

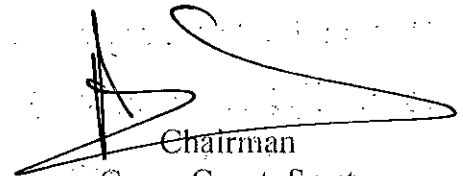
09.02.2017

Petitioner in person and M/S Muhammad Naeem, AD and Amjad Ali, Assistant alongwith Mian Amir Qadar GP for the respondents present.

Copies of orders dated 30.12.2016 and 26.1.2017 submitted according to which the promotion order of the petitioner as Office Assistant restored and his services regularied against the existing vacant post at DHO Office Buner for purpose of drawl of pay.

In the light of afore-stated developments petitioner informed the Tribunal that his grievances stood redressed as judgment of the Tribunal implemented.

In view of the above the petition is dismissed as withdrawn.

  
Chairman  
Camp Court, Swat.


ANNOUNCED  
09.02.2017

09.02.17

EP 59/16

10.11.2016

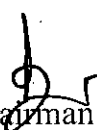
Petitioner with counsel, M/S Muhammad Naeem, Supdt., Amjad Ali, Assistant and Yar Gul, Assistant alongwith Mian Amir Qadar, GP for the respondents present. Representatives of the respondents submitted office order dated 07.11.2016, copy whereof supplied to learned counsel for the petitioner. To come up for objections/further proceedings on 08.12.2016 before S.B at camp court, Swat.

  
Chairman  
Camp court, Swat

08.12.2016

Petitioner with counsel and Mian Amir Qadar, G.P alongwith Yar Gul, Assistant for the respondents present. Arguments heard and record perused.

According to the judgment of this Tribunal dated 01.02.2016 the respondents were directed to restore services of the appellant as Assistant BPS-14 and that there-after the respondents were to probe in the case of petitioner subject to affording him opportunity of hearing but vide office order dated 07.11.2016 the services of the petitioner has not been restored as Assistant despite repeated opportunities including last opportunity. As such salary of the respondent is attached with the directions that judgment of the Tribunal shall be implemented in letter and spirit till next date of hearing and in case the respondent fail to implement the judgment by next date of hearing then further coercive measures including detention in civil prison will be taken against the respondent. To come up for proper implementation report/further proceedings on 09.02.2017 at camp court, Swat.

  
Chairman  
Camp court, Swat

(1)

BEFORE THE KHYBER PUKHTOONKHWA SERVICE TRIBUNAL

C.O.C NO.....2016

*Execution Petition no. 58/16*

**K.P.K. Provincial  
Service Tribunal**  
Diary No. 263  
Dated 7-4-16

Said Rahim Shah Office Assistant,

Village and P.O Daggar Tehsil Daggar District Buner..... (Petitioner)

VERSUS

Perviz Kamal, Director General Health Service, K.P.K, Peshawar

.....(Respondent)

**Petition for implementation of order / judgment dated: 01-02-2016 of this worth tribunal and initiation of contempt of court proceedings against the respondent for disobeying the order / judgment in service appeal no. 1274/2014.**

Respectfully Shewith!

1. That the Service appeal No. 1274 of 2014, Titled "Said Rahim Shah VS Govt of K.P.K through secretary, Health K.P.K and others" was disposed of by this worthy tribunal vide order / Judgment Dated: 01-02-2016 and by accepting the appeal of the petitioners, his Service was restored. (Appeal & order / Judgment Dated: 01-02-2016 attached as Annexure "A & B".
2. That the salaries / allowances etc of Petitioner have been stopped for more than two years and the appellants has suffered so much financially that he can not even maintain his children and fullfil other daily expenses.
3. That the petitioner time and against sent written requests and also several time visited the office of the respondent for the implementation of the order dated 01-02-2016 in appeal No. 1274 but no heed was given to his request. Application to Respondent attached as Annexure "C". while letters of D.C and D.H.O Buner attached as Annexure C/1 and C/2.


2

4. That the Respondent- is using delying tactics in the implementation of the order of this worthy tribunal and is reluctant to honor the Directions of this worthy tribunal which amount to contempt of court.
5. That the respondent was legally bound to have obeyed the order of this worthy tribunal and actions and inactions at the respondent comes under the parameters of contempt of court because they have willfully disobeyed the order / Judgment of this worthy tribunal hence respondents are liable to be prosecuted accordingly.

**Prayer:**

In view of the above facts and circumstances it is respectfully prayed that the respondent be prosecuted for contempt of court and the Judgment / order Dated: 01-02-2016 in Service appeal No. 1274 be implemented in letter and spirit and the salary of petitioner may kindly be directed to be immediately released.

Any other relief which this worthy tribunal deem fit in the facts and circumstances of the case may also be granted.

  
Petitioner

Through: 

Dated: **Mushtaq Ahmad Khan Advocate**

**Certificate:-**

As per instruction of my client No such like petition have earlier been filled before this worthy tribunal.

**Law Books:-**

1. C.P.C
2. Contempt of Court Act 2-12
3. Constitution of Pakistan

  
**ADVOCATE**

3

**BEFORE THE KHYBER PUKHTOONKHWA SERVICE TRIBUNAL**

C.O.C NO.....2016

Said Rahim Shah Office Assistant,

Village and P.O Daggar Tehsil Daggar District Buner..... (Petitioner)

VERSUS

Perviz Kamal, Director General Health Service, K.P.K, Peshawar

.....(Respondent)

**Address of parties**

**Petitioner Address:**

Said Rahim Shah Office Assistant, (CNIC No.15101-6972417-5.)

Village and P.O Daggar Tehsil Daggar District Buner.


Cell No.03455123253

**Respondent Address:**

Perviz Kamal, Director General Health Service, K.P.K, Peshawar

13.7.2016

Counsel for the appellant and Mr. Yar Gul, Asstt. alongwith Mian Amir Qadir, G.P for the respondents present. Reply to execution petition submitted. To come up for further proceedings/arguments on 08.09.2016 before S.B at camp court, ~~Swat~~.

  
Chairman  
Camp Court, Swat

08.09.2016

Petitioner with counsel, and Mr. Yar Gul, Assistant alongwith Mian Amir Qadar, GP for the respondents present. Arguments heard & record perused.

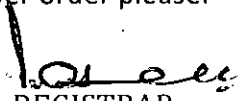


The respondents have failed to implement the judgment of the Tribunal dated 01.02.2016. Last opportunity granted. Respondents No. 1 to 4 are directed to implement the judgment of this Tribunal in letter & spirit otherwise coeversive measures will be taken against respondents No. 1 to 4. To come up for implementation report on 10.11.2016 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat.

