

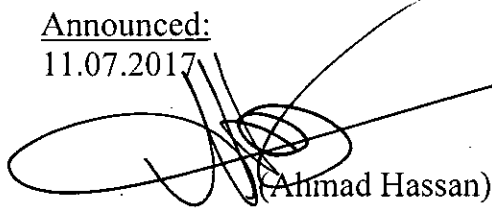
11.07.2017

Counsel for the appellant and Mr. Muhammad Jan, District Deputy Attorney for respondents present. The case was argued at length by both the parties. Learned counsel for the respondents invited attention to clause-IV of the appointment order, dated 16.01.2013, whereby the appellant was appointed on contract basis. In terms of sub sec-1(b)-i of Section-2 of the Civil Servant Act 1973 the appellant is not a civil servant and as such is not eligible to file instant appeal under Section-4 of the Khyber Pakhtunkhwa Service tribunal Act, 1974. When learned counsel for the appellant confronted on the point he candidly admitted the facts.

In the above stated circumstances, the appeal in hand is not maintainable under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and is dismissed for want of jurisdiction. The appellant may approach the proper forum for redressal of his grievance. File be consigned to the record room.

Announced:

11.07.2017


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

1400/14


14.12.2016

Appellant in person and Addl. AG for the respondents present. Written reply by respondents No. 1 & 2 has already been submitted while remaining respondents neither submitted written reply nor paid the cost. Since the remaining respondents have failed to submit written replies despite repeated opportunities including last opportunity which was further extended subject to payment of cost of Rs. 2000/- as such no further opportunities are granted to the remaining respondents. The appeal is assigned to D.B for rejoinder and final hearing for 15.03.2017.


Chairman

15.03.2017

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted. To come up for arguments on 11.07.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

11.05.2016

None present for appellant. Mr. Muhammad Arshed, SC for respondent No. 1 alongwith Addl: AG for respondents present. Written reply by respondents No. 3 and 4 not submitted despite last opportunity extended subject to payment of cost of Rs. 1000/-. Learned Addl: AG requested for further time on behalf of respondents No. 3 and 4 for submission of written reply. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents No. 3 and 4 from their own pockets. To come up for written reply/comments and cost of Rs. 2000/- on behalf of respondents No. 3 and 4 on 09.09.2016 before S.B.


Member

09.09.2016

None present on behalf of the appellant. M/S Dr. Azizullah Jan and Yar Gul, Senior Clerk alongwith Additional AG for respondents present. None present on behalf of respondents No. 3 & 4. Fresh notice be issued to the said respondents for written reply/comments for 18.10.2016 before S.B.


Member

18.10.2016

Appellant in person, none present on behalf of respondents No. 3 and 4 alongwith Addl. AG for respondents present. Additional AG is directed to content the respondents into submit written reply on next date. To come up for written reply/comments on 14.12.2016 before S.B.


Member

02.09.2015

Appellant with counsel and Addl: A.G for respondents present. Letter No. 1643/AD. Lit. dated Peshawar the 6th April 2015 copy forwarded to Registrar of this Tribunal placed on record according to which the ZAB Medical College does not come under the administrative control of the Directorate. Record perused. Since Secretary Health and others i.e Administrative Officer and Principal ZAB Medical College are impleaded as necessary parties as such fresh notices be issued to respondents No. 1, 3 and 4 for submission of para-wise comments for 24.11.2015 before S.B.


Chairman

24.11.2015

Appellant in person, M/S Qibaz Khan, SO for respondent No. 1 and Yar Gul, Senior Clerk for respondent No. 2 alongwith Addl: A.G for all respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 3.3.2016 before S.B.


Chairman

03.03.2016

Appellant in person and Mr. Muhammad Arshed, SO alongwith Assistant AG for respondents present. Written reply by respondents No. 1 and 2. Respondents No. 3 and 4 have not submitted written reply despite last opportunity. Request for further adjournment was made. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents No. 3 and 4 from their own pockets. To come up for written reply/comments on behalf of respondents No. 3 and 4 and cost on 11.5.2016 before S.B.


Chairman

18.02.2015

Counsel for the appellant present and heard. Submitted that despite his appointment according to the rules and regulations and by then his appointment, was performing his duty, respondent department is not paying him his monthly salary.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal exceptions. The appellant is directed to deposited security and process fee within 10 days. Therefore, notices be issued to the respondents. Case to come up for written reply/comments on 14.4.2015



Member

14.04.2015

Appellant in person, M/S Sheharyar Khan, Assistant for respondent No. 1, Yar Gull, Senior Clerk for respondent No. 2 and Zubair Butt, Registrar for respondents No. 3 and 4 alongwith Addl: A.G present. Requested for adjournment. To come up for written reply/comments on 3.7.2015 before S.B.



Chairman

03.07.2015

Appellant in person and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 2.9.2015 before S.B.




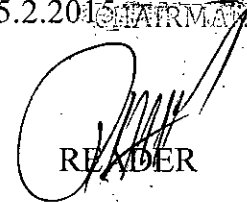


Chairman

Appellant appointed
Process fee & Security
18/2

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1400/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.12.2014	<p>The appeal of Mr. Zeeshan-ur-Rehman resubmitted today by Mr. Muhammad Mujeeb Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	21.1.2015	<p>This case is entrusted to the Bench for preliminary hearing to be put up for the same on _____</p> <p>Since 20th January, 2015 has been declared as public holiday by the provincial government, therefore, case to come up for the same on 5.2.2015.</p> <p style="text-align: right;"> READER</p>
3	5.2.2015	<p>Since 5th February has been declared as public holiday, therefore, case to come up for the same on 17.2.2015.</p> <p style="text-align: right;"> READER</p>
	17.2.2015	<p>Appellant with counsel present. Due to shortage of time, case is adjourned to 18.2.2015 for preliminary hearing.</p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mr. Zeeshan-ur-Rehman son of Fazal ur Rehman Chowkidar received today i.e. on 10.12.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Heading of the appeal is incomplete which may be completed.
- 2- Law under which appeal is filed is not mentioned.
- 3- Copy of reply to the explanation mentioned in para-5 of the memo of appeal is not attached with the appeal may be placed on it.
- 4- Annexures of the appeal may be attested.

No. 1695 /S.T,

Dt. 10/12 /2014.

10.12.2014

Mr. Muhammad Mujeeb Adv. Pesh.

Resubmitted after
doing the needful.

