

18.02.2016

Counsel for the appellant, M/S Muhammad Arshed, SO, Yar Gul, Senior Clerk and Dilawar Taj, Assistant Litigation Officer alongwith Zjaullah, GP for respondents present.

2. While working as Junior Clinical Technician in Government ID Children Hospital, Peshawar, the following letter dated 23.9.2010 was sent by MS of the said hospital to the Executive District Officer (Health), District Peshawar on 23.9.2010.

**"OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT ID CHILDREN HOSPITAL, PESHAWAR**

NO _____/PF Dated 23/9/2010

To,

The Executive District Officer
Health District Peshawar.

Subject: **RELIVING OF MRS. ROZINA RAHIM FMT.**

Respected Sir,

Please refer to this office letter No. 1482/PF dated 2/09/2010 wherein she was advice to join her duty specifies period, but she failed to join her duty till now.

It is further added that she is on leave w.e.f 06/04/2010 for two months and resume duty on 07/06/2010 but she not resumed her duty due to which the hospital work is suffer badly. She may please be transferred on from this hospital.

Therefore, her service is placed at your disposal because her services are no more required in this hospital.

SD/--
Medical Superintendent
Govt:ID.Children Hospital
Peshawar.

NO. 1777-78/PF

Copy to the:-

1. Mrs. Rozina Rahim D/O Mr. Rahim Bakash R/O Mohallah Gariban Duban City.
2. Account Section of this hospital.

For information and further necessary action:

SD/--
Medical Superintendent
Govt:ID.Children Hospital
Peshawar."


3. It was submitted by learned counsel for the appellant that there after the appellant has been made a rolling stone. She was neither posted in the Hospital nor in the office of Executive District Officer and consequently the appellant is badly suffering, who is also not paid her salary. It was further submitted that her representation (in urdu language) dated 22.2.2013 was also not responded and, hence, the instant service appeal before the Service Tribunal.

4. Learned Government Pleader agitated that since no final order has been passed in the case therefore, the appeal is not competent.

5. Arguments heard and record perused.

6. From the record, It transpired that though no adverse order exist, but it was agitated by the learned counsel for the appellant at the bar that appellant has been verbally terminated from service and as her departmental appeal has not yet been decided; therefore, this case is remitted to respondent-department with the directions to decide the same within a period of one month after the receipt of this order. The appeal is disposed of accordingly. Parties are left to bear their own cost. File be consigned to the record room.


Member


Member

10.04.2015

Counsel for the appellant, M/S Yar Gul, Senior Clerk and Dilawar Taj, Assistant to Litigation Officer alongwith Addl: A.G for respondents present. Rejoinder submitted. The appeal is assigned to D.B for final hearing/arguments on 19.11.2015.



MEMBER

19.11.2015

Counsel for the appellant and Mr. Mr. Yar Gul, Senior Clerk alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. To come up for arguments on

~~18-2-2016.~~



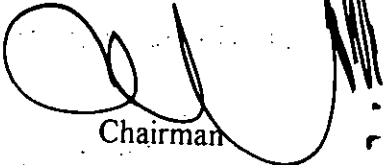
MEMBER



MEMBER

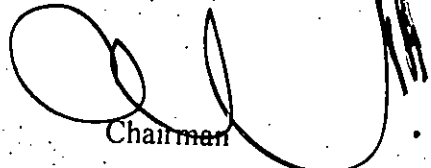
27.8.2014

Counsel for the appellant, M/S Sheharyar, Assistant for respondent No. 1, Yar Gul, Senior Clerk for respondent No.2 and Ilyas Masih, Accountant for respondent No.3 with Mr. Muhammad Adeel Butt, Additional Advocate General present. No one is present on behalf of respondent No. 4, hence proceeded against ex-parte. Joint written reply received on behalf of respondents No. 1 to 3, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 24.12.2014.


Chairman

Note Below
27.08.2014

Dr. Arshad Rashid, Principal Medical Officer, appeared late on behalf of respondent No.4 and submitted written statement of the respondent with request for setting aside ex-parte proceedings against respondent No.4. Since respondent No.4 has been proceeded against ex-parte today, ex-parte proceedings against respondent No.4 are set aside, and copy of written reply/written statement on behalf of respondent No. 4 be also handed over to the learned counsel for the appellant for rejoinder on the date already fixed i.e. 24.12.2014.


Chairman

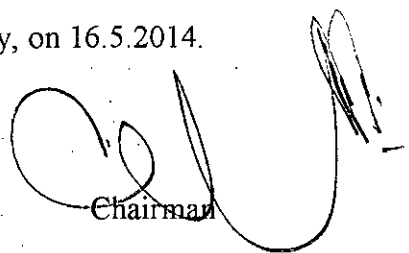
24.12.2014

Clerk of counsel for the appellant, M/S Dr. Irshad Shah, P.M.O for respondents No. 1 and 2 and Ilyas Masih, Accountant for respondent No. 3 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for rejoinder on 10.04.2015.


Reader.

21.2.2014

Counsel for the appellant, M/S Sheharyar Khan, Assistant for respondent No. 1, Yar Gul, Senior Clerk for respondent No. 2, Muhammad Shoaib, Junior Clerk for respondent No. 3 and Dr. Arshad for respondent No. 4 with AAG present. Written reply has not been received, and respondents requested for further time. Another chance is given for written reply/comments, positively, on 16.5.2014.


Chairman

16.5.2014

Counsel for the appellant, M/S Sheharyar, Assistant on behalf of respondent No.1, Ilyas Masih, Accountant on behalf of respondent No.3 and Dr.Ashraf, Litigation Officer on behalf of respondent No.4 with AAG for the respondents present. Written reply, according to the representatives of the respondents, has been prepared, but still requires signatures of some of the respondents. The representatives requested for further time. Joint written reply be filed in the meantime, with copy for the appellant/counsel for the appellant for rejoinder on 27.8.2014.


