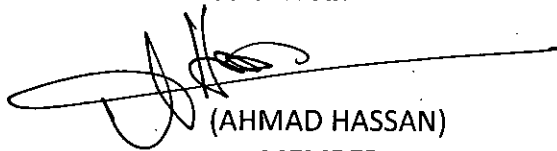
Appellant in person and Dr. Adnan Zia, alongwith Mian Amir Qadir, GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 03.04.2017 at camp court, Swat.

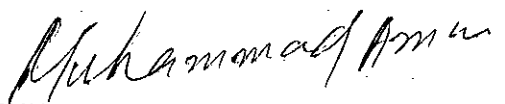

Chairman
Camp court, Swat

03.04.2017

Appellant in person present. Mr. Amjid Ali, Assistant and Mr. Yar Gul, Senior Clerk alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents also present. Appellant stated at the bar that his grievances have been redressed, therefore, he does not want to pursue the appeal and requested for withdrawal of the same. Request is genuine. In this respect signature of the appellant also obtained on the margin of order sheet. Dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
03.04.2017


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat.

سابقہ

15501-282-7

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



E-Mail Address: nvfdghs@yahoo.com office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

OFFICE ORDER

Consequent upon consideration of appeal of Mr. Liaqat Ali Ex: Ward orderly against the orders issued by M.S DHQ Hospital Shangla vide office order bearing endst: No. 2986-89/PF dated 22.12.2015, the major penalty imposed upon him i.e removal from service stands withdrawn.

The absence period w.e.f 01.08.2015 till his arrival is hereby considered as E.O.L without pay and minor penalty of "Censure" upon him.

Sd/xxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR.
Dated 25 /04/2017

No 452-56 /Personnel/DHO Upper Dir
Copy forwarded to the:-

1. M.S DHQ Hospital Shangla
2. DAO Shangla.
3. Mr Liaqat Ali Ward orderly DHQ Hospital Shangla.
4. Master File.
5. DA Concerned.

For information and necessary action.

DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

17/04/17

04.05.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Ward Orderly when removed from service vide impugned order dated 22.12.2015 on the allegations of willful absence where-against he preferred departmental appeal dated 06.01.2016 which was rejected on 22.2.2016 and hence the instant service appeal on 09.03.2016

That neither the prescribed procedure for enquiry was followed nor appellant afforded opportunity of hearing and further that the appellant has already submitted application for leave for one year and did not perform duty with the impression that the same was sanctioned.


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 Mr. Ijaz Ali Asstt. 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. 213/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09.03.2016	<p>The appeal of Mr. Liaqat Ali presented today by Mr. Faridullah 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	11.03-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up thereon <u>06-04-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.04.2015	<p>Counsel for the appellant seeks adjournment. To come up for preliminary hearing on 4.05.2016 before S.B at Camp court, Swat.</p> <p style="text-align: right;"> Chairman Camp Court Swat</p>

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service appeal No. 213 of 2016

Liaqat Ali

...Appellant

VERSUS

Provincial Govt. through Secretary Health at Civil Secretariat, Peshawar
and others

...Respondents

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3.	Application for earned leave	6
4.	Office order No. 231 dated 01/04/2015	7
5.	Removal order dated 22/12/2015	8
6.	Copy of Appeal to Director Health	9
7.	Impugned order of dismissal of appeal	10
8.	Vakalat Nama	11

Appellant through

Farooq

FARID ULLAH KHAN

Advocate High Court

Office: Rooms No. 1, 2, 3 Khan Plaza,
Gulshan Chowk, Mingora, District Swat
Cell No. 0333-9462803

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service appeal No. 213 of 2016

K.W.P. Province
Service Tribunal
No. 194
dated 09-3-2016

Liaqat Ali S/o Fazal Karim, Ex. Ward Orderly at District Headquarter
Hospital, Alpuri, District Shangla, resident of Qambar, Tehsil Babozai,
District Swat ...Appellant

VERSUS

- (1) Provincial Govt. through Secretary Health at Civil Secretariat,
Peshawar;
- (2) Director General Health Services, Khyber Pakhtunkhwa at Peshawar;
- (3) Assistant Director (P-II), Director General Health Services, Khyber
Pakhtunkhwa, Peshawar
- (4) Medical Superintendent, District Headquarter Hospital, Alpuri,
District Shangla
- (5) District Health Officer, District Shangla at Alpuri ...Respondents

*Appeal under Section 4 of the Khyber Pakhtunkhwa,
Service Tribunal Act of 1974, against the order dated
22/02/2016, passed by respondent No. 2, whereby the
departmental appeal of the appellant has been
dismissed by upholding the dismissal order dated
22/12/2015 of respondent No. 4;*

Prayer in appeal:

*On acceptance of this appeal, the impugned office order
dated 22/02/2016 and 22/12/2015 may kindly be declared
illegal, against the law, void ab-initio, by setting aside
the same and the appellant be reinstated with all back
benefits.*

*Filed to-
Registrar
9/3/16*

Respectfully Sheweth:

1. That the appellant was appointed as Ward Orderly in the year 1993.
2. That on 01/04/2015 the appellant moved an application for earn-leave for one year. (Application is attached).
3. That the application was sent to the District Health Officer on 01/04/2015. (Cover letter is attached).
4. That the appellant was told by the office time and again that the application is in process and will be approved and lastly he was told by the office that application has been approved.
5. That to the surprise of the appellant, the appellant was served to office order dated 22/12/2015, which revealed that the appellant was removed from service. (Impugned office order dated 22/12/2015 is attached).
6. That the appellant preferred a departmental appeal to the next higher authority i.e. Director General Health Services of Khyber Pakhtunkhwa. (Grounds of appeal are attached).
7. That on 22/02/2016, without hearing the appellant, the appeal of the appellant was dismissed, hence the present service appeal on the following grounds inter alia.


