

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

Appeal No. 193/2024

**Muhammad Ali Khan**

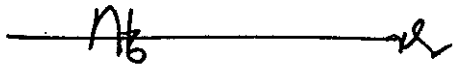
**Versus**

**Govt of KP through Secretary Health & Others**

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Dated: 02-04-2024

  
Respondent No. 04  
Brig (R) Dr. Muhammad Abrar Khan  
Through

  
Barrister Ibrahim Khan Afridi  
Advocate, High Court

03-04-2024  
Pesh.

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

Appeal No. 193/2024

**Muhammad Ali Khan**

**Versus**

**Govt of KP through Secretary Health & Others**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12079

Dated 03-04-2024

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 04**

***Respectfully Sheweth:***

*The respondents submit the following factual & legal reply which are as under: -*

**Preliminary Objections:**

- a. That the Appellant is a civil servant and has been repatriated to his parent department i-e Respondent No. 2 & 3 and has got no cause of action against the answering respondent at this stage.
- b. That the present Appeal is not maintainable as the Appellant has got no locus standi against the answering Respondent. This also bar the jurisdiction of this Honorable Tribunal to entertain the present petition at this stage as per law.
- c. That the instant Appeal is not maintainable as the Appellant has come to this Hon'able Court with sullied hand by concealing the material facts from this honorable Tribunal.
- d. That the Appellant is not an aggrieved person and has filed the present Appeal with malafide intention, false, misleading statements in order to move this Honorable Tribunal against the administrative powers and authority of answering respondent which has been provided and protected by law.

**ON FACTS:**

1. That Para No.01 is subject to proof and pertains to record.
2. That Para No. 02 is subject to proof and not relevant to the answering Respondent.  
It must be clarified that under the Regulations and policies of the Lady Reading Hospital MTI Peshawar, the formation of unions/associations is highly discouraged to ensure efficiency and timely treatment to patients.
3. That Para No. 03 is correct to extent of issuance of relieving orders of the Appellant, who was engaged in chanting slogans, bad names for administration, whistling via loud speaker, stopped working which caused hurdles in the treatment of admitted patients and seriously affected the Emergency and ICU services. The rest of the Para is denied being not relevant.
4. That Para No. 04 is not related to the answering Respondent, hence no reply.
5. That Para No. 05 is not related to the answering Respondent, hence no reply.
6. That Para No. 06 is denied, being incorrect. The answering Respondent has issued relieving Order as per law since the Appellant is a Civil servant being an employee of Respondent No. 02 and 03.
7. That Para No. 07 is denied, being incorrect. The document referred by the Appellant is issued by the Respondent No. 02 and not related to the answering Respondent.
8. That Para No. 08 is denied. The Appellant was involved in illegal protest, hindering the treatment of patients and creating serious blockage in managing the Emergency and ICU services. Moreover, the Appellant along with other class 4

employees (civil servants) have stopped working their responsibilities and were engaged in chanting slogans, bad names for administration, whistling via loud speaker etc. which badly affected the patient care.

**(Brief of Disciplinary Infractions is Annexure-A)**

9. That Para No. 09 is not relevant to the Answering respondent hence needs no comments.


**ON GROUNDS:**

- A. Ground "A" is incorrect, hence denied. The answering Respondent has acted as per law. Detailed reply is already given in the Para 03 & 08 above.
- B. Ground "B" is incorrect, hence denied. The answering Respondent has never violated any fundamental right of the Appellant and has acted to ensure medical care facilities to the general public which is also the fundamental right of every citizen as per the Article of 09 of the constitution of Pakistan.
- C. Ground "C" is not related to the answering Respondent, hence needs no comments.
- D. Grounds "D" to "G" are not related to the answering Respondent, therefore, needs no comments.
- E. Ground "H" is denied in its entirety being incorrect as against the answering Respondent. The Appellant was time and again served with explanations for his unsatisfactory services and warnings as well as provoking other employees for illegal protests. The employment history of the appellant is annexed in the Para No. 08 above.

- F. Ground "I" is denied in its entirety being incorrect. Detailed reply is provided in above Paras.
- G. Ground "J" pertains to record to the extent of attendance and is subject to proof, the remaining is vehemently denied.
- H. Ground "K" is denied in its entirety. Detailed reply is provided in above Paras.
- I. Ground "L" is denied. Detailed reply is provided in above Paras.
- J. Ground "M" is denied in its entirety. The answering Respondent has exercised powers within its jurisdiction. The answering respondent is a prestigious Health institution providing best and efficient health services throughout the Province of Khyber Pakhtunkhwa.

