

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 471/2016

Date of Institution. ... 22.04.2016

Date of Decision. ... 08.08.2018

Urfat Ullah S/O Izet Khan (Ex-Tube Well Operator) Govt. Naseerullah Khan,
Babar Memorial Hospital, Kohat Road, Peshawar R/o Landi Arbab, Peshawar.
... Appellant)

VERSUS

1. The Director General, Health Services, Govt. of Khyber Pakhtunkhwa,
Peshawar and another. ... (Respondents)

Mr. Arif Ullah,
Advocate

... For appellant.

Mr. Kabirullah Khattak,
Additional Advocate General

... For respondents.

MR. SUBHAN SHER,
MR. MUHAMMAD HAMID MUGHAL,

... CHAIRMAN
... MEMBER

JUDGMENTSUBHAN SHER, CHAIRMAN:-

Stated here below the facts making the back ground of the appeal are,
that the appellant was appointed as Tube Well Operator (BPS-04) in 1985 in the
Health Department. However, in the year 2013, during his service, on
30.07.2013 he alongwith his brother Rizwanullah (Police Constable) was
charged in a murder case. As per his version, he verbally informed the
department about the registration of criminal case against him. That he
remained absent since 30.07.2013, however on 10.06.2015 he was acquitted
from the charges by a court of Addl: Session Judge Peshawar on the strength of

compromise. Further alleged that when he approached the department, he was told that he had been removed from service on 03.10.2014 and thereafter he filed appeal on 14.07.2015 which was rejected on 12.08.2015. Further alleged that he was not provided copy of any of the impugned orders for which he submitted separate application and ultimately on 24.03.2016, the attested copies were provided and thereafter he brought the present appeal on 12.04.2016.

2. Arguments heard and record perused.

3. Mr. Arif Ullah, Advocate learned counsel for the appellant at the very outset of the arguments, stated that on one hand his brother Rizwanullah, an employee of police department after his acquittal he was reinstated and the department punished him by stoppage of annual increments for two years and on the other hand the appellant has rendered 18 years service to the department but dismissed from service. At the end, he stated that if his request for compulsory retirement is entertained, then he would not press the remaining prayer.

4. Mr. Kabirullah Khattak, Addl: AG strongly opposed arguments of the learned counsel for the appellant, however, in reply to the last request of the appellant, he left the matter at the mercy of this Tribunal.

5. From the record available before this Tribunal, one thing is un-disputed that the appellant served the department for 18 years. After hearing charged in a murder case, he and his above named brother were acquitted on the strength of compromise and when he approached the department, but he was told that he had been removed from service on account of his absence. So he approached the department through written application for the provision of attested copies of the impugned orders which were provided on 24.03.2016 and thereafter he filed the present appeal on 22.04.2016. In rebuttal of this contention of the

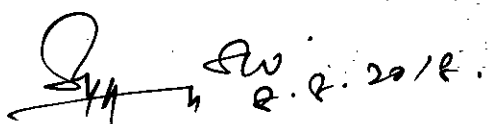
20/04/2016
 2
 Arif Ullah

appellant, there is nothing on record to show that the impugned order or the appellate order was provided to the appellant on time. In short, in view of the above stated circumstances, and when the appellant has also moved an application for condonation of delay, the appeal in hand is treated as within time and if there is delay, for the purpose of safe and fair administration of justice viz. disposal of appeal in the light of last request of the appellant the same is condoned.

6. Now coming to the request of the appellant for his compulsory retirement, as already stated the appellant has rendered 18 years service and has an unblemished record on his back. As such, in the peculiar circumstances of the case, his absence which was certainly beyond his control after being charged in a murder case, he disappeared from the scene due to fear of enemy. As such, the request is allowed and the appeal is partly accepted to the extent that the order of removal from service is modified and converted into "compulsory retirement from service w.e.f 30.07.2013". In the circumstances, parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
Member



(SUBHAN SHER)
Chairman

ANNOUNCED
08.08.2018

08.06.2018

Clerk to counsel for the appellant present. Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.08.2018 before D.B



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

08.08.2018

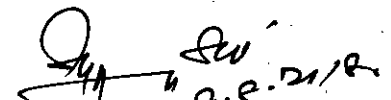
Appellant Urfat Ulah alongwith his counsel Mr. Arif Ullah, Advocate present. Mr. Kabirullah Khattak, Addl: AG for the respondents present.

Arguments heard and record perused.

Vide our detailed judgment of today placed on file, the appeal is partly accepted to the extent that the order of removal from service is modified and converted into "compulsory retirement from service w.e.f 30.07.2013". In the circumstances, parties are left to bear their own costs. File be consigned to the record room.



Member




Chairman


ANNOUNCED
08.08.2018

Service Appeal No. 471/2016

05.12.2017

Clerk of the counsel for appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Bawar Khan, Superintendent for the respondents also present. Clerk of the counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 01.02.2018 before D.B.



(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

01.02.2018


Clerk to learned counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Due to general strike of the Bar, learned counsel for the appellant is not available today hence, adjourned. To come up for arguments on 05.04.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

05.04.2018

Learned counsel for the appellant present. Learned Addl: AG for the respondents present. From the argument of the parties it transpired that the appellant was awarded major penalty of removal from service during the period he was absconding in criminal case. Learned counsel for the appellant seeks adjournment for proper assistance. Adjourned. To come up for arguments on 08.06.2018 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

14.02.2017

Appellant in person present and Mr. Muhammad Imran alongwith Addl: AG for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 04.04.2017.


(AHMAD HASSAN)
MEMBER

04.04.2017

Counsel for the appellant and Mr. Bawar Khan, (Supdt) alongwith Mr. Adeel Butt, Addl: AG for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. To come up for final hearing on 20.07.2017 before D.B.


Chairman

20.07.2017

Counsel for the appellant present. Mr. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 02.11.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

02.11.2017

Appellant in person. His counsel is ill. Mr. Ziaullah, DDA alongwith Bawar Khan, Supdt for the respondents present. Appellant seeks adjournment. Granted. To come up for arguments on 05.12.2017 before the D.B.


Member


Chairman

27.09.2016

Appellant Deposited
Security & Process Fee

Counsel for the appellant and Addl. AG for respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven(7) days, thereafter notices be issued to the respondents for written reply/comments on 16.11.2016 before S.B.


Member

16.11.2016

Clerk to counsel for the appellant and Mr. Bawar Khan, Supdt. alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 10.01.2017.


Chairman

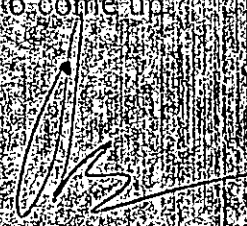
10.01.2017

Counsel for the appellant and Mr. Yar Gul, Assistant alongwith Addl. AG for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 14.02.2017 before S.B.


Chairman

19.06.2016

Clerk to counsel for the appellant present.
Requested for adjournment. Request accepted. To come up
for preliminary hearing on 19.7.2016 before S.B.



Member

19.07.2016

Appellant with counsel present. Preliminary arguments
heard. Counsel for the appellant submitted that appointed as Tube
Well Operator in the Health Department in the year 1995, the
appellant alongwith his brother Rizawan was charged in a murder
case and on the ground of absence from duty, he was terminated
from service vide order dated 03.10.2014. He submitted that at the
relevant time, the appellant was in jail and further that when he was
acquitted in the murder case on 10.06.2015, the appellant removed
departmental appeal on 14.07.2015. He also submitted that proper
opportunity defense has not been provided to him as the appellant
was in jail and further that he was not timely informed of the actions
taken against him nor he was timely provided copies of the
impugned orders. He submitted that his appeal is within time, in
support of which he will produce case laws at the time of final
arguments and that application for condonation of delay is also
appended herewith this appeal. The learned counsel for the appellant
also took the plea that co-accused brother of the appellant was also
terminated from service who was reinstated in departmental appeal.
The learned counsel agitated that case of the appellant is also one of
discrimination.

The points raised at the bar need further consideration
therefore, admitted to regular hearing subject to all legal objections.
The appellant is directed to deposit the security amount and process
fee within 10 days. Thereafter, Notice be issued to the respondents
for submission of written reply. To come up for written
reply/comments on 27.09.2016.

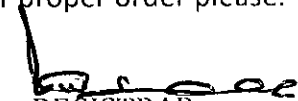




Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 471/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.05.2016	<p>The appeal of Mr. Urfat Ullah resubmitted today by Mr. Arifullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>11-5-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.5.2016	<p>Junior to counsel for the appellant present. Seeks adjournment as his senior is busy before the august Peshawar High Court. Adjourned for preliminary hearing to 23.06.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Urfat Ullah son of Izat Khan Ex-Tube Well Operator received to-day i.e. on 22.04.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures-D&E of the appeal are illegible which may be replaced by legible/better one.
- 2- The law under which appeal is filed is not mentioned.
- 3- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 644 /S.T,


Dt. 22/4 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Arif Ullah Adv. Pesh.

1
Sir,

Resubmitted after completion.


Adv
3-5-2016.

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. 471 /2016

Urfat Ullah

(Appellant)

V E R S U S

Director General, Health Services and other

(Respondents)

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12	Wakalat Nama		

Appellant

Through



Arif Ullah

Advocate, High Court,
Peshawar

Dated: 18.04.2016

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. 471 /2016

K.P.K. Province
Service Tribunal
Distry No. 406
dated 22/4/2016

Urfat Ullah S/o. Izet Khan (Ex-Tube Well Operator) Govt.
Naseerullah Khan Babar Memorial Hospital, Kohat Road,
Peshawar R/o Landi Arbab, Peshawar

(Appellant)

VERSUS

- 1) Director General, Health Services, Govt. of Khyber
Pakhtunkhwa, Peshawar
- 2) Medical Superintendent, Govt. Naseerullah Khan Babar
Memorial Hospital, Kohat Road, Peshawar

(Respondents)

uis 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

Service appeal against the Dismissal / removal from
service Order dated 03.10.2014 where upon the
departmental appeal was turned down on
12.08.2015 while the copies were received to the
appellant on 24.03.2016.

Prayer:

On acceptance of this appeal the impugned order
dated 03.10.2014 whereby the appellant has been
removed from the service may graciously be set
aside and the appellant may kindly be reinstated in
service with all back benefits.

Filed to-day
22/4/16

re-submitted to-day
22/4/16

OR

The appellant may kindly be allowed the pension benefits by altering the punishment or removal from service into compulsory retirement as the appellant had served the department for more than 22 years.

