

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

Appeal No. 194/2024

**Muhammad Waris**

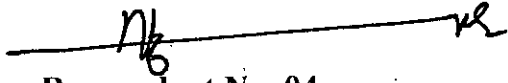
**Versus**

**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

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

Appeal No. 194/2024

Khyber Pakhtunkhwa  
Service Tribunal

**Muhammad Waris**

Diary No. 12083

**Versus**

Dated 03-04-2024

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

**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.

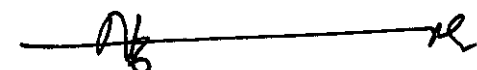
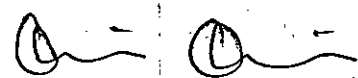
**ON GROUNDS:**

- 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

  
Respondent No. 04  
Brig(R) Dr. Mohammad Abrar Khan  
Through  
  
Barrister Ibrahim Khan Afridi  
Advocate, High Court

05

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
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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.

Identified by:

  
Counsel



  
DEPONENT

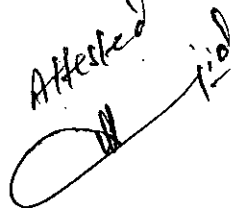
Brig (R) Dr. Muhammad Abrar Khan  
CNIC: 37405-6033179-5

**MR. MUHAMMAD WARIS S/O ABDUL WAHAB, WARD ORDERLY (HRID: 7-0145)**

1. Appointment: Mr. Muhammad Ali Khan S/o Muhammad Dalil Khan, Ward Orderly (HRID: 7-0145) vide No. /PGMI/LRH Dated 30.09.1985.  
Address: Zakhi Abd, Mula Korona, Teh. Charsadda Distt. Peshawar
2. Arrival Report: 01.10.1985
3. Arrival Report: No. 38316-19/LRH/E-IV dated 05.11.2012
4. Relived to DGHS: 1303-11/HD/LRH dated 13.04.2018
5. DGHS Letter Restoration of Increment/Gap period adjustment: No.SOH-III/8-89/2012 dated 20.03.2013
6. DGHS for regularization: 1520-23/Personnel dated 26.03.2013
7. DGHS Gap period regularization leave without pay: NO. 6968-70/Personnel dated 15.11.2012
8. DHS Disciplinary proceeding stoppage of annual Increment for 04 years with no accumulative effect upon: No. 6685-88/Personal dated 22.10.2012
9. Relieved to DGHS on administrative grounds: No. 677-82/E-iv dated 08.01.2010
10. DGHS letter appeal regretted: No. 877/Personal dated 20.02.2010
11. Posting/Transfer by DGHS: No. 944-45/Personnel dated 23.02.2010
12. Disciplinary Action by Incharge IT to appear for inquiry: No. 371/OHMS/IT/LRH/Peshawar dated 01.02.2010
13. Letter to DGHS to draft charge sheet: No. 676/E-II dated 08.01.2010
14. DGHS Letter Draft Charge Sheet: 164/Personnel dated 14.01.2010
15. Withdrawal of No. 677-82/E-iv dated 08.01.2010: No. 5983-87/E-IV date 06.03.2010
16. DGHS Posting of Transfer to Charsadda EDO(H): No. 424-26/Personnel dated 30.01.2010
17. Disciplinary Action: No. 416-18 dated 30.01.2010
18. Charge Sheet: No. 419/Personnel dated 30.01.2010
19. Disciplinary Action: No. 2138/Personnel dated 30.04.2010
20. DGHS: No. 1329-1330/personnel dated 22.03.2010
21. Letter to DGHS by enquiry Officer: No. 389/HMS/IT/LRH dated 23.02.2010
22. Charge Sheet reply:
23. Enquiry officer Letter to OS for provision of file: No. 377/OHMS/IT/LRH dated 08.02.2010
24. Enquiry officer Letter to DGHS: No. 439/OHMS/IT/LRH dated 04.05.2010 regarding dissatisfaction with the enquiry officer
25. Letter of Enquiry Officer to MS: No. 424/OHMS/IT/LRH dated 05.04.2010
26. Letter of Enquiry Officer to MS: No. 421/OHMS/IT/LRH dated 01.04.2010 (Disciplinary Action)
27. Disciplinary Action by DGHS: No. 416-18/Personnel Dated 30.01.2010 & LRH Endorsement No. 15476-78/E-IV dated 18.06.2010
28. Enquiry initiated by Dr. Adnan Gul, HOD Cardiology and Suspension: No. 23069-76/LRH-E-IV dated 14.07.2011
29. Report of Misbehaviour and Scuffling by AP Cardiology: Dated 14.07.2011
30. Complaint by PDA President: 14.07.2011
31. Draft Charge Sheet to DGHS: No. 24906/LRH/E.IV dated 03.08.2011
32. Relieved: No. 25458-63/LRH/E.IV dated 10.08.2011
33. DGHS Transfer to HMS: No. 6297-99/Personnel dated 23.08.2011
34. M S letter to DGHS to Stop Charge Sheet against Orderlies and continue Disciplinary action Against Mr. Waris Khan: No. 27599/LRH/E.IV dated 08.09.2011