*It is, therefore, most humbly prayed that in the light of the Para-wise reply/Comments, the appeal being devoid of merits may kindly be dismissed with cost.*

Dated: 02 - 04 - 2024

HD. N/6 nr  
Respondent No. 04  
Through Brig(R) Dr. Muhammad Abrar Khan  
  
Barrister Ibrahim Khan Afridi  
Advocate, High Court

05

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Appeal No. 193/2024

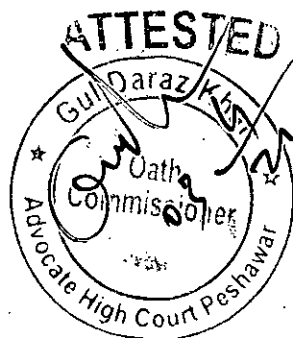
**Muhammad Ali Khan**

**Versus**

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**AFFIDAVIT**

I, Brig (R) Dr. Muhammad Abrar Khan, Hospital Director LRH-MTI Peshawar, do hereby solemnly affirm and declare, that the contents of the Para-wise Comments/Reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court. Moreover, it is also declared on Oath that the instant Appeal is not exparte against the answering Respondent or fine imposed upon the answering Respondent.



**DEPONENT**

*Brig (R) Dr. Muhammad Abrar Khan*  
CNIC: 37405-6033179-S

**Identified by:**

*[Signature]*  
**Counsel**

**MR. MUHAMMAD ALI KHAN S/O MUHAMMAD DALIL KHAN, WARD ORDERLY (HRID: 7-0197)**

1. Appointment: Mr. Muhammad Ali Khan S/o Muhammad Dalil Khan, Ward Orderly (HRID: 7-0197) vide No. 5601-6/PGMI/LRH Dated 11.04.1988.  
Address: Village Musa Zai Mohallah Atkon, PO Badabher, Teh. & Distt. Peshawar
2. Arrival Report:
3. Earned Leaves Application 30 days: No. 13979-82/LRH dated 19.08.1993
4. Departure: No. 14140-42/LRH dated 23.08.1993
5. Arrival: No. 16060-62/LRH dated 26.09.1993
6. Explanation: No. 17402-5/LRH dated 08.10.1993
7. Complaint by Registrar Psychiatry Unit for transfer: No. 87/Psy/LRH/94 dated 11.04.1994
8. Explanation: No. 6053-56/LRH dated 12.04.1994
9. Complaint of Pathology Department/Transfer: No. 430/Lab/06.06.1996
10. Salary Deduction 01 week/Strictly warning: No. 18362-63/LRH dated 14.10.1996
11. Internal Transfer: No. 19504-8/LRH dated 29.10.1996
12. Warning with deduction of Salary: No. 12347-51/LRH dated 16.06.1999
13. Suspension: No. 7191-94/KRH/E-I dated 28.02.2012
14. Inquiry: Recommendation Disciplinary action
15. Relieved to DGHS: No. 7348-55/LRH dated 01.03.2012 & DGHS No.: 1936-41/Personnel dated 29.03.2012
16. Withdrawal of Transfer: No. 25813/E.IV/LRH dated 10.07.2012
17. DGHS Cancellation: No. 5119-23/Personnel dated 26.07.2012
18. Salary regularization: No. 29961/E.I/LRH dated 13.08.2012
19. DGHS Reply: No. 5662-65/Personnel dated 03.09.2012
20. The scuffling of Class-IV with Doctor's letter to Additional Inspector General: No. 9018/LRH dated 13.03.2012
21. FIR
22. Complaint By Mr. Shahzada Assistant Programmer: No. 129-13/OHMIS/IT/LRH/Peshawar dated 31.12.2013
23. Enquiry Constitution: No. 1398-405/LRH/E-G dated 13.01.2014
24. Complaint by Muhammad Sajeem WO: dated 27.08.2014
25. FIR: 26.08.2014
26. Enquiry Constitution: No. 30351-55/LRH/E-G dated 20.09.2014
27. Enquiry Report: Warning dated 09.02.2015
28. Warning: No. 4767/LRH/E-IV dated 10.02.2015
29. Complaint by Mr Shah Iran: No. 04-15/IT-Association/LRH dated 28.04.2015 (Chief Patron)
30. Relieved: No. 168/HD/LRH dated 23.05.2016
31. Relieving order DGHS: No. 4357/Personnel Dated 09.06.2016
32. Complaint By SG Mr. Rahamdad: No. 211/LRH-MTI dated 23.01.2017
33. Enquiry Constitution: No. 3992-94/LRH/E-IV dated 26.01.2017
34. Enquiry Report: No. 686/AHD/LRH dated 30.03.2017: Warning verbally
35. Explanation: No. 32418-29 dated 10.11.2017
36. Explanation (Reminder): No. 33101-10 dated 16.11.2017
37. Stoppage of Salary: No. 1392-99/HD/LRH dated 15.12.2017
38. Letter to DGHS Departmental proceedings: No. 37-43/HD/LRH dated 01.01.2018