Respectfully Sheweth,

Brief facts of the instant appeal are as under:

- 1) That the appellant was appointed as Tube Well operator on 29.06.1995. (Copy of office order 29.06.1995 is attached as Annexure A)
- 2) That the appellant has always served the department entire best satisfaction of his superiors and there is never ever any bad remarks in his entire service career. (Copy of the service book is attached as Annexure B)
- 3) That on 30.07.2013 FIR No. 687 under section 302, 324/34 PPC, Police Station Bhana Mari has been lodged against the appellant where by the appellant due to such FIR become absented from duty while the information was convinced to the respondent No. 2 through one of the relative of the appellant. (Copy of application ~~is~~ is attached as annexure C)
- 4) That later on the compromise affected between the parties and the appellant was acquitted from the case Under Section 302 PPC. (Copy of the order of

Additional Sessions Judge, Peshawar dated 10.06.2015 is attached as Annexure D)

- 5) That when the appellant approached to the respondent No. 2 it was came into notice that he has been removed from the service while till date no any such like order was given / forwarded / furnished to the appellant. (Copy of dismissal order is attached as Annexure E)
- 6) That appellant even then submitted the departmental appeal against his dismissal order which was came in notice of the appellant that same was also turned down but the said rejection order was even not dispatched to the appellant. (Copy of departmental appeal and rejection order is attached as Annexure F & G respectively)
- 7) That appellant time and again approached to the department concerned and requited them to furnish him the attested copies so that he will move an appeal to this honourable service tribunal. (Copy of application is attached as Annexure H)
- 8) That appellant seeing no way moved an application to the concerned department for supplying him attested copies which was not done by them and the appellant was compelled to move one of another application to the department concerned for supplying him attested copies of all documents. (Copy of application is attached as Annexure I)

- 9) That on 24.03.2016 the department concerned supplied the appellant the attested copies, hence the present appeal on the following amongst other grounds.

GROUNDS

- a) That the appellant absence from duty was not willful or deliberate but due to charge in FIR No. 687 dated 30.07.2013 Under Section 302/34 PPC, Police Station Bhana Mari, Peshawar.
- b) That appellant also informed the department by sending them a letter through one of his relative but even then department took an action against him.
- c) That appellant as soon as acquitted from the charged vide order of learned Additional Session Judge, Peshawar dated 10.06.2014 rushed to the department for joining his duties but astonishingly was informed that he has been dismissed from the service while it is pertinent to mentioned in FIR one of the co-accused who is serving for Police Department was also charged and absented from duty but was reinstated in service but the appellant departmental appeal was turned down which is the grave injustice because Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan crystal cleared restrain from discrimination.
- d) That punishment of dismissal from service is a harsh punishment whereby entire career of the appellant became spoiled because the appellant has given

his entire life a period of 22 years to the Govt. department and thus even become entitle for pension benefits, but the respondent has even not considered his length of service.

- e) That dismissal from the service upon the mere absence is a harsh punishment and is require to be modified.
- f) That appellant is never-ever involved in any type of corruption, negligence or misconduct hence the punishment of dismissal from service is against the law.
- g) That entire service record of the petitioners is too good and there is no bad remarks have been seen ever which is evident from the Award Confidential Reports. (Copy of service book is attached)
- h) That appellant has served the respondents department for the last 22 years and has given his golden period of life to the department while whole family in defence is upon his salary and now awarding a major punishment of dismissal from service is a harsh punishment which is against the service law.
- i) That any other ground will be taken at the time of arguments.


It is, therefore, most humbly prayed that on the acceptance of this appeal the major punishment of dismissal from service may graciously be set aside and the appellant be reinstated in service.

OR

The major punishment of dismissal from service may kindly be converted into compulsory retirement by seeing the lengthy service and previous record of the appellant.


Appellant

Through


Arif Ullah
Advocate, High Court,
Peshawar

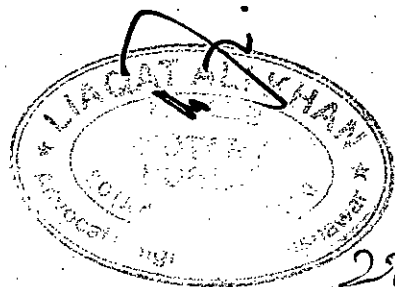
Dated: 12.04.2016

AFFIDAVIT

I, Urfat Ullah S/o Izet Khan (Ex-Tube Well Operator) Govt. Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar R/o Landi Arbab, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal.

ATTESTED


DEPONENT



29/4/16

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____/2016

Urfat Ullah

_____ (Appellant)

V E R S U S

Director General, Health Services and others

_____ (Respondents)

Application Under Section 5 of the Limitation Act
for condonation of delay if any.

Respectfully Sheweth,

The applicant submits as under:

- 1) That the instant appeal has been filed before this honourable court in which no date of hearing is fixed.
- 2) That the applicant has good prima facie case.
- 3) That the dismissal order and other documents were not supplied to the applicant in time due to which he moved an application for providing the attested copies of departmental proceedings i.e. dismissal order, departmental appeal and rejection thereupon, but the department even then not provided the relevant documents due to which

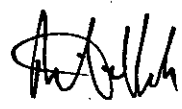
again an another application was moved and thereafter on 23.03.2016 the department provided the relevant documents upon which the appeal was moved within a period of 30 days and from the counting of date of provision of documents the instant appeal is well within time, but even that if it is not considered then the delay may graciously be condoned due to the aforesaid reasons.

- 4) That the delay if any is not upon the part of the applicant, but due to the late provision of relevant documents.
- 5) That there are pathoral of judgments whereupon it is held by the superior courts that the technicalities require to be avoided and the cases are require to be decided upon merits.
- 6) That the applicant served the department for the period of 22 years and there is likelihood, the apprehension of the success of the appeal, therefore the delay is required to be condoned.

It is, therefore, most humbly prayed that on acceptance of this application they delay if any occurred in filing of the instant appeal may graciously be condoned.


Appellant

Through


Arif Ullah
Advocate, High Court,
Peshawar

Dated: 18.04.2016

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____/2016

Urfat Ullah

_____ (Appellant)

V E R S U S

Director General, Health Services and other

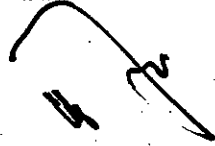
_____ (Respondents)

AFFIDAVIT

I, Urfat Ullah S/o Izet Khan (Ex-Tube Well Operator) Govt. Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar R/o Landi Arbab, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of instant application for condonation of delay are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal.


DEPONENT

ATTESTED





22/4/16

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____/2016

Urfat Ullah

_____ (Appellant)

V E R S U S

Director General, Health Services and other

_____ (Respondents)

ADDRESSES OF PARTIES

Appellant

Urfat Ullah S/o Izet Khan (Ex-Tube Well Operator) Govt.
Naseerullah Khan Babar Memorial Hospital, Kohat Road,
Peshawar R/o Landi Arbab, Peshawar

Respondents

- 1) Director General, Health Services, Govt. of Khyber
Pakhtunkhwa, Peshawar
- 2) Medical Superintendent, Govt. Naseerullah Khan Babar
Memorial Hospital, Kohat Road, Peshawar

Appellant

Through


Arif Ullah

Advocate, High Court,
Peshawar

Dated: 18.04.2016

(2)

عمره السيد /

Annex 'A'

(11)

DIRECTORATE GENERAL HEALTH SERVICES, PESHAWAR.

OFFICE ORDER:

As approved by the competent authority, the services of Mr. Irfatullah, Tube Well Operator attached to Medical Superintendent Sarhad Hospital for Psychiatry Diseases, Peshawar are hereby placed at the disposal of Medical Superintendent Government City Hospital Kohat Road Peshawar on administrative grounds with immediate effect. He will provide his suitable substitute to Medical Superintendent Sarhad Hospital for Psychiatry Diseases, Peshawar.

Mr. Irfatullah, Tube Well Operator will be under observation for a period of six months and report with regard to his work and conduct be submitted to this Directorate every month.

N.B: Arrival/Departure reports should be furnished to this Directorate for record.

Sd/-

DIRECTOR GENERAL HEALTH SERVICES, PESHAWAR.

No. 7609-13/Admn: dated Peshawar, the 28/09/2005.

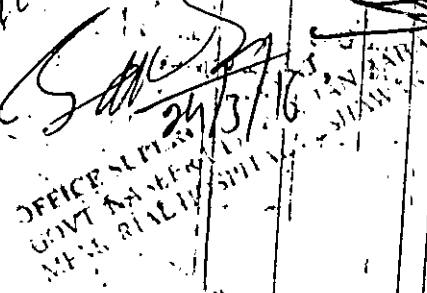
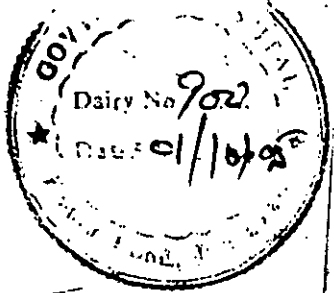
Copy forwarded to the:-

1. To the Minister for Health Govt of NWFP, Peshawar for information.
2. Medical Superintendent Govt: City Hospital Kohat Road Peshawar.
3. Medical Superintendent Sarhad Hospital for Psychiatry Diseases, Peshawar.
4. The accountant General Office, Peshawar.
5. Official Concern.

Accepted

Alles

24/3/16



Note:—The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name *Izzatullah*

2. Race *Muslim*

3. Residence *Village Mansarovar Hoshiarpur
Teh: a Distt: Patkote*

4. Father's name and residence *Izzat Khan*

5. Date of birth by Christian era as nearly as can be ascertained *4-4-1979*

6. Exact height by measurement *5-5*

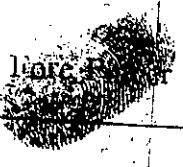
7. Personal marks for identification *Pejorantahi left side
dent*

8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.



Middle Finger.



Thumb



Signature of Government servant

Izzatullah

Signature and designation of the Head of the Office, or other Attesting Officer.

[Signature]

25

1	2	3	4	5	6	7 /	8
Name of post	Representative or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C & H.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
B.P.S. No 3-As		1320-So-2070					1.7.95
	cl	Two Andhra women matter		100 - -			1.7.95
				D. 1470 - -			