Chairman

Appeal No. 1005/2013
Ms. Rozina Raheem

16.09.2013

Counsel for the appellant present and heard on preliminary.

Contended that the appellant has not been treated in accordance with the law/rules. While serving as JTC the appellant was verbally informed that her services has been terminated. He filed departmental appeal to the Director Health Services with a copy to Secretary Health Service which has not been responded within the statutory period of 90 days. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections/limitation. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 27.11.2013 for submission of written reply.

Member.

16.09.2013

This case be put before the Final Bench I for further proceedings.

Chairman

27.11.2013

Clerk of counsel for the appellant, M/S Yar Gul, Senior Clerk for respondents No. 1 and 2, Ilyas Masih, Senior Clerk for respondent No. 3 Dr. Arshad Rashad on behalf of respondent No. 4 (DHO Peshawar) with AAG present. To come up for written reply/comments on 21.2.2014.

Chairman



Note the appellant deposited security & process fee Rs 200/-
Bank receipt attached on file

4.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1005/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/06/2013	<p>The appeal of Mst. Rozina Raheem presented today by Mr. Bilal Ahmad Kakaizai Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR -</p>
2	16-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>16-8-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No: 1005 / 2013

ROZINA RAHEEM

Versus

Government of KPK etc.

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<i>Annexure-G/1</i> Courier Receipt	25
<i>Annexure-G/2</i> Courier Receipt	26
Wakalatnama	nil

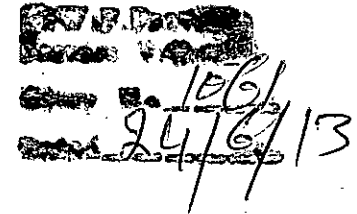
Rozina
Appellant,

Through:

Bilal Ahmad Kakaizai
BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

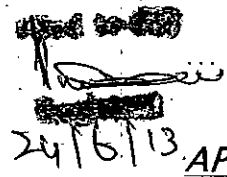
Service Appeal No: 1005 / 2013



ROZINA RAHEEM,
W/o Ihsanuddin,
Ex. JCT, Government ID Children Hospital, Peshawar
R/o Gulbahar No. 1, Peshawar City.
..... Appellant

Versus

1. **GOVERNMENT OF KPK,**
Through Secretary Health,
Civil Secretariat, KPK, Peshawar.
2. **DIRECTOR GENERAL HEALTH SERVICES,**
KPK, Peshawar.
3. **MEDICAL SUPERINTENDENT,**
Government ID, Children Hospital, Peshawar.
4. **EXECUTIVE DISTRICT OFFICER,**
Health, District Peshawar
..... Respondents



APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 FOR RESTORATION / REINSTATEMENT IN SERVICE AS JCT IN RESPONDENT NO. 3 HOSPITAL FOR WHICH DEPARTMENTAL APPEAL / REPRESENTATION DATED 22.02.2013 SENT VIDE RECEIPT NO. 515 & 517 DATED 26.02.2013 HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF MANDATORY 90 DAYS PERIOD.

Prayer: That on acceptance of this Service Appeal, Appellant be allowed to perform her duty in Respondent No. 3 Hospital as JCT and the Verbal Termination Order be declared nullity in the eyes of law, with full back benefits and wages, with such other relief as may be deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

- 1) That, Appellant, during the course of employment, applied for 60 days leave which was granted to her, copy of the Application for leave & Order dated 31.03.2010 is attached as Annexure A & B.
- 2) That, during leave period, Appellant's health condition deteriorated due to pregnancy; therefore, she applied for extension of leave which was duly communicated to the Competent Authority, copies of the Medical Certificates are attached as Annexure C.
- 3) That, after recovery from worst health conditions, Appellant reported her arrival in Respondent No. 3 Hospital where she came to know about the Relieving Order issued by Respondent No. 3 wherein the Respondent No. 3 placed her services at the disposal of Respondent No. 4 vide Order dated 23.09.2010, copy of the same is attached as Annexure D. It is important to mention here that the Respondent No. 3 Hospital did not take her Arrival Report and same was returned back to the Appellant, copy of the same is attached as Annexure E.
- 4) That, since the date of Arrival i.e. 15.06.2011, Appellant has been made a rolling stone between the Respondent No. 3 and Respondent No. 4 Department and both the Departments verbally instructed / directed the Appellant to Report in other Department but none of them gave any order in respect of place of posting of the Appellant.
- 5) That, at last in February 2013, Appellant was verbally asked by the Respondent No. 3 Hospital that "your services have been dispensed with" however no such order was given to her against

which she submitted proper Departmental Appeal before Respondent No. 2 & 3, copies of the Departmental Appeals are attached as Annexure F and Courier Receipts are attached as Annexure G/1 & G/2.

- 6) That, the Respondents failed to decide the fate of the Departmental Appeal of the Appellant within requisite period hence this Service Appeal on the following amongst other grounds: -

GROUND:

- A. That, the Impugned Verbal Termination Order is illegal, unlawful, void and ineffective.
- B. That, same is against the principals of natural justice, also.
- C. That, Respondents were bound to issue an adverse order, in writing, under intimation to the Appellant but they failed to issue the same.
- D. That, as per law, the Competent Authority cannot relieve / transfer any Civil Servant from one station to another without any intimation to the Civil Servant and that too during leave because during leave period, in case of leave with pay, the pay of the Civil Servant is paid / released from the budget of the station wherefrom she obtained leave.
- E. That, neither any explanation has been called from the Appellant nor any Charge Sheet or Statement of Allegations was ever served upon the Appellant.
- F. That, as per dictums laid down by the Superior Courts, it was mandatory on the Respondents to have conducted the Regular Enquiry in the instant case because where major punishment is imposed on the Civil Servant, an enquiry to that effect in respect of genuineness of the charges is mandatory.