GROUND:

- a. That both the impugned orders of removal from service and dismissal of departmental appeal are illegal, against the law, void ab-initio and ineffective upon the rights of the appellant.

- 7
- b. *That the appellant has been condemned unheard.*
 - c. *That all the proceedings have been conducted on the back of the appellant, while the appellant has been kept ignorant from all the proceedings.*
 - d. *That one Dr. Ihsan Ullah M.S. of District Headquarter Hospital Shangla is biased against the appellant and the appellant was told by the said doctor that he would teach lesson to the appellant, thus all the proceedings on the back of the appellant has been conducted malafidely by one Dr. Ihsan Ullah.*
 - e. *That the impugned orders are the speaking example of misuse of authority and mockery with justice.*
 - f. *That the impugned orders are based on surmises and conjectures.*
 - g. *That the golden principles of law and justice have been violated while passing the impugned orders.*
 - h. *That the impugned order is non-speaking hence not maintainable in the eyes of law.*
 - i. *That the appellant is an illiterate person and was ignorant of all the proceedings conducted on the back of him and he is a poor man and is the only bread earner for the whole of his family.*
 - j. *That some grounds may be argued at the time of arguments with the prior permission of this Hon'ble Court.*

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned office order dated 22/02/2016 and 22/12/2015 may kindly be declared illegal, against the law, void ab-initio, by setting aside the same and the appellant be reinstated with all back benefits.

ناقصی
Appellant through Counsel


Farid Ullah Khan
Advocate High Court

Certificate:-

It is certified that as per instruction of my client, no such like appeal is either pending or decided by this Hon'ble Court.


Farid Ullah Khan
Advocate High Court

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service appeal No. _____ of 2016

Liaqat Ali

...Appellant

VERSUS

Provincial Govt. through Secretary Health at Civil Secretariat, Peshawar
and others

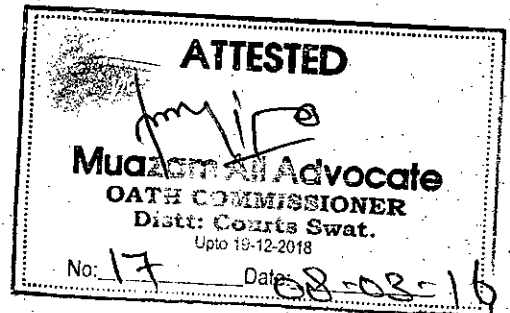
...Respondents

AFFIDAVIT

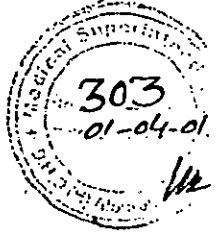
It is stated on oath that as per instruction of my client, all the contents of the attached appeal are true and correct to the best of my knowledge and belief. Moreover, no such like appeal is pending or decided by this Hon'ble Court.

Fee

FARID ULLAH KHAN
Advocate High Court



خدمت خباب مہر ٹریڈنگ کمپنیز پرائیویٹ ڈی۔ ایچ۔ کیوہیستان



عنوان :- ایک سال کی چھٹی :-

صناب عالی :-

آداب گزارش کی جاتی ہے۔ کہ بندہ کو اپنے گھر بنانے میں
وقت زیادہ لگتے ہے۔ کہ بندہ کیا کچھ کوی دوسرا
نہیں ہے۔ جو ایک گھر کو تعمیر کرنا چاہتے ہے۔ اور
اس لیے آداب کیا کچھ پتہ پڑھتا ہے۔ کہ بندہ کو
مالیاتی طور پر ایک سال کی چھٹی کی منظوری
عطا فرمائیں۔ تو بندہ ہمیشہ ڈیال گو
اپنے گا۔ اور اس چھٹی کے احکامات $\frac{04}{015}$ سے
صاد فرمائیں۔

فقط

~~Floor~~
Attentell

العارض

لیاقت علی

Accountant

مسٹر لیاقت علی۔ وارڈ آرڈری ڈی۔ ایچ۔ کیوہیستان

البوی ضلع شانگلہ
لیاقت علی

(7)

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA.

NO 231 / Dated: 01/04/2015

TO

The District Health Officer
Distt: Shangla

Subject: -
Memo,

ONE YEAR EARNED LEAVE

Enclosed please find herewith a self explanatory application in
respect of Liaqat Ali ward orderly of this hospital for necessary action please.

Note: - Original Service book is attached.

Jameer
Dr. Phsan Ullah
Medical Superintendent
DHQ Hospital Alpurai, Shangla

Floods
Attended

بہشتی

Handwritten signature/initials

8



Health
OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA.

Ph.0996850041

No 2986-89/PP Dated: 22/12/2015

OFFICE ORDER.

WHEREAS, disciplinary proceedings were initiated against you Mr. Liaqat Ali S/O Fazal Karim, ward orderly (BPS-02) DHQ Hospital Alpurai Shangla, for your continuous willful absence (1st August 2015) from duty:

AND WHEREAS, absence notices were served upon you at your home address and also through press with the direction to resume duty within the stipulated period.

AND WHEREAS, you failed to resume duty in the stipulated period given in the notices.