1520

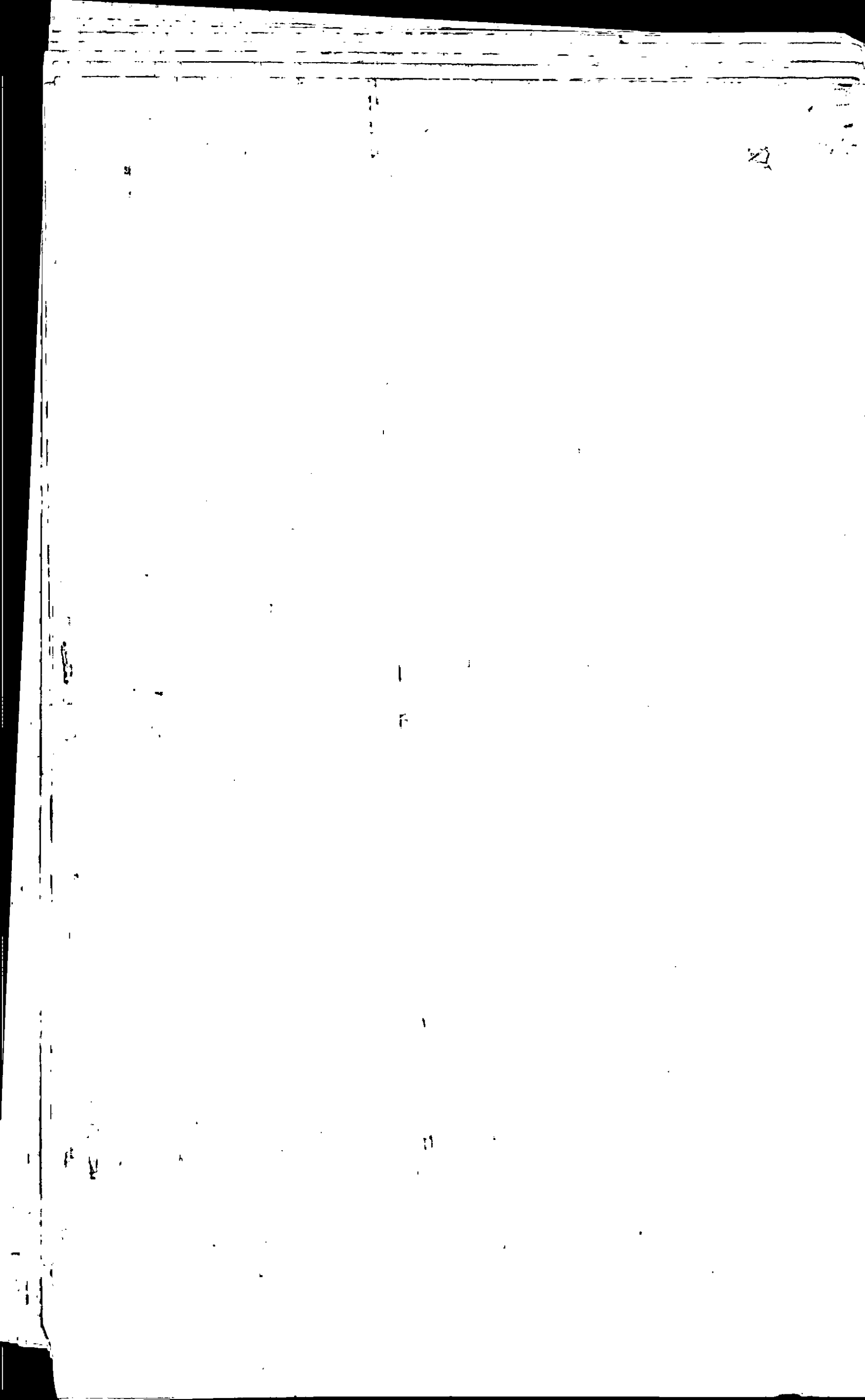
I. J. Fatullah

(14)

9 Signature and position of the head of the office or other attesting officer in columns 1 to 8	10 Date of termination of appoint- ment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or review or praise of the Government Service
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government		
					Period	Government to which debtible	
✓	195	Appointed as Tubewell operator against the vacant post side MS Govt Mental Hospital Peshawar office order no. 1082-84/195 dt. 22-6-195	✓				
			<p><i>[Signature]</i> Medical Superintendent Govt Mental Hospital Peshawar</p>			<p><i>[Signature]</i> Medical Superintendent Govt Mental Hospital Peshawar</p>	
			<p><i>[Signature]</i> Accounts Officer</p>				
✓							<p>Grant of advance inent on higher qualification on F.A. rank Med & Surgt Govt. H. Hospital, Peshawar order no. 417-18/195 dated 7/12/5</p>
			<p><i>[Signature]</i> Medical Superintendent Govt Mental Hospital Peshawar</p>			<p><i>[Signature]</i> Medical Superintendent Govt Mental Hospital Peshawar</p>	
							<p>Approval of delay of pay made of leave allowance... 1-2-96 to 31-3-96 amounting to Rs 100/- drawn under D.O. No. 11-123/76</p>
			<p><i>[Signature]</i> Medical Superintendent Govt Mental Hospital Peshawar</p>			<p><i>[Signature]</i> Medical Superintendent Govt Mental Hospital Peshawar</p>	

Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government
BPS-3 (RS 1320-50-2070)	Technical Officer					12/15/1970	
BPS-3 (RS 1320-50-2070)	Tech. Asst. BPS-3 Govt. Mental Hosp.					12/16/1970	
						12/16/1970	

8	9	10	11	12	13		14	15			
Signature of the head of the office or other attesting officer in continuation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Name and duration of leave taken	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Service			
					<table border="1"> <tr> <th data-bbox="817 548 916 617">Period</th> <th data-bbox="916 548 1181 617">Government to which debitable</th> </tr> </table>		Period	Government to which debitable			
Period	Government to which debitable										
	30-11-96 AN	Annual leave allowed					Leave verified upto 30-11-96 AN				
			Medical Superintendent Govt. Mental Hospital, Peshawar.				Medical Superintendent Govt. Mental Hospital, Peshawar.				
	30-11-97	Allowed Annual leave					Leave verified upto 30-11-97 AN				
			Medical Superintendent Govt. Mental Hospital, Peshawar.				Medical Superintendent Govt. Mental Hospital, Peshawar.				
	2/78	Annual leave allowed					Leave verified upto 30-11-98 AN				
			Medical Superintendent Govt. Mental Hospital, Peshawar.				Medical Superintendent Govt. Mental Hospital, Peshawar.				



9 Signature and position of the head of office or other attesting officer in columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Allocation of period of leave Nature and duration of leave taken Allocation of period of leave on average pay for up to four months for which leave salary is debitable to another Government Period Government to which debitable	14 Signature of the head of the office or other attesting officer	15 Reference to any recorded remarks or censure, or reward or praise of the Government Service
30-11-96 Govt. Medical Superintendent Peshawar	30-11-96	Annual leave allowed	[Signature]	[Signature]	[Signature]	Leave verified upto 30-11-96 AM
30-11-97 Govt. Medical Superintendent Peshawar	30-11-97	Annual leave allowed	[Signature]	[Signature]	[Signature]	Leave verified upto 30-11-97 AM
30-11-98 Govt. Medical Superintendent Peshawar	30-11-98	Annual leave allowed	[Signature]	[Signature]	[Signature]	Leave verified upto 30-11-98 AM

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
BPS-3 (Rs. 1320-50-2070)				1			
Tube well & pump Govt. Dist. 1403? Peshawar						12/19/59	
						12/19/59	
BPS-3 (Rs. 1980-75-4230)							
Tube well & pump Govt. Dist. 1403? Peshawar						12/20/59	

SSC
2+2 out/CA
Office of the Accountant General
N.W.F.P. Peshawar.
Pay fixed in the revised basic pay scales 2000
of Rs. 1980-75-4230 B-3
at Rs. 2730/PM 1-12-2001
with next increments on 1-12-2008

Accounts Officer
Pay fixation party N.W.F.P. Peshawar.

8 Signature of Government Servant	9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Nature and duration of leave taken	Period Government to which debitable		
		30/11/99						
		30/11/99	Annual Grant allowed.				Service verified up to 30-11-99	
		30/11/2000	Annual Grant allowed.				Service verified up to 30-11-2000	
		30/11/2001	Annual Grant allowed.				Service verified up to 30/11/2001	

12/99

30/11/99

Annual Grant allowed.

Service verified up to 30-11-99

30/11/2000

Annual Grant allowed.

Service verified up to 30-11-2000

30/11/2001

Annual Grant allowed.

Service verified up to 30/11/2001

By Order in the Annual Book by order of Mr. ... (ADS-1-22) in the ... Deptt. ...

Medical Superintendent Govt. Mental Hospital, Peshawar

1 Name of post	2 Whether substantive and whether permanent or temporary	3 If officiating, state 1) substantive appointment, or 2) (if) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling	7 Date of	8 Signature
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BPS-3 (1980-75-4230)
 Take hold of Park or
 Cash. Mailed H 100. Park v.
 Pay Rs. 2805/- PM.
¹² 15002 PM.

BPS-3 (1980-75-4230)
 Take hold of Park
 Pay Rs. 2880/- PM.
¹² 2003 PM.

" " " " " "
 Pay Rs. 2955/- PM. ¹² 184 PM.

9	10	11	12	13 Leave		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Per-iod	Government to which debitabls		
	30/11/2002 AN.		Annual Grant allowed from [unclear]				upto 30/11/2002 AN.
Medical Superintendent Govt. Mental Hospital Peshawar			Medical Superintendent Govt. Mental Hospital Peshawar			Medical Superintendent Govt. Mental Hospital Peshawar	
	30/11/2002 AN		Annual Grant allowed from [unclear]				upto 30/11/2003 AN.
Medical Superintendent Govt. Mental Hospital Peshawar			Medical Superintendent Govt. Mental Hospital Peshawar			Medical Superintendent Govt. Mental Hospital Peshawar	
	30/11/2004 AN.		Annual increment allowed.			Service verified	upto 30/11/2004 AN.
Medical Superintendent Govt. Mental Hospital Peshawar			Medical Superintendent Govt. Mental Hospital Peshawar				
<p>Transferred to [unclear] Govt. Hospital City Head Quarters Road, [unclear] or vide [unclear] DCHS, [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] No. 763-13/ [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]</p>							

Name of post	Whether substitutive or officiating and whether permanent or temporary	If officiating, state (i) substantive department or (ii) whether held on contract for pension under Act. 37E of C. S. R.	Pay in substantive post	Additional pay for officiating	Other emolument or benefit under the terms of pay	Date of appointment	Status of Government service
---			Pay Rs. 2955/PM				
BPS-2							
2200-75-4750			Pay Reviser	3380/			
(2275-85-4825)				3400/PM		07 1005 FN.	
---			Pay Rs. 3465/				
(2275-85-4825)				3405/PM		12 200 FN.	
---			3570/205				
BPS-09				4115/407			
(2275-85-4895)			Pay Rs. 3550/PM				
						12 2006 FN.	
BPS-03			Pay Rs. 4115/PM				
(2615-100-5615)						7 107 FN.	
revised							

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Medi
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Sobh

Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, (i) substantive appointment, or (ii) whether service counts for pension under Act 37 of C. S. B.	Pay in substantive post	Additional Pay for officiating	Whether emoluments falling under the term 'pay'	Date of appointment	Signature of Government servant
			Pay Rs. 2955/PM				
			Pay Reviser B	3380/-		07/2005	
			Pay Rs. 3465/2	3405/PM		12/2005	
			Pay Rs. 3465/2	3405/PM		12/2005	
			Pay Rs. 4195/407				
			Pay Rs. 3550/PM			12/2006	
			Pay Rs. 4115/PM			7/07	

BPS-02

2200-75-4750

2275-85-4825

2275-85-4825

3380/205

4195/407

BPS-02
2275-85-4825

BPS-03
2615-100-5615
passed

Recd
G
No
30
30
Recd
G
No

9	10	11	12	13		14	15
Signature and name of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Leave		Signature of the head of the office or other attesting officer	Reference to a recorded punishment or censure, or reprimand or praise of the Government
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		

Assumed Duty at Govt City Hospital Kohat Road Peshawar

*Medical Superintendent
City Hospital Kohat Road
Peshawar*

*Medical Superintendent
City Hospital Kohat Road
Peshawar*

*06
30/05
Pay fixed in Revised BPS-3 via Govt & NWF P Finance Deptt. No. FD (PRC) 1-1/2005 dt 9-5-2005.*