FORM OF ORDER SHEET

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

Execution Petition No. 58/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.04.2016	<p>The Execution Petition of Mr. Said Rahim Shah submitted today by Mr. Mushtaq Ahmad Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-04-2016	<p>This Execution Petition be put up before Touring S. Bench at Swat on 04.05.2016</p> <p style="text-align: right;"> CHAIRMAN</p>
	4.05.2016	<p>Notices to parties be issued. To come up for implementation report on 13.07.2013 before S.B at camp court, Swat:</p> <p style="text-align: right;"> Chairman Camp Court, Swat</p>

**BEFORE THE KHYBER PUKHTOONKHW A SERVICE TRIBUNAL**

C.O.C NO.....2016

*Execution petition no. 58/2016*

Said Rahim Shah Office Assistant,

Village and P.O Daggar Tehsil Daggar District Buner..... (Petitioner)

**VERSUS**

Perviz Kamal, Director General Health Service, K.P.K, Peshawar

.....(Respondent)

**INDEX**

<i>S.NO.</i>	<i>Description of Documents</i>	<i>Annexure</i>	<i>Pages</i>
<i>1</i>	<i>C.O.C</i>		<i>1-2</i>
<i>2</i>	<i>Addresses of parties</i>		<i>03</i>
<i>3</i>	<i>Affidavit</i>		<i>04</i>
<i>4</i>	<i>Appeal</i>	<i>A</i>	<i>05-09</i>
<i>5</i>	<i>Judgment and order</i>	<i>B</i>	<i>10-14</i>
<i>6</i>	<i>Application to DG Health and letter of DC and DHO Buner</i>	<i>C, C1,C2</i>	<i>15-17</i>
<i>7</i>	<i>Wakalatnama</i>		<i>18</i>

**Dated : 07-04-2016**

Petitioner

Through:

*Mushtaq Ahmad Khan*  
*7-04-016*  
**Mushtaq Ahmad Khan Advocate**



4

BEFORE THE KHYBER PUKHTOONKHW A SERVICE TRIBUNAL

C.O.C NO.....2016

Said Rahim Shah Office Assistant,

Village and P.O Daggar Tehsil Daggar District Buner..... (Petitioner)

VERSUS

Perviz Kamal, Director General Health Service, K.P.K, Peshawar

.....(Respondent)

AFFIDAVIT

I, Mushtaq Ahmad Khan Advocate (as per instruction of my client) , do hereby affirm and declare on oath that the contents of the accompanying the C.O.C are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.



ADVOCATE

15  
Annex A

BEFORE THE SERVICE TRIBUNAL, KHYBERPAKHTUNKHWA,  
PESHAWAR.

Service Appeal No. 1274 of 2014

Said Rahim Shah Office Assistant,  
District Health Office, Buner.

“Appellant”

Versus.

1. Government of KPK, through Secretary Health KPK Peshawar
2. Director General Health services KPK, Peshawar.
3. Deputy Commissioner, Buner.
4. District Health Officer; Buner.
- ⑤ Zafar Ali Office Assistant office the DHO Buner.

“Respondents”

Appeal U/S No.4 of Service Tribunal Act 1974, against the impugned, office order No.2110-11/personnel dated Peshawar the 27/03/2014, passed by the respondent No.2. by virtue of which the appellant has been reverted, in violation of rules and law exist, on mala fide intention, just to adjust the respondent no.5, already under transfer from District Charsada to District Kohistan.

PRAY

WITH THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED OFFICE ORDER ENDORSEMENT NO.2110-11/PERSONNEL DATED, PESHAWAR THE 27/03/2014, ISSUED BY THE RESPONDENT NO.2, BE SET A SIDE, WITH RESTORATION OF THE EFFECT AND OPERATION OF THE LEGAL AND LAWFUL PROMOTION ORDER, FROM THE POST OF SENIOR CLERK TO OFFICE ASSISTANT, OF THE APPELLANT, ISSUED BY THE THEN DISTRICT COORDINATION OFFICER BUNER, VIDE NO. DCO (B) ESTT/8(H) 2008 END; NO. 126-73 DATED 27.2.2009, WITH ITS BACK CHASED FINANCIAL AND OTHER BENEFITS, IN FAVOUR OF THE APPELLANT.

ANY OTHER RELIEF FOR WHICH NOT SPECIFICALLY PRAYED IN THIS APPEAL MAY ALSO GRACIOUSLY BE GRANTED TO THE APPELLANT TO WHICH HE IS ENTITLED, UNDER THE LAW AND RULES.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



1314  
24-10-2014

Copy No. 5  
in. Buner vide  
order sheet  
dt. 2.3.15.  
Rana

RESPECTFULLY SHEWETH:

6

- 1- That the appellant has been serving since 6.1991 up to 16.3.2008 as junior clerk & he was promoted as senior clerk on 17.3.2008, while on dated 27.2.2009 the appellant was promoted by the, then DCO Buner, vide his order No. DCO(B)/Estt;8(H)2008 /1269-1273 dated 27.2.2009, Copies of promotion orders are as annexures A & B
- 2- That the appellants working paper duly prepared and submitted by the respondent No. 3, while the promotion case of the appellant was under consideration, were properly scrutinized by the departmental promotion committee /Board, and subsequently the appellant was recommended for the promotion as Office Assistant and the appellant was accordingly promoted by the then DCO Buner, vide his order even 1269-1273 dated 27.2.2009, and the appellant had been working as Office Assistant till the issue of the impugned office order, No.2110-11/personel dated 27.3.2014, of the respondent No.2.
- 3- That the impugned order has been issued on 27.3.2014, by the respondent No.2, by which the promotion order of the appellant, issued by the then DCO Buner, on 27.2.2009 and the appellant has worked on the seat of Office Assistant on regular basis. salary and other benefit on the same seat has also been got by the appellant till the issuance of the impugned order, was withdrawn after the gap and space of considerable duration of 5 year one month which falls against the law of "Acquiescence" and "Laches" because the appellant remained beneficiary of the aforesaid competent legal and lawful promotion order of dated 27.2.2009 issued by the then DCO Buner, hence not tenable and liable to be set aside under the said law and principle.
- 4- That the appellant had performed more than 5 years service as junior clerk and senior clerk and that as per Govt; of Khybar pukhtoonkhwa establishment and administrative Deptt; (Establishment Wing) Notification No. SOE. IV (E&AD) /1-35/2012 dated Peshawar the 6<sup>th</sup> December 2012, Appendix at S.No.2 column No.5 (copies Annexed as C). So keeping in view the facts ;
  - A- No body else deserving for promotion, was suffered by the promotion order of the appellant and therefore no body or official has so far challenged the said order.
  - B- The DCO Buner was empowered and competent according to the section 6 a (2) of rule of business for appointments in BPS-1 to 15, in the District (for the entire Devolved depart;) and the then DCO had the powers of administrative department, hence the withdrawal of order, (impugned), under reference, being without any cogent reason /rules or authority. therefore is not vindicated in this respect for ready reference copy of memorandum of the respondent No.3 bearing No.1887 dated 24.4.20014, is Annexed as Annexure "D" as a supporting document of the claim of the appellant.
  - C- That no body deserving except the appellant was on the strength of respondent No.4 in the District to supersede the appellant, hence the appellant was promoted, vide legal order by the then DCO, being competent authority.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Tribunal,  
Peshawar