NOW THEREFORE, in exercise of powers conferred upon the undersigned, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the undersigned (the competent Authority) am pleased to impose the major penalty of **REMOVAL FROM SERVICE** upon you with immediate effect. The period from the date of absence till the date of imposition of penalty in respect of you, shall be treated as un-authorized absence from duty without pay.

xxxSdxxx *Ihsan Ullah*
Medical Superintendent
DHQ Hospital Alpurai, Shangla

Endst No & Date Even.

Copy forwarded for information to the :-

1. The Director General Health Services Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Shangla.
3. The District Accounts Officer Shangla.
4. The above named official.

Ihsan Ullah
Medical Superintendent
DHQ Hospital Alpurai
District Shangla

Ihsan Ullah
Dr. Ihsan Ullah
Medical Superintendent
DHQ Hospital Alpurai, Shangla

کلمت ضابطہ ڈائریکٹر جنرل تعلیم و سائنس اور ہونہار خیر و نیکوئی کے لئے

عنوان :- ای میل پر آنے والی نوٹری / سہولتیں

2605 / 27/0/2016

Atesha

ادباً گزارش ہے کہ سائیل حسب ذیل طریقہ سے

1 سائیل حکم گت ضابطہ ضابطہ میں تقریباً 22 سال سے بحالت وارڈ آرڈر کی ڈیوٹی سر انجام دے رہا تھا۔

2 سائیل کو میڈیکل سپرنٹنڈنٹ DHA ہسپتال الہ آباد ضابطہ نے بحوالہ آئی آر ڈی 89/86-2986 مورخہ 12/22 کو نوٹری سے کٹا ہے۔

3 یہ سائیل نے باقاعدہ ایک سال چھٹی کئیے مورخہ 4/2015 کو آفس ان بالاء کو درخواست دی تھی اور سائیل کو سہولتیں تھیں۔ سائیل کی چھٹی منظور ہوئی ہے یا نہیں۔ اس دوران بار بار معلومات کرتا رہا کہ سائیل کو بار بار کیا گیا ہے سائیل کی درخواست باقاعدہ زیر غور ہے۔

4 درج بالا آئی آر ڈی میں سائیل پر الزامی ٹیڈ کے سائیل کو گواہ ہے کہ یہ غیر حاضر کی نوٹری ہے۔ جو نوٹری میں منگواہ میں رہائش پذیر ہے۔ جمع کوئی نوٹری ہے۔ اور کسی نے اطلاع کی ہے۔

5 آئی آر ڈی میں یہ لکھا گیا ہے کہ اجازت اختیار کی سائیل نے خلاز جاری کیا ہے۔ تو یہ آئی آر ڈی میں کسی اجازت اختیار کا کچھ ہے۔ اور کسی آئی آر ڈی کے مطلع کیا ہے۔

6 سائیل درج چارج ملازم ہے اور ایک عزیز گوان کا وافر کھیل ہے۔

(جاری ہے)

3 اگر سائیل کو یہ پتہ چلتا کہ سائیل کو ایک سال چھٹی کے درخواستیہ دستہ دہیوں ہے۔ ٹو سائیل کیونکر اپنی ڈیوٹی پر حاضر نہیں ہوتا۔

سائیل کو با رہا رہا گیا اس کی درخواست پر غور ہونا ہے

8 یہ سائیل نے 22 سال نوٹری سے کوئی لائٹ لپو نہیں کی تھی اور 22 سال نوٹری کو ڈیکور سائیل نے نوٹری کے بنیاد میں نوٹریا 990 دن چھٹی بنتی ہے۔ ہوں کہ آفران ٹالان سائیل Agoror کیا ہے

Attestat

9 آف فٹ اور ڈریس سائیل کو نوٹری سے لٹا لٹا اور دوک اس میں بیٹھ کر لکھنے تنخواہ منظور کیا سائیل کے ساتھ اشتہار ظلم اور نا انصافی ہے اور دوک اس کے سائیل کو لکھنے اطلاع اور انکو نوٹری کے لکھنے نوٹری سے لٹا لٹا ظلم ہے

آج سائیل اشتہار آج آج اور عاجزی کیا تو آج صبحان کے طرف میں یہ اپیل کرتا ہے کہ میری عزیز اور ماہر لکھوں کہ تعلقہ وہ زندگی اور میری مجبور لکھوں کو مدد لکھو کہ مجھے نوٹریا دوبارہ بحال کرنے کے اقدامات کا درپاس ہے تو سائیل سے اپیل وصال زندگی کو ڈیکور رہیگا (موقوف)

العارض

آجے کا تابع فرماں
لیاقت علی وارڈ آرڈر
DHA ہسپتال انور
ضلع ٹھٹک
06/01/2016

Regd

(10)

**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. 793-94 / Personnel-467 Dated: 22/02/2016

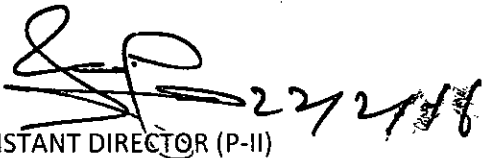
To,

Mr. Liaqat Ali
Ex: Ward orderly DHQ Hospital Alpura Shangla.

Subject: **APPEAL.**
Memo:

Reference to your appeal dated 06.01.2016.