Service Verified upto 30-6-2005 AN

*11
30/05
Medical Superintendent
City Hospital Kohat Road
Peshawar*

*Medical Superintendent
City Hospital Kohat Road
Peshawar*

Allowed Annual Increment

Service Verified upto 30-11-2006 AN

*Medical Superintendent
City Hospital Kohat Road
Peshawar*

*Medical Superintendent
City Hospital Kohat Road
Peshawar*

30/06 AN

Annual increment allowed

Service verified upto 30-11-2006 AN

*Medical Superintendent
Govt City Hospital
Kohat Road, Peshawar*

*Medical Superintendent
Govt City Hospital
Kohat Road, Peshawar*

30/07 AN

*Pay Fixed Re PM in BPS (3)
Via FD No. 1-1/2007, dated 20-07-2007
FD (PRC)*

Service verified upto 30-06-2007 AN

Kohat Road, Peshawar

*Medical Superintendent
Govt City Hospital
Kohat Road, Peshawar*

*Medical Superintendent
Govt City Hospital
Kohat Road, Peshawar*

B.P. 304
 up grade of
 (2702-115-6150)
 Tube well office

Pay B. 4195/100 1 ⁷/₀₇ FN

do

Pay B. 4310/100 1 ¹²/₂₀₀₇ FN

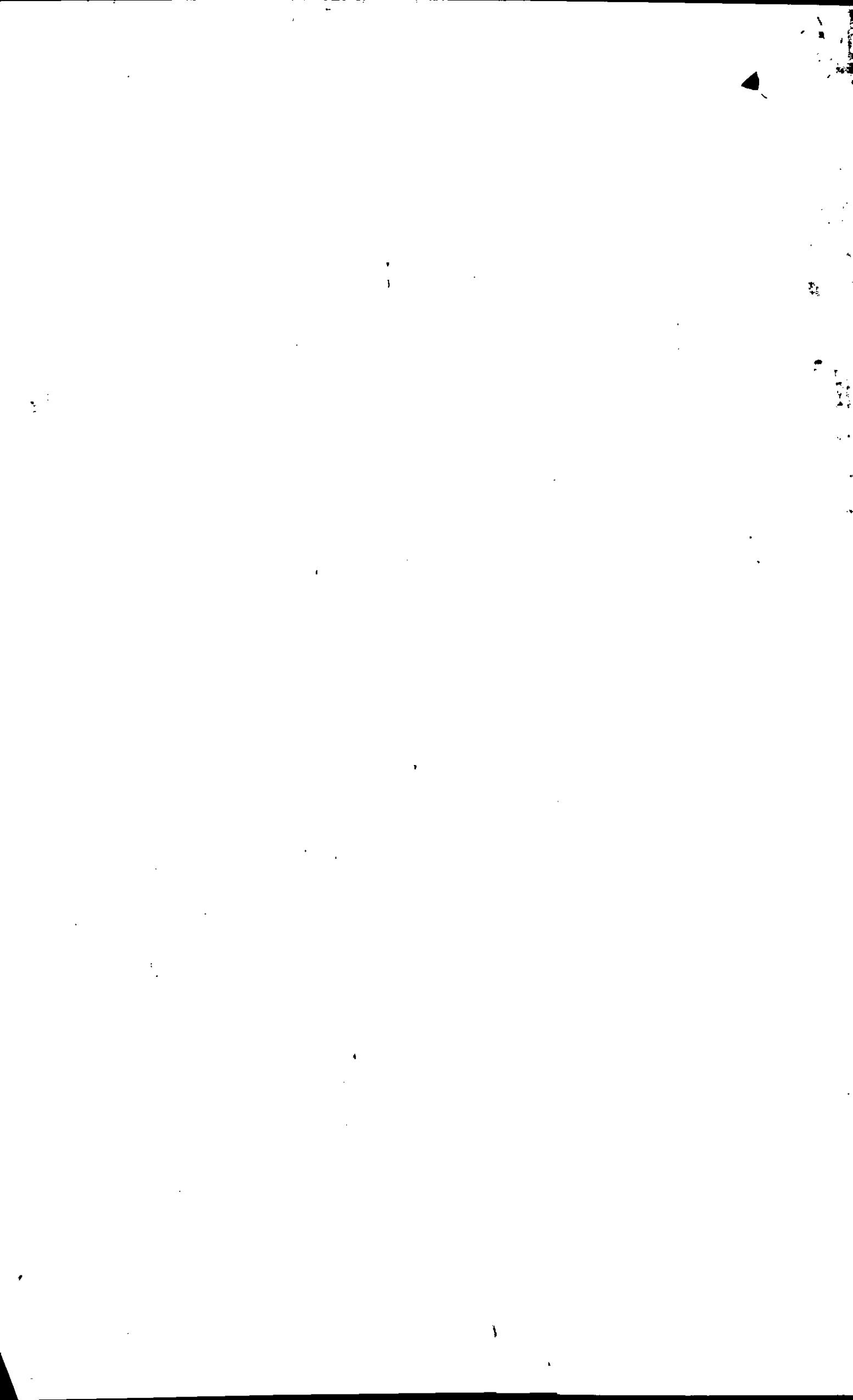
2005
 OFFICE OF THE ACCOUNTANT GENERAL
 NEW F.P.F. SHAWAR
 PAY FIXED IN THE REVISED BASIC
 PAY SCALES
 OF RS. 2275-85-6825231
 AT RS. 33807
 P.M.W.F. 1-07-2005
 With Next Increment on 1-12-2005

Accounts Officer
 Pay Fixation Party N.W.F.P. Pounawaf

2007
 OFFICE OF THE ACCOUNTANT GENERAL
 NEW F.P.F. SHAWAR
 PAY FIXED IN THE REVISED BASIC
 PAY SCALES
 OF RS. 2700-511-615024
 AT RS. 4195
 P.M.W.F. 1-07-2007
 With Next Increment on 1-12-2007

Accounts Officer
 Pay Fixation Party N.W.F.P. Pounawaf

8 Signature of the head of office or other attesting officer in columns 1 to 8	9 Date of termination of appointment	10 Reason of termination (such as promotion, transfer, dismissal, etc.)	11 Signature of the head of the office or other attesting Officer	12	13 Leave		14 Signature of the head of office or other attesting officer	15 Reference to any record of punishment or censure, or reward or prize of the Government Servant
				Nature and duration of leave taken		Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period		Government to which debitable		
30 ⁶ / ₀₇ Av		Pay Fixed P. 4195 per in BPS... Vide Financial Notification No. FDS/O/G... 1-2/2007				Service verified upto 30-6-2007 Av		
Medical Superintendent Govt: City Hospital Mohat Road, Peshawar	[Signature]		Medical Superintendent Govt: City Hospital Mohat Road, Peshawar	[Signature]		[Signature]		
30 ¹¹ / ₀₇ Av		Annual increment allowed.				Service verified upto 30-11-2007		
Medical Superintendent Govt: City Hospital Mohat Road, Peshawar	[Signature]		Medical Superintendent Govt: City Hospital Mohat Road, Peshawar	[Signature]		[Signature]		



BPS 2008
(3240-140-7440)

T. Offshore

Pay m: 5200/pm. 1 7/8 FN

2008
OFFICE OF THE ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA PESHAWAR
PAY FIXED IN THE ADJ. B.P.S 2008

OF RS. 3240-140-7440 B. 4

AT RS. 5340/ M.W.E.F. 1-07-2008
With Next 1-12-2008

93-4
5340/08

Accounts Officer
Pay Station Party K Pakhtunkhwa
Peshawar

Pay m: 5340/pm. 1 12/08 FN

Pay m 1-9-07. e m: 4310/pm.

Pay m 1-12-07. e m: 4425/pm.

Pay m 1-7-08. e m: 5340/pm.

Pay m 1-12-08. e m: 5480/pm.

M. Qureshi
Medical Superintendent
Government City Hospital
Kohat Road Peshawar.

8	9	10	11	12	13	14	15
Signature and designation of the officer or other attesting officer in attestation of certificate 1 to 8	Date of termination of appointment	Reason of termination (such as prohibition, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Allocation of period of leave on which pay upto four months for which leave salary is debit to Government's account	Signature of the head of the office or other attesting officer	Reference to any recorded prohibition, if any, or of the Government's account	

FN 30 08 AM

Pay fixed in revised pay scale of 1908

Sankar Chandra Das
No 30 8 08 AM

Medical Superintendent
Govt. Civil Hospital
Mobar Road, Calcutta

Medical Superintendent
Govt. Hospital
Mobar Road, Calcutta

Annual increment allowed

8 months 4 months 30 days
11-08 AM

Ms Manna

Ms Manna

Manna

Headquarters
Government
Kolkata

Printed OMS Special address
more about it from 1-9-20

Medical Officer
Govt. Hospital
Kolkata

IR No 235 dtg 7/10/1921
Drawn Rs 3810/- by me + amount
of pay at 1907 to 318.19

D. A. Das
7/10/21

28

Name of post	Whether salaried and whether permanent or temporary	If officiating, state (i) whether appointed to the post and (ii) whether service is temporary under Act 371 C.S.R.	Pay to substantive post	Additional pay for officiating	Other amount falling under it	Date of
BPS-09 3820-230-10700			Pay Rs. 5620/- Rs. (5700) PM		12	12009 PM
✓			Pay Rs. 5620/- Rs. (5950) PM		12	2009
5200-230-12100 BPS-09 6200-380-17600			Remun. pay - 9340/- PM		7	12009
BPS-09 do			Pay Rs. 9510/- PM		12	12009
do			Pay Rs. 9950/- PM		12	9009 PM
do			Pay Rs. 10320/- PM		12	9009 PM

9340/2011
 OFFICE OF THE GENERAL MANAGER
 HYDRABAD
 PAY FIXED IN THE M.P. 2011
 5200-230-12100
 BPS-09
 07-2011

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer (by attestation of column 1 to 8)	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government servant.
				Nature and duration of leave taken	Period Government to which debitable		
	30/11/2009			Service Verified upto 20/11/2009	AN	Allowed	Annual Increment
			<i>S. M. Babar</i> Medical Superintendent Govt. City Hospital Khan Road Peshawar.			<i>S. M. Babar</i> Medical Superintendent Govt. City Hospital Khan Road Peshawar.	
	30/11/2006			Allowed	AN	Service Verified upto 30/11/2006	Annual Increment
			<i>S. M. Babar</i> Medical Superintendent Govt. City Hospital Khan Road Peshawar.			<i>S. M. Babar</i> Medical Superintendent Govt. City Hospital Khan Road Peshawar.	
				Allowed Annual Increment			
	30/11/2011			Allowed Annual Increment		Service Verified upto 30/11/2011 (A.I.)	
			<i>S. M. Babar</i> MEDICAL SUPERINTENDENT GOVT. NASEER ULLAH KHAN BABAR MEMORIAL HOSPITAL PESHAWAR.			<i>S. M. Babar</i> MEDICAL SUPERINTENDENT GOVT. NASEER ULLAH KHAN BABAR MEMORIAL HOSPITAL PESHAWAR.	
				Allowed Annual Increment			
	11/11/2012			Allowed Annual Increment		Service Verified upto 11/11/2012	
			<i>S. M. Babar</i> MEDICAL SUPERINTENDENT GOVT. NASEER ULLAH KHAN BABAR MEMORIAL HOSPITAL PESHAWAR.			<i>S. M. Babar</i> MEDICAL SUPERINTENDENT GOVT. NASEER ULLAH KHAN BABAR MEMORIAL HOSPITAL PESHAWAR.	
				Annual Increment Allowed			
						Service Verified upto 11/11/2012	

No. of post	Whether substantive or officiating and whether permanent or casual	If officiating, state (i) substantive appointment, or (ii) who that person holds for pension under Art. 371 (G. S. R.)	Pay in substantive post	Additional Pay for officiating	Other allowances under 11	/ 7
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Removed from service with
 immediate effect vide DGHs
 letter bearing office order
 No. 7847-S/Revised dt 3-10-2014.