D- That on the post of office assistant ,after the appellant was promoted, tell the issuance of the impugned ,order of respondent No.4,the appellant had actually performed his duty for as considerable period of ,5 years one month and also financial and physical benefit likewise pay, regular & other allowances etc belonging to seat of Office assistant as well, has received and got, lawfully. Therefore no recovery of any overpayment etc has been ordered in the impugned order. neither the authority DCO has held/declared responsible to be penalized for , so logically, the withdrawal of the lawful order of the then DCO Buner, by the respondent No.2 is unlawful and un logical being without any legal authority Hence the same impugned order of the respondent No.2 is not tenable but liable to be set a side.

E- That the appellant was recommended by the departmental promotion committee, chaired by the then DCO Buner, after due scrutiny of the entire service record and working papers of the appellant, and the chairman of the DPC concerned , being competent authority, had issued the promotion order of the appellant on regular bases, on the permanent vacant post of the Office Assistant, for witch the appellant was deserving fully and therefore had rightly been paid him his full financial and other benefits for the long period of more than five years.

F- That after issuance of the impugned order of the respondent No.2 , the respondent No. 5 ,who was under transfer from District charsada to District Kohistan . on the grounds, well known to the respondents concerned, was replaced on the post of the appellant deemed vacant, wrongly and without any justification for the said replacement, after issuing/ passing of the impugned order No. 2110-11 / personnel dated 27.3.2014 , against which the appellant has lodge an appeal dated 10-7-2014, with in time on noticing of the same impugned order, on which no response of the respondents, hence being no alternative, this appeal on the following grounds among others inter alia.

*Anx- E & F.*

Grounds.

1. That the appellant has a handsome service career as government employee as he had given no chance of complaint against him during his entire past service under the administrative control of the respondents including the then DCO Buner, hence no adverse entry in this respect in the performance evaluation / Annual Confidential reports of the appellant, were reflected/ recorded and by dint of the same, the appellant was recommended and considered fit for promotion as Office Assistant.
2. That at that time, in the so defunct system of District government, the DCO Buner was empower and entitle, for appointments and promotions etc of the entire, so devalued departments, vide section No.6 a (2) of the rules of business 2001. for employees. from BPS-1 to RPS-15 and the health

**ATTESTED**

*[Signature]*

**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

department at that time was including in the devalued department too. Copy of the same is Annexed as " 6 "

- 3. That The permanent vacancy of office assistant was laying vacant to be filled off ,during that time and the appellant was deserving ,being senior most among his cadre (Senior clerks ) in the Distt; and was eligible according to the relevant criteria in this respect ,including the required tenure as junior clerk and senior clerk too, i.e minimum five years service .
- 4. That the appellant was promoted as Office Assistant on regular bases against a permanent vacancy and the promotion of the appellant dose not falls under the Civil servant act Federal and also of KPK 1973, section 12 , hence not revertible at any cost .
- 5. that the appellant had reverted vide impugned office order even after that the appellant had completed his probation period but beyond , that the appellant had served more than 05 years and the case of the appellant also fales with in the per view the standing principles and law of "Acquiescence" and Law of "laches" .
- 6. that the respondent No.2 has no power to with draw or cancel the order, issued by the then DCO Buner, being having identical status and powers of the administrative department i.e Secretary health , hence the impugned order of the respondent No.2, bearing No. 2110-11/personel dated 27.3.2014, is clearly tent amount to derogation of law. and rules. so is not tenable but liable ,to be set a side in toh toh , under the rules
- 7. that the respondent No.2 had timely noticed the promotion order/ case of the appellant and accordingly the appellant was placed on the seniority list of Office Assistants of the KPK/ provincial list and communication to this effect, both to the respondent No.3 and the appellant was made by him vide his office No. 2347-67/ personnel (provincial) dated 22.4.2013 regarding the fact that the appellant was properly placed at serial No.74 of the circulated list copies Annexed as " H " .  
So the issuance and passing of the impugned order, recently at so be late stage is based on ill well, malafide and just to favour un duly the respondent No.5 ,being pre planed plot, against the appellant , hence liable to be set a side having no legal base or justification, While the appellant after the issuance of the impugned reversion has subsequently transferred from District Buner to District Swat vide office order No.6223-25/Personel dated 5-8-2014 against which the appellant has also timely lodged departmental appeal and Service appeal in that respect will also be filled by the appellant after its maturity being un lawful and dual punishment to the appellant for no blunder or justification ( copy attached as Annexure " 9-25 "

**ATTENDED**

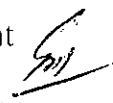
*[Signature]*

Khyber Pakhtunkhwa  
 Service Commission  
 Peshawar

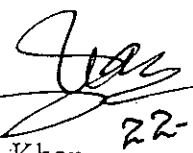
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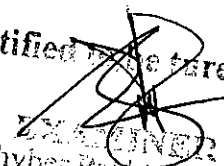
8. That the appellant has been served as Office Assistant on regular basis, since 27.2.2009 to date and remained permanent beneficiary and holder of the post of Office Assistant, enabled, with the issuance of legal and competent and lawful order of the promotion as Office Assistant by the then DCO Buner bearing No. DCO (B) Estt;8/(H) 2008 /1269-1273 dated 27.2.2009, being noticed and considered by the respondent No.2 very earlier from the issuance of his Impugned office order even dated 27.3.2014 .
9. That any other grounds at the time of arguments with prior permission and leave of this August Tribunal will be produced, in support of the genuine claim of the appellant.