*Attested*  
*W. J. al*

39. Internal Transfer: No. 493/AHD/LRH/MTI dated 09.10.2017
40. Release of Salary: No. 4357-62/HD/LRH dated 13.02.2018
41. Affidavit
42. Show cause notice: No. 0946-951/AHD/PA/LRH dated 16.02.2018
43. Internal Transfer: No. 1048-1058/AHD/PA/LRH dated 26.02.2018
44. Departmental Appeal DGHS: 686-709/Personnel dated 05.01.2018
45. Complaint by Head Orderly Mr. Fazal Rahim: No. 1076/AHD/PA/LRH dated 28.02.2018
46. Relieving of Muhammad Ali to DGHS: No. 440/HD/LRH dated 02.03.2018 (Complete detail given)
47. Complaint by Head Orderly Mr. Fazal Rahim: No. 1089/AHD/PA/LRH dated 01.03.2018
48. Explanation: No. 6989/LRH/E.IV dated 09.03.2018
49. DGHS relieving Letter regarding chargesheet: No. 4187-88/Personnel dated 10.05.2018
50. Letter to AD Ministerial: No. 12670/HD/LRH dated 24.05.2018
51. Retaining by DGHS in LRH; No. 5707/Personnel dated 29.05.2018
52. Enquiry: No. 1963/AHD/PA/LRH dated 18.07.2018
53. Stoppage of Salary: No. 2130/AHD/PA/LRH dated 16.08.2018
54. Complaint to DGHS: No. 29210/LRH/E-III dated 26.11.2018
55. FIR
56. Stoppage of salary by DHR: 1675-78/HR-LRH dated 17.01.2019
57. DGHS letter to HD for retention: No. 10835/Personnel dated 05.12.2018
58. Complaint to DGHS: No. 6555-58/LRH/HR-IV dated 13.03.2019
59. Nomination of Enquiry officer by DGHS: 2884-86/Personne dated 26.03.2019
60. Affidavit
61. Salary release: No. 23105-13/HR/LRH dated 11.09.2019
62. Salary release: No. 23382-88/LRH/HR-IV dated 12.09.2019
63. Regularization of Salary: No. 31133/LRH/HR-IV dated 28.11.2019
64. DGHS Reply: No. 13600-2/Personnel dated 09.12.2019
65. Absentism and Waring with deduction: NO. 16000-03/HR-IV dated 29.06.2021
66. Final Warning: No. 18825-26/HR-IV/LRH dated 29.07.2022
67. Explanation: No. 6587-91/HR-IV dated 02.03.2023
68. Complaint by Manager HK Illegal protest: dated 01.03.2023
69. Relieving Order: No 7024-31/HR-IV/LRH dated 07.03.2023
70. Relieved to DGHS: Letter No. 685/HD/LRH-MTI dated 07.03.2023
71. Relieving order Cancellation from DGHS: Letter No. 3007/Personnel dated 11.05.2023
72. Relieving Letter to DGHS: No. 12520/HR-IV dated 01.06.2023
73. Enquiry Copy Against Serial No. 52: Release of Salary, Report to Disciplinary Committee

Attended  
Ollid





# OFFICE OF THE HOSPITAL DIRECTOR

LADY READING HOSPITAL MEDICAL TEACHING INSTITUTION, PESHAWAR



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0092-91-9211401



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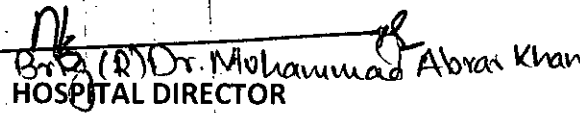
08

No. 145 /HD/LRH-MTI

Date: 26/03/2024

## AUTHORITY LETTER

Mr. Majid Masoom Khattak, AD Legal LRH-MTI, is hereby authorized to attend/defend the Appeal No. 193/2024 titled as "Muhammad Ali Khan versus Govt of KP through Secretary Health & Others" and to file comments/reply to the above referred Appeal and other Applications on behalf of the undersigned before the KP Services Tribunal.

  
Dr. Mohammad Abrar Khan

HOSPITAL DIRECTOR

Lady Reading Hospital – MTI,

Peshawar.