R. Ullah
 MEDICAL SUPERINTENDENT
 GOVT. NASEER ULLAH KHAN ABAR
 MEMORIAL HOSPITAL PUSHPUR

17/11

جنوبی پنجاب ایم ایس ہوسپتال اور لیسنگ بائری ہسپتال کو ملا کر دود پشاور

دفتر سٹریٹس عطارچی خانہ پٹی / دفعت برائے چھ ماہ

جناب عالی!

سائیل ڈوڈ بانڈ مرض کرتا ہوں کہ بیوجہ ناچاکی و دشمنی سے 302 مقدمہ میں چھینیا گیا ہے اور جسکی وجہ سے میں نقل مکانی کرنے پر مجبور ہو گیا ہوں اس لیے آپ جناب سے درخواست کرتا ہوں کہ جمعہ 6 مارچ کی دفعت عطا فرمائی جائے۔ میں تمام فرماگو دیوں گا۔
تفلیف لایع

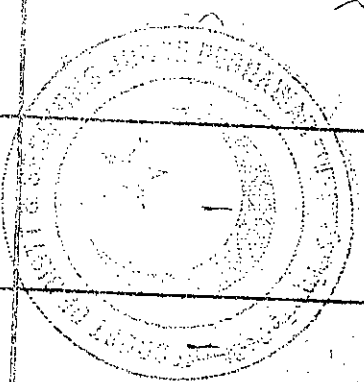
ایک تبتداء
رفت اللہ نیو بک
5/3/2014

ضلع پشاور
 سٹیٹ برانچ
 04/07/06
 15
 حکام پشاور
 302-324-34/512-997-1
 30.7.13

چالان فارم نمبر 173 فی-ف
 04/11/13
 687

6 تفصیلات	5 نام و پتہ گرام پان	4 تفصیلات مال خوردہ	3 طرازان گرفتار شدہ		2 طرازان و نم گرفتار بشمول غموردان	1 نام و پتہ مشتمل
<p>جلو بجائی بہ سببندت صدر سائٹ خانہ پشاور غموردت بنا م گولڈی 491 مکل سٹیمپز کا نام اور کوٹہ کی سببندت غموردت سرکار اسٹیشن سکھان کے سائٹ پر مکتبی - سٹیشن مکتب سولیاں صدر سائٹ خانہ پشاور حجاز سرائی کے سائٹ مکتب سولیاں صدر سائٹ خانہ پشاور مکتب سولیاں کے سائٹ مکتب سولیاں صدر سائٹ خانہ پشاور مکتب سولیاں کے سائٹ مکتب سولیاں صدر سائٹ خانہ پشاور سولیاں کے سائٹ مکتب سولیاں صدر سائٹ خانہ پشاور سولیاں کے سائٹ مکتب سولیاں صدر سائٹ خانہ پشاور سولیاں کے سائٹ مکتب سولیاں صدر سائٹ خانہ پشاور سولیاں کے سائٹ مکتب سولیاں صدر سائٹ خانہ پشاور</p>	<p>نام و پتہ گرام پان 1. کمل شہر لاہور 4235 2. مکتب سولیاں صدر سائٹ خانہ پشاور 3. مکتب سولیاں صدر سائٹ خانہ پشاور 4. مکتب سولیاں صدر سائٹ خانہ پشاور 5. مکتب سولیاں صدر سائٹ خانہ پشاور 6. مکتب سولیاں صدر سائٹ خانہ پشاور 7. مکتب سولیاں صدر سائٹ خانہ پشاور 8. مکتب سولیاں صدر سائٹ خانہ پشاور 9. مکتب سولیاں صدر سائٹ خانہ پشاور 10. مکتب سولیاں صدر سائٹ خانہ پشاور 11. مکتب سولیاں صدر سائٹ خانہ پشاور 12. مکتب سولیاں صدر سائٹ خانہ پشاور 13. مکتب سولیاں صدر سائٹ خانہ پشاور 14. مکتب سولیاں صدر سائٹ خانہ پشاور 15. مکتب سولیاں صدر سائٹ خانہ پشاور 16. مکتب سولیاں صدر سائٹ خانہ پشاور 17. مکتب سولیاں صدر سائٹ خانہ پشاور 18. مکتب سولیاں صدر سائٹ خانہ پشاور 19. مکتب سولیاں صدر سائٹ خانہ پشاور 20. مکتب سولیاں صدر سائٹ خانہ پشاور</p>	<p>پارسل نمبر 12264/512-997-1 پارسل نمبر 4119 پارسل نمبر 379 پارسل نمبر 4119 پارسل نمبر 379 پارسل نمبر 4119 پارسل نمبر 379 پارسل نمبر 4119 پارسل نمبر 379 پارسل نمبر 4119 پارسل نمبر 379 پارسل نمبر 4119 پارسل نمبر 379 پارسل نمبر 4119 پارسل نمبر 379 پارسل نمبر 4119 پارسل نمبر 379 پارسل نمبر 4119 پارسل نمبر 379</p>	<p>بہمنافیت زیر نگرانی طرازان گرفتار شدہ</p>		<p>طرازان و نم گرفتار بشمول غموردان</p>	<p>نام و پتہ مشتمل مسئول مرکزی سولیاں صدر سائٹ خانہ پشاور</p>

18



ATTESTED

Handwritten signatures and initials in Urdu, including names like 'Sahibzada' and 'Munir'.

Annex-1

32

Annex: E

33

IN THE COURT OF PHOOL BIBI,
ADDITIONAL SESSIONS JUDGE -XII, PESHAWAR

State Vs Arfat Ullah etc

Case File # 34/SC of 2015
Date of Institution: 11/04/2015
Date of Decision: 10/06/2015

FIR No. 687 dated 30/07/2013 U/S 302/324/34 PPC of PS
Bhanamari

ORDER
10/06/2015

1. Accused *Arfat Ullah* alias *Ulfat & Rizwan* on bail present. Father of complainant/deceased as well as eye witness also present. APP for the State present. Commission report already received and placed on file.
2. Accused facing trial were charged for effective firing at complainant as result whereof complainant *Muskeen Khan* sustained injuries and later on succumbed to injuries while other co-complainant escaped unhurt, so case FIR No. 687 dated 30/07/2013 u/s 302/324/34 PPC at PS *Bhanamari*, was registered against them.
3. After completion of investigation, complete challan against the accused was submitted and entrusted to this court for trial. Accused facing trial were summoned, who appeared and provisions of section 265-C Cr.P.C were complied with.
4. On 18/05/2015, *Muhammad Nisar*, father of the deceased/complainant and *Yaseen* (eye witness & brother of the deceased/complainant) appeared before the Court and

9/10

**IN THE COURT OF PHOOL BIBI
ADDITIONAL SESSIONS JUDGE-XII, PESHAWAR**

Sttae VS Arfat Ullah etc.

Case File # 34 / SC of 2015
Date of Institution: 11/04/2015
Date of Decision: 10/06/2015

FIR No. 687 dated 30.07.2013 U/s 302/324/34 PPC of PS
Bhanamari

ORDER

10.06.2015

1. Accused Arfat Ullah alias Ulfat & Rizwan on bail present. Father of complainant / deceased as well as eye witness also present. APP for the State present. Commission report already received and placed on file.
2. Accused facing trial were charged for effective firing on complainant as result whereof complainant Maskeen Khan sustained injured and later on succumbed to injuries while other co-complainant escaped unhurt, so case FIR No. 687 dated 30.07.2013 U/s 302/324/34 PPC at PS Bhanamari was registered against them.
3. After completion of investigation, complete challan against the accused was submitted and entrusted to this court for trial. Accused facing trial were summoned, who appeared and provisions of Section 265-C Cr.P.C. were complied with.
4. On 18.05.2015, Muhammad Nisar, father of the deceased / complainant and Yaseen (eye witness & brother of the deceased / complainant) appeared before the Court and

9/6
[Handwritten signature]

stated that due to invention of elders of locality, matter had been patched up and parties had effected compromise and legal heirs of the deceased had pardoned the accused facing trial for the sake of Almighty Allah by waiving of their right of Qisas & Diyat etc and they were no more interested in the prosecution of the instant case. They also expressed no objection on acquittal of the accused facing trial. In this respect compromise deed produced as *Dx.PA* while Proforma of Qisas & Diyat as *Dx.PA/1*. Photocopies of CNICs of father and brother of complainant were placed on file as *Ex.PC* and *Ex.PD*.

5. On the same date i.e. 18/05/2015, on the application of the counsel for accused facing trial, Miss *Muhammad Yousaf* advocate was appointed as local commission for recording the statements of female legal heirs of deceased to verify the factum of compromise. The learned local commission after recording statements of mother of the deceased namely *Mst. Shahen Bibi* and widow of deceased namely *Mst. Aijaz* submitted her report. According to which the mother and widow of the deceased also effected genuine compromise with the accused facing trial by waiving of their right of Qisas & Diyat and pardoned both the accused for the sake of Almighty Allah and expressed no objection on their acquittal. They also stamp impressed their statement recorded by the local commission. Learned counsel for the parties apprised the Court that deceased left behind four minor children namely *Suleman, Hamza* (sons), *Mst. Ayesha, Salma* (daughters) & for

stated that due to invention of elders of locality, matter has been patched up and parties, had effected compromise with legal heirs of the deceased had pardoned the accused facing trial for the sake of Almighty ALLAH by waiving of their right on Qisas & Diyyat etc. and they were no more interested to prosecution of the instant case. They also interested no objection on acquittal of the accused facing trial in this respect compromise deed produced as Ex.PA while Proforma of Qisas & Diyat as Ex.PA/1. Photocopies of CNICs of father and brother of complainant were placed on file as Ex.PC and Ex.PD.

5. On the same date i.e. 18.05.2015, on the application the counsel for accused facing trial Miss: Waeaha Irfan advocate was appointed as local commission for recording the statements of female legal heirs of deceased to verify the factum of compromise. The learned local commission after recording statements of mother of the deceased namely Mst. Shaheen Bibi and widow of deceased namely Mst. Aliya, submitted her report. According to which the mother and widow of the deceased also effected genuine compromise with the accused facing trial by waiving of their right of Qisas and Diyat and pardoned both the accused for the sake of Almighty ALLAH and expressed no objection on their acquittal. They also thumb impressed their statement recorded by the local commission. Learned counsel for the parties apprised the court that deceased left behind four minor children namely Suleman, Hamza (sons), Mst. Ayesha, Salma (daughters) and the.

the minor legal heirs of the deceased, accused facing, shall have transferred a plot measuring 15 marlas situated at Landi Arbab, Peshawar vide mutation No. 9095 arrested on 28/10/2014 attested copy of which is placed on file.