- G. That, before imposing any adverse order, the Respondents were bound to issue letter of Explanation or as per law publish a notice in at least two leading newspapers.
- H. That, all the proceedings initiated against the Appellant were mala fide and malicious and purportedly were initiated in order to displace the Appellant from her post and appoint any other blue eyed.
- I. That, the punishment as imposed is too harsh.
- J. That, no one should be condemned unheard.

It is, therefore, requested that subject Appeal be accepted as prayed for.

Rozina
Appellant

Through:



BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No: _____ / 2013

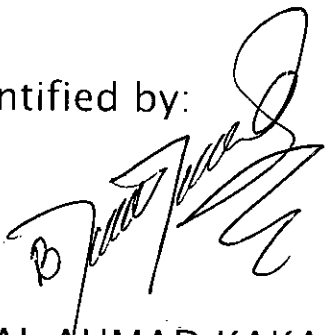
ROZINA RAHEEM Versus Government of KPK etc

AFFIDAVIT

I, ROZINA RAHEEM, W/o Ihsanuddin, Ex. JCT, Government ID Children Hospital, Peshawar R/o Gulbahar No. 1, Peshawar City, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Rozina
Deponent

Identified by:



BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)



BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No: _____ / 2013

ROZINA RAHEEM Versus Government of KPK etc

ADDRESSES OF PARTIES.

APPELLANT:

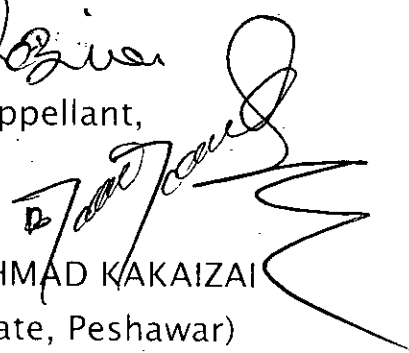
ROZINA RAHEEM, W/o Ihsanuddin, Ex. JCT, Government ID Children Hospital, Peshawar R/o Gulbahar No. 1, Peshawar City.

RESPONDENTS

1. Government of KPK, Through Secretary Health, Civil Secretariat, KPK, Peshawar.
2. Director General Health Services, KPK, Peshawar.
3. Medical Superintendent, Government ID, Children Hospital, Peshawar.
4. Executive District Officer, Health, District Peshawar


Appellant,

Through,


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

7

A

OFFICE OF THE MEDICAL SUPERINTENDENT GOVT: ID. CHILDREN HOSPITAL,
PESHAWAR.

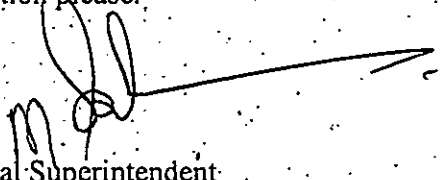
NO. ~~786~~/JCT, Dated 31/03/2010.

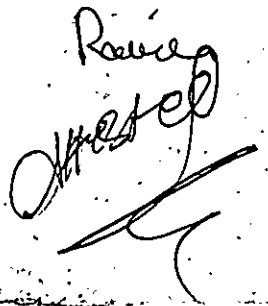
To,

The Executive District Officer
Health District Peshawar.

Subject: APPLICATION FOR EARND LEAVE.
Dear Sir

Enclosed please find herewith an application form in respect of Mst:
Rozina Raheem JCT for ~~the~~ favour of further necessary action please.


Medical Superintendent
Govt: ID. Children Hospital,
Peshawar.


Rozina Raheem

APPLICATION FOR LEAVE

Notes:- Item 1 to 9 must be filled in by all applicants. Item 2 applies only in the case of Government servants of B.P.S. 16 and above.

- 1. Name of applicant. *Rezina Reza*
- 2. Leave Rules applicable. *1981*
- 3. Post held. *J.C. Teacher*
- 4. Department or office. *1 P. children*
- 5. Pay. *7270/-*
- 6. House Rent Allowance/Conveyance Allowance or other compensatory allowances drawn in the present post.
- 7. (a) Nature of leave applied for. *60 days*
(b) Period of leave in days. *Sixty days*
(c) Date of commencement.
- 8. Particular Rule/Rules under which leave is admissible.
- 9. (a) Date of return from last leave.
(b) Nature of leave. *Entire leave*
(c) Period of leave in days. *5/4/1981*

B 8
I will perform duty for 60 days. PCT. Miss J. Jambhavan

- 10. Remarks and recommendation of the Controlling Officer.
- 11. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled.

Assessed
Reza

Date Signature Designation

12. Report of Audit Officer.
Date Signature Designation

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory allowance being drawn by him.

Date Signature Designation

Let I can deliver Jambhavan when 30/3/81

She is entitled as per request.

Accounts Section 10 Govt children Hosp.

30/3/81

Recommended and forwarded to EDO Health Dept for further please substitute will be required

30/3/81 2070

C 9

D.H.O TEACHING HOSPITAL D.I. KHAN
 (Entirely supported by Government of Punjab)

Name M. Yousaf

Yearly No. 68857

Date 2/1/1207 c. Disease _____ Rs. 5/-

Burkadi / Sciatica

by Khone Lual
Advised → 1/2
1-1-11
Am saiding
1-1-11
1-1-11

Medical Superintendent
 D.H.O Teaching Hospital
 D.I. Khan

Advised
Rain

D.M.O TEACHING HOSPITAL DILKHAAN.
Out-Patient Department

Name _____
Yearly No. 7119 _____ Rs. 5/-
Date 7/2/2011 _____ Disease _____

(1) F.W.P. (2) T.T.P. (3)
(4) Senta

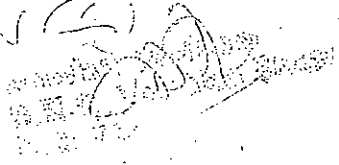
Complete list for
one month ahead.