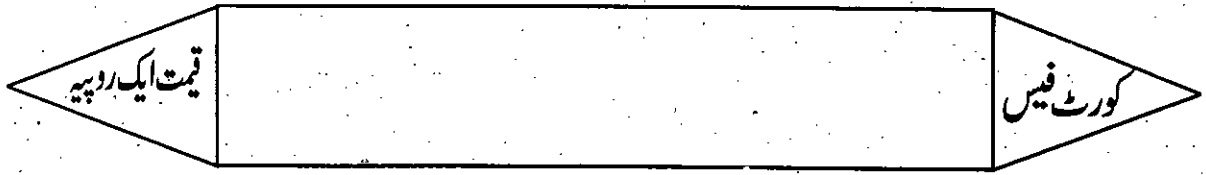
Your request for re-instatement into Govt: service can not it is regretted be acceded to, as all the codal formalities have been completed by the M.S DHQ Hospital Shangla, before awarding punishment.


ASSISTANT DIRECTOR (P-II)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR
22/2/2016

C.C

M.S DHQ Hospital Shangla for information and necessary action.

بعدالت جناب سروس ٹریبونل فیئر جتواہ پشاور



مورخہ ۲۰ مارچ ۲۰۱۰ء منجانب ایپلرٹ

مقدمہ لیاقت علی بنام حکومت

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی

متعلقہ آن مقام سروس ٹریبونل فیئر جتواہ پشاور کے لئے فریڈال منظر

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل

اختیاط 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 اپیل 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

براختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے

سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کریتے

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 ہے

المزوم 8 مارچ ۲۰۱۰ء

العبد گواہ شدہ العبد

کے لئے منظور ہے
Accepted.
Hees
For & received
Khan
Adl
بمقام



**OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA.**

No. 1617 /Court C

Dated: 02/08/2016

AUTHORITY LETTER.

Mr. Ijaz Ali of this hospital is hereby authorized to attend the court case in service tribunal No.213 of Mr. Liaqat Ali VS Government at Camp court Saidu Sahrif Swat on 03/08/2016.

Dr. Ihsan Ullah

Medical Superintendent
DHQ Hospital Alpurai
District Shangla

7

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

SERVICE APPEAL NO. 213 OF 2016

Liaqat Ali S/O Fazal Karim, Ex. Ward Orderly at District Headquarter Hospital,
resident of Qmbar, Tehsil Babozai, District Swat.

...Appellant

Versus

- (1) Provincial Govt. through Secretary Health at civil secretariat, Peshawar.
- (2) Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- (3) Assistant Director (P-II), Directorate General health Services, Khyber Pakhtunkhwa, Peshawar.
- (4) Medical Superintendent, District Headquarter Hospital, Alpuri, District Shangla.
- (5) District Health Officer, District Shangla.

...Respondents

**PARAWISE COMMENTS ON
BEHALF OF RESPONDENTS**

1. Preliminary Objections:

2. The appellant has got no cause of action to file the appeal.
3. The appeal is bad due to the act of the appellant.
4. That the appeal is not competent in the present form.

2. Factual Objections:


1. Correct.
2. Correct
3. Correct
4. Incorrect as his leave was sanctioned for the period of 120 days (4months) by District Health Officer, District Shangla vide office order No. 1730-32/DHO/SH, Dated: 07/04/2015 and the appellant was informed.
5. Incorrect as this office served a show cause notice on dated 29/10/2015 vide No. 2574/PF and later on an absentee report was also published in daily newspaper " Mashriq" Dated: 25/11/2015 attached as Annexure A.
6. Correct
7. Correct

Grounds:

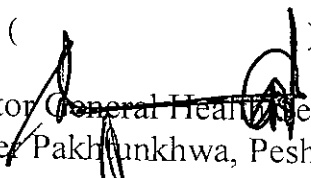
- a. Incorrect. Both the orders of dismissal were according to the law and rules.
- b. Incorrect. He was given due opportunity to appear before the controlling authority (MS-DHQ Hospital Alpuri) before the dismissal.
- c. Incorrect. Appellant was given due opportunity and was informed.
- d. Incorrect, MS-DHQ Hospital has no personnel grudges with appellant but it is clear from the conduct of the appellant that he was habitual absentee as is clear from different notices issued to him time to time attached as annexure B1-10.
- e. Incorrect, termination was made according to law and rules, after which order was passed attached as Annexure C.
- f. Incorrect. Dismissal order was based on factual and legal position as mentioned above.
- g. Incorrect, hence denied, the orders were made in accordance with as mentioned above.
- h. Incorrect, denied. The orders are self explanatory.
- i. Incorrect, denied. The appellant was informed and involved in all the procedure as mentioned above.
- j. The Para is legal, needs no reply. The respondents reserved rights to raise other legal and factual points and arguments with leave of this honorable court.

Prayer: It is therefore humbly prayed that by accepting the instant reply, the appeal of the appellant may kindly be dismissed with cost.


Respondent No. 01.

()
Provincial Govt. through Secretary
Health at civil secretariat, Peshawar.


Respondent No. 02.

()
Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Respondent No. 03.


()
Assistant Director (P-II), Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Respondent No. 04.

()
Medical Superintendent District Headquarter
Hospital, Alpuri, District Shangla.

Medical Superintendent
DHQ Hospital Alpuraj
District Shangla

Respondent No. 05.

()
District Health Officer,
District Shangla at Alpuri.

District Health Officer
Shangla

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

SERVICE APPEAL NO. 213 OF 2016

Liaqat Ali S/O Fazal Karim, Ex. Ward Orderly at District Headquarter Hospital,
resident of Qmbar, Tehsil Babozai, District Swat.

...Appellant

Versus

- (1) Provincial Govt. through Secretary Health at civil secretariat, Peshawar.
- (2) Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- (3) Assistant Director (P-II), Directorate General health Services, Khyber Pakhtunkhwa, Peshawar.
- (4) Medical Superintendent, District Headquarter Hospital, Alpuri, District Shangla.
- (5) District Health Officer, District Shangla.