M. Mujeeb (Adv)

15-12-014

[Signature]
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA
PESHAWAR


Appeal No. 1400 / 2014

ZEESHAN UR REHMAN.....Appellant


VERSUS

SECRETARY HEALTH OF KHYBER PAKHTUNKHAWA CIVIL
SECRETARIAT PESHAWAR AND OTHERS..... Respondents

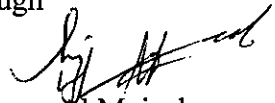
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S. No	Description of Document	Annex	Pages
1	Memo of Appeal and Affidavit		1-6
2	Copy of appointment letter	A	7
3	Copy of medical certificate and arrival report	B	8-9
4	Copy of Explanation notice 	C	10-11
5	Copies of Writ petition No.1717-P/013, Order dated 03-09-2014 and comments	D	12-23
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Dated: - 10-12-2014


Appellant

Through


Muhammad Mujeeb
Advocate Peshawar
Muhammad Law Chamber
11- Siddiqui Plaza,
Shafi Market, Peshawar Cantt
Cell: 0333-9111703

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA
PESHAWAR

Appeal No. 1400 / 2014

1427
10-12-2014

Zeeshan ur Rehman s/o Fazal ur Rehman Chowkidar of ZABMC Duranpur Peshawar
Resident of H. No.1174, Street No.05 Muslim Meena Bazaar Peshawar
City.....**Appellant**

VERSUS

1. Secretary Health of Khyber Pakhtunkhawa Civil Secretariat Peshawar.
2. Director General Health Services Government of Khyber Pakhtunkhawa
Khyber Road Peshawar.
3. Administrative Officer, Zulfiqar Ali Bhutto Medical Collage Duranpur
Peshawar.
4. Principal / Project Director Zulfiqar Ali Bhutto Medical Collage Duranpur
Peshawar.....**Respondents**

APPEAL U / SEC 4 OF SERVICE TRIBUNAL ACT 1971
AGAINST THE ILLEGAL RESTRAINT FROM THE
PERFORMANCE OF DUTY AND RETENTION OF SALARY

PRAYER

That on acceptance of this appeal, the appellant may kindly be allowed to perform his duty in accordance to his appointment order No.86 / Estt / ZABMC dated 16-01-2013 and his salary till date may also be released / handed over to him. Any other relief not specifically prayed for but in the circumstance this august tribunal deems fit, necessary, lawful and appropriate may also very graciously be granted in favour of the appellant.

Respectfully Sheweth;


FACTS

As submitted to
and filed.

That vide appointment order No.86 / Estt / ZABMC dated 16-01-2013 the appellant (Zeeshan ur Rehman) was appointed as Chowkidar (BPS-01) as per

15/12/14

approval of the selection committee in its meeting held on 15th and 16th January 2013. (Copy of appointment letter is annexed).

2. That at his arrival the appellant submitting his medical certificate and joined his duty as Chowkidar at ZABMC on 18-01-2013. (Copy of medical certificate and arrival report is annexed).
3. That despite the fact the appellant was appointed as Chowkidar and was performing his duties honestly and regularly he was not allowed / paid his salary and when he approached / requested the concerned authority for the release of his salary a frivolous objection regarding his absence from duty was raised and an explanation was called upon.
4. That vide letter No.199 / Estt / ZABMC dated 28-03-2013 by the principal / project director ZABMC Peshawar an explanation notice for being absent from their respective duties on all the class IV employees along with the appellant was served on the report of Administrator Officer of ZABMC.
5. That in pursuant to the said explanation notice all the class IV staff have submitted their explanation / reply to the Principal ZABMC on 01-04-2013 through proper channel denying the allegation and confirming their presence on duty, albeit no action was taken and the appellant along with other class IV employees remained deprived of their salary. (Copy of Explanation notice ~~and~~  is annexed).
6. That since 18-01-2013 till 20-05-2013 the appellant has performed his duty as chowkidar with out receiving his salary and after 20-05-2013 he was not allowed performing his duty any more.
7. That feeling mortally helpless the appellant along with other aggrieved class IV employees knocked at the door of august Peshawar High Court Peshawar for their redressel through its writ jurisdiction.
8. That as per direction of august Peshawar High Court Peshawar the principal ZABMC has submitted his para wise comments to the writ petition and for the first time introduced an allegation that all the appointment letters annexed with the writ petition are bogus and he also added that Administrative Officer is not authorized to issue appointment letters / orders and it is the prerogative of the principal / project director who is authorised to issue such appointment orders and the principal ZABMC also submitted that the post of Administer Officer was never filled and is still vacant and in this respect a requisition is already moved to the Director General Health.(Copies of Writ petition, Order dated 03-09-2014 and comments are annexed).
9. That the august Peshawar High Court Peshawar vide his order dated 03-09-2013 disposed off the said writ petition with the observation that as the respondent No.4 have questioned the validity and genuineness of the

appointment orders of the petitioners except as mentioned herein above in preceding paragraph No.3 which essentially becomes a matter of factual controversy, so learned counsel for petitioners frankly and fairly conceded at the bar that such question can not be resolved in writ jurisdiction and he for that matter would approach the proper forum for redressal of their grievance.

- 10. That the appellant moved a departmental appeal to respondent No. 1 vide Daily Diary No.839 dated 11-09-2014 along with a copy of the same to respondent No.2. (Copy of Departmental appeal is annexed).
- 11. That the respondent No.2 vide its letter No.9218 / personal dated 12-11-2014 replied to the appellant that as per report of the principal Nowshera Medical collage Nowshera i.e. (Respondent No.4) that the Honourable High court decided the writ petition No.1717-P/2013 and order were issued in favour of 10 (Ten) employees and your name is not included. The case is under process in the Secretary Health office for further necessary action. (Copy is annexed)
- 12. That now feeling aggrieved with the above-mentioned impugned order about the non-action on his appeal, the appellant seeks the intervention of this honourable tribunal on the following grounds inter alia.

G R O U N D S

- A. That the appellant is appointed vide a valid appointment order No.86 / Estt / ZABMC dated 16-01-2013 as Chowkidar in (BPS-01) as per approval of the selection committee in its meeting held on 15th and 16th January 2013.
- B. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under the law has been violated.
- C. That the impugned action of the respondents denying the salary of the appellant is violative of law and thus illegal.
- D. That the appointment of the appellant is still intact and no adverse order having been passed, thus entitling him the release of his salary and allowing to perform his duties.
- E. That withholding the salary amounts to punishment however no proper procedure is followed justifying the action of withholding the salary.
- F. That vide letter No.199 / Estt / ZABMC dated 28-03-2013 subject **EXPLANATION** the respondent No.4 categorically and in crystal clear words stated that it has been reported by the Administrator Officer, ZABMC i.e. respondent No.3, that during a surprise visit to ZABMC, Duranpur, Peshawar that all staff were remained absent from duty without any information / prior approval of the competent

authority etc, so in the instant explanation letter No.199 / Estt / ZABMC dated 28-03-2013 he is taking action against all the employees on the report of Administrator Officer / respondent No.3 while on the other hand while submitting his comments before the august Peshawar High Court Peshawar he is raising the plea vide letter No. 351 / Estt / ZABMC dated 02-05-2013 that appointment of Administrator Officer / respondent No.3 is still awaited. This said factual position speaks volumes of the biasness and malafide of the respondent No.4 against the appellant which is against the law and norms of justice.

- G. That respondent No.4 have stated in his comments before the august Peshawar High Court Peshawar that as till 02-05-2013 and even after that the post of Administrator officer / respondent No.3 was laying vacant and what ever appointments letters issued by the Administrator officer prior to 02-05-2013 are thus fake and bogus one but on the other hand some appointment letters of employees i.e. ~~Rizwanullah~~ s/o Muhammad Jan, Appointment letter No.228 / Estt / ZABMC dated 15-04-2013, Imranullah s/o Khan Muhammad Appointment letter No.252 / Estt / ZABMC dated 15-04-2013, Nawab Khan Appointment letter No.218 / Estt / ZABMC dated 15-04-2013 and Abdul Wakil s/o Muneer Khan Appointment letter No. / Estt / ZABMC dated 15-04-2013 were also issued by the Administrator Officer ZABMC / respondent No.3 and they are still working and drawing their salaries so how come the said appointments are genuine and the appointment of the appellant is fake and bogus one. (Copies of appointment letters are annexed).
- H. That the above mentioned fact reveals that on the one hand the respondent No.4 have malafidely deprived / denied the applicant of his legal right to be a civil servant / employee and on the other he committed fraud and cheating with the august Peshawar High Court Peshawar by producing / presenting a fake letter.
- I. That by levelling allegation of all the appointment letters as fake and bogus and also negating the appointment of administrator officer / respondent No.3 on 16-01-2013 through his comments respondent No.4 has mislead the honourable justices / presiding officers of the Peshawar High Court Peshawar towards a factual controversy in the writ petition and due to which the appellant was deprived of his lawful right.