Tab. Brevinor
(2) 1/1


D.M.O Teaching Hospital
D.L. Khan

Cap. Alamgir
Cap. Palam

(1) 2/2/11



11

D.H.Q TEACHING HOSPITAL D.I. KHAN.

Out Door Patient's Department

Name 212/12

Yearly No. 43721 Rs. 5/-

Date 7/7/2015 Disease DM Bago

X-ray	MI Metformin 30
L. Spinal	MI No. 100
BP 130/70	Sp 900000 0
	9+2+2 0/1

Advice of Bedrest one month

1603/12
 Medical Superintendent
 D.H.Q Teaching Hospital
 D.I. Khan

MEDICAL OFFICE
 D.H.Q Teaching Hospital
 D.I. Khan

(12)

D.H.Q TEACHING HOSPITAL D.I.KHAN.

OPHTHALMOLOGY DEPARTMENT

Name _____

Yearly No. _____ 22530 _____ Rs. 5/-

Date 7/9/2000 _____ Disease _____

Bacchar (Pt)

2 Serata 28 Provas

Case 3 → ...
Ta Makayebad
12/10

Case 2 → ...
Provas

Also complete band set for
① Mouth ... 7/11/10

[Signature]

[Signature]
Medical Superintendent
D.H.Q Teaching Hospital
D.I. Khan

D.H.O TEACHING HOSPITAL D.I. KHAN.

Out Door Patients Department A

Name P. J. J. J.

Yearly No. 74189 Rs. 5/-

Date 7/12/2010 Disease Scurvy

Continue & same treated

+ Add
 Emsone pro... (1)
 2c Nem... (2)
 by W. Keygens (3)
 Tas... (4)
 Add... (5)
 D. Math... (6)
 7/12/10

D.H.O Teaching Hospital
D.I. Khan

M. B. J. J.
D.H.O Teaching Hospital
D.I. Khan

14

D.H.O TEACHING HOSPITAL D.I.KHAN.

OUT-DOOR PATIENTS Department - A

Name Mr. Khan

Yearly No. 3732-6 Rs. 5/-

Date 7/6/20/0 Disease low S.p.

→ No REN (30)
SM

→ Neurology (30)

Sp Frig dx C/m
2+2

Sp Moxo Pac C/m
1+1

Advised Bedrest on E.M.A.

MEDICAL OFFICER
D.H.O Teaching Hospital
D.I.Khan.

[Signature]
Medical Superintendent
D.H.O Teaching Hospital
D.I. Khan

D.H.Q TEACHING HOSPITAL D.L.KHAN.
Out Door Patient Department - A

Name _____
Yearly No. 1026 _____ Rs. 5/-
Date 7/1/2011 _____ Disease _____

LBP, Right side

leg. General complete
rest for one
month

Sci. 100
100

D.H.Q Teaching Hospital
D.L. Khan

Cap Arthralgia 70
Cap 1
Cap 2
Cap 3
Cap 4
Cap 5
Cap 6
Cap 7
Cap 8
Cap 9
Cap 10
Cap 11
Cap 12
Cap 13
Cap 14
Cap 15
Cap 16
Cap 17
Cap 18
Cap 19
Cap 20

16

D.H.O TEACHING HOSPITAL D.I.KHAN.

Out Door Patients Department (A)

Name محمد علي

Yearly No. 3193 Rs. 5/-

Date 7/1/2000 Disease Scurvy

(Hand up)

in B, 3/5/00
L. 1/2/00
L. 1/2/00
L. 1/2/00

Piram 17/1

Saraboo 27/1

Adv. bed rest for 1 month

Spec. ...
D.H.O Teaching Hospital
D.I. Khan

Medical Officer
D.H.O Teaching Hospital
D.I. Khan

(19) D

OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT. ID. CHILDREN HOSPITAL, PESHAWAR

NO _____ /PF Dated 23/9/2010

To,

The Executive District Officer
Health District Peshawar

Subject:

RELIVING OF MRS. ROZINA RAHIM FMT.

Respected Sir,

Please refer to this office letter No.1482/PF dated 2/09/2010, wherein she was advised to join her duty specific period, but she failed to join her duty till now.

It is further added that she is on leave w.e.f.06/04/2010 for two months and resume duty on 07/06/2010 but she not resumed her duty due to which the hospital work is suffer badly. She may please be transferred on from this hospital.

Therefore her service is placed at your disposal because her services are no more required in this hospital.

Medical Superintendent
Govt. ID. Children Hospital
Peshawar

Rozina
Attested

NO 1777-78 PF

Copy to the :-

1. Mrs. Rozina Rahim D/O Mr. Rahim Bakash R/O Mohallah Gariban Dahan City
2. Account Section of this hospital

For information and further necessary action.

Medical Superintendent
Govt. ID. Children Hospital
Peshawar.

Abu

(20)

E

The Medical Superintendent
Children's Hospital
Peshawar-

Subject Arrival Report

I have the honour to
submit my arrival report
to this officer after complete
my leave to 07-6-2010

Yours obedient

Rozina
Rozina Raheem

F.M.T.