...Respondents

**PARAWISE COMMENTS ON
BEHALF OF RESPONDENTS**

1. Preliminary Objections:

2. The appellant has got no cause of action to file the appeal.
3. The appeal is bad due to the act of the appellant.
4. That the appeal is not competent in the present form.

2. Factual Objections:

1. Correct.
2. Correct
3. Correct
4. Incorrect as his leave was sanctioned for the period of 120 days (4months) by District Health Officer, District Shangla vide office order No. 1730-32/DHO/SH, Dated: 07/04/2015 and the appellant was informed.
5. Incorrect as this office served a show cause notice on dated 29/10/2015 vide No. 2574/PF and later on an absentee report was also published in daily newspaper " Mashriq" Dated: 25/11/2015 attached as Annexure A.
6. Correct
7. Correct

Grounds:

- a. Incorrect. Both the orders of dismissal were according to the law and rules.
- b. Incorrect. He was given due opportunity to appear before the controlling authority (MS-DHQ Hospital Alpuri) before the dismissal.
- c. Incorrect. Appellant was given due opportunity and was informed.
- d. Incorrect, MS-DHQ Hospital has no personnel grudges with appellant but it is clear from the conduct of the appellant that he was habitual absentee as is clear from different notices issued to him time to time attached as annexure B1-10.
- e. Incorrect, termination was made according to law and rules, after which order was passed attached as Annexure C.
- f. Incorrect. Dismissal order was based on factual and legal position as mentioned above.
- g. Incorrect, hence denied, the orders were made in accordance with as mentioned above.
- h. Incorrect, denied. The orders are self explanatory.
- i. Incorrect, denied. The appellant was informed and involved in all the procedure as mentioned above.
- j. The Para is legal, needs no reply. The respondents reserved rights to raise other legal and factual points and arguments with leave of this honorable court.

Prayer: It is therefore humbly prayed that by accepting the instant reply, the appeal of the appellant may kindly be dismissed with cost.

Respondent No. 01.

()

Provincial Govt. through Secretary
Health at civil secretariat, Peshawar.

Respondent No. 02.

()

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Respondent No. 03.

()

Assistant Director (P-II), Directorate General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Respondent No. 04.

()

Medical Superintendent District Headquarter
Hospital, Alpuri, District Shangla.
Medical Superintendent
DHQ Hospital Alpuri
District Shangla

*Vetted Subject
to Correction on Page-I*

*Senior Government Headet - 2016
Swat at Gulkada.*

Respondent No. 05.

()

District Health Officer,
District Shangla at Alpuri
District Health Officer
Shangla



OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA.

No. 1904-05 /Court Cases.

Dated: 8 /09/2016

To

Section Officer (LIT-II),
Government of Khyber Pakhtunkhwa,
Health Department, Peshawar.

Subject: **SERVICE APPEAL NO. 213/2016- MR. LIAQAT ALI VERSUS
GOVT: OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT AND
OTHERS**

Reference to your office letter No. SOH (Lit-II)13-4013/2016, Dated:
the 29/08/2016, enclosed please find herewith the parawise comments along
with complete record for examination/ signature.

Dr. IhsanUllah

Medical Superintendent

Endst. No. & Date. Even:

Copy forwarded to:

1. District Health Officer, District Shangla.

Dr. IhsanUllah

Medical Superintendent

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

SERVICE APPEAL NO. 213 OF 2016

Liaqat Ali ✓

Appellant

Versus

Provincial Govt. through Secretary Health at civil secretariat, Peshawar
and others.

Respondents

INDEX

S #	Description of documents	Annexure	Pages
1	Newspaper publication of absentia *	A	02
2	Explanations/ Warnings	B	10
3	Termination Order	C	1
4	Post Office Registry Receipt	D	1
	Leave Sanction order	E	01

Respondents.....

Handwritten text at the top of the page, possibly a header or title, written in Urdu.

A rectangular stamp or document fragment containing a portrait of a man on the left and a table of handwritten entries on the right. The entries appear to be dates and names, such as "20-10-2015" and "2874 PF".

A large, rectangular stamp with a decorative border. The central feature is a large, stylized Urdu calligraphic symbol. Below the symbol, the text "DAILY CHAND SWAT" is printed in a bold, sans-serif font. To the left of this text, it says "CPNE MEMBER". At the top of the stamp, there is a line of Urdu text: "پنجاب کے لوگوں کے لیے روزانہ اخبار". To the right of the main stamp, there is a smaller section with more Urdu calligraphy and text, including the word "بسم اللہ".

Handwritten text at the bottom left corner of the page, possibly a signature or reference number, written in Urdu.

(Health

Annexure -B

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA
No. 0062 / Dated: 7 /01/2015

Tel :0996850041

To

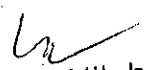
The District Health Officer
District Shangla.

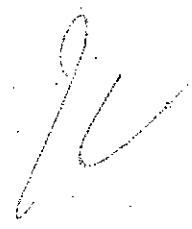
Subject:

SHOW CAUSE NOTICE AND TERMINATION

Mr. Liaqat Ali S/O Fazal Karim R/O Kotkay Tehsil Alpurai District Shangla W/ orderly of this hospital is absent from duty since 4th September 2014 till date. has been asked to submit the reason of his willful absence vide this office letter No.1155/Dated:22/09/2014, No.1222-25/PF Dated:09/10/2014, No.1360-60/PF Dated:11/11/2014 and No.1444-45/ Dated:27/11/2014 respectively. But he failed to reply of these letters.