- 5
- J. That the appellant seek the permission of this honourable tribunal to rely on additional grounds at the hearing of this appeal / time of arguments.

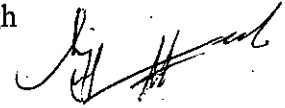
It is therefore humbly prayed that on acceptance of this appeal, the appellant may kindly be allowed to perform his duty in accordance to his appointment order No.86 / Estt / ZABMC dated 16-01-2013 and his salary till date may also be released / handed over to him. Any other relief not specifically prayed for but in the circumstance this august tribunal deems fit, necessary, lawful and appropriate may also very graciously be granted in favour of the appellant.

Dated: - 18 -12-2014



Appellant

Through



Muhammad Mujeeb
Advocate Peshawar
Cell: - 0333 9111703

IDENTIFIED BY



Muhammad Mujeeb
Advocate
High Court Peshawar

Note;

As per intimation of my client, prior to this appeal no such appeal on the subject matter has been filed before this honourable tribunal.



Advocate

6

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA
PESHAWAR

ZEESHAN UR REHMAN.....Appellant

VERSUS

SECRETARY HEALTH OF KHYBER PAKHTUNKHAWA CIVIL
SECRETARIAT PESHAWAR AND OTHERS..... Respondents

A F F I D A V I T

I Mr. Zeeshan ur Rehman s/o Fazal ur Rehman Chowkidar of ZABMC Duranpur Peshawar resident of H. No.1174, street No.05 Muslim Meena Bazaar Peshawar City, do here by solemnly affirm and declare on oath that the contents of this appeal are correct to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal. i also declare that no other petition of this nature has been filed in this tribunal earlier.

Dated: - 10-12-2014

Appellant

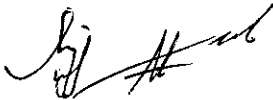


Zeeshan ur Rehman

17301-3443567-3



IDENTIFIED BY



Muhammad Mujeeb
Advocate
High Court Peshawar



22

7

Amir - A

ZULFIQAR ALI BHUTTO MEDICAL COLLEGE PESHAWAR, PAKISTAN

GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT

OFFICE OF THE PRINCIPAL /PROJECT DIRECTOR

Direct Phones: 0092-91-9217668 Fax: 9217669

No. 86 /Est/WZABMC

Dated 16/1/2013

To Mr. Zeeshan Ur Rehman
S/o Fazal ur Rehman
Muslim Meena Bazar, Peshawar

Subject: APPOINTMENT ORDER

As per approval of the selection committee in its meeting held on 15th & 16th January 2013, you are hereby appointed as a Lecturer (B) with usual allowances as admissible under the rules. Your appointment in Zulfiqar Ali Bhutto Medical College, Peshawar will be subject to the following terms and conditions:-

1. You shall produce a Medical Certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar as required under the rules.
2. You will be on probation initially for a period of one year extendable for a further period not exceeding one year.
3. Your employment in Zulfiqar Ali Bhutto Medical College, Peshawar is purely on contract basis and your services are liable to be terminated without assigning any reason on one month notice or on the payment of one month salary in lieu of the notice. In case, one month pay in lieu of notice will be forfeited.
4. In case any of the documents submitted by you with your application is found forged/fake, your service shall be liable to terminate without any notice and will also be liable to further legal proceedings.
5. You will be governed by such Rules and orders as may be issued by Govt. of Khyber Pakhtunkhwa, Health Department from time to time.
6. You will not be allowed for the Pension and Gratuity; you will be only entitled to receive Contributory Provident Fund. For this purpose 10% contribution fund will have to made by you and 10% by the Govt. in the prescribe manner.
7. You will submit an under-taking on judicial stamp paper worth Rs. 30/- to the Principal, Zulfiqar Ali Bhutto Medical College, Peshawar that the documents submitted are genuine and not fake, that you have not been dismissed from service by any Govt. of Semi Govt. organization and you accept these terms and conditions.
8. You will strictly abide by the rules and regulations of the institution and the discipline as specified.
9. If the above terms and conditions are acceptable, you should report in the institution for duty within 15 days from the issuance of this order.
10. You will not be entitled to any TA/DA for joining the first appointment.

ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College
Peshawar

No. /Est/WKGMCC

Copy to the above forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Incharge Accounts Section, ZAMBC, Peshawar.
3. Personal file.

ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College
Peshawar

Mailing Address: PIU, ZAS Medical College, Old PGMI Building, Hayatabad Medical Complex, Peshawar.

Attested

MEDICAL CERTIFICATE

Annex-B

Name of official Mr. Zepherus U.S. Robinson

Caste or race AFRIKAN

Father's name M.S. Fagap U.S. Robinson

Residence Plot 12, Muzimbe Mission, B. G. and Peshawar

Date of birth 19th Dec 1917

Exact height by measurement 5' 10"

Personal mark of identification

Signature of the official [Signature]

Signature of head of office

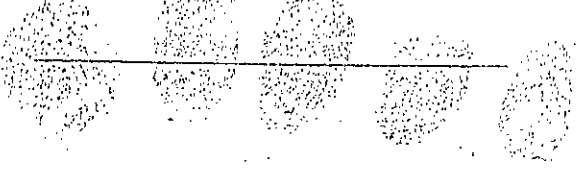
Seal of office

I do hereby certify that I have examined Mr. Zepherus U.S. Robinson a candidate for employment in the Office of the Chief Magistrate, District Medical Officer, Peshawar and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except nil

I do not consider this as disqualification for employment in the office of the Z. A. B. M.C. His age according to his own statement 35 years year and by appearance about 35 years year.

[Signature]
MEDICAL SUPERINTENDENT,
CIVIL HOSPITAL / Police Hospital,
Peshawar.

LEFT HAND THUMB AND FINGER IMPRESSIONS



Attested
[Signature]
Rizwana Nag
Advocate

The Administrator Office
Z.A.B Medical College

Subject - A Serial Report

I am Ferozhan ur Rehman Sen of Fozal ur Rehman
my office No 86 Selected to Chowkidar (BPS-01)
and today my serial Report sly accepted my
and serial Report applied

Dated 18/01/2013

Name: Ferozhan ur Rehman
Sen of Fozal ur Rehman

Attested

Rizwana Naz Akhate

10
Annex-C



ZULFIQAR ALI BHUTTO MEDICAL COLLEGE PESHAWAR, PAKISTAN
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT

OFFICE OF THE PRINCIPAL / PROJECT DIRECTOR
No. 199 /Est/ZABMC

Direct Phones: 0092-91-9217668 Fax: 9217669

Dated: 28/02/2013

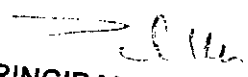
To

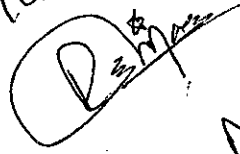
All Class-IV Staff
ZABMC, Peshawar.

