

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

Appeal No. 196/2024

**Rovaid Khan**

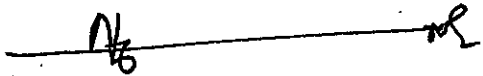
**Versus**

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

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Dated: 02-06-2024

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

  
Barrister Ibrahim Khan Afridi  
Advocate, High Court

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

Appeal No. 196/2024

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**Versus**

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

Khyber Pakhtunkhwa  
Service Tribunal

Date No. 12081

D. 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.

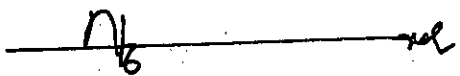
**ON GROUNDS:**

- 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

  
Respondent No. 04

*Barista Brig (R) Dr. Muhammad Abrar Khan*

Through

  
Barrister Ibrahim Khan Afridi  
Advocate, High Court

(05)

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Appeal No. 196/2024

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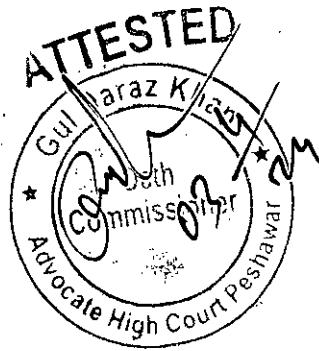
**Govt of KP through Secretary Health & Others**

**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. Mohammad Abrar Khan

CNIC: 37405-6033179-5

**MR. ROAID KHAN S/O SHER BAZ KHAN, WARD ORDERLY (HRID: 7-0166)**

1. Appointment: Mr. Roaid Khan S/o Sher Baz Khan, Ward Orderly (HRID: 7-0166) vide No. 15608-12 Dated 06.08.1996.  
Address: Village & PO Chaghar Matti, Teh. & Distt. Peshawar
2. Arrival Report: dated 06.08.1996 submitted vide No. 16138-39 dated 11.08.1996
3. Explanation: Letter No. 4770-71 dated 31.03.1997
4. Explanation: Letter No. 10058-60/LRH dated 21.06.1997
5. Explanation: Letter No. 12062-63/LRH dated 15.07.1997
6. Warning: No. 12494/LRH dated 22.07.1997
7. Leaves 04 days without pay with a warning: No. 27520-22/LRH dated 18.12.2002
8. Explanation: No. 30535-36/LRH dated 18.10.2003
9. Warning: No. -----/LRH dated 27.10.2003
10. Earned Leaves 30 Days: No. 11845-49/LRH dated 11.05.2004
11. Arrival from Leaves: 16942-45/LRH dated 28.06.2004
12. Fine & 01 Day leave without pay: 13009-12/LRH dated 28.04.2005
13. Explanation: No. 25599/LRH dated 03.08.2005
14. Leave without pay with a warning: 26400-403/LRH dated 09.09.2005
15. Leave without pay with a warning: 35958-6/LRH dated 24.12.2005
16. Earned Leaves 10 days: 16947-51/LRH dated 19.07.2006
17. Departure: No. 17408-11/LRH dated 25.07.2006
18. Warning: 25510-13/E-IV dated 15/10-2010
19. Disciplinary Action: 29970-72/E-IV dated 21.12.2010
20. Internal Transfer: 29155-60 dated 09.12.2010
21. Internal Transfer: 29478-83 dated 13.12.2010 Partial Modification
22. Explanation: No. 30019-23/LRH-IV dated 17.08.2012
23. Warning: No. 31533-36/LRH/E.IV dated 06.09.2012
24. Explanation: No. 5163-66/LRH/E-IV dated 18.02.2013
25. Warning: No. 5844/LRH/E.IV dated 26.02.2013
26. Explanation: No. 27588-90/LRH/E-IV dated 30.08.2014
27. Warning: No. 28049-51/LRH/E-IV dated 02.09.2014
28. Explanation: No. 33025-27/LRH/E-IV dated 23.11.2015
29. Relieved to DGHS: Office Order No. 1340-48/HD/LRH dated 29.04.2016
30. Relieved to DGHS: No. 1307-14/HD/LRH dated 09.05.2016
31. Relieved to DGHS/Complaint: No. 1315-22/HD/LRH dated 11.05.2016
32. Relieved to DGHS/Complaint/Disciplinary Action: No. 1667-75/HD/LRH dated 20.05.2016
33. Anti-Encroachment Drive letter to DC: No. 1458/HD/LRH dated 20.05.2016
34. Explanation by DGHS: No. 3668-69/Personnel/WO/272 dated 23.05.2016
35. Letter to DC: No. 1687-95/HD/LRH dated 23.05.2016
36. DGHS Letter Regarding Explanation: No. 4808-09/Personnel/Ward Orderly/272 dated 04.07.2016
37. Letter to DGHS: No. 25683/LRH/E-IV dated 25.07.2016 (SNo. 36 reply)
38. Internal Transfer: NO. 22535-38 MFM/LRH-MTI dated 07.08.2017
39. Non-Arrival report: No. 1986-88/LRH dated 30.08.2017
40. Explanation: 26489-93/LRH/E-IV dated 14.09.2017
41. Non-Arrival report: No. 2476/LRH dated 18.10.2017
42. Enquiry Nomination: No. 31254-57/LRH/E.IV dated 30.10.2017
43. Strict Warning: No. 35718-23/AHD/PA/LRH dated 14.12.2017