Therefore it is requested to kindly take further action of show cause notice termination form service.


Dr. Ihsan Ullah
Medical Superintendent
DHQ Hospital Alpurai, Shangla





Ph.0996850041

Health

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA.
No 2301 /PF Dated 28/08/2015

Ammerum-B:

To

The Manager NBP Alpurai

Subject: FREEZE OF SALARY ACCOUNT

With due honour it is requested to kindly freeze the salary account of the following officer/ official of this office please.

S.No	Name & Designation of officer/official	Account No
01	Mr.Liaqat Ali Ward orderly	8808


Dr. Ihsan Ullah

Medical Superintendent
DHQ Hospital Alpurai, Shangla

o/c

o/c



Ph.0996850041

Annexure
Health
OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAL, SHANGLA.

No 2278 /PF Dated: 11/09/2015

To

Mr. Liaqat Ali (ward orderly) S/O Fazal Karim R/O Kotkay Alpurai.
Presently: Marghuzar Kalony Saidu Sharif Swat.

Subject:

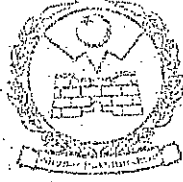
EXPLANATION OF ABSENCE

You were granted 120 days leave which got expired on 31/07/2015, but you failed to re
duty till date. Explain the reason of your absence within 03 days after receiving of this letter. Mi
your salary has already been freezed and further action will taken if you failed to justify your abs
within stipulated period.

(C/C)

(P/F)

Ihsan Ullah
Dr. Ihsan Ullah
Medical Superintendent
DHQ Hospital Alpurai, Shangla



Health



Annexure-1

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA
No 1207-8/PF Dated: 02/10/2014

To


The Manager National Bank Alpuarai Shangla.

Subject: FREEZING OF SALARY ACCOUNT

Memo,

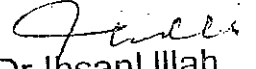
Reference to the Honourable Senior Civil /Ala Ilaga (Shangla Notice No.1379/ Dated:01/10/2014, you are hereby requested kindly freeze the salary account of Mr.Liaqat Ali Ward Orderly of hospital Alpurai,Shangla.

S.NO	Name & designation	Account No
01	Mr.Liaqat Ali Ward Orderly	8808


Dr.IhsanUllah
Medical Superintendent
DHQ hospital Alpurai,Sha

Endst No & Date Even.

Copy forwarded to the Honourable Senior Civil Judge Ala ,Ilaga C
Shangla with reference to Notice No.1379/Dated:01/10/2014.


Dr.IhsanUllah
Medical Superintende
DHQ hospital Alpurai,Sh

Amerru-B5



Health
OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA.

Ph.0996850041

No 2574 /PF Dated: 29/10/2015

To

Mr. Liaqat Ali (Ward orderly) S/O Fazal Karim
Kotkay Tehsil Alpurai Distt: Shnagla.

Subject:

SHOW CASUE NOTICE

You are absent since 01/08/2015 till date. Two letters were dispatched vide this office Endorsement No.2278/PF Dated:11/09/2015 and No.2340/PF Dated:18/09/2015 but you failed to resume duty within 03 days after receiving of this letter. Otherwise relevant action will be taken against you under E&D rules 2011.

Ihsan Ullah

Dr. Ihsan Ullah
Medical Superintendent
DHQ Hospital Alpurai, Shangla

0/10

e

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA.

No 076-77 /PF Dated: 18 /01/2014

To

Mr. Liaqat Ali ^{to/O}
DHQ Hospital Alpurai.

Annexure - B

Subject: ABSENCE

Reference to DHO office order No.84-87/DHO/SH
Dated:08/01/2014 you have been transferred to your original place of duty
DHQ Hospital Alpurai. But you are absent since 08/01/2013. You are
directed to explain the reason of willful absence within 05 days. Other wise
strict disciplinary action will be taken against you.

(Signature)
Dr. Ihsan Ullah
Medical Superintendent
DHQ Hospital Alpurai, Shangla

Endst No & Date Even.

Copy forwarded to Accounts section of this office for
forfeiting the salary of the said period.

(Signature)
Dr. Ihsan Ullah
Medical Superintendent
DHQ Hospital Alpurai, Shangla

Tel :0996850041

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA

No. 1360-60 /PF Dated: 11 /11/2014


Annexure

To

1. Mr.Zahir Khan Blood:Bank Attendant
2. Mr.Liaqat Ali Ward Orderly DHQ hospital Shangla

Subject EXPLANATION/ABSENCE FROM DUTY


Reference to this office letter No.1222-25/PF Dated:09/10/2014, you have been directed explain the reason of your absence, but till date you have not submitted your reply. Your this attitude towards duty is a great negligence on your part. You are therefore directed to explain the reason of your such attitude and willful absence with in 03 days, otherwise strict disciplinary action will be taken against you.

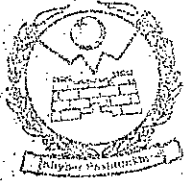

Dr.IhsanUllah
Medical Superintendent
DHQ hospital,Shangla Alpurai.

20



...referred to the accounts section of this office to freeze the salary of officials concerned.


Dr.IhsanUllah
Medical Superintendent
DHQ hospital,Shangla Alpurai



Health

Amer - B8

Tel :0996850041

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA
No 1212-25/PFDated: 9/10/2014

To

1. Mr.Sultan Zeb Sweeper
2. Mr.Liaqat Ali W/O
3. Mr.Zahir Khab BBA
4. Mr.Afzal Khan W/O

Subject EXPALINATION OF ABSENCE

You are absent from duty for the last 05 days without any information .Explain the reason of you willful absence with in 03 days,in case strict disciplinary action will be taken in the matter.