Govt. Children Hospital
Peshawar

خدمتِ جنات ڈائریکٹر جنرل صحت و سوسائٹی حکومت پاکستان کراچی

اصل

کتاب عالی

بہاوت آباد سے گزارش ہے کہ سائلہ روز سنہ 1412ھ

F.M.T آپ کے زیرِ سابقہ گورنمنٹ آئی ڈی کیمپن ہسپتال کراچی

میں خدمات سے انعام لے رہی تھیں۔

جو کہ سائلہ نے صفر 11-03-31 کو صحت نہی ہوئی جس کے بعد وہ شدید

بیماری ہو گئی۔ دورانِ بیماری سائلہ کی زحمتیں بھی ہوئی تھیں۔

جب سے بیماری شدت اختیار کر گئی۔ سائلہ نے بذریعہ ڈاک

صحیحی کی درخواستیں بھی ارسال کیں۔ مگر صفر 23-09-010

کو سائلہ کو 1777-78 کے تحت بریلو کر کے کہا گیا کہ سائلہ E.D.O

صحت و سوسائٹی ڈائریکشن سے زبانی آرڈر کے تحت دوبارہ

صحت و سوسائٹی ڈائریکشن میں بھیج دیا گیا۔ اور کافی عرصے سے سائلہ

یوں ہی جاری رہا۔

Attested
Rozien

آئی ڈی کے بعد صفر 15-06-012 کو D-01 صحت و سوسائٹی ڈائریکشن سے

جنیوں نے صفر 17620/17620 صفر 05-07-011 کو E.D.O صحت و سوسائٹی ڈائریکشن

خدمت جناب سکریٹری صحتی حکومت پاکستان کراچی

اسیل :-

جناب عالی

بہایت ادب سے گزارش ہے کہ سائلہ روز سہ صبح F.M.T
ہسپتال کے ایمر سائلہ گورنمنٹ ہسپتال کی طبی صلاحیتوں سے سائلہ کو سائلہ ہسپتال کراچی میں خدمات

سائلہ کو سائلہ ہسپتال

جو کہ سائلہ کے مع 11-03-31 کو ہسپتال کی طبی صلاحیتوں سے سائلہ کو سائلہ ہسپتال کراچی میں خدمات
نیو گیس دوران بیماری سائلہ کی طبی صلاحیتوں سے سائلہ کو سائلہ ہسپتال کراچی میں خدمات
سائلہ کو سائلہ ہسپتال کراچی میں خدمات
درخواست ہے سائلہ کو سائلہ ہسپتال کراچی میں خدمات
کو سائلہ کو سائلہ ہسپتال کراچی میں خدمات
صحتی کراچی میں خدمات
درجہ ذیل سائلہ کو سائلہ ہسپتال کراچی میں خدمات
سائلہ کو سائلہ ہسپتال کراچی میں خدمات

Alleged
mm

اس کے بعد مع 12-06-15 کو 0-09-0 صحتی کو درخواست ہے سائلہ کو سائلہ ہسپتال کراچی میں خدمات
جنہوں نے سائلہ کو سائلہ ہسپتال کراچی میں خدمات

لستارہ کو دوبارہ رپورٹ کرنے کا کیا۔ لیکن وہاں سے کسے رہا
آرڈر کے تحت سائلہ کو گورنمنٹ آئی ڈی کلڈرن ہسپتال لستارہ
بھیج دیا گیا۔ لیکن وہاں سے بھی انکوں نے E.D.O. بھیج دیا
رپورٹ کرنے کا کیا۔

کافی عرصہ یوں ہی سلسلہ چلتا رہا۔ آخر ستمبر 28-07-01 آرڈر
میں 30/19/11 لیسٹرن / ڈاکٹر سی عزیز / 28738/5-11 ستمبر 11-12-30 کو
بازار سے خرید سکے کسے بھیج دیا۔ درخواستیں پیش کیں۔ جنہوں نے
صرف مائلہ آپ ڈاکٹر کلڈرن ہسپتال سائلہ کے پاس بھیج دیں۔ لیکن وہاں سے
بہتیں ابھی تک ہر ہمارے درخواست کرنے کے بارے میں کوئی جواب کا
حال موصول نہیں ہوا۔

Checked

گذا رہا لیکن سائلہ کے حال پر اصرار کرتے ہوئے سائلہ
کو دوبارہ ہسپتال لستارہ میں تعینات فرمائے گئے اسکا
صرف مائلہ

22-09-13 Rozum

روزنامہ اصم و شہداء اصم رئیس زویہ اصمان الدین سائلہ ڈی بی آر ٹی ایم ایف سائلہ
گلابا رقبہ لستارہ (03339952401)

26 C/2

No. 517

For 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. Ps.

28

Received a registered*
addressed to _____

Date-Stamp

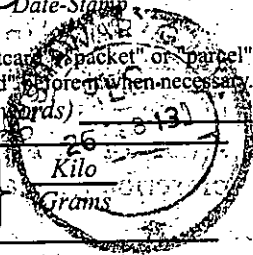
Write here "letter", "postcard", "packet" or "parcel"
Initials of Receiving Office with the word "insured" before when necessary

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

If insured

Weight _____
Insurance fee Rs. _____ Ps. _____ (in words) _____

Name and
address
of sender



No. 515

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

Received a registered*
addressed to _____

28/3/11
Date-Stamp

*Write here "letter", "postcard", "packet" or "parcel"
Initials of Receiving Officer _____ with the word "insured" before when necessary.

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

Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo
Name and address of sender } } Grams

No. 516

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

Received a registered*
addressed to _____

28
Date-Stamp

*Write here "letter", "postcard", "packet" or "parcel"
Initials of Receiving Officer _____ with the word "insured" before when necessary.

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

Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo
Name and address of sender } } Grams

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Service Appeal No.1005.

Mrs.Rozina Raheem petitioner



V/S

1. Govt of Khyber Pakhtunkhwa Through Secretary Health ,Peshawar
2. Director General Health Services Khyber Pakhtunkhwa Peshawar
3. Medical Superintendent I.D Children Hospital Peshawar.
4. District Health Officer Peshawar.....Respondents

Written statement on behalf of DHO Peshawar.