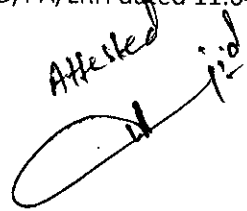
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35. Disciplinary Action by DGHS: No. 6210-13/Personnel dated 20.08.2011
36. Charge Sheet: No. 6215/Personnel Dated 20.08.2011
37. Enquiry Constitution: No. 24263-66/LRH/E.IV dated 27.10.2011
38. Special Report by Capt. (Restd) Dr. Abdur Rahim dated 01.08.2011
39. Enquiry Report: No. 240/DMS/NB dated 19.07.2011
40. Reply to DGHS against Charge Sheet by Muhammad Waris: dated 14.09.2011
41. Letter to DGHS: No. 29014/LRH/E.IV dated 22.09.2011
42. Constitution of Enquiry Committee DGHS: No. 8134-38/Personnel dated 21.09.2011
43. Letter to MS to direct the accused to appear to enquiry: No. 4159/GCH/Eng. File-11 dated 30.09.2011
44. DGHS Letter No. 3455-57/Personnel dated 07.10.2011
45. FIR dated 02.08.2011
46. Enquiry Chairman letter to MS: No. 4446/GCH/Enq. File-II dated 17.10.2011
47. Charge Sheet: No. 1530/DTL/Enquiry dated 11.10.2011
48. Reply to Charge Sheet: 11.10.2011
49. MS Letter to Spl. Sec. DGHS regarding appeal: No. 52-53/LRH dated 01.07.2012
50. Enquiry Report to DGHS: No. 14080/LRH/E.IV dated 20.04.2012
51. Show Cause Notice Reply Dated 11.04.2012
52. Cancellation of Transfer DGHS: No. 1059-63/Personnel dated 11.02.2012
53. Arrival Report dated 13.02.2012
54. Transfer Order DGHS: No. 4068-71 dated 12.06.2012
55. Relived to DGHS: No. 34385/LRH/E.IV/LRH dated 02.10.2012
56. Letter to DGHS being not competent: No. 6094-98/LRH dated 20.02.2012
57. Transfer orders DGHS: No. 2364-67 dated 17.04.2012
58. Non-acceptance of His transfer by Sarhad Hospital letter to DGHS: No. 16681/LRH/E.IV dated 15.05.2012
59. Return of LPC and Service Book by Sarhad Hospital to LRH: No. 1026 dated 03.05.2012
60. Letter to Sarhad Hospital detailing Waris: No. 15530-15531/LRH/E-Iv dated 02.05.2012
61. DGHS Letter to MS; No. 3450/Personnel dated 21.05.2012 for reliving of Waris & Arrival of Mr. Imran Naib Qasid
62. DGHS Letter to MS, Application for Salary: No. 5794/Personne dated 12.09.2012
63. Appeal DGHS Letter: No. SOH/III/8-89/2012(M.Waris) 08.08.2012
64. Reply to Appeal: No. SOH/III/8-89/2011 (M.Waris) 16.01.2012
65. Minutes of Meeting DGHS: No. SO-III/I-179/2011(Class-IV, LRH dated 23.14.2011
66. Application/Compliant to Peshawar High Court: No. 1360 dated 26.06.2012
67. Reply of MS to Inspection Team: No, 26150/LRH/IV dated 12.07.2012
68. EDO (H) Letter to MS regarding relieving of Waris: No. 5792/Personnel dared 12.09.2012
69. MS Letter to DGHS regarding Relived Waris: No. 33173/E.IV/LRH dated 19.09.2012
70. MS Letter to DGHS regarding application: No. 37745/E.IV dated 25.10.2012
71. DGHS Letter to MS: No. 6247/Personnel dated 09.10.2012
72. Cancellation of Transfer Order by DGHS: No. 6677-79/Personnel dated 18.10.2012
73. Restoration of Increment: No. 41737/E.I/LRH dated 10.12.2012
74. DGHS Letter to Chief Executive restoration of Increments etc: No. SOH-III/8-89/2011(Muhammad Waris) dated 26.11.2012