Subject: EXPLANATION

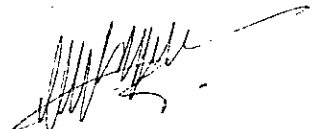
It has been reported by the Administrative Officer, ZABMC, Peshawar during a surprised visit to ZABMC, Duranpur, Peshawar that all staff were remained absent from duty without any information / prior approval of the competent authority. Such action on your part is contrary to the rules and breach of discipline which indicate your poor performance and also negligence towards duties.

Therefore you all are directed to explain your position within 2 days otherwise strict disciplinary action should be taken against all of you as per rule. You all are also directed to observe official duty timings i.e. 8:00am to 2:00pm.


PRINCIPAL / PROJECT DIRECTOR
Zulfiqar Ali Bhutto Medical College
Peshawar.

Attested

Rizwana Naz
Adw

Explanation of
all staff, is forwarded
to the principal,
ZABMC,


1/4/13

Mailing Address: PIU, ZAB Medical Collage, Old PGMI Building, Hayatabad Medical Complex, Peshawar.

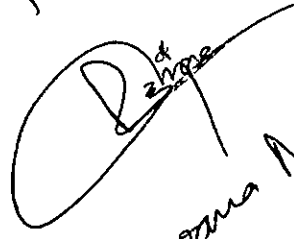
Deputy Registrar
22/02/13

Khyber Pakhtunkhwa

1) - Explanation, letter received on the 28th of March, and, the answer, of Explanation, has been forwarded to, the Admin Block, on 7/4/13 —

(11)

Attested:



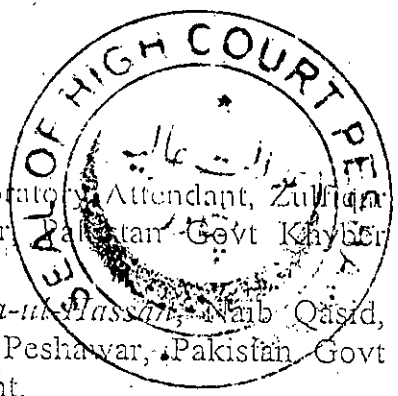
Rizwana Nag Advocate

Deputy Registrar ✓

22 JUN 2013

Khyber Pakhtunkhwa, Health Department.

W. P No. 1017/2013



1. *Javaid Ahmad S/O Sher Ahmad*, Laboratory Attendant, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
2. *Tarveer Ahmad S/O Muhammad Zia-ud-Din*, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
3. *Syed Tabish Ali Shah S/O Syed Abid Ali Shah*, Hall Attendant, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
4. *Syed Makhdoom Ali Shah S/O Syed Altaf Gohar*, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
5. *Zahid Elahi S/O Taaruf Elahi*, Laboratory Attendant, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
6. *Muhammad Riaz S/O Zia Ullah*, Bearer, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
7. *Farmán Ali S/O Muhammad Gul*, Chowkidar, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
8. *Adnan Ali S/O Majeed Hussain*, Cook, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
9. *Hafiz Usman Elahi S/O Elahi Bakhsh*, Chowkidar, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
10. *Sohail S/O Fazal Rabbi*, Cook, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
11. *Yar Muhammad S/O Inayat Ullah*, Bearer, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
12. *Shahzada S/O Sahib Zada*, Cook, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
13. *Muhammad Noman Abdullah*, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
14. *Muhammad Aurangzeb S/O Muhammad Zaman*, Bus Conductor, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.

Deputy Registrar
22 JUN 2014

Attested
EXAMINER
Peshawar High Court
20 SEP 2014
Rizwan
Advocate

15. Shah Zaib Khan S/O Saif-ur-Rehman, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
16. Inam-ud-Din S/O Minhaj-ud-Din, Chowkidar, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
17. Karim Ullah S/O Hameed Ullah, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
18. Nadar Khan S/O Shamsher Gar, Chowkidar, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
19. Tahir Rasool S/O Ghulam Rasool, Mali, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
20. Zeeshan-ur-Rehman S/O Fazal-ur-Rehman, Chowkidar, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
21. Farman Ullah S/O Niamat Ullah, Chowkidar, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
22. Ayaz-ud-Din S/O Salah-ud-Din, Laboratory Attendant, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
23. Lal Bacha S/O Syed Ahmad Shah, Tubewell Operator, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
24. Muhammad Hamid Saddiqui S/O Muhammad Abid Saddiqui, Mali, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
25. Muhammad Salman Khan S/O Lateef Khan, Laboratory Attendant, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
26. Syed Intiaz Ali Shah S/O Syed Gul Badshah, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
27. Abdul Zeeshan S/O Abdullah Jan, Laboratory Attendant, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
28. Shah Nawaz Khan S/O Muhammad karim Khan, Mali, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
29. Syed Tahir Ali Shah, Tube Well Operator, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
30. M Sohail Alam, Laboratory Attendant, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.

ED TODAY

City Registrar

22 JUN 2013

ATTESTED
 EXAMINER
 High Court
 2014

31. *Kamran S/O Khalid Khan*, Bearer, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
32. *Amir Rehman*, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
33. *Muhammad Fawad Khan S/O Fida Muhammad*, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
34. *Zeshan Khan*, Naib Qasid, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
35. *Aziz Ullah Jan S/O Jan Muhammad*, Bearer, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.
36. *Khalid Rashed*, Cook, Zulfiqar Ali Bhutto Medical College Peshawar, Pakistan Govt Khyber Pakhtunkhwa, Health Department.

(Petitioners)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary Health Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Administrative Officer, Zulfiqar Ali Bhutto Medical College, Peshawar.
4. Principal / Project Director, Zulfiqar Ali Bhutto Medical College, Peshawar.

(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973

Prayer in Writ Petition:

On acceptance of this Writ Petition, an appropriate writ may please be issued, declaring the petitioners to be fit and eligible for appointment to the posts mentioned against their names in the heading of this petition, they been appointed pursuant to a valid and proper selection process and on the recommendation of departmental selection committee in accordance with law, withholding the salary and not allowing the petitioners to perform their duties is illegal, unlawful, without lawful authority and of no legal effect besides in violation of law and valuable rights of the petitioners, the petitioners being fit and eligible for the posts on which they were appointed, have got every right to continue in such, the petitioners may

FILED TO DEPT
Deputy Registrar
22 JUN 2015

Attested

EXAMINER
Peshawar High Court.
27 SEP 2015
Rizwan Ahmad

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT



W.P No. 1717 of
CMs, 233, 350/2014

JUDGMENT

Date of hearing 03/09/2014

Appellant Javed Ahmad et al by Mr. Ijaz Anwar Adv.

Respondents Civil of KPK etc by Mr. Wasimuddin Khattak

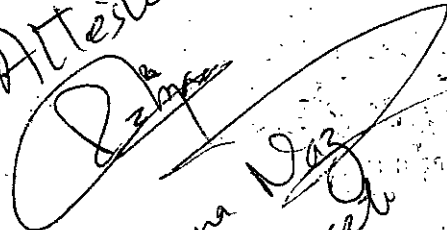
NISAR HUSSAIN KHAN, J.- Instant petition has been filed to issue an appropriate writ to declare that the petitioners have validly been appointed on the recommendation of the Departmental Selection Committee in accordance with law, so withholding of their salaries and not allowing them to perform their duties, is illegal, unlawful and without lawful authority and to issue direction to the respondents to pay their salaries.