Sc
Dr.IhsanUllah
Medical Superintendent
DHQ hospital,Shangla Alpurai.

Endst No & Date Even.

Copy forwarded to the accounts section of this office to freeze the salary of officials concerned.

Ihsan
Dr.IhsanUllah
Medical Superintendent
DHQ hospital,Shangla Alpurai



OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL SHANGLA AT ALPURAI.

No 1155 Date 22/09/2014


Phone No: 0996-850041
Email: dhqshangla@gmail.com

Annexure - 1

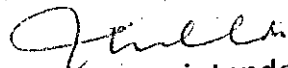
Mr Liaqat Ali Ward orderly.

Subject: ABSENCE

You were found absent during surprise visit at 11-30 AM today dated 22/09/2014. Explain the reason with two days, otherwise strict disciplinary action will be taken against you.


Dr Ihsanullah
Medical superintendent
DHQ Hospital Shangla Alpuri

Copy to Homeo Dr. Sayed Altaf Husain Karora


Medical superintendent
DHQ Hospital Shangla Alpuri



Health

Annexure

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA
No 10/18 /PFDated: 27/08/2014

To

Mr. Liaqat Ali Ward Orderly
DHQ Hospital Alpurai.

Subject: NOTICE

You have been called vide Notice No.1226/Dated:26/08/2014 by honourable Senior Civil Judge/Ala Illaqa Qazi Shangla in the case Sher Mehmood VS Liaqat Ali. You are hereby directed to appear before the Court of Senior Civil Judge /Ala Illaqa Qazi Shangla at Alpurai on: 30/09/2014 positively.

Ihsan Ullah
Dr. Ihsan Ullah
Medical Superintendent
DHQ hospital, Shangla Alpurai.

Handwritten signature in Urdu script

Handwritten signature
HC 1226
26-8-14
Handwritten text

No

Dr. Ihsan Ullah
Medical Superintendent
DHQ Hospital Alpurai, Shangla

- 1. The Director General Health Services Khyber Pakhtunkhwa, Peshawar.
- 2. The Deputy Commissioner, Shangla.
- 3. The District Accounts Officer, Shangla.
- 4. The above named official.

Copy forwarded for information to the :-

Endst No & Date Even.

xxxxsdxxx
Medical Superintendent
DHQ Hospital Alpurai, Shangla

NOW THEREFORE, in exercise of powers conferred upon the undersigned, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, I the undersigned (the competent Authority) am pleased to impose the major penalty of REMOVAL FROM SERVICE upon you with immediate effect. The period from the date of absence till the date of imposition of penalty in respect of you, shall be treated as un-authorized absence from duty without pay.

AND WHEREAS, you failed to resume duty in the stipulated period given in the notices.
AND WHEREAS, absence notices were served upon you at your home address and also through press with the direction to resume duty with in the stipulated period.

WHEREAS, disciplinary proceedings were initiated against you Mr. Jaqat Ali S/O Fazal Karim, ward orderly (BPS-02) DHQ Hospital Alpurai Shangla, for your continuous willful absence (1st August 2015) from duty;

OFFICE ORDER

No 2986-89/PF Dated: 22/12/2015

PH.0996850041

Health
OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL ALPURAI, SHANGLA.



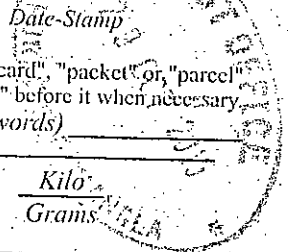
Amwase-

Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Rs. 55.
800

Annexure - D.

ed a registered
ressed to _____

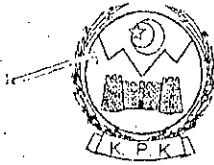


initials of Receiving Office. Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Insurance for Rs. _____ Ps. _____ (in words) } Weight _____ Kilo _____ Grams _____

Name and address of sender _____



(E)

☎- 0996- 850653-850823
☎- 0996- 850824
E-mail: edohshangla@gmail.com

OFFICE OF THE
DISTRICT HEALTH OFFICER
DISTRICT SHANGLA.

No. 1730-32/DHO/SH

Dated: 07/04/2015. L ✓

OFFICE ORDER:

Sanction is hereby accorded to 120 days earned leave in respect of Mr. Liaqat Ali Word Orderly, attached to DHQ Hospital Alpurai District Shangla, w.e.f 01/04/2015.


The official is likely to resume his/her duty at his/her original place of posting after the expiry of leave.

Sd/-xxxxx
DISTRICT HEALTH OFFICER
DISTRICT SHANGLA.

Endost: No. & Date Even.

Copy forwarded to:-

- 1- The Medical Superintendent DHQ (H) Alpurai w.r. to his office letter No. 231 dated 01/04/2015.
- 2- The Establishment of this office for record.
- 3- The Official concerned.


DISTRICT HEALTH OFFICER
DISTRICT SHANGLA.

Handwritten mark resembling a stylized 'L' or '7'.

Handwritten notes: "7/5/12", "D.H.O.", "Peshawar", "12/19", "12/19".

Handwritten signature and initials: "R-10", "D.H.O.", "Peshawar".

DHO Hospital Alpurai, Shangla

Medical Superintendent

Dr. Ihsan Ullah

Copy forwarded to the Director General Health Services Khyber Pakhtunkhwa Peshawar for information please.