Keeping in view the circumstance, and facts mentioned above, it is therefore humbly requested that on the acceptance of this appeal the impugned office order No.2110-11/personel/ dated Peshawar the 27.3.2014, of the respondent No.2 may kindly be set a side being un lawful and against the law ,as well as without authority , with restoration of the operation of the promotion order of the appellant, bearing No. DCO(B) Estt;8/(H)2008 /1269-1273 dated 27.2.2009, being lawful , from the date of issuance of the impugned order dated 27.3.2014 .

Appellant   
 (Said Rahim Shah)  
 Office Assistant  
 Office of the District Health Officer,  
 Buner.

Through

  
 22-10-2014  
 Rahim Khan,  
 Advocate High Court Peshawar  
 Office Distt; courts Dagger, BUNER.  
 Cell# 0343-9049185

**Certified true copy**  
  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

Date of Presentation of Application 9-2-2016  
 Number of Words 2000  
 Copying Fee 12  
 Urgent 2  
 Total 14  
 Name of Copied 8 no 2  
 Date of Completion of Copy 9-2-2016  
 Date of Delivery of Copy 9-2-2016

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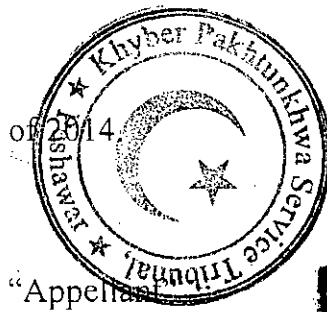
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(10) Ant. u/B

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR.

Service Appeal No. 1274 of 2014

Said Rahim Shah Office Assistant,  
District Health Office, Buner.



“Appellant”

Versus.

- BY IF PROCEED  
1314  
24/10/2014
1. Government of KPK, through Secretary Health KPK Peshawar
  2. Director General Health services KPK, Peshawar.
  3. Deputy Commissioner, Buner.
  4. District Health Officer, Buner.
  - ⑤ Zafar Ali Office Assistant office the DHO Buner.

“Respondents”


Appeal U/S No.4 of Service Tribunal Act 1974, against the impugned, office order No.2110-11/personnel dated Peshawar the 27/03/2014, passed by the respondent No.2. by virtue of which the appellant has been reverted, in violation of rules and law exist, on mala fide intention, just to adjust the respondent no.5, already under transfer from District Charsada to District Kohistan.

PRAY

WITH THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED OFFICE ORDER ENDORSEMENT NO.2110-11/PERSONNEL DATED, PESHAWAR THE 27/03/2014, ISSUED BY THE RESPONDENT NO.2, BE SET A SIDE, WITH RESTORATION OF THE EFFECT AND OPERATION OF THE LEGAL AND LAWFUL PROMOTION ORDER, FROM THE POST OF SENIOR CLERK TO OFFICE ASSISTANT, OF THE APPELLANT, ISSUED BY THE THEN DISTRICT COORDINATION OFFICER BUNER, VIDE NO. DCO (B) ESTT./8(H) 2008 END; NO.126-73 DATED 27.2.2009, WITH ITS BACK CEASED FINANCIAL AND OTHER BENEFITS, IN FAVOUR OF THE APPELLANT.

ANY OTHER RELIEF FOR WHICH NOT SPECIFICALLY PRAYED IN THIS APPEAL MAY ALSO GRACIOUSLY BE GRANTED TO THE APPELLANT TO WHICH HE IS ENTITLED, UNDER THE LAW AND RULES.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate or parties where necessary.
1	2 01.02.2016	3
		<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;"><u>SERVICE APPEAL NO.1274/2014</u></p> <p style="text-align: center;"><u>(Said Rahim Shah-vs-Govt. of Khyber Pakhtunkhwa through Secretary Health, KPK, Peshawar and others).</u></p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellant with counsel and Raza Khan, Senior Clerk alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. Said Rahim Shah, hereinafter referred to as the appellant, has preferred the instant appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 27.3.2014 vide which the appellant was reverted from the position of Assistant (BPS-14) to that of Senior Clerk (BPS-7).</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was appointed as Junior Clerk in the year 1991 and promoted as Senior Clerk on 17.3.2008 and then promoted as Assistant vide promotion order dated 27.2.2009. That vide impugned order dated 27.3.2014 the said order of promotion was withdrawn on the allegations of issuance of the same in violation of rules where-against he preferred departmental appeal on 10.7.2014 which was not responded and hence the instant service appeal on 24.10.2014.</p>



**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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



E-Mail Address: [pwjpdghs@yahoo.com](mailto:pwjpdghs@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230.  
No. \_\_\_\_\_/Personnel Dated: \_\_\_\_/\_\_\_\_/2017

**OFFICE ORDER**

The gap period with effect from 01.08.2014 to 31.01.2017, in respect of Mr. Said Rahim Shah Office Assistant attached to DHO office Buner, is hereby regularized against the existing vacant post of Office Assistant at DHO Office Buner, for purpose of the drawal of pay.

No. 485-88 /Personnel

Sd/xxxxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K, PESHAWAR.  
Dated 26 /01/2017.

Copy forwarded to the:-

1. DHO Buner w/r to his letter No. 69-71 dated 04.01.2017.
2. DAO Buner.
3. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
4. Official concerned.

For information and necessary action.

For-

DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR

Hafiz S.Ali Shah

*Dr*  
*30/1/17*

*D/A. Keep it file of said Rahim*  
*31/1/17*



**DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBER PAKHTUNKHWA, PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.  
Exchange # 091-9210187. ☎ Tele # 9210196 Fax # 091-9210230

**OFFICE ORDER**

In pursuance of Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 01/02/2016, the promotion order of Mr. Said Rahim Shah as Office Assistant issued vide DCO Buner Office Order bearing No. DCO(B)Estt:/8(H)/2008. 1269-1273 dated 27/02/2009 is hereby restored.

Subsequently this Directorate Office Order bearing Endst No. 2110-11/Personnel dated 27/03/2014 is hereby withdrawn.

He is directed to report to DHO Buner for duty immediately.

..... SD.....

**Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar**

No. 9765-72 Personel  
Copy forwarded to:

Dated 30/12/2016

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
  2. Registrar, Khyber Pakhtunkhwa, Service Tribunal Camp Court, Swat.
  3. Deputy Commissioner Buner.
  4. DHO Buner.
  5. Medical Superintendent, Saidu Group of Teaching Hospitals. Swat.
  6. DAO Swat/Buner
  7. Assistant Director, Litigation, DGHS office, Peshawar.
  8. Official concerned
- For information and necessary action.

**Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar**

29/12/2016

2  
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4. Learned counsel for the appellant has argued that the appellant was appointed as Junior Clerk in the year 1991 and was promoted as Senior Clerk in the year 2008 and that on the strength of the said service he was entitled to promotion as Assistant and was accordingly promoted vide office order dated 27.2.2009 which was issued by the then DCO Buner being competent authority and after fulfilling all the codal formalities including constitution of DPC. That the said promotion order was unilaterally withdrawn vide impugned order dated 27.3.2014 which was assailed in departmental appeal followed by the instant service appeal. That neither appellant was given any opportunity of hearing nor the impugned order was issued by the competent authority. That the appellant has put in more than five years service as Assistant and cancellation of the said promotion order has infringed the vested rights of the appellant. Reliance was placed on case-law reported as 2002 PLC (C.S) 1246, 2005 SCMR 85, 1999 SCMR 1004, 2009 SCMR 412, 1996 SCMR 8413, 2005 PLC(C.S) 1165, 2004 SCMR 630 and 2004 SCMR 1864.

5. Learned Senior Govt. Pleader argued that the promotion order of the appellant was not a valid order as one of the members of the DPC was not attending the meeting. That according to Notification dated 22nd June 1983 issued by the Government of Khyber Pakhtunkhwa Health and Social Welfare Department prerequisite for promotion of a Senior Clerk to the post of Assistant includes at least three years service as Senior Clerk while the appellant was not having the required length of service. He further argued that the departmental appeal was not preferred within one month from the date of passing the impugned order and as such the appeal was not entertainable. Reliance was placed on case-law reported as PLJ 2009 SC 945.

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

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

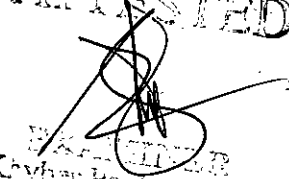
VB

7. Admitted facts and finding support from the record available before us are that the appellant was promoted from the post of Senior Clerk Health Department Buner to that of Assistant (BPS-14) with immediate effect on the basis of recommendations of the District Selection Committee vide office order dated 27.2.2009 which was withdrawn vide impugned order dated 27.3.2014.

8. Perusal of the impugned order would reveal that the same was neither addressed to the appellant nor communicated to him through any official source as such the departmental appeal dated 10.7.2014 cannot be considered to have been preferred after the lapse of prescribed period of one month from the date of communication of the same to the appellant. The arguments of the learned Senior Govt. Pleader in this respect are, therefore, found devoid of force.

9. So far as the promotion order of the appellant to the post of Assistant is concerned, we do not deem it appropriate to give any definite findings in respect of the same at this stage of the case as it may prejudice the cause of either of the party. We feel that after issuance of promotion order dated 27.2.2009 in favour of the appellant by promoting him from the post of Senior Clerk to the post of Assistant (BPS-14) and after assumption of charge and putting in more than five years service it was incumbent upon the competent authority to have afforded an opportunity of hearing to the appellant in the prescribed manners and where-after orders deemed appropriate should have been passed by the competent authority. Since the appellant has been condemned unheard as no opportunity of hearing in the prescribed manners was afforded to him nor any inquiry or probe was made in the said appointment associating the appellant with the same as such we are left with no option but to accept the instant appeal, set aside the

ATTESTED

  
Khayyar Paritunkhwa  
Services Assistant,  
Faisalabad

(14) 4

impugned order dated 27.3.2014 and as a consequence thereof restore the services of the appellant as Assistant (BPS-14) and direct that the competent authority may proceed in the matter in accordance with law including affording opportunity of hearing and his association with the probe in the prescribed manners and where-after the competent authority may pass orders deem appropriate. The appeal is accepted in the above terms. No order as to costs. File be consigned to the record room.

*Sd/- Muhammad Azim Khan Afridi*  
Chairman

*Sd/- Abdul Latif*  
Member

ANNOUNCED  
01.02.2016

**Certified to be true copy**

*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 9-2-2016  
Number of Words 2000  
Copying Fee 12  
Urgent 2  
Total 14  
Name of Copyist [Signature]  
Date of Completion of Copy 9-2-2016  
Date of Delivery of Copy 9-2-2016

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گوتے صا ڈائریکٹر جنرل آئیہ فیملیہ PK 14 نمبر

ماغالی؟  
گوتے صا ڈائریکٹر جنرل آئیہ فیملیہ PK 14 نمبر

سروں ٹریبونل آئیہ فیملیہ آئیہ فیملیہ آئیہ فیملیہ  
PBS 16 حال کیا ہے۔

نمبر لوج ڈرواسٹ آئیہ فیملیہ آئیہ فیملیہ آئیہ فیملیہ  
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الذیل

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PBS 16 آئیہ فیملیہ آئیہ فیملیہ آئیہ فیملیہ  
10/2/2016

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15-2-2016

(16) AMX C

**OFFICE OF THE DISTRICT HEALTH OFFICER DISTRICT BUNER**

**Phone & Fax # 0939-510138. Email: dhobuner@gmail.com**

No. /

Dated the \_\_\_/\_\_\_/16 /02/2016

To,

The Director General Health Services  
KPK Peshawar.

Subject: -  
R/sir,

**OFFICER ORDER**

In reference to your office letter N.o endost; No.6223-25/personal dated 5-8-2014 (copy attached) ( Mr.Said Rahim Shah Sr. Clerk ).

In the light of court Service tribunal KPK Peshawar Decision ( copy attached), the services of Mr.Said Rahim Shah has restored as Office Assistant. The Medical Superintendent Saidu Group of Hospital Swat has relived the above named official as addressed to your good self & copy to the undersigned. (Copy attached)

It is therefore requested that the undersigned may please be guided in this regard for further n/action please.

District Health Officer  
District Buner

No. 357-59 / pf

Copy to

1. The above named official
2. P/file

District Health Officer  
District Buner

A. H. S. fed  
(Signature)



**OFFICE OF THE  
DEPUTY COMMISSIONER,  
BUNER.**

March 02, 2016.

No. 1273-76 /DC/Buner/Estt.

To The Director General,  
Health Services,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: **Application for Restoration of Mr. Said Rahim Shah as Office Assistant.**

Memo: Please refer to the subject and to enclose herewith the self-explanatory application submitted by Mr. Said Rahim Shah Senior Clerk of Health Department.

In this regard, please refer to the Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat's judgment dated 01-02-2016 whereby the services of the employee in question have been restored as Office Assistant (BPS-16). Since the authority for the purpose rests in you, it is requested to issue the restoration order of Mr. Said Rahim Shah as Office Assistant (BPS-16) at the earliest so that no issue of COC may arise.