Attested
[Signature]

REGISTERED
EXCISE & STAMP
PESHAWAR HIGH COURT
09 SEP 2014

2. In essence case of the petitioners is that on the establishment of Zulfiqar Ali Bhutto Medical College, Duranpur, Peshawar, petitioners were appointed against advertised vacant class-IV posts after due process of law on the recommendation of the Departmental Selection Committee. They submitted their fitness and medical certificates and took over the charge of their respective posts and performed their duties but they were not paid their salaries which constrained them to approach the concerned authority. The authority responded with the objection about their absence from duties. However, the persons of their choice have been retained who are performing their duties whereas petitioners have been denied.

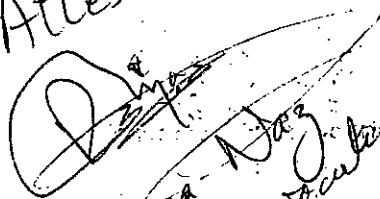
3. Comments of the respondents were called wherein it is contended that except petitioners No.1, 2, 4, 7, 11, 14, 18, 23, 25, 28, 29 and 36, the

Attested

Rizwana Naz
Advocate

appointment orders of other petitioners are fake, fictitious and bogus because those were issued by the Administrative Officer who is not the competent authority nor any such officer is holding the said post in the College. Rather Principal/Project Director is the competent authority to make such appointments.

4. Since the respondents have questioned the validity and genuineness of the appointment orders of the petitioners except as mentioned herein above in preceding paragraph No.3 which essentially becomes a matter of factual controversy, so learned counsel for petitioners frankly and fairly conceded at the bar that such question can not be resolved in writ jurisdiction and he, for that matter, would approach the proper forum for redressal of their grievance. However, he requested that respondents be directed to issue salaries of those petitioners whose appointments have been admitted by the

Attested


Rizwana Naz
Advocate

respondents in their comments. The request of the petitioners' counsel is genuine. As the respondents have admitted the appointment of the petitioners as mentioned in Preceding Paragraph No.3, so withholding of their salaries is illegal and unwarranted. They are entitled for the remuneration of their services. Thus the respondents are directed to release their salaries forthwith without any delay.

5. This petition is disposed of in the above terms.

sd/ Misab Hussain Khan
sd/ Misabbat Hakeem

JUDGE

JUDGE

Announced on
3rd Sept. 2013.

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
the Constitution of Pakistan Order 1984

09 SEP 2014



Attested
Rizwan Naz
Advocate

Office
05/09/14

No. 2952

Date of Presentation of Application 09-9-14

No of Pages 7P

Copying fee _____

Urgent Fee _____

Total 16.00

Date of Preparation of Copy 09-9-14

Date Given For Release 09-9-14

Date of Delivery of Copy 09-9-14

Receiver for b.m.o. clock

IN THE PESHAWAR HIGH COURT, PESHAWAR

19

W.P. No 1717-P/2013

Javid Ahmad etcV.S.... Govt of KPK & others.

INDEX

S.No.	Description of Documents	Annexures	Pages
1-	Para wise Comments		1-2
2-	Affidavit		3
2-	Copy of Requisition Letter	PC/1	4
3-	Copy of Appointment orders		5-16
4-	Wakalatnama	PC/2	17

RESPONDENTS No. 4

Through:

Waseem-ud-Din Khattak
Advocate, Peshawar
Advocate Peshawar
Office: Qissa Khawani,
Bazar Peshawar.
Mob No: 0333-9400366

Attested



Razwana Naz
Advocate

IN THE PESHAWAR HIGH COURT, PESHAWAR

(4) 20

W.P. No 1717-P/2013

Javid Ahmad etc ...V/S... Govt of KPK & others.

PARAWISE COMMENTS FOR AND ON BEHALF OF RESPONDENT NO.4.

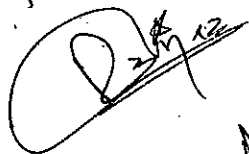
RESPECTFULLY SHEWETH:
PRELIMINARY OBJECTIONS

- i- That the Petitioner has approached this Honorable Court with unclean Hands hence denied of all equities in their favor.
- ii- That with all due respect and regards this Hon'ble Court has got no jurisdiction to entertain the matter in hand.
- iii- That all the appointment Orders annexed with the Writ Petition are fake, factitious. It is respectfully submitted that Post of the Administrative Officer was never filled and is still vacant, in this respect a requisition is already moved to the Director General Health. The Petitioners are liable to be proceeded against for filing fake documents before this Hon'ble Court. (Copy of Requisition letter is attached and marked as Annexure P/C 1).
- iv- That the Petition is misconceived, as the petitioner has concealed material facts and tried to give false facts to this Hon'ble Court, hence, liable for dismissal.

REPLY ON FACTS

- 1- That Para 1 of the Writ Petition is correct up to the extent of establishment of said Medical College and existence of the Post while the rest is denied, no process was made for filing of the Post. In response it is submitted that all the appointment letters annexed with the instant Writ Petition are bogus. It is worth to mention here that no Posts of class IV were advertised at that time. It is also added that Administrative Officer is not authorized to issue Appointment Letters/ Orders, it is the prerogative of the Principal/ Project Director who is authorized to issue such Orders. It is also added that Petitioners No. 1, 2, 4, 7, 11, 14, 18, 23, 26, 28, 29, 36 are selected under due process of law and are appointed by the Competent Authority. (Copy of the Appointment Orders are annexed and marked as Annexure P/C 2).

Attested



Rizwana Naz
Advocate

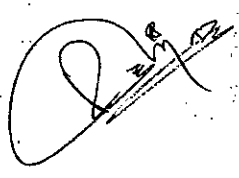
- 2- That Para 2 of the Writ Petition is incorrect hence denied. In response it is submitted that all the Medical Reports and arrival reports annexed with the Writ Petition are false, frivolous and factitious.
- 3- That Para 3 of the Writ Petition is incorrect hence denied. Detail reply given above.
- 4- That Para 4 of the Writ Petition is incorrect hence denied. Detail reply given above.
- 5- That Para 5 of the Writ Petition is incorrect hence denied. The correct Appointment Orders are attached with the instant comments.
- 6- That Para 6 of the Writ Petition is incorrect hence denied. In response it is submitted that as the Petitioners are claiming Appointment under the fake Appointment orders, therefore, they cannot be allowed to perform any duty.
- 7- That Para 7 of the Writ Petition is incorrect, hence denied.

ON GROUNDS

- A- Incorrect, hence denied.
The petitioners were never appointed and are dealt in accordance with law.
- B- Incorrect, hence denied.
It is respectfully submitted that all the acts and actions taken by the answering Respondent are in accordance with law.
- C- Incorrect, hence denied.
It is further added that the Petitioners were never appointed, therefore are not entitled for any salary or any other benefit.
- D- Incorrect, as laid hence denied.
Detail reply given above.
- E- Denied as laid.
It is Submitted that no injustice or any act of unfairness on part of the answering Respondent have been made. Detail reply given above.
- F- Needs no reply.
It is respectfully submitted that any ground not taken in the pleading cannot be agitated at the time of arguments.

It is, therefore, respectfully prayed that the writ petition being devoid of any merit may kindly be dismissed.

Attested



Rizwana Naz
Advocate

Respondent No. 4
through
Wassem Ud Din Khattak
Advocate, Peshawar

IN THE PESHAWAR HIGH COURT, PESHAWAR

22

W.P. No 1717-P/2013

Javaid Ahmad etc ...V/S... Govt of KPK & others.