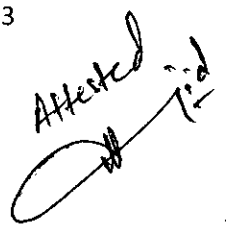
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75. Relieved to DGHS: No. 25458-63/LRH/E.IV dated 10.08.2011
76. Detail Report to DGHS: No. 36182/E.IV/LRH dated 15.10.2012
77. DGHS Letter to HD for Draft Charge sheet (Physical Assault with Mr. Shafiq: No. 5771/Personnel dated 27.05.2015
78. Explanation by HD illegal protest and physical Assault: No. 14446/HD/LRH dated 05.05.2015
79. Charge Sheet to DGHS: N. 11582/E-II/LRH dated 11.05.2015
80. Charge Sheet to DGHS: N. 17712/E-II/LRH dated 13.06.2015
81. Illegal Strike and Warning: No. 12234-45/HD/LRH dated 14.04.2015
82. FIR letter to DGHS: No. 21395/LRH/E-IV dated 23.07.2015 (Murder Case)
83. FIR (To resume duty): No. 24281/LRH/E-IV dated 25.08.2015 with DGHS Letter No 8904/Personnel dated 12.08.2015
84. DMS Ltter to DGHS (FIR): No. 29981/E-IV/LRH dated 21.10.2015
85. DGHS Letter to DMS (FIR): No. 12204/Personnel dated 01.12.2015
86. DMS letter to DGHS (FIR): No. 36067/LRH/E-IV dated 31.12.2015
87. DGHS Letter to DMS (FIR): No. 171/Personnel dated 15.01.2016
88. Absent period leave without pay (Service regularization): No. 7507-11 LRH/E-IV dated 25.02.2016
89. Posting/Transfer by DGHS: No. 2936-43/Personnel dated 25.04.2016
90. Complaint by HD to DGHS against Releived persons: No. 1307-14/HD/LRH dated 09.05.2016
91. Notice for the vacation of flat: No. 17376-78/LRH/MTI dated 11.05.2016
92. Complaint by HD to DGHS against Releived persons: No. 1315-22/HD/LRH dated 11.05.2016
93. Internal Transfer: No. 31866-74/AHD/LRH dated 06.11.2017
94. Complaint by HD to DGHS against Releived persons: No. 1367-75/HD/LRH dated 16.05.2016
95. Complaint by HD to DGHS against Releived persons: No. 1667-75/HD/LRH dated 21.05.2016
96. DMS A&E compliant: No. 805-06/A&E dated 10.05.2016
97. Complaint by HD to DGHS against Releived persons: No. 1687-95/HD/LRH dated 23.05.2016
98. HD letter to DC Antienchrochment: No. 1458/HD/LRH dated 20.05.2016
99. Explanation by DGHS: No. 3956-58/Personnel/WO/272 dated 23.05.2016
100. DGHS letter to HD: No. 3970-72/Personnel/Wo/272 dated 23.05.2016
101. Reply to Explanation DGHS: 5339/Personnel dated 16.08.2016
102. To Waris by HD Dicession of Board: No. 3262-67/HD/LRH dated 06.09.2016
103. HD Letter to DGHS proceeding for Ummrag without NOC: No. 12939/LRH/E-IV dated 27.04.2017
104. Enquiry Constitution: 13213-15/LRH/E-IV dated 02.05.2017
105. Enquiry letter by Chairman Enquiry: No. 1139-40/A7E dated 05.05.2017
106. Earned leaves 10 days sanction: No. 18595-98/LRH/E-III dated 21.06.2017
107. Internal Transfer: No. 493/AHD/LRH/MTI dated 09.10.2017
108. Absent report of HD: No. 33111/AHD/PA/LRh dated 16.11.2017
109. Manager OPD Complaint: No. 1567-69/MOPD dated 15.11.2017
110. Explanation: No. 33967/LRH/E-IV dated 27.11.2017
111. Stoppage of Salary: No. 1400-08/HD/LRH dated 15.12.2017
112. Salary Release: No. 4363-68/HD/LRH dated 13.02.2018
113. Affidavit
114. Salary Release: No. 0970-0976/AHD/PA/LRH dated 20.02.2018
115. DGHS Letter to HD Departmental appeal: No. 686-709/Personnel dated 05.01.2018
116. Internal transfer: No. 1298-1309/AHD/PA/LRH dated 11.04.2018