6. The offence with which the accused facing trial have been charged is compoundable in nature and the major legal heirs of the deceased have compounded the matter with the accused facing trial and waived of their right of Qisas & Diyat etc and pardoned the accused for the sake of Almighty Allah while to the extent of minor legal heirs Diyat in the shape of transfer of property has been paid. The compromise entered between the parties seems to be genuine and in the interest of the parties, therefore, by acceptance the same accorded, namely Asfat Ullah and Razaan Khan both sons of Landi Arbab, residents of Landi Arbab Peshawar, are acquitted of the charges leveled against them in case FIR No. 687 dated 30/07/2013 U/S 302/324/34 POC of PS Bhandara Peshawar. They are on bail, their bail bonds stands cancelled and their surches are discharged from their liabilities.

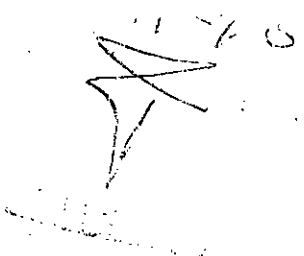
7. Case property, if any, be kept intact till the period of appeal/revision and thereafter, be disposed of according to law.

File be consigned to record room after necessary completion and compilation.

Announced
10/06/2015

Phool Bibi,
Additional Sessions Judge-XII,
Peshawar

No.	7922
Date of Application	9-7-15
Name of Applicant	Muhammad Qasim
For	4822
Signature	[Signature]
Date	9/7/15
Page	4/4



the minor legal heirs of the deceased, accused facing trial have transferred a plot measuring 15 marlas situated at Landi Arbab, Peshawar vide Mutation No. 9095 attested on 28.10.2014 attested copy of which is placed on file.

6. The offence with which the accused facing trial have been charged is compoundable in nature and the major legal heirs of the deceased facing trial and waived of their right of Qisas & Diyyat etc. and pardoned the accused for the sake of Almighty ALLAH while to the extent of minor legal heirs Diyyat in the shape of transfer of property has been paid. The compromise arrived at between the parties seems to be genuine and in the interest of the parties, therefore, by acceptance the same, accused namely Arfat Ullah and Rizwan Khan both sons of Izaat Khan resident of Landi Arbab, Peshawar are acquitted of the charges leveled against them in case FIR No. 687 dated 30.07.2013 U/s 302/324/34 PPC of PS Bhana Mari Peshawar. They are on bail, their bail bonds stands cancelled and their sureties are discharged from their liabilities.

7. Case property if any, be kept intact on the period of appeal / revision and thereafter, be disposed of according to law.

File be consigned to record room after necessary completion and compilation.

Announced

10.06.2015

Phool Bibi
Additional Sessions Judge-XII
Peshawar

Statement of Yaseen s/o Nisar Khan (brother of deceased)
r/o Manakro, Peshawar on oath:

Complainant/deceased Miskeen Khan was my brother, who was murdered vide case FIR No.687 dated 30/07/2013 u/s 302/324/34 PPC of police station Bhana Mari, Peshawar for which the accused facing trial namely Mizwan and Asad Ullah alias Ulfat sons of Izzat Khan were charged for the commission of offence. I was also present with my brother and charged the accused facing trial for ineffective firing upon me.

Now the matter has been patched up between the parties and I pardoned the accused facing trial in the name of Almighty Allah and got no objection on their acquittal. The deceased was survived by 04 children i.e. Hamzam, Salman, Salma and Mst. Aysha (daughters). The minors were compensated with Diyat amount in shape of property measuring 15 marlas through mutation No.9114 attested 08/12/2014. The compromise is genuine and without any pressure or coercion and in the best interest of the parties. The compromise deed along with Proforma of Qisas and Diyat is Ex-PA & Ex.PA/1 already exhibited. While copy of CNIC is Ex.P.

Yaseen
CNIC No. 173012995714-3

RO & AC
18.05.2015.

Phcol Bibi
ASJ-XII, Peshawar

ATTACHED

[Handwritten signature]
D.I.

**Statement of Yaseen S/o Nisar Khan (brother of deceased)
R/o Manakro, Peshawar on Oath:**

Complainant / deceased Miskeen Khan was my brother, who was murdered vide case FIR No. 687 dated 30.07.2013 U/s 302/324/34 PPC of police station Bhana Mari, Peshawar for which the accused facing trial namely Rizwan and Arafat Ullah alias Ulfat sons of Izzat Khan were charged for the commission of offence. I was also present with my brother and charged the accused facing trial for ineffective firing upon me.

Now the matter has been patched up between the parties and I pardoned the accused facing trial in the name of Almighty ALLAH and got no objection on their acquittal. The deceased was survived by 04 children i.e. Hamzam, Suleman Mst. Salma and Mst. Ayesha (daughters). The minors were compensated with Diyat amount in shape of property measuring 15 Marlas through mutation No. 9114 attested on 08.12.2014. The compromise is genuine and without any pressure or coercion and in the best interest of the parties. The compromise deed along with Proforma of Qisas and Diyat is Ex-PA & Ex.PA/I already exhibited. While copy of CNIC is Ex.PD.

Yaseen.....

CNIC No. 17301-2995714-3

RO & AC

18.05.2015

Phool Bibi

ASJ-XII, Peshawar

Amr: E (37)
31

DIRECTORATE GENERAL HEALTH SERVICES GOVT. OF KHYBER PUKHTUNKHWA PESHAWAR

OFFICE ORDER

1. WHEREAS: disciplinary proceedings under the E and D Rules 2011, initiated against Mr. Irfan Ullah Tube Well Operator attached to Govt. Naseerullah Khan Baber Memorial Hospital Peshawar, on account of his willful absence from duty with effect from 30.07.2013.
2. AS WHEREAS, an absence notice was served upon him through press published in Daily "Mashriq" Peshawar on 21.12.2013 & 23.12.2013, directing him to resume duty within 15 days failing which exparte action will be taken against him under E and D Rules 2011, but he did not respond to the said notice.
3. Therefore I Dr. Syed Abdul Waheed Shah Barki Director General Health Services Khyber Pakhtunkhwa Peshawar competent authority in exercise of powers conferred under Khyber Pakhtunkhwa E and D Rules 2011 am pleased to impose major penalty of "Removal from Service" upon Mr. Irfan Ullah Tube Well Operator attached to Govt. Naseerullah Khan Baber Memorial Hospital Peshawar on account of his willful absence from duty with immediate effect.

Sd/xxxxxxxx
DIRECTOR GENERAL HEALTH SERVICES, K.P.K, PESHAWAR.
3 10/12/2013

No 7847-51 /Personnel. Dated:

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. SC IV Health Department Khyber Pakhtunkhwa w/r to his letter no. SOH-IV/HD/4-4/Irfanullah dated 11.09.2011.
3. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
4. Mr. Irfan Ullah Tube Well Operator attached Govt. Naseerullah Khan Baber Memorial Hospital Peshawar.
5. Master File.

For information and necessary action.

Handwritten notes and signatures in the bottom left corner, including a signature that appears to be "K. R. A." dated 2.12.13.

Handwritten signatures and stamps in the bottom right corner, including a signature that appears to be "Syed Abdul Waheed Shah Barki" and a date "24/3".

Handwritten Urdu text at the bottom of the page, including the word "Forward" and other illegible notes.

**DIRECTORATE GENERAL HEALTH
SERVICES GOVT: OF KHYBER
PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

1. WHEREAS: disciplinary proceedings under the E and D Rules 2011, initiated against Mr. Irfan Ullah Tube Well Operator attached to Govt; Naseerullah Khan Babar Memorial Hospital, Peshawar, on account of his willful absence from duty with effect from 30.07.2013.
2. AS WHEREAS, an absence notice was served upon him through press published in Daily "MASHRIQ" Peshawar ON 21.12.2013 & 23.12.2013, directing him to resume duty within 15 days failing which exparte action will be taken against him under E and D rules 2011, but he did not respond to the said notice.
3. Therefore, I Dr. Syed Abdul Waheed Shah Barki Director General Health Services Khyber Pakhtunkhwa, Peshawar competent authority in exercise of power conferred under Khyber Pakhtunkhwa E and D Rules 2011 am pleased to impose major penalty of "Removal from Service" upon Mr. Irfan Ullah Tube Well Operator attached to Govt; Naseerullah Khan Babar Memorial Hospital, Peshawar on account of his wilfull absence from duty with immediate effect.

Sd/xxxxxxxxxxxxxxxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K., PESHAWAR

No. 7847-51/Personnel. Dated 03.10.2014

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa
2. SO IV Health Department Khybr Pakhtunkhwa w/r to his leter No. SOH-IV/HD/4-4/Irfanullah dated 11.09.2014.
3. PA to DGHS, Khyber Pakhtunkhwa Peshawar.
4. Mr. Irfan Ullah Tube Well Operator attached Govt. Naseerullah Khan Babar Memorial Hospital, Peshawar
5. Master File.

Sd/xxxxxxxxxxxxxxxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K., PESHAWAR

کھنوا مہتاب الیم - ایس - گورنمنٹ لیسر اللہ خان بابر ہسپتال کیشہ

Annex: F
P-38

DAIRY NO. 666
DATED 14.7.2015
GOVT NASEER ULLAH KHAN BABAR
MEMORIAL HOSPITAL PESHAWAR

سنی ہسپتال
دوست محمد جمال کراچی میں آئیڈیوٹی
سٹیشن میں مہتاب الیم -

مہتاب الیم!

1) آئیڈیوٹی گورنمنٹ لیسر اللہ خان بابر ہسپتال پشاور میں ہسپتال
میں ملازم تھا لیکن جون 2014ء میں کوئی نوکری سے
تشریح کیا تھا لیکن سٹیشن کو لے جانے میں ہسپتال
ایڈمنسٹریٹیشن نے مہتاب کو مزید 2 مہینے لایا
کی وجہ سے نوکری کر دیا ہے۔

2) یہ کہ سٹیشن ایک مذہبی آدمی ہیں اور چھوٹے بچے لایا
ہے اور بچہ کو نوکری آمدنی کا کوئی ذریعہ نہ تھا اور
سزا ہے لہذا سٹیشن کو مزید 2 مہینے لایا گیا ہے
سٹیشن 4 مہینے لایا گیا ہے۔

3) یہ کہ سٹیشن کے پاس لبراری میں کھول لی ایڈمنسٹریٹیشن
میں نے مہتاب کی ATTESTE سے نوکری دہرائی
کے ساتھ لایا ہے۔

May forward students
14/7

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DIRECTORATE GENERAL HEALTH
SERVICES, KHYBER PAKHTUNKHWA
PESHAWAR
NO 8889 /Personnel
Dated 19 /08/20215

Annex: G
P-39

To,

The Medical Superintendent
Govt: Naseerullah Khan Baber Memorial
Hospital Peshawar.