AFFIDAVIT

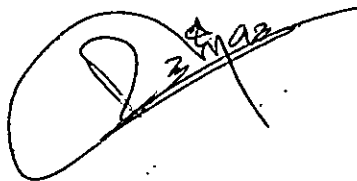
I, _____ do hereby solemnly affirm and declare on Oath that the contents of accompanied comments are true and correct to the best of my knowledge and belief and nothing has been from this Hon'ble Court.

Identified by:

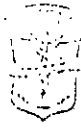
Deponent

Waseem-ud-Din Khattak
Advocate, Peshawar.

Attested



Rizwana Naz
Advocate



PC/1 23
CA

ZULFIQAR ALI BHUTTO MEDICAL COLLEGE PESHAWAR, PAKISTAN
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT

OFFICE OF THE PRINCIPAL /PROJECT DIRECTOR

Direct Phones: 0092-91-9217668 Fax: 9217669

No. 351 /ESI/2ABMC

Dated: 02/05/2013

To,

The Director General Health Service,
Khyber Pakhtunkhwa,
Peshawar.


Subject: REQUISITION OF SERVICES OF ADMINISTRATIVE OFFICER MR. REHMAT ALI KHATTAK

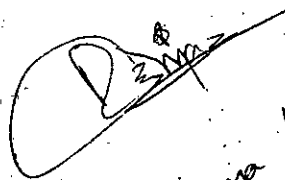
The post of Administrative Officer is lying vacant in the newly established Zulfiqar Ali Bhutto Medical College Peshawar. Three (03) Posts of Office Superintendent are also lying vacant. As this new college is in the stage of commissioning, I need senior ministerial staff well versed with the rules and regulation and having vast experience of working in the Establishment and Accounts section.

It is requested that services of Mr. Rehmat Ali Khattak Administrative Officer may be placed at the disposal of Principal/Project Director, Zulfiqar Ali Bhutto Medical College, Peshawar immediately.

It is pertinent to mention that the undersigned has already requested for 03 No. of Office Superintendents to be posted at Zulfiqar Ali Bhutto Medical College Peshawar.

Attested


PROF. DR. MUHAMMAD ZUBAIR KHAN
PRINCIPAL/PROJECT DIRECTOR
Zulfiqar Ali Bhutto Medical College
Peshawar.


Rizwana Naz
Advocate

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Annex - E

To

The Secretary Health
Khyber Pakhtunkhawa
Civil Secretariat Peshawar

**DEPARTMENTAL APPEAL AGAINST THE WITHHOLDING OF SALARY
AND NOT ALLOWING THE APPLICANT TO PERFORM HIS DUTY**

Dear Sir,

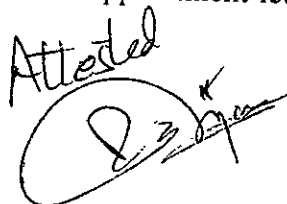
1. That vide appointment order No.86 / Estt / ZABMC dated 16-01-2013 the applicant (Zeeshan ur Rehman) was appointed as Chowkidar (BPS-01) as per approval of the selection committee in its meeting held on 15th and 16th January 2013. (Copy of appointment letter is annexed).
2. That at his arrival the applicant submitting his medical certificate and joined his duty as Chowkidar at ZABMC on 18-01-2013. (Copy of medical certificate and arrival report is annexed).
3. That despite the fact the applicant was appointed as Chowkidar and was performing his duties honestly and regularly he was not allowed / paid his salary and when he approached / requested the concerned authority for the release of his salary a frivolous objection regarding his absence from duty was raised and an explanation was called upon.
4. That vide letter No.199 / Estt / ZABMC dated 28-03-2013 by the principal / project director ZABMC Peshawar an explanation notice for being absent from their respective duties on all the class IV employees along with the applicant was served on the report of Administrator Officer of ZABMC.
5. That in pursuant to the said explanation notice all the class IV staff have submitted their explanation / reply to the Principal ZABMC on 01-04-2013 through proper channel denying the allegation and confirming their presence on duty, albeit no action was taken and the applicant along with other class IV employees remained deprived of their salary. (Copy of Explanation notice and reply is annexed).
6. That since 18-01-2013 till 20-05-2013 the applicant has performed his duty as chowkidar with out receiving his salary and after 20-05-2013 he was not allowed performing his duty any more.

Attested



Rizwana Naz
Advocate

- 7. That feeling mortally helpless the applicant along with other aggrieved class IV employees knocked at the door of august Peshawar High Court Peshawar for their redressel through its writ jurisdiction.
- 8. That as per direction of august Peshawar High Court Peshawar the principal ZABMC has submitted his para wise comments to the writ petition and for the first time introduced an allegation that all the appointment letters annexed with the writ petition are bogus and he also added that Administrative Officer is not authorized to issue appointment letters / orders and it is the prerogative of the principal / project director who is authorised to issue such appointment orders and the principal ZABMC also submitted that the post of Administer Officer was never filled and is still vacant and in this respect a requisition is already moved to the Director General Health.
- 9. That the principal ZABMC have annexed letter No.351 / Estt / ZABMC dated 02-05-2013 as annexure PC/1 with his comments before the august Peshawar High Court Peshawar subject as **REQUISITION OF SERVICES OF ADMINISTRATOR OFFICER MR. REHMAT ALI KHTTAK.**
- 10. That the biasness, nepotism, favouritism and malafide of the principal of ZABMC is evident from this fact that vide his letter No.199 / Estt / ZABMC dated 28-03-2013 subject **EXPLANATION** he categorically and in crystal clear words stated that it has been reported by the Administrator Officer, ZABMC, Peshawar during a surprise visit to ZABMC, Duranpur, Peshawar that all staff were remained absent from duty without any information / prior approval of the competent authority etc, so in the instant explanation letter No.199 / Estt / ZABMC dated 28-03-2013 he is taking action against all the employees on the report of Administrator Officer while on the other hand while submitting his comments before the august Peshawar High Court Peshawar he is raising the plea vide letter No. 351 / Estt / ZABMC dated 02-05-2013 that appointment of Administrator Officer is still awaited.
- 11. That it is pertinent to mention that the principal ZABMC have stated in his comments before the august Peshawar High Court Peshawar that as till 02-05-2013 and even after that the post of Administrator officer was laying vacant and what ever appointments letters issued by the Administrator officer prior to 02-05-2013 are thus fake and bogus one but some appointment letters of employees i.e. ^{Rizwanullah} ~~Imranullah~~ s/o Muhammad Jan, Appointment letter No.228 / Estt / ZABMC dated 15-04-2013, Imranullah s/o Khan Muhammad Appointment letter No.252 / Estt / ZABMC dated 15-04-2013, Nawab Khan Appointment letter No.218 / Estt / ZABMC dated 15-04-2013 and Abdul Wakil s/o Muneer Khan Appointment letter No. / Estt / ZABMC dated

Attested


Rizwana Naz
 Advocate

15-04-2013 were also issued by the Administrator Officer ZABMC and they are still working and drawing their salaries. (Copies of appointment letters are annexed).