Respectfully shewith -

With due respect, it is stated that Mrs.Rozina Raheem (the petitioner) was employee of ID Children Hospital and was drawing her salary form there. After her long absence from duty Mrs. Rozina Raheem was relieved by MS ID Children Hospital and was placed on the disposal of undersigned through MS ID Children Hospital letter No.1777.78/PF Dated 23/09/2010, but she failed to submit her arrival to the office of DHO Peshawar and is absent till date.


District Health Officer,
Peshawar. 

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Service Appeal No.1005.

Mrs.Rozina Raheem petitioner

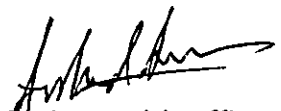

V/S

1. Govt of Khyber Pakhtunkhwa Through Secretary Health ,Peshawar
2. Director General Health Services Khyber Pakhtunkhwa Peshawar
3. Medical Superintendent I.D Children Hospital Peshawar.
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District Health Officer
Peshawar. 

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Service Appeal No.1005.

Mrs.Rozina Raheem petitioner



V/S

1. Govt of Khyber Pakhtunkhwa Through Secretary Health ,Peshawar
2. Director General Health Services Khyber Pakhtunkhwa Peshawar
3. Medical Superintendent I.D Children Hospital Peshawar.
4. District Health Officer Peshawar.....Respondents

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District Health Officer
Peshawar. 

OFFICE OF THE DISTRICT HEALTH OFFICER, PESHAWAR

Phone No. 091-9212911.

No. GR 3 / DHO (Pesh) dated 27/8/2014.

To,

Most Immediate Court Matter.

The Additional Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Subject:

SERVICE APPEAL NO.1005.MRS.ROZINA RAHEEM V/S GOVT OF K.P.K

Endorsed please herewith find written statement on behalf of DHO Peshawar in
the subject case.



For District Health Officer
Peshawar.

OFFICE OF THE MEDICAL SUPERINTENDENT
SIFWAT GHAYUR SHAHEED MEMORIAL
HOSPITAL, PESHAWAR

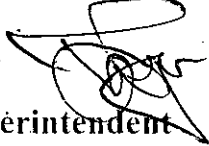
NO. SGSM/PF 7284-25 / Dated 07 / 05 / 2014

To,

The Director General
Health Services Khyber Pukhtunkhwa

Subject: APPEAL NO.1005 ROZINA RAHIM.
Sir,

I have the honour to submit herewith parawise comments in respect of Miss Rozina Rahim Ex-FMT for signature please and onward submission to Secretary to Government of Khyber Pukhtunkhwa Health department Peshawar.


Medical Superintendent
Sifwat Ghayur Shaheed Memorial
Hospital, Peshawar

ENDST OF EVEN NO AND DATE:-

Copy of above is forwarded to the:-

1. Registrar Services Tribunal Peshawar for information and with the request that as signature completed the same will be submitted to honour court for further necessary action.

Service Appeal No.1005 /2013.

Mst.Rozina Rahim Vs Secretary to Government of Khyber
Pakhtunkhwa, Health Department
& Others

PRELIMINARY OBJECTION:-

1. The appellant has got no cause of action to invoke the jurisdiction of this honorable Tribunal.
2. The Service appeal is incomplete in its present form.
3. The appeal is badly time barred.
4. That the appellant is stopped by his own conduct.
5. That the appeal is liable to be dismissed on the grounds of non joinder and misjoinder of necessary parties.
6. That the appellant has not come to the court with clean hands.

REPLIES TO THE FACTS:-

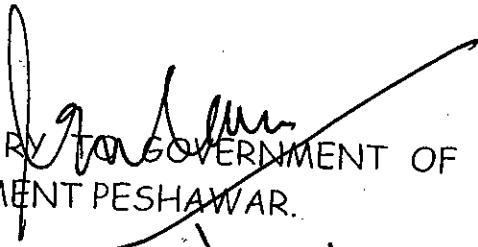
1. In reply to para 1 of the fact, it is submitted that the appellant filed application for 60 days earned leave w.e.f 05-04-2010 which was forwarded by respondent No.3 to respondent No.4. The respondent No.4 granted 60 days earned leave to the appellant and has submitted her departure report on 5-04-2010.
2. In reply to para No.2 it is submitted that application for extension of leave was submitted on 09-06-2010 which was allowed on medical grounds.
3. Incorrect hence denied. After availing leave, the appellant remained absent. The respondent No.3 vide letter dated 2-09-2010 directed the appellant to resume duty with immediate effect and explain absence but neither the appellant resumed duty nor explained her position within the required time.(Explanation is annexed as Annexure "A"). The respondent No.3 vide letter dated 23-09-2010 relieved the appellant and placed her service at the disposal of respondent No.4.(relieving order is annexed as Annex "B").

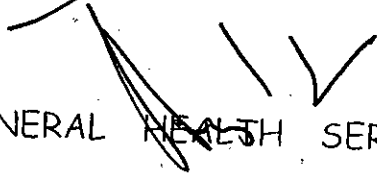
4. Incorrect. After availing leave, the appellant remained absent. The appellant neither submitted arrival report nor showed interest toward performance of duty, hence she not entitled to any relief.
5. Incorrect. The service of appellant has already been placed at disposal of respondent No.4 and she is no more on the list of official of respondent No.3 hence the appellant was required to appear for duty before respondent No.4 but failed to perform duty and remained absent.
6. No comments.


REPLY TO THE GROUNDS.

- a) Incorrect. The respondent have acted in accordance with law and rules on the subject.
- b) Incorrect. The respondent acted in accordance with the principles of natural justice.
- c) Incorrect. The appellant was directed to resume duty and explain her position but she neither explained her position nor resumed duty hence she is not entitled to any relief.
- d) Incorrect. The appellant was required to obey the order of the competent authority issued in accordance with the law and rules on subject but the appellant willfully remained absent from duty hence not entitled to any relief what so ever.
- e) Incorrect. Explanation has already been issued to the appellant.
- f) Subject to proof.
- g) Incorrect. As stated above, the appellant has been issued explanation but failed to submit reply and perform duty.
- h) Incorrect. The respondent have not acted with malafide and malicious intention rather acted as per law and rules.
- i) Incorrect. The appellant has been treated in accordance with law.
- j) Incorrect. The appellant was given proper opportunity to defend her self.