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- 117. Explanation: No. 1318-1324/AHD/PA/LRH dated 11.04.2018
- 118. Explanation: No. 1347-1353/AHD/PA/LRH dated 12.04.2018
- 119. Relieved to DGHS: No. 798-805/HD/LRH dated 18.04.2018
- 120. Charge Sheet by DGHS: No. 4712/Personnel dated 24.05.2018
- 121. Disciplinary Action by DGHS: No. 4709-17/Personnel dated 24.05.2018
- 122. Enquiry no. 5085-86/Enquiry/DGHS KP Office dated 20.06.2018
- 123. HD letter to Enquiry Officer: No. 1753-57/HD/LRH dated 30.07.2018
- 124. AHD letter to HD regarding Salary Release: No. 1963-68/AHD/PA/LRH dated 18.07.2018
- 125. AHD Letter to DF Stoppage of Salaries: No. 2130/AHD/PA/LRH dated 16.08.2018
- 126. Enquiry Officer letter to HD: No. 5794/GNBMH/Enquiry/Disciplinary Action dated 09.08.2018
- 127. HD Letter to DGHS relieving of Waris: No. 22711/LRH/E-III dated 14.09.2018
- 128. AHD letter to Waris for Affidavit: No. 27116-18/LRH/E-IV dated 31.10.2018
- 129. DGHS Office Order to release of Salary: No. 7018-20/Personnel dated 18.09.2018
- 130. Affidavit: dated 07.11.2018
- 131. Release of Salary: No. 28170-76/HRM-LRH dated 14.11.2018
- 132. Internal Transfer: No. 335-10/AHD/LRH dated 15.11.2018
- 133. DHR Letter to DF for pay deduction period: No. 32208/LRH/E-IV dated 27.12.2018
- 134. Internal Transfer: No. 361-18/FM/LRH dated 10.12.2018
- 135. Refund of Salary 43 days DHR order; No. 1737-/LRH/E-IV dated 18.01.2019
- 136. Earned leaves 09 days: No. 5370-74/LRH/HR-IV dated 27.02.2019
- 137. Explanation: No. 4650-51/HR-IV/LRH dated 24.02.2022
- 138. Absent Report by Manager IBPP: NO 39/LRH/IBPP dated 01.09.2022
- 139. Explanation: No. 30210-11/HR-IV/LRH dated 01.11.2022
- 140. Acceptance of Explanation: No. 33746-48/HR-IV dated 06.12.2022
- 141. Illegal Protest By Manager Housekeeping: Dated 01.03.2023
- 142. Explanation: No. 6587-91/HR-IV dated 02.03.2023
- 143. Relieving of Waris DGHS: No. 7000-07/HR-IV/LRH dated 07.03.2023
- 144. HD Letter to DGHS regarding Relieving: No. 685/HD/LRH-MTi dated 07.03.2023
- 145. DGHS letter withdrawal of Order: No. 3007/Personnel dated 11.05.2023
- 146. HD letter to DGHS: No. 12520/HR-IV dated 01.06.2023

Attested  




# OFFICE OF THE HOSPITAL DIRECTOR

LADY READING HOSPITAL MEDICAL TEACHING INSTITUTION, PESHAWAR



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No. 144 /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. 194/2024 titled as "Muhammad Waris 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.

  
HOSPITAL DIRECTOR  
Lady Reading Hospital – MTI,  
Peshawar.

Brig (R) Dr. Mohammad  
Abrar Khan.