12. That the above mentioned fact reveals that on the one hand the principal ZABMC have malafidely deprived / denied the applicant of his legal right to be a civil servant / employee and on the other he committed fraud and cheating with the august Peshawar High Court Peshawar by producing / presenting a fake letter.
13. That by levelling allegation of all the appointment letters as fake and bogus and also negating the appointment of administrator officer on 16-01-2013 through his comments the principal ZABMC was able to mislead the honourable justices / presiding officers of the Peshawar High Court Peshawar towards a factual controversy in the writ petition and that's why the respondents / applicant were directed to approach the proper forum for redressel of their grievances. (Copies of Writ petition, Order dated 03-09-2014 and comments are annexed).

It is therefore humbly prayed that on acceptance of this departmental appeal and keeping in view the above mentioned facts and circumstances the applicant may kindly be declared fit and eligible for appointment to the post of Chowkidar and he be allowed to keep continue his services and he may also be allowed / paid his arrears of pay / salary from 18-01-2013 till date.

Dated: - 11-09-2013

Sincerely Yours



Zeeshan ur Rehman
s/o Fazal ur Rehman
Chowkidar of ZABMC
Duranpur Peshawar.
Resident of
H. No.1174, Street No.05
Muslim Meena Bazaar
Peshawar City
Cell No.03429000616

Attested



Rizwana Naz
Advocate

1- Copy to D.G Health KPK Peshawar.

Annex - F' (27)



DIRECTORATE GENERAL HEALTH SERVICES, GOVT: OF KHYBER PAKHTUNKHW, PESHAWAR.

NO 9218 /Personnel
DATED 12 /11/2014.

To,

Mr. Zeeshan ur Rehman
S/o Fazal ur Rehman
House No. 1174, Street No. 05 Muslim Meena Bazaar
Peshawar City.

Subject: APPEAL.
Memo:

I am directed to refer to your application on 11.09.2013, on the subject noted above.

It is to inform you that as per report of the Principal Nowshera Medical College Nowshera, that the Honorable High Court decided the writ Petition NO., 1717-P/2013 and order were issued in favour of 10(Ten) employees and your name is not included. The case is under process in the Secretary Health Office for further necessary action.

ASSISTANT DIRECTOR (P-411)
DGHS, Khyber Pukhtunkhwa
Peshawar

6/11/14



Attested
Haliz S.M Ali Shah

Rizwana Naz
Advocate



R-176 (28)
Annex - C

ZULFIQAR ALI BHUTTO MEDICAL COLLEGE PESHAWAR, PAKISTAN
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT

OFFICE OF THE PRINCIPAL / PROJECT DIRECTOR

Dir: 11/Phones: 0092-91-9217668 Fax: 9217669

No. 228 /Estt/ZABMC

Dated: 15/04/2013

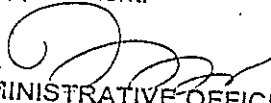
To

✓ Mr. Rizwan Ullah
S/o Muhammad Jan
Khwaji Payan, PO Nahaqi, Charsadda Road, Peshawar.

Subject: APPOINTMENT ORDER

As per approval of the selection committee in its meeting held on 15th & 16th January 2013, you are hereby appointed as Bearer (BPS-01) plus usual allowances as admissible under the rules. Your appointment in Zulfiqar Ali Bhutto Medical College, Peshawar will be subject to the following terms and conditions: -

1. You shall produce a Medical Certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar as required under the rules.
2. You will be on probation initially for a period of one year extendable for a further period not exceeding one year.
3. Your employment in Zulfiqar Ali Bhutto Medical College, Peshawar is on regular basis and your services are liable to be terminated without assigning any reason on one month notice or on the payment of one month salary in lieu of the notice. In case, one month pay in lieu of notice will be forfeited.
4. You will be governed by such Rules and orders as may be issued by Govt. of Khyber Pakhtunkhwa, Health Department from time to time.
5. You will not be allowed for the Pension and Gratuity, you will be only entitled to receive Contributory Provident Fund. For this purpose 10% contribution fund will have to made by you and 10% by the Govt. in the prescribe manner.
6. You will submit an under-taking on judicial stamp paper worth Rs. 30/- to the Principal, Zulfiqar Ali Bhutto Medical College, Peshawar that the documents submitted are genuine and not fake, that you have not been dismissed from service by any Govt. of Semi Govt. organization and you accept these terms and conditions.
7. In case any of the documents submitted by you with your application is found forged/fake, your service shall be liable to terminate without any notice and will also be liable to further legal proceedings.
8. You will strictly abide by the rules and regulations of the institution and the discipline as specified.
9. If the above terms and conditions are acceptable, you should report in the institution for duty within 15 days from the issuance of this order.
10. You will not be entitled to any TA/DA for joining the first appointment.


ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College, Peshawar

No. _____ /Estt/ZABMC


Copy to the above forwarded for information and necessary attention to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Administrative Officer, ZABMC, Peshawar.
3. Incharge Accounts Section, ZAMBC, Peshawar.
4. Personal file.

ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College, Peshawar

Mailing Address: PIU, ZAB Medical Collage, Old PGMI Building Hayatabad Medical Complex, Peshawar.

Attested


Rizwan Naz
Associate



29

ZULFIQAR ALI BHUTTO MEDICAL COLLEGE PESHAWAR, PAKISTAN
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT

OFFICE OF THE PRINCIPAL /PROJECT DIRECTOR

Direct Phones: 0092-91-9217668 Fax: 9217669

No. 252 /Est/ZABMC

Dated: 15/04/2013

To

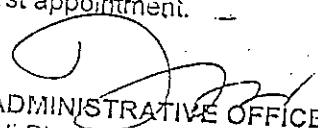
✓ Mr. Imran Ullah
S/o Khan Muhammad
8-C, Gulshan Rehman Colony, Kohat Road, Peshawar.

Subject:

APPOINTMENT ORDER

As per approval of the selection committee in its meeting hold on 15th & 16th January 2013, you are hereby appointed as Library Attendant (BPS-01) plus usual allowances as admissible under the rules. Your appointment in Zulfiqar Ali Bhutto Medical College, Peshawar will be subject to the following terms and conditions:-

1. You shall produce a Medical Certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar as required under the rules.
2. You will be on probation initially for a period of one year extendable for a further period not exceeding one year.
3. Your employment in Zulfiqar Ali Bhutto Medical College, Peshawar is on regular basis and your services are liable to be terminated without assigning any reason on one month notice or on the payment of one month salary in lieu of the notice. In case, one month pay in lieu of notice will be forfeited.
4. You will be governed by such Rules and orders as may be issued by Govt. of Khyber Pakhtunkhwa, Health Department from time to time.
5. You will not be allowed for the Pension and Gratuity, you will be only entitled to receive Contributory Provident Fund. For this purpose 10% contribution fund will have to made by you and 10% by the Govt. in the prescribe manner.
6. You will submit an under-taking on judicial stamp paper worth Rs. 30/- to the Principal, Zulfiqar Ali Bhutto Medical College, Peshawar that the documents submitted are genuine and not fake, that you have not been dismissed from service by any Govt. of Semi Govt. organization and you accept these terms and conditions.
7. In case any of the documents, submitted by you with your application is found forged/fake, your service shall be liable to terminate without any notice and will also be liable to further legal proceedings.
8. You will strictly abide by the rules and regulations of the institution and the discipline as specified.
9. If the above terms and conditions are acceptable, you should report in the institution for duty within 15 days from the issuance of this order.
10. You will not be entitled to any TA/DA for joining the first appointment.


ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College, Peshawar

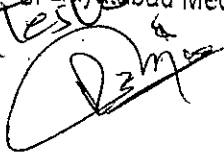
No. _____ /Est/ZABMC

Copy to the above forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Administrative Officer, ZABMC, Peshawar.
3. Incharge Accounts Section, ZABMC, Peshawar.
4. Personal file.

ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College, Peshawar

Mailing Address: PIU, ZAB Medical Collage, Old PGMI Building, Hayatabad Medical Complex, Peshawar.

Attested

Rizwana Naz
Admin

ZULFIQAR ALI BHUTTO MEDICAL COLLEGE PESHAWAR, PAKISTAN
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT

OFFICE OF THE PRINCIPAL / PROJECT DIRECTOR

Direct Phones: 0092-91-9217668 Fax: 9217668

No. 118 /Est/ZABMC

Dated: 15/1/2013

Mr. Nowal Khan
S/o Gulab Khan
Kando, PO Sher Kera, Peshawar.

Subject: APPOINTMENT ORDER

As per approval of the selection committee in its meeting held on 15th & 16th January 2013, you are hereby appointed as Conductor (DPS-G) plus usual allowances as admissible under the rules. Your appointment in Zulfiqar Ali Bhutto Medical College, Peshawar will be subject to the following terms and conditions: -

1. You shall produce a Medical Certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar as required under the rules.
2. You will be on probation initially for a period of one year extendable for a further period not exceeding one year.
3. Your employment in Zulfiqar Ali Bhutto Medical College, Peshawar is on regular basis and your services are liable to be terminated without assigning any reason on one month notice or on the payment of one month salary in lieu of the notice. In case, one month pay in lieu of notice will be forfeited.
4. You will be governed by such Rules and orders as may be issued by Govt. of Khyber Pakhtunkhwa, Health Department from time to time.
5. You will not be allowed for the Pension and Gratuity, you will be only entitled to receive Contributory Provident Fund. For this purpose 10% contribution fund will have to made by you and 10% by the Govt. in the prescribe manner.
6. You will submit an under-taking on judicial stamp paper worth Rs. 30/- to the Principal, Zulfiqar Ali Bhutto Medical College, Peshawar that the documents submitted are genuine and not false, that you have not been dismissed from service by any Govt. of Sindh Govt. Organization and you accept these terms and conditions.
7. In case any of the documents submitted by you with your application is found forged/fake your service shall be liable to terminate without any notice and will also be liable to further legal proceedings.
8. You will strictly abide by the rules and regulations of the institution and the discipline as specified.
9. If the above terms and conditions are acceptable, you should report in the institution for duty within 15-days from the issuance of this order.
10. You will not be entitled to any TA/DA for joining the first appointment.

ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College, Peshawar

No. 118 /Est/ZABMC

Copy to the above forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Administrative Officer, ZABMC, Peshawar.
3. Incharge Accounts Section, ZABMC, Peshawar.
4. Personal file.

ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College, Peshawar

Mailing Address: PIU, ZAB Medical College, 2nd Floor, Hayatabad Medical Complex, Peshawar.

3/5/13

Attested
R. J. Khan
Address

31

(2)

(3)

ZULFIQAR ALI BHUTTO MEDICAL COLLEGE PESHAWAR, PAKISTAN
GOVT. OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT

OFFICE OF THE PRINCIPAL /PROJECT DIRECTOR

Dir. e. f. nos: 0092-91-9217668 Fax: 9217669

No. _____/Est/ZABMC

Dated: 13/04/2013

To
Mr. Abdul Wakil
S/o Muneer Khan
Mohalla Muslim Abad, Dala Zak Road, Peshawar

Subject: APPOINTMENT ORDER

As per approval of the selection committee in its meeting held on 15th & 16th January 2013, you are hereby appointed as Naib Qasid (BPS-01) plus usual allowances as admissible under the rules. Your appointment in Zulfiqar Ali Bhutto Medical College, Peshawar will be subject to the following terms and conditions: -

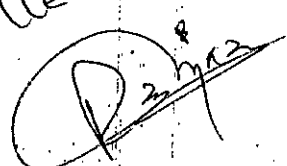
1. You shall produce a Medical Certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar as required under the rules.
2. You will be on probation initially for a period of one year extendable for a further period not exceeding one year.
3. Your employment in Zulfiqar Ali Bhutto Medical College, Peshawar is on regular basis and your services are liable to be terminated without assigning any reason on one month notice or on the payment of one month salary in lieu of the notice. In case, one month pay in lieu of notice will be forfeited.
4. You will be governed by such Rules and orders as may be issued by Govt. of Khyber Pakhtunkhwa, Health Department from time to time.
5. You will not be allowed for the Pension and Gratuity, you will be only entitled to receive Contributory Provident Fund. For this purpose 10% contribution fund will have to made by you and 10% by the Govt. in the prescribe manner.
6. You will submit an under-taking on judicial stamp paper worth Rs. 30/- to the Principal, Zulfiqar Ali Bhutto Medical College, Peshawar that the documents submitted are genuine and not fake, that you have not been dismissed from service by any Govt. of Semi Govt. organization and you accept these terms and conditions.
7. In case any of the documents submitted by you with your application is found forged/fake, your service shall be liable to terminate without any notice and will also be liable to further legal proceedings.
8. You will strictly abide by the rules and regulations of the institution and the discipline as specified.
9. If the above terms and conditions are acceptable, you should report in the institution for duty within 15 days from the issuance of this order.
10. You will not be entitled to any TA/DA for joining the first appointment.

ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College, Peshawar

No. _____/Est/ZABMC

Copy to the above forwarded for information and necessary action to the:-

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2. Administrative Officer, ZABMC, Peshawar.
3. Incharge Accounts Section, ZAMBC, Peshawar.
4. Personal file.

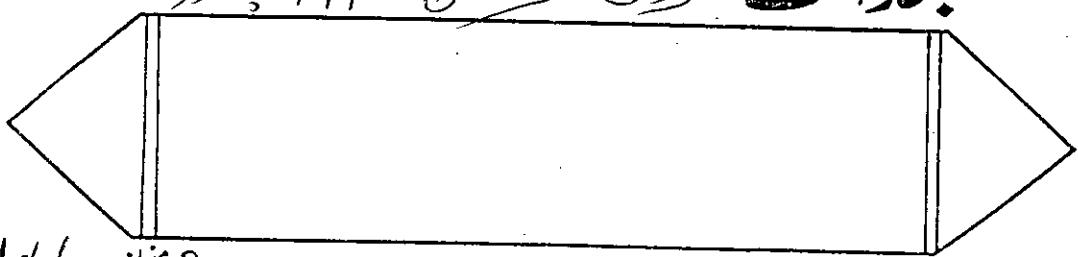
Attested


ADMINISTRATIVE OFFICER
Zulfiqar Ali Bhutto Medical College, Peshawar

Mailing Address: PIU, ZAB Medical Collage, Old PGMI Building, Hayatabad Medical Complex, Peshawar.

Rizwan
Advocate

بعدالت سرٹیس شریعتل KPIK شمار



2 منجانب اہلانت

ذیشان الرحمٰنی بنام سیکرٹری سیکشن 1402

موزخہ
 مقدمہ
 دعویٰ
 جرم

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام کے لئے محمد مجیب ایدو وکیل ایڈووکیٹ ایڈووکیٹس بازار ایدو کینس

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک درو پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پروا خستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 10 ماہ دسمبر 2014

واہ العب

Accepted کے لئے منظور ہے۔ مقام

M. Majeed
 M. Majeed
 Adv. *D. Majeed*

ذیشان الرحمٰنی