It is, therefore, requested that the appeal may be dismissed with cast.


1. SECRETARY TO GOVERNMENT OF K.P.K. HEALTH DEPARTMENT PESHAWAR.


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


3. MEDICAL SUPERINTENDENT SIFWAT GHAYUR SHAHEED MEMORIAL HOSPITAL.

ANNEX-A

OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT: ID.CHILDREN HOSPITAL, PESHAWAR.

NO. _____ / Dated 2 / 9 /2010

To,
Mrs. Rozina Rahim FMT
Govt:ID.Children Hospital,
Peshawar.

WILLFUL ABSENCE FROM DUTY/EXPLANATION.

You were granted 60 days Earned leave with effect from 5/04/2010 vide FDOH, Peshawar Endst: No.3021/EDO (H) dated 6/4/2010.

As per Govt: of NWFP, revised leave rule 1981 Para-10, you have to resume your duty on 6/06/2010, but you failed to do so and submitted an other Medical leave application on 9/06/2010 for one week and then you were absent from duty w.e.f 11.06.2010.

You are hereby directed to resume your duty with immediate effect. Explain your position as to why strict disciplinary action under the prevailing rules should not be taken against you.

Your reply should reach the office of the undersigned within 7 days after the receipt of this letter failing which unilateral action should be taken against you.

Medical Superintendent
Govt: ID.Children Hospital
Peshawar

No. 1483-85 /PF

Copy forwarded to the:-

1. Director General Health Khyber Pukhtoonkhwa Peshawar
2. Executive District Officer Health District Peshawar.
3. Accountant of this hospital for information and directed to stop the pay of the above named official till further order

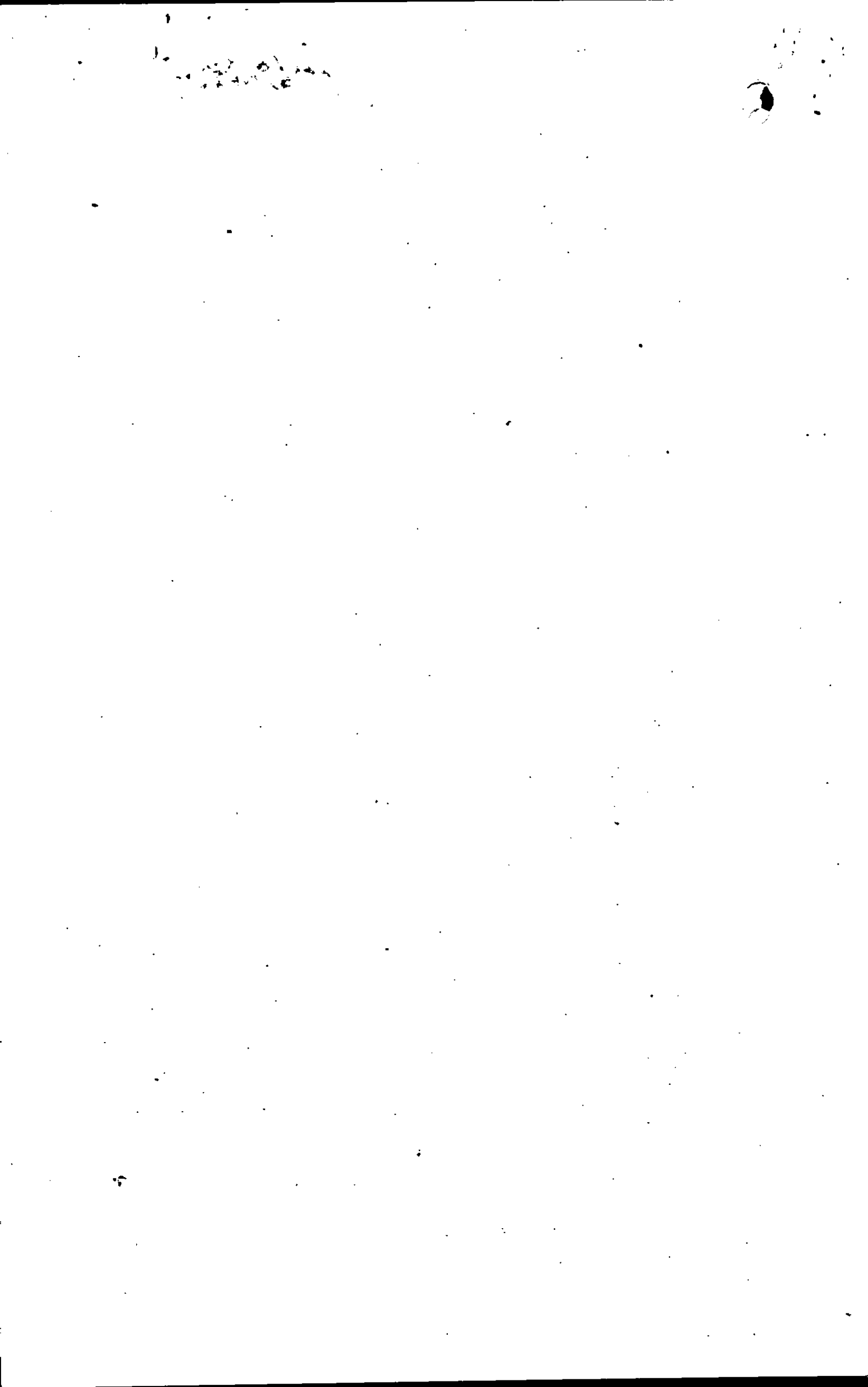
[Signature]
Medical Superintendent
Govt: ID.Children Hospital
Peshawar

Received

[Signature]

4/9/10

[Signature]
Medical Officer
Sifat Ghayur Shaheed Memorial
Hospital Peshawar



ANNEX-B

OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT. ID. CHILDREN HOSPITAL, PESHAWAR

NO 1776 /PF Dated 23 / 9 /2010

To,

The Executive District Officer
Health District Peshawar

Subject:

RELIVING OF MRS. ROZINA RAHIM FMT.

