

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

SERVICE APPEAL NO. 192/2024

Fazle Maula **Appellant**

Versus

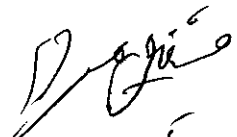
Government of Khyber Pakhtunkhwa & others **Respondents**

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Copy for Counsel of
appellant handed
over to MR. FAZLE MAULA


Deponent


14/05/2024

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

SERVICE APPEAL NO. 192/2024

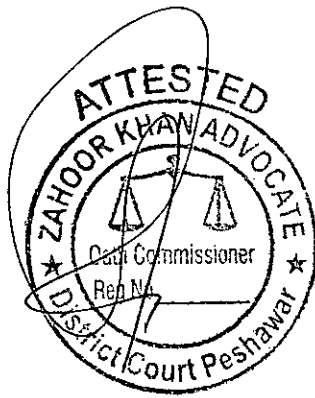
Fazle Maula..... **Appellant**

Versus

Government of Khyber Pakhtunkhwa & others **Respondents.**

Affidavit

I, Dr. Shaukat Ali, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / costs.



Zahoor Khan
Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.192 OF 2024

Fazle MaulaAppellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.01 TO 03

Respectfully Sheweth:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12751

Dated 14-05-2024

Preliminary Objections:-

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. Pertains to record.
2. Pertains to record.
3. Correct to the extent that he was relieved from MTI LRH vide office order dated 07-03-2023 (Annex-A). It is further added that on his relieving from LRH he has already been posted to DHQ Hospital Landikotal vide this Directorate office order dated 05-10-2023 (Annex-B) but he did not report for duty over there.
4. Correct to the extent that the Respondent No.04 was requested to withdraw the relieving order vide letter No. 7584 dated 14-12-2023 (Annex-C) but Respondent No.04 did not withdraw their order so the said request was withdrawn by this Directorate vide office order dated 02-01-2024 (Annex-D) and his previous order is keep intact at DHQ Hospital Landikotal.

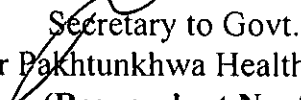
5. As explain in Para-04 above.
6. Relates to Respondent No. 04.
7. Pertains to record. However, detail reply has been given in para-04 above.
8. Relates to Respondent No. 04.
9. On his relieving from MTI LRH Peshawar he has already been adjusted at DHQ Hospital Landikotal as explain in Para-04 above. However rest of the para is related to Respondent No. 04

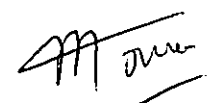
GROUND

- A. In correct. His adjustment order was made in light of Rule-10 of KP Civil Servant Act. 1973 by Respondent No. 03 as he was a civil servant but was appointed in the Respondent No. 04 Hospital but was relieved therefore the replying respondents have no other option but to adjust the appellant.
- B. In correct. Already explained in Para-A above.
- C. Pertains to Respondent No. 04 however detail reply has been given in Para-A above.
- D. Already replied in Para-04 of the Facts.
- E. His salary will be released when he will submit arrival at DHQ Hospital Landikotal where he has already been posted.
- F. As explained in Para-E above.
- G. Department also seek permission to advance additional grounds at the time of hearing.
- H. The replying Respondents acted as per Law, Rules & permeable of natural jutes.
- I. Already replied in Para-A above.
- J. Relates to Respondent NO. 04.
- K. In correct. No violation of Constitution has been made in the instant case as replied in Para-H.
- L. Action has been taken in the matter according to the rules / regulation of the Government as replied in Para-H.
- M. As replied in Para-H above. It is further clarified that the appellant vide officer order No. 1915-22/Personal dated 14-03-2024 has been posted to the Naseerullah Khan Babar Memorial Hospital Peshawar (Annex-E) & the appellant has submitted his arrival report in compliance of order ibid, hence the instant appeal is in fructuous.

PRAYER:

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with costs.


Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
(Respondent No. 01)


Director General Health Services Khyber
Pakhtunkhwa Peshawar
(Respondent No. 02 & 03)

DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER

In partial modification of this Directorate office order bearing Endet No. 19140/Personnel dated 02.01.2024 the following posting/ transfer of Class-IV staff are hereby ordered in the interest of public service with immediate effect:

S No	Name of Officials	From	To	Remarks
01	Mr. Muhammad Wariis Khan Ward Orderly	Relieved from MTI LRH Peshawar & under transfer to DHQ Hospital Landikotal	Sifat Ghayur Shaheed Memorial Hospital Peshawar	For further adjustment under his control
02.	Mr Roud Khan Ward Orderly	Relieved from MTI LRH Peshawar & under transfer to DHQ Khyber	-do-	For further adjustment under his control
03	Mr Muhammad Ali Ward Orderly	Relieved from MTI LRH Peshawar & under transfer to DHO Charsadda	Govt Naseerullah Khan Babar Memorial Hospital Peshawar	For further adjustment under his control
04.	Mr. Fazle Maula Ward Orderly	Relieved from MTI LRH Peshawar & under transfer to DHO Nowshera	-do-	For further adjustment under his control

Sd/xxxxxxxx

DIRECTOR GENERAL HEALTH
SERVICES, K.P. PESHAWAR.


Dated 14/03/2024

No. 1915-22/Personnel

Copy forwarded to the:-

1. A G Khyber Pakhtunkhwa.
2. Hospital Director MTI LRH Peshawar w/r to his letter No. 5291-99/HR-IV dated 27.02.2023 & No. 20347 dated 22.09.2023.
3. M.S Govt. Naseerullah Khan Babar Memorial Hospital Peshawar,
4. M.S Sifat Ghayur Shaheed Memorial Hospital Peshawar.
5. DHOs Khyber/ Charsadda/ Nowshera.
6. M.S DHQ Hospital Landikotal
7. PA to DGHS Khyber Pakhtunkhwa.
8. Officials Concerned.

For information and necessary action.


 DIRECTOR (ADMN)
 DIRECTORATE GENERAL HEALTH
 SERVICES, K.P. PESHAWAR.

A.H.



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

*All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name
Office # 091-9210269 Fax # 091-9210230*

AUTHORITY LETTER

Muhammad Yousaf Jamal Focal Person Litigation Section Directorate General Health Services Khyber Pakhtunkhwa is hereby authorized to attend/defend the court cases and file Parawise Comments / Reply on behalf of the undersigned before the Honorable Khyber Pakhtunkhwa Service Tribunal and its Camp Courts.

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