DEPUTY COMMISSIONER,  
BUNER.

**Endst. No. & date even.**

1. District Health Officer, Buner.
2. Additional Government Pleader, Service Tribunal, Swat.
3. Mr. Said Rahim Shah, the appellant.

3-2-16  
DEPUTY COMMISSIONER,  
BUNER.

*[Handwritten signature]*

## وکالت نامہ

بعدالت سردس مشیر سونل ریشاد حسرت محزون قواہ

سید رحم شاہ

ڈائری کھول کر دیکھو

COC

دعویٰ

مخانب

### باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیروی وجوہاً ہی بمقام کے لیے سردس مشیر سونل ریشاد حسرت محزون قواہ

مشاق احمد خان ایڈووکیٹ پشاور کوید میں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارنے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروقت تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروقت تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کی ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عتقاندہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل ڈگری ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی وراثی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری، یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا ایسی علیحدہ عتقاندہ بیروی کا اختیار ہوگا، اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا، یا مقدمہ مذکورہ یا اس کے کسی جز کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا پرنسٹرو کو بجائے اپنے یا اپنے ہمراہ مقرر کریں، اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے، جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواء پڑے گا وہ صاحب موصوف کو اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ بھی موصوف کے برخلاف نہیں ہوگا۔ لہذا دیکھو کہ سندر ہے۔

سید رحم شاہ ایڈووکیٹ قواہ ڈائری کھول کر دیکھو

مورخہ 7/04/2016 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Attested & Accepted



Mushtaq Ahmed Khan Advocate

cell No 03469014198

الع

الع

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,SWAT**

**Said Rahim Shah Office Assistant DHO Office Buner....Appellant**

**Versus**


**Government Of Khyber Pakhtunkhwa & Others**

.....**Respondents**

**REPLY OF Execution /Petition NO.58/2016**

1. Correct to the extent that, the Hon'able Service Tribunal KPK had directed the competent authority to proceed in the matter in accordance with law including affording opportunity of hearing and association of the appellant with the probe in the prescribed manners and where after the competent authority be pass orders deem appropriate.
2. After his reversion to the post of Senior Clerk, he was properly posted in SGTH Swat vide this Directorate orders 6223-25/Personnel dated 05.08.2014 (at ANNEXURE-I) but he absented himself from duty after informing him through absence notice in the press as per provision of Rules-9 of E&D Rules 2011 vide advertisement dated 29.12.2014, he submitted arrival on 09.01.2015 (at ANNEXURE-II) but again he absented himself from duty w.e.f 10.01.2015. After informing him once again through absence notice in the press as per provision of Rules-9 of E&D Rules 2011 vide advertisement dated 14.01.2016 (at ANNEXURE-III) he took over charge of post of Senior Clerk in SGTH Swat on 21.01.2016 but as per report of MS SGTH he did not pay salary to appellant being absent from duty.
3. In correct and baseless he never approached the respondents for personal hearing rather he was issued multiple letters to appear before competent authority for implementation of Court Judgment but he failed to do so.
4. The competent authority VIZ DGHS KPK would not hesitate to pass on appropriate orders as per Court verdict if the appellant appear before him and produce the documentary evidence in support of his claim.
5. The orders of the Court was properly responded in light of the decision/ orders of the Court, the appellant was directed to appear before the competent authority vide letter No.2118-24/Personnel dated 28.03.2016 followed by reminder No. 2570-76/Personnel/Sc180 dated 11.04.2016, No.2581-88/Personnel/SC180 dated 13.04.2016 and No.2990-96/Personnel/SC180 dated 25.04.2016 but he failed to attend this office for hearing. Had he appeared before the competent authority for personal hearing and produced documentary evidence in support of his claim, necessary decision in this regard would have been arrived at as per Court verdict.

In other words the appellant is guilty of C.O.C by not responding to the communications sent to him as mentioned above in pursuance of the Court verdict.

  
Director General Health Services  
Khyber Pakhtunkhwa, Peshawar

12/2/06

DIRECTORATE GENERAL HEALTH  
SERVICES GOVT. OF KHYBER  
PAKHTUNKHWA PESHAWAR

209

1000 10000

Mr. Said Rahim Shah Senior Clerk attached to DHO office Buner  
has been transferred and posted to Saidu Teaching Hospital Swat against the  
order of the Government in the interest of public service with immediate effect.

A vacant/leave report should be submitted to this Directorate for  
the post.

Sd/xxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.A. PESHAWAR.  
08/2014.

(Personnel)  
Reference is made to his letter No. 323/43/PT date 07.07.2014  
concerning the transfer of Mr. Said Rahim Shah to Saidu Teaching Hospital Swat.

Appropriate action is being taken.

09/8/14  
ASSISTANT DIRECTOR P.H.  
DGHS, Khyber Pakhtunkhwa  
Peshawar

317/280

To,

The Medical Superintendent  
Saidu Teaching Hospital, Swat,

Subject: ARRIVAL REPORT.

Sir,

With reference to Director General Health Services  
KPK Peshawar office order No.6223-25/Personal, dated 05/08-  
2014, and subsequent Notice published in daily Aaj dated 29-12-  
2014.

I do hereby submit arrival report for duty on 09-01-  
2015, I reverted from the post of office assistant to senior clerk  
vide DGHS, KPK, Peshawar order No.2110-11/personal dated 27-  
3-2014, already challenged in Services Tribunal KPK, Peshawar  
and under Trial, so this arrival report is submitted just as  
security, measure and protection of my service from more  
unlawful action as expected.

YOURS OBEDIENTLY

*Said Rahim Shah*  
9-1-2015  
SAID RAHIM SHAH  
SENIOR CLERK  
Saidu Teaching Hospital, Swat

سید رحیم شاہ کی درخواست پر سیدو ٹیچنگ ہسپتال کے ایف ڈی کے طور پر  
انحصار کے لئے درخواست کی گئی ہے اور اس کی توثیق اور تصدیق کے لئے

پشاور ایجنٹ آف اسٹیمپ آفیس اور گرانٹی سے ایک وقت شائع ہونے والا بیشتر الاشاعت قومی روزنامہ

روزنامہ

پشاور

پاکستان

ایڈیٹر  
عبدالواحد کونوی

سٹاٹ 12

جلد 27

بروز 14 جون 2016ء

شمارہ 05



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to Corruption [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk)

DIRECTORATE GENERAL HEALTH SERVICES,  
GOVT. OF KHYBER Pukhtunkhwa, PESHAWAR.