Respected Sir,

Please refer to this office letter No.1482/PF dated 2/09/2010, wherein she was advised to join her duty specifies period, but she failed to join her duty till now.

It is further added that she is on leave w.e.f.06/04/2010 for two months and resume duty on 07/06/2010 but she not resumed her duty due to which the hospital work is suffer badly. She may please be transferred on ~~from~~ this hospital.

Therefore her service is placed at your disposal because her services are no more required in this hospital.

Medical Superintendent
Govt. ID. Children Hospital
Peshawar

NO 1777-78 /PF

O/C Ah

Copy to the :-

1. Mrs. Rozina Rahim D/O Mr. Rahim Bakash R/O Mohallah Gariban Duban City
2. Account Section of this hospital

For information and further necessary action.

Medical Superintendent
Govt. ID. Children Hospital
Peshawar.

O/C Ah

Ahmed
Medical Officer

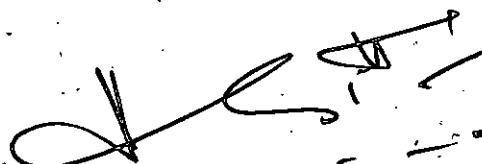
Sifat Ghayur Shaheed Memorial
Hospital Peshawar.

It is, therefore, requested that the appeal may be dismissed with cost.

1. SECRETARY TO GOVERNMENT OF K.P.K. HEALTH DEPARTMENT PESHAWAR.
2. DIRECTOR GENERAL HEALTH SERVICES K.P.K. PESHAWAR.
3. MEDICAL SUPERINTENDENT SIFWAT GHAYUR SHAHEED MEMORIAL HOSPITAL.

~~AXO~~ please will the same

D-NO-5655
09-05-2014


9-5-2014

Q.P. J

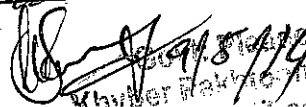
Note: The respondent were directed to produce record of enquiry proceeding, if any, but failed to produce the same. The respondent have also not produced order of termination ~~here~~ stating that terminating order is not issued. Hence

vetted subject to correctness, attachment of annexure, affidavit and approval of AAE/SO/KJ

211577

9/5/2014

Approved/Functioned


9/5/2014
Khwa
Khwa

BEFORE BANKING COURT. II, PESHAWAR

Service Appeal No: 1005 / 2013

ROZINA RAHIM

VS

Government of KPK etc

REJOINDER BY AND ON BEHALF OF APPELLANT

Respectfully Sheweth,

Rejoinder on behalf of Appellant is as under: -

REJOINDER TO THE PRELIMINARY OBJECTIONS:

Preliminary Objections as raised by the Respondents are totally baseless and misconceived hence are vehemently denied because while raising the same, the Respondents had not cited any lawful reason or justification in support thereof in respect of cause of action, unclean hands, maintainability etc hence the same are mere routine objections having nothing to do with the merits of the case. Furthermore Appellant has been verbally terminated from services of the Respondents hence she has got the cause of action to institute the Appeal and same is maintainable.

REJOINDER TO THE FACTS:

1. Para 1 & 2 of the Appeal has been admitted correct hence need no rejoinder.
2. In response to Para 3 of the Comments it is submitted that Appellant was made a rolling stone between the Respondent No. 3 and Respondent No. 4 Department and no one was ready to accept her.
3. Para 4 of the Comments is neither legal nor proper. In fact the Medical Certificates submitted by the Appellant had not been considered by the Competent Authority probably due to non issuance of posting order from any office in her favour.

4. After perusing Paras 5 & 6 of the comments it is now crystal clear that the Respondents Department had not acted in accordance with law and appellant has been suffering without any fault on her part hence she needs restoration / reinstatement of her services with all back wages and benefits and an appropriate action should also be initiated against the Respondents because due to their negligence, the Appellant has suffered for so many years. Moreover it is categorically admitted that no written order against appellant has been issued however the Respondents had not denied the communication of verbal order which can be cured even today with the issuance of posting order and payment of all benefits.

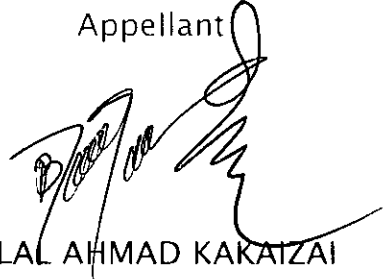
REJOINDER TO THE GROUNDS

Grounds as taken by the Appellant in its Appeal are just and proper while that of comments as filed by all the Respondents are unjust, illegal and unlawful hence need no replication.

It is, therefore, requested that Appeal of the Appellant be accepted as prayed for.


Appellant

Through:


BILAL AHMAD KARIZAI
(Advocate, Peshawar)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1005 / 2013.

ROZINA RAHIM

VS

GOVERNMENT OF KPK ETC.

COUNTER AFFIDAVIT

I, ROZINA RAHIM, Appellant, do hereby on oath affirm and declare that the contents of the Replication / Rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Identified by:

Handwritten signature of Bilal Ahmad Kakaizai
10-4-2013

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)



Handwritten signature of Rozina Rahim
Deponent

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 330 /ST

Dated 29 / 2 / 2016


To

The Director General, Health Services Department,
Peshawar.

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 18.2.2016 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.