Subject: APPLICATION FOR RETENTION AT TUBE WELL OPERATOR.
Dear Sir,

I am directed to refer to your letter No. 5872/GNBMH/P.File-15 dated 15.07.2015, on the subject noted above.

Since action under E&D Rules 2011 has been completed and thereafter the Appellant terminated on account of willful absence from duty, his appeal for re-instatement in to Govt: Service cannot it is regretted by acceded to.

You are requested to inform the Appellant accordingly.

06/8/15
ASSISTANT DIRECTOR (P-II)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.
6-8-2015

*Send me the record to
to Dey
may forward application to
DMS
M/S
16/2/16*

۱۱/۱۶

کچھوڑ جناب میڈیکل انسپکشن کو دفتر پشور لکھنؤ ہسپتال پشاور

DAIRY NO. 134
DATED 08/02/16
GOVT NASEER UL AHMEDIAN BADAR
MEMORIAL HOSPITAL PESHAWAR

جناب عالی

سوربانہ گذرشن ہے کہ سائبل ہسپتال میں ٹیوب ویل ڈیوٹی سرانجام

دے رہا تھا۔ لیڈ اسائبل ۱۶ میں ٹیوب لیکری سے درخواست ہو چکا ہے

لیڈ آب مہربان مہربانی ہنرمند سائبل کو پشور ہسپتال ڈیوٹی میں رکھ

کا فولو اپ دے کر ذہنی کام لے کر ملے ہوئے مکتوبوں کو فرما دیں

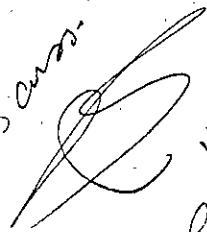
میں اللہ از میں ہوگی

آپ کا خادمہ عرفت النساء ٹیوب ویل پشور
8/16

May provide phot copies of
Service Book & P/ file to applicant.

16/2

Supra
M/S

Dr. Anwar


original
Send me record of Dr. Fuller
may forward application to
Dr. M/S
16/2/16

16/2

بھنود اندر خباب میڈیکل سپرنٹنڈنٹ کونٹری سیرٹیفائیڈ
بامر میڈیکل ہسپتال پشاور

معاون : درخواست بابت جلدی کیے جانے سے پہلے تصدیقات (attested copies)

- (1) اردو بابت ڈسپنسری سائیل (2) کلم ہر ایپیل سائیل
- (3) تمام نوٹس شوٹاؤں وغیرہ (4) فوٹوکاپی سروس بک برائے
دائرے کے لیے ہائے ایپیل سروس ٹریبیونل پشاور

جا بھلا!

سائیل حسب ذیل مرض دسائی ہے:

- (1) یہ کہ سائیل ذرا پہلے میں بطور لیڈر ہل آئیریز حوضہ 29/6/95 کو
جرت ہوا اور اپنی ڈیوٹی کو خراب انجام دی۔
- (2) یہ کہ سائیل کو کافی دشمنی کی وجہ سے 302 مقدمہ میں چاروں کیا گیا
جسکی وجہ سے سائیل دفتر بڈا سے غیر حاضر ہوا لیکن سائیل نے اس بابت دفتر
بڈا کو آگاہ کیا تھا اور چھٹی کی استدعا بھی کی تھی۔
- (3) یہ کہ سائیل حوضہ 10/6 کو مقدمہ بڈا سے بری ہوا اور جب اپنے وافر کی
طرف رجوع کیا تو پتہ چلا کہ سائیل کو نوکری سے برخاست کر دیا گیا ہے جسکے
لیے سائیل نے ایپیل دائر کی۔
- (4) یہ کہ سائیل کو نہ ہی تو *dismissed order* ملا ہے نہ ہی کوئی *explanation*
ادد نہ ہی ایپیل پر فیصلہ کی گئی ہے۔
- (5) یہ کہ سائیل نے جب آپ خباب سے حصول ایجابی متعلقہ دستاویزات
کے لیے استدعا کی تو آپ خباب نے تحریری درخواست کی استدعا کی
- (6) یہ کہ سائیل نے اس بابت تحریری درخواست گوش کر دیا جو
کہ آپ خباب نے مقررہ ڈائری میں جنرل فیصلہ دیپارٹمنٹ کو
Award کی۔

P-42



OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT NASEERULLAH KHAN BABAR MEMORIAL HOSPITAL KOHAT ROAD PESHAWAR
Email: gnbmi.hospital@gmail.com Fax 091-2324611 Tele: 091-9212742

No. **556** GNBMI

Dated Peshawar the **17** 02 2016

To:

The Director General
Health Services
Khyber Pakhtunkhwa

SUB: APPLICATION OF MR. IRFAT ULLAH EX-TUBE WELL OPERATOR
FOR PHOTOCOPIES OF PERSONAL FILE

Sir,

Enclosed is an application in respect of Mr. Irfat Ullah Ex-tube well
Operator of this hospital, which is self explanatory, for further necessary action.

Attest

Saleem / 3/16

OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT NASEERULLAH KHAN BABAR MEMORIAL HOSPITAL
PESHAWAR

MEDICAL SUPERINTENDENT

دے آپ فائل کے بارے میں مزید جاننے کے لیے دیے گئے ہیں
- Forward

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



E-Mail Address: dg@peshawar.gov.pk office Ph# 091-9210269 Exchange# 091-9210187 9210196 Fax# 091-9210230
No. 1853/Personnel Dated: 16/03/2016

To,

The Medical Superintendent
Govt: Naseerullah Khan Baber Memorial Hospital
Peshawar.

DAIRY NO: 920
DATED 19/03/16
GOVT. NASEERULLAH KHAN HABAR
MEMORIAL HOSPITAL PESHAWAR.

Subject: APPLICATION OF MR. IRFATULLAH EX-TUBE WELL OPERATOR FOR PHOTOCOPIES OF PERSONALE FILE.

Memo:

I am directed to refer to your letter No. 556/GNBMH dated 17.02.2016, on the subject noted above with the request to provide the photo copies/documents to Mr. Irfatullah Ex: Tube well Operator of your Hospital.

Pr. Mr. Irfatullah Ex. file.

R/c

12/3

Attest

ASSISTANT DIRECTOR (P-II)
DIRECTORATE GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

12/3/16

16/3/2016

OFFICE SUPERINTENDENT
GOVT. NASEERULLAH KHAN HABAR
MEMORIAL HOSPITAL PESHAWAR.

16/3/16



P-44

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

PA/HQrs No. 4532

Date: 15/9/15

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Driver FC Rizwan Ullah No. 2738 of CCP, Peshawar against the Punishment Order i.e dismissal from service passed against the appellant by SP/HQrs Peshawar vide OB No. 825 dated 13.03.2014

In the light of recommendations of Appeal Board meeting held on 27.08.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

The official was called and heard in detail. Record perused. The said official was absented for the above period due to involvement in case FIR No. 687 dated: 30.07.2013 u/s 302/324/34 PPC PS Bhana Mari Peshawar. His case was dispose off due to compromise in the court. The board accepted his appeal and his punishment of dismissal from service is converted into stoppage of increments for two years without accumulative effect. He is re-instated in service with no back benefits.

Order announced in the presence of appellant.

CAC/OTSI/PO

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

No. 11331-34 /E-IV dated Peshawar the 14/9/2015

Copy of above is forwarded to the:-

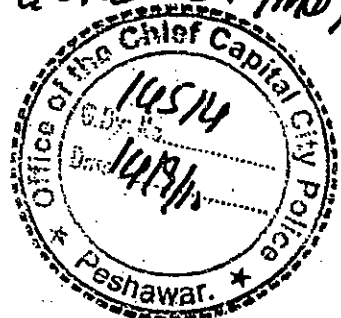
1. Capital City Police Officer, Peshawar. The service Roll, Fauji Missal and Enquiry File of the above named official are returned herewith.
2. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
3. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.

Supp. Inspector of Police
HQrs: Peshawar

SP/HQrs

CCPO Peshawar

CCPO
O.B No. 3031
Date: 28/9/15
Peshawar



(ASIF IQBAL MOHMAND)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

09/9/15

مبلغ شماره

تقدیر ۲۸ فروردین ۵۳

اندر دفتر حساب

مدیر احاطی علیخان آقا وقت ۸:۳۵ بج سفر ۵۳/۱۵
به نیا خیرینی میزان منجانب از دفتر ۳۶۳۱ ریال بر کمر بنام

EX DFU عنوان الله ۲۷۳۸ بحال ۵۳/۱۵
۳۶۳۱ ریال در ۲۸-۹-۱۳

تقدیر به بحال ۲۷۳۸ ریال سفر ۵۳/۱۵
کمر بر سر (شماره حساب)

مبلغ ۳۶۳۱ ریال در دفتر بنام علیخان وقت ۵۳

ع

EX-DFE عنوان الله ۲۷۳۸ شماره تقریر به بحال
تقدیر به بحال ۳۸۱۴ ریال در دفتر بنام علیخان

مبلغ ۳۶۳۱ ریال در دفتر بنام علیخان وقت ۵۳

۱۷۸۴ ریال در دفتر بنام علیخان وقت ۵۳
۳۹۵۱۵

تقدیر به بحال ۳۸۱۴ ریال در دفتر بنام علیخان

۵۳-۱۰-۱۵

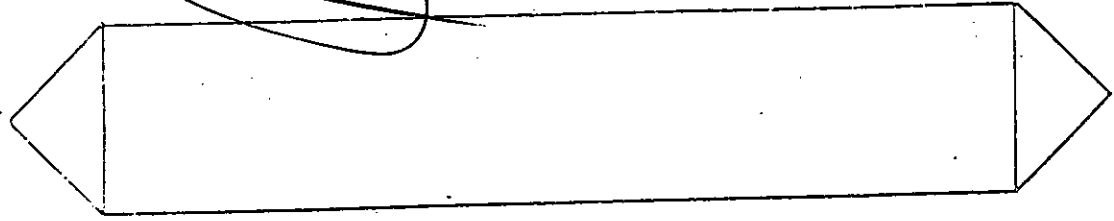
۱۷۸۴ ریال در دفتر بنام علیخان وقت ۵۳

۱۷۳۵۱-۱۵۲۲۸۸۹-۹ شماره حساب

② عدد دفتر ۳۹۵۱۵
EXM DFU
تقدیر به بحال ۳۸۱۴ ریال در دفتر بنام علیخان

۱۹/۱۱/۵۳
۳۸۱۴ ریال در دفتر بنام علیخان

بعد الت جناب سردس سرینو مال کچھ



2016 جناب سردس

بنام لوانہ سر فیل

عرفت اللہ

سردس سرینو مال

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی وجوہ دہی و کل کاروائی متعلقہ
آن مقام _____ کیلئے عمارت اللہ لڈ کے سبب سے عی کے مال کے لئے اللہ محمد و اللہ اللہ اللہ
مقرر کر کے اترار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب
کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے
اجراء اور وصولی چیک درو پیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔
نیز بصورت عدم بیرونی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل جمرانی و نظر ثانی و بیرونی
کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار
قانونی کرایے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی دہی جملہ مذکورہ باختیارات
حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے
مقدمہ کے سبب ہوگا۔ کوئی تاریخ پیشی مقام درہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوتے
کہ بیرونی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted
Receipt for
2016
Appellate

2016

المرقوم 21 11

کیلئے منظور ہے۔

Praveen

عرفت اللہ در غزفہ فارسہ سرینو مال

عرفت اللہ در غزفہ فارسہ سرینو مال

د گواہ بش د العبد

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR
Appeal No. 471 /2016

Mr. Irfatullah..... Appellant.
Versus
DG Health and Others. Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Preliminary Objections:

1. That the appeal is incompetent and not maintainable in its present form.
2. That the appellant has neither cause of action nor locus standi.
3. That the appellant has filed the appeal in non-proper form may be dismissed.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the appellant has concealed the material facts from the Honorable Court.
6. That the appeal is bad due to non joinder of necessary parties.
7. That the Appeal is badly time barred.
8. No departmental appeal has been received from appellant but only a hand written application for re instatement was received.