**ABSENCE NOTICE**

You Mr. Said Rahim Shah Senior Clerk, were asked at your home address by M.S Saidu Teaching Hospital Swat vide his letter No. 20574/PF-dated 14.10.2015, to resume duty, but you failed to do so within the stipulated period.

On previous occasion, after remaining absent for a period from 26.08.2014 to 08.01.2015, in response to the absence notice published in the Daily News Papers you had resumed duty only for one day in the Saidu Group of Teaching Hospitals Saidu Sharif Swat and thereafter again absented yourself willfully. In term of Rule-09 of the E&D Rules 2011, you are hereby directed to resume your duties in the Saidu Teaching Hospital Swat and also explain reasons of absence from duty within 15-days of the publication of this Notice failing which ex-parte action will be initiated against you by terminating your services.

**DR. PARVEZ KAMAL KHAN**  
DIRECTOR GENERAL HEALTH SERVICES, K.P. PESHAWAR

"SAY NO TO CORRUPTION"

INF(P)165 Also available on [www.khyber-pakhtunkhwa.gov.pk](http://www.khyber-pakhtunkhwa.gov.pk)



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(15) دن کے
میں ہوسکتے ہیں
یکمروز محکمہ
SAY NO TO CORRUPTION

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



E-Mail Address: [dgshk@yahoo.com](mailto:dgshk@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230  
No. 2118-24/Personnel Dated: 28/03/2016

Registered/FAX

To,

1. Mr. Said Rahim Shah Senior Clerk  
C/o Saidu Teaching Hospital Swat
2. C/o DHO Buner.

Subject: JUDGMENT.

Memo:

The Khyber Pakhtunkhwa service Tribunal Peshawar vide his judgment announced on 01.02.2016 in your appeal has directed for affording of Opportunity of hearing into your reversion from the post of Assistant to Senior Clerk.

- You are therefore directed to appear before the undersigned for personal hearing alongwith written reply in support of your claim on 1-4-2016 at 2-00 PM.

  
DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR. 8193116

C.C

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar for information.
2. Deputy Commissioner Buner w/r to his letter No. 1273/DC/Buner/Estt dated 02.03.2016.
3. M.S Saidu Teaching Hospital Swat w/r to his letter No. 2895/PF dated 16.02.2016.
4. DHO Buner w/r to his letter No. 857-59 dated 16.02.2016.
5. AD (Lit) DGHS Khyber Pakhtunkhwa Peshawar.

For information and necessary action.

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

SSI

E-Mail Address: [mv@ulghs@yahoo.com](mailto:mv@ulghs@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230  
No. 2570-257 Personnel/S-C-180 Dated: 11/04/2016



Registered/FAX/U.M.S.

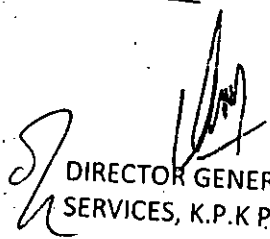
To,

- Mr. Said Rahim Shah Senior Clerk  
1, C/o Saidu Teaching Hospital Swat  
2, C/o DHO Buner.

Subject: JUDGMENT.  
Memo:

Reference to this Directorate letter No. 2118-24/Personnel dated 28.03.2016, on the subject noted above, wherein you were directed to appear before the undersigned for personal hearing on 01.04.2016 at 02:00 PM, but you failed.

You are once again directed to appear before the undersigned for personal hearing alongwith written reply in support of your claim on 12.04.2016 at 02:00 PM for personal hearing, positively otherwise ex-parte action will be taken.

  
DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR. 11/4/2016

- C.C
1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar for information.
  2. Deputy Commissioner Buner w/r to his letter No. 1273/DC/Buner/Estt dated 02.03.2016.
  3. M.S Saidu Teaching Hospital Swat w/r to his letter No. 2895/PF dated 16.02.2016.
  4. DHO Buner w/r to his letter No. 857-59 dated 16.02.2016.
  5. AD (Lit) DGHS Khyber Pakhtunkhwa Peshawar.

For information and necessary action.



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



E-Mail Address: [www.dghs.peshawar.gov.pk](mailto:www.dghs.peshawar.gov.pk) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

No. 2581-88/Personnel/S-C-180

Dated: 13 / 04 / 2016

Registered/FAX/U.M.S.

To,

- Mr. Said Rahim Shah Senior Clerk  
1, C/o Saidu Teaching Hospital Swat  
2, C/o DHO Buner.

Subject: JUDGMENT.

Memo

Reference to this Directorate letter No. 2118-24/Personnel dated 28.03.2016 and letter No. 2570-75/Personnel/S-C-180 dated 11.04.2016, on the subject noted above, wherein you were directed to appear before the undersigned for personal hearing on 01.04.2016 at 02:00 PM, and 12.04.2016 at 02:00 PM, but you failed to do so.

You are once again finally directed to appear before the undersigned for personal hearing alongwith written reply in support of your claim on 22.04.2016 at 02:00, positively otherwise ex-parte action will be taken.

DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR

C.C

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar for information.
2. Deputy Commissioner Buner w/r to his letter No. 1273/DC/Buner/Estt dated 02.03.2016.
3. M.S Saidu Teaching Hospital Swat w/r to his letter No. 2895/PF dated 16.02.2016.
4. DHO Buner w/r to his letter No. 857-59 dated 16.02.2016.
5. AD (Lit) DGHS Khyber Pakhtunkhwa Peshawar.

For information and necessary action.

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



E-Mail Address: [mvfdgkbs@yahoo.com](mailto:mvfdgkbs@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

No. 2990-96/Personnel/S-C-180

Dated: 25/04/2016

Registered/FAX/U.M.S.

To,

Mr. Said Rahim Shah Senior Clerk  
1, C/o Saidu Teaching Hospital Swat  
2, C/o DHO Buner.

Subject: **JUDGMENT.**  
Memo:

Reference your application dated 21.04.2016.

You are once again finally directed to appear before the undersigned for personal hearing alongwith written reply in support of your claim on 02.05.2016 at 02:00, positively otherwise ex-pance action will be taken.

20/4/16  
DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR  
25/4/2016

CC

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar for information.
2. Deputy Commissioner Buner w/r to his letter No. 1273/DC/Buner/Estt dated 02.03.2016.
3. M.S Saidu Teaching Hospital Swat w/r to his letter No. 2895/PF dated 16.02.2016.
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5. AD (Lit) DGHS Khyber Pakhtunkhwa Peshawar.

For information and necessary action.