DHO Hospital Alpurai, Shangla

Medical Superintendent

Dr. Ihsan Ullah

Reference to the Director General Health Services Khyber Pakhtunkhwa office letter No.4647-714/Personnel Dated:20/04/2015, the domain of each offices of MIS & DHO are crystal clear (Notification copy attached). In this regard this office has observation about the recent appointment of a sweeper Mr. Iqbal Hussain at this hospital and transfer of Mr. Muammar Behishu from here. Any how both offices would have mutual liaison in the interest of institution and public; and this office will always welcome any positive suggestion in interest of public; and it will be very convenient for this office to enjoy its administrative power in future independently.

MEDICAL SUPERINTENDENT

Subject: ADMINISTRATIVE STATUS OF DISTRICT HEALTH OFFICERS/

The District Health Officer
District Shangla

To

Ph.0996850041

DHO HOSPITAL ALPURAI, SHANGLA
No. 806-07/E-1 Dated: 12/06/2015

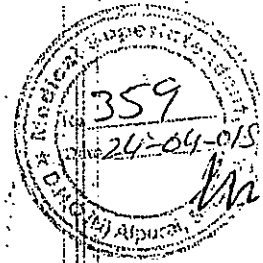
OFFICE OF THE
MEDICAL SUPERINTENDENT

Health

1303
12/6/15



FAX



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHW PESHAWAR.**

E-Mail Address: nwfdghs@yahoo.com Office Ph# 091-921020 Exchange# 091-9210187, 9210196 Fax # 091-9210230

No. 4647-714 /Personnel

Date. 20/4/11

To,

All District Health Officers in Khyber Pakhtunkhwa.
All Medical Superintendents DHQ Hospitals in Khyber Pakhtunkhwa.

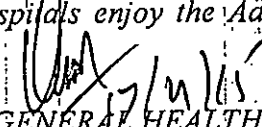
Subject: ADMINISTRATIVE STATUS OF DISTRICT HEALTH OFFICERS/ MEDICAL SUPERINTENDENTS.

Prior to promulgation of local Govt ordinance 2001 the District Officers viz District Health Officer and MS DHQ Hospitals of the Health Department used to enjoy the Administrative/Financial powers independently in pursuance of Govt of Khyber Pakhtunkhwa S&GAD regulation wing Peshawar Notification No. SOR-I(S&GAD) 1-201/98 dated. 07.09.1998.

After promulgation of local Govt ordinance 2001 the posts of District Health Officers were converted into Executive District Officer (Health) and by virtue of the ordinance ibid the Executive District Officers (Health) were declared as Administrative Head for the District Health Department.

However, after withdrawal of local Govt ordinance, the powers exercised by the District Health Officers and Medical Superintendents were restored as was notified vide Govt Khyber Pakhtunkhwa S&GAD regulation wing Peshawar No. SOR-I(S&GAD) 1-201/98 dated. 07.09.1998.

In view of the foregoing, it is clarified that the District Health Officers as well as Medical Superintendents of the District Head Quarter Hospitals enjoy the Administrative powers independently.


DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA,
PESHAWAR.

Cc:

1. P.S to Minister for Health Khyber Pakhtunkhwa Peshawar.
2. P.S to Secretary Health Govt. of Khyber Pakhtunkhwa Peshawar.
3. Deputy Director (Personnel) DGHS Office Peshawar.
4. Deputy Director (Admn) DGHS Office Peshawar.
5. Assistant Director P-I DGHS Office Peshawar.
6. Assistant Director P-II DGHS Office Peshawar.
7. Assistant Director P-III DGHS Office Peshawar.
8. Assistant Director (Nursing) DGHS Office Peshawar.
9. DHIS Cell DGHS Office Peshawar.
10. P.A to DGHS Khyber Pakhtunkhwa Peshawar.
11. P.A to Director (Admn) Khyber Pakhtunkhwa Peshawar.
12. Master File.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

SERVICE APPEAL NO. 213 OF 2016

Liaqat Ali S/O Fazal Karim, Ex. Ward Orderly at District Headquarter Hospital,
resident of Qambar, Tehsil Babozai, District Swat.

...Appellant

Versus

- (1) Provincial Govt. through Secretary Health at civil secretariat, Peshawar.
- (2) Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- (3) Assistant Director (P-II), Directorate General health Services, Khyber Pakhtunkhwa, Peshawar.
- (4) Medical Superintendent, District Headquarter Hospital, Alpuri, District Shangla.
- (5) District Health Officer, District Shangla.

PARAWISE COMMENTS ON ...Respondents

~~Mr. Liaqat Ali Appellant/ petitioner~~ *BEHALF OF RESPONDENTS*

~~Versus~~

~~Secretary Health, KPK Respondent~~

1. Preliminary Objections:

2. The appellant has got no cause of action to file the appeal.
3. The appeal is bad due to the act of the appellant.
4. That the appeal is not competent in the present form.

2. Factual Objections:

~~Para wise comments of Appeal No: 213 of 2016~~

1. Correct.
2. Correct
3. Correct
4. Incorrect as his leave was sanctioned for the period of 120 days (4months) by District Health Officer, District Shangla vide office order No. 1730-32/DHO/SH, Dated: 07/04/2015 and the appellant was informed.
5. Incorrect as this office served a show cause notice on dated 29/10/2015 vide No. 2574/PF and later on an absentee report was also published in daily newspaper " Mashriq" Dated: 25/11/2015 attached as Annexure A.
6. Correct
7. Correct

~~5. Incorrect as this office served a show cause notice on dated 29/10/2015 vide No. 2574/PF and~~