ON FACTS

1. Relates to record.
2. Relates to Record.
3. That Para No.3 is incorrect. No information regarding the involvement of the appellant has been conveyed to the respondents.
4. Relates to Judicial Record.
5. That Para No. 5 is incorrect; in fact the appellant was dismissed from service after observing all codal formalities. An absence Notice was issued through registered mail on his home address (Annexure-A) and after a lapse of more than two months the same was published in two

leading Newspapers (Annexure-B&C) so the impugned order was issued due to his willful absence.

6. In correct. No departmental appeal has been received. Rather a hand written application was received which was regretted by the competent authority and endorsed to the appellant (Annexure-D).
7. Para No. 7 is incorrect to the appellant has applied for copy of personal file and service book which was provided to the appellant as per laws and the rules.
8. Incorrect. The appellant was given attested photocopies of all relevant documents after approval of competent authority.
9. As in Para-8.

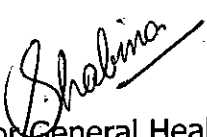
GROUND


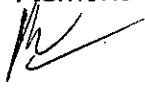
- A. Incorrect. The appellant has been dismissed from service on his willful absence from duty. Similarly the appellant did not inform the deptt regarding his involvement in criminal case.
- B. Incorrect. No information regarding FIR was received to the respondents.
- C. Incorrect. Departmental appeal of the appellant was not accepted on the ground that action taken against him was legal and according to Rules. Furthermore his departmental appeal was time barred.
- D. Incorrect. The punishment of dismissal from service was awarded to appellant as per Law and the rules. The appellant was not entitled for pension benefits as per Rules.
- E. As in Para-D.
- F. Incorrect. The punishment of dismissal from service is legal and according to law and the rules.
- G. Incorrect. The service record of the appellant is not good as several warnings have been issued to him by the respondents from time to time (Annexure-F, G & H).

H. Incorrect. The prolong service is not giving a certificate to the appellant that he will not be awarded major punishment even on prolong absence from duty.

I. That any other grounds will be replied at the time of arguments.

It is therefore, prayed that the appeal of the appellant may be please dismissed with cost.


Director General Health
Services, Khyber Pakhtunkhwa,
Peshawar (Respondent No. 1)


Medical Superintendent
Govt Naseer Ullah Khan Babar Memorial
Hospital, Peshawar.
(Respondent No. 2) 

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. 471/2016

Urfat Ullah

_____ (Appellant)

V E R S U S

DG Health and others

_____ (Respondents)

REJOINDER ON BEHALF OF APPELLANT

Preliminary Objections

In response of preliminary objections No. 1 to 7 it is respectfully submitted that the appeal is competent and maintainable by all aspect while the appeal is well within time and the appellant has got the cause of action.

On Facts:

In response of Facts of Para No. 1 to 9 it is respectfully submitted that the appellant has never received any notice while it is well in the notice of the department that the appellant is in Jail. The appellant after his acquittal when came to know about his dismissal, submitted the departmental appeal as well as also made request to the department to provide him the dismissal order, so that the appellant would be able to approach to the proper forum.

On Grounds:

In response of Grounds of Para No. A to I it is respectfully submitted that the appellant had informed the department about his involvement in criminal case under section 302 PPC. The appellant after his acquittal when came to the department for joining his duty he came to know about his dismissal for which he made request to provide him a copy of dismissal order and also submitted the departmental appeal. The appellant has served the department for a lengthy service of 16 years, therefore a lenient view is requires to be taken in his favour, because one of his brother who was the official of police department was also involved in the same criminal case but when acquitted submitted the departmental appeal and by allowing the departmental appeal he was reinstated in service. The same benefit is also requires to be given to the appellant, because the Constitution of Pakistan has provided the same rights to each and every citizen. The punishment awarded to the appellant is so harsh and he is require to be reinstated in service otherwise pension benefit is requires to be given to the appellant by altering the punishment of dismissal in compulsory retirement, because the appellant service record throughout is too good and satisfactory. There are pathoral of judgments of the apex courts whereby in such like circumstances the officials were reinstated in services.

Appellant

Through



Arif Ullah
Advocate High Court,
Peshawar

Dated: 04.04.2017

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. 471/2016

Urfat Ullah

_____ (Appellant)

V E R S U S

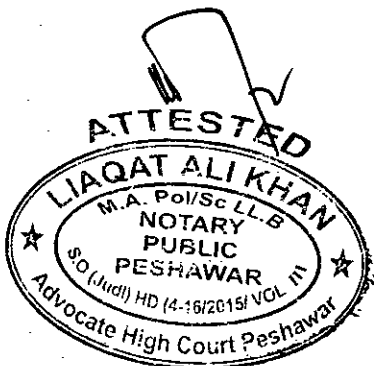
DG Health and others

_____ (Respondents)

AFFIDAVIT

I, Urfat Ullah S/o Abdulullah R/o Landi Arbab
Manak Rao, Dera, do hereby solemnly affirm and declare
on Oath that the contents of service appeal are true and correct to the
best of my knowledge and belief and nothing has been concealed
from this honourable tribunal.


DEPONENT



04 APR 2017

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1571/ST

Dated 9 / 8 / 2018

To


The Director General, Health Services
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 471/2016, MR. URFAT ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 8.8.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

کتاب اللہ جناب مدرس کربوبل ۱۹۲۸ کپور

عرفت اللہ بنہ ڈی جی بلحق

درفاسٹ برائے تبدیلی تاریخ دینی

حنابلہ! سال حسب ذیل طرہن گزارے۔

۱۔ یہ عنوان بالاس میں آج تاریخ دینی مکتوبہ اور عدالت حضور میں
ذہر ٹھونڈی ہے۔

۲۔ یہ عنوان بالاس میں *testimony* کا دوسرا حسب علتگان
میں بتایا ہے۔ اگر در آج عدالت حضور میں آنے سے قاضی
بہرانی کر کے آج تاریخ دینی تبدیلی کرنے کا حکم صادر فرمائیں

اللہ تعالیٰ کے حضور سے بلوریا صورتہ کاغذ
دینی تبدیلی کرنے کا حکم صادر فرمائیں

اللہ تعالیٰ کے حضور سے
نہ بد بگڑ محمد امین

محمد امین

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خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب ضلع مہروت جی ڈام اقبالہ

عنوان: دین محمد طلاس خواجہ دو "Water carrier" کو چارج دیا

جناب عالی!

گزارش بحضور التور یہ ہے کہ بحوالہ آرڈر - ڈی-ای-او (D.E.O) ضلع مہروت نمبر "456" بتاریخ (04-07-2018) دین محمد طلاس خواجہ

پوسٹ "Water carrier" حورف 07-07-2018 کو

قبل از دوپہر چارج دیا گیا لہذا اہلکار پورٹ میں

مورفم: - 07-07-2018

العارض

سر انجام خان سید ماسٹر گورنمنٹ مڈل سکول ملتان منجیوالہ

ملکی مہروت

H.M.

HEAD MASTER 07-07-2018
G.M.S Multan Manjiwala
Distt: Lakki Marwat

نوٹ: - چارج الیورٹ لف سے

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the G.M.S Multan Manjiwala Lakkhi vide D.S.O(M) Lakkhi Marwat No 4156 dt 04-07-2018
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:—

Signature of relieved Government servant Vacant Post

Station G.M.S Multan Manjiwala Distt Lakkhi Marwat

Designation Water carrier

Signature of relieving Government servant Din Mohammad

Dated 07-07-2018

Designation water carrier

Fore noon

شہان علی بن محمد

copy to -

- * Registrar Khayber Pakhtunkhwa Service Tribunal Pesh.
- * Section officer, Litigation II) Khayber Pakhtunkhwa I.S.S.I Deptt.
- * Deputy Commissioner Lakkhi Marwat.
- * D.A.O Lakkhi Marwat.

[Signature]
07-07-2018

HEAD MASTER
G.M.S Multan Manjiwala
Distt: Lakkhi Marwat

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the G.M.S. Multan Manjiwala Lakkhi Marwat vide D.E.O. (M. Lakkhi Marwat No. 4156 date 07-07-2018.
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:—

Station G.M.S. Multan Manjiwala Lakkhi Marwat

Signature of relieved Government servant Vacant Post

Designation Water Carrier

Signature of relieving Government servant Muhammad

Designation Water Carrier

Dated 07-07-2018 Forenoon

Copy to -

* Registrar Khayber Pakhtunkhwa Service Tribunal

* Section Officer (Litigation) Khayber Pakhtunkhwa Elementary & Secondary Education Deptt.

* Director 2832 Khayber Pakhtunkhwa Post

* Deputy Commissioner Lakkhi Marwat

* Distt Account office Lakkhi

* Head Master concerned

[Handwritten Signature]

HEAD MASTER
G.M.S Multan Manjiwala
Distt: Lakkhi Marwat

07-07-2018

MOST URGENT /COURT MATTER

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) LAKKI MARWAT

No. _____

Dated 04-07-2018

To,

The Head Master,
GMS Multan Manjiwala Lakki Marwat.

Subject:- IMPLEMENTATION OF JUDGMENT DATED.13-02-2018 PASSED BY HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO.693/2014 DIN MUHAMMAD VS GOVT. OF KHYBER PAKHTUNKHWA.

Memo:-

It is to inform your, that this office has reinstated the services of Din Muhammad (Performing his duty against the post of water carrier in of your school) vide this office No.2313-18 dated. 12-03-2018, in the light of Judgment mentioned above.

It has been pointed out that, being a Head of the institution, you have failed to hand over charge properly.

Due to this very reason, the above named applicant has filed execution petition No.131/1 out of service appeal No.693/13 titled Din Muhammad VS Govt. of Khyber Pakhtunkhwa Peshawar Elementary & Secondary Education Department and others, in which 07-08-2018 is fixed for implementation.

Hence, you, are directed to hand over the charge to Din Muhammad in the light of Notification issued by this office as mentioned above and implementation report must be re-submitted to this office within 07 days positively.

District Education Officer
(Male) Lakki Marwat.

Endst:No. 4157-61 even date.

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Section officer (Litigation-II) Khyber Pakhtunkhwa Elementary & Secondary Education Department.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner, Lakki Marwat.
5. District Accounts Officer Lakki Marwat.

District Education Officer
(Male) Lakki Marwat.