3

AD(ut)

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



E-Mail Address: [nwfpdghs@yahoo.com](mailto:nwfpdghs@yahoo.com) office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

**OFFICE ORDER**

1. WHEREAS: certain employees of the ministerial cadre of the Health Department lodged an appeal against the alleged illegal promotion order of Said Rahim Shah Senior Clerk DHO Office Buner notified by the then DCO Buner vide Notification No. DCO(B)Estt:/8(H)/2008 dated 1269-1273 dated 27.02.2009.
2. WHEREAS: after perusal of the appeal ibid and material on record, it transpired that the said Senior Clerk was promoted to the post of Office Assistant after putting in about 11 months service as senior clerk in sheer violation of the approved service rules of the Health Department, he was reverted as such vide DGHS Office Order No.2110-11/Personnel dated 27.03.2014.
3. WHEREAS: pursuant to the Judgment of Khyber Pakhtunkhwa Service Tribunal passed in service appeal No.1274/2014 announced on 01.02.2016, Mr. Said Rahim Shah Senior Clerk Saidu Group Teaching Hospital Swat was repeatedly summoned to appear before the undersigned for personal hearing and producing the relevant documents in support of his claim of being reverted from the post of Office Assistant to the post of Senior Clerk. But he badly failed to appear before the undersigned, rather again went into appeal in the Khyber Pakhtunkhwa Service Tribunal Camp Court Swat and in compliance of the Judgment of the Hon'able Tribunal Camp Court Swat passed Execution Petition No.58/16, announced on 08.09.2016 he was finally summoned for personal hearing to which he responded and appeared before the undersigned on 04.11.2016. He was given full opportunity for producing the documentary evidence in support of his claim but he badly failed to do so.
4. Therefore, in view of the foregoing the instant case does not merit any further consideration and stands filed.
5. In consequence thereof Mr. Said Rahim Shah Senior Clerk is directed to perform duty on his original post of the Senior Clerk in Saidu Group of Teaching Hospital Swat.

Sd/xxxxxxxx

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

Dated 07 /11/2016

No: 2549-55 /Personnel.

Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Camp court Swat.
3. M.S Saidu Teaching Hospital Swat.
4. DHO Buner.
5. Deputy Commissioner Buner.
6. Assistant Director (Lit) DGHS KPK Peshawar.
7. Official Concerned.

For information and necessary action.

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

07/11/2016

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

**EXECUTION PETITION NO. 58/2016.**

Mr. Said Rahim Shah, Office Assistant.....Appellant

**Versus**

Director General Health Services, Khyber Pakhtunkhwa. .... Respondent

**APPLICATION FOR RELEASE OF SALARY OF THE DGHS  
ATTACHED IN EXECUTION PETITION NO. 58/2016 IN SERVICE  
APPEAL NO. 1274/14**

1. That the above mentioned Execution Petition is pending before the Honorable Tribunal and next date of hearing is 09/02/2017.
2. That in the instant Execution Petition, salary of DGHS was attached by this Honorable Tribunal on 08/12/2016.
3. That the DGHS has complied with the orders of the Tribunal in letter and spirit.

Keeping in view the above, salary of the DGHS may kindly be released.

Put up to the court  
along with petition.

10/01/17

10/01/17

Recd from

Salary attached

orders withdrawn  
10.01.17

Additional Director General (HRM)  
Directorate General Health Services  
Khyber Pakhtunkhwa, Peshawar.



**DIRECTORATE GENERAL HEALTH SERVICES,  
KHYBER PAKHTUNKHWA, PESHAWAR**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.  
Exchange # 091-9210187, ☎ Tele # 9210196 Fax # 091-9210230

**OFFICE ORDER**

In pursuance of Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 01/02/2016, the promotion order of Mr. Said Rahim Shah as Office Assistant issued vide DCO Buner Office Order bearing No. DCO(B)Estt:/8(H)/2008, 1269-1273 dated 27/02/2009 is hereby restored.

Subsequently this Directorate Office Order bearing Endst No. 2110-11/Personnel dated 27/03/2014 is hereby withdrawn.

He is directed to report to DHO Buner for duty immediately.


..... SD.....

**Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar**

No. 8765-72 / Personnel  
**Copy forwarded to:**

Dated 30 /12/2016

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
  2. Registrar, Khyber Pakhtunkhwa, Service Tribunal Camp Court, Swat.
  3. Deputy Commissioner Buner.
  4. DHO Buner.
  5. Medical Superintendent, Saidu Group of Teaching Hospitals, Swat.
  6. DAO Swat/Buner
  7. Assistant Director, Litigation, DGHS office, Peshawar.
  8. Official concerned
- For information and necessary action.

  
Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar

29/12/2016

BEFORE THE KHYBER PUKHTOONKHWA SERVICE TRIBUNAL

C.O.C NO. .... 2016

Execution Petition no. 58/16

K.P.K. Province  
Service Tribunal

Slary No. 263  
dated 7-4-16

Said Rahim Shah Office Assistant,

Village and P.O Daggar Tehsil Daggar District Buner. .... (Petitioner)

VERSUS

Perviz Kamal, Director General Health Service, K.P.K, Peshawar

.....(Respondent)

Petition for implementation of order / judgment dated: 01-02-2016 of this worth tribunal and initiation of contempt of court proceedings against the respondent for disobeying the order / judgment in service appeal no. 1274/2014.

08.12.2016

Petitioner with counsel and Mian Amir Qadar, G.P alongwith Yar Gul, Assistant for the respondents present. Arguments heard and record perused.

According to the judgment of this Tribunal dated 01.02.2016 the respondents were directed to restore services of the appellant as Assistant BPS-14 and that there-after the respondents were to probe in the case of petitioner subject to affording him opportunity of hearing but vide office order dated 07.11.2016 the services of the petitioner has not been restored as Assistant despite repeated opportunities including last opportunity. As such salary of the respondent is attached with the directions that judgment of the Tribunal shall be implemented in letter and spirit till next date of hearing and in case the respondent fail to implement the judgment by next date of hearing then further coeversive measures including detention in civil prison will be taken against the respondent. To come up for proper implementation report/further proceedings on 09.02.2017 at camp court, Swat.

Handwritten notes and signatures on the left margin:  
Date of Hearing: 14-12-16  
Number of Sessions: 4  
Case No: 58-12-16  
Urgent: 28-12-16  
Name of Petitioner: Said Rahim Shah  
Name of Respondent: Perviz Kamal  
Name of Counsel: Mian Amir Qadar  
Name of Assistant: Yar Gul

Certified to be true copy  
[Signature]

[Signature]  
Chairman  
Camp court, Swat