*Accepted*  
*[Signature]*

44. Stoppage of Salary: No. 1424-31/HD/LRH dated 15.12.2017
45. Enquiry Report: No. 1532 dated 03.11.2017
46. Show cause: 36816/LRH/E.IV dated 26.12.2017
47. Salary Release: No. 4346-51/HD/LRH dated 13.02.2018
48. Affidavit:
49. Release of Salary: No. 0994-0999/AHD/PA/LRH dated 21.02.2018
50. Departmental Appeal DGHS: 686-709/Personnel dated 05.01.2018
51. Explanation: No. 1417/AHD/PA/LRH dated 12.04.2018
52. Stoppage of Salary: 1527/AHD/PA/LRH dated 29.04.2018
53. Explanation: No. 1534/AHD/PA/LRH dated 29.04.2018
54. Strict Warning: 1708-15/AHD/PA/LRH dated 11.05.2018
55. Salary Release: No. 34919-21/LRH/E-III dated 07.12.2017
56. Internal Transfer: No. 1821/FM/LRH dated 25.05.2018
57. Explanation: No. 16632-38/MF/E-IV dated 10.07.2018
58. Internal Transfer: No. 13413-09/MF/E.IV dated 06.08.2018
59. Internal Transfer: 1341-07/MF.E.IV dated 08.08.2018
60. Internal Transfer: 259-74/MFM/LRH dated 05.10.2018
61. Compliant: By Dr Bilal Awan daed 02.07.2018
62. Complaint: By Medical "C" Ward on 19.11.2018
63. Complaint by Paeds Assessment Unit Dated: 24.05.2018
64. Complaint by Jr Medical "B" ward Dated 02.08.2018
65. Complaint by AP Medical "C" ward Dated 11.12.2018
66. Explanation: No. 1141-45/LRH/E-IV dated 11.01.2019
67. Internal Transfer: NO. 387-08/FM/LRH dated 08.01.2019
68. Salary Released: No. 3402-06/LRH/E.IV dated 06.02.2019
69. Earned leaves 05 days: No. 5149-53/LRH/HR-IV dated 26.02.2019
70. Earned leaves 04 days: No. 18707-10/LRH/HR-IV dated 25.07.2019
71. Relieved from Mis Department: No. 103-20/MIS/LRH dated 16.10.2020
72. Compliant by Security Guard: Dated 29.01.2021
73. Warning: No. 3850/HR-IV dated 18.02.2021
74. Internal Transfer: No. 204-07 dated 20.08.2021
75. Quarantine leaves 11 days: No. 28517-19/LMC-HR/LRH
76. Internal Transfer: No. 515-17/MHK/LRH dated /05/2022
77. Explanation: No. 15449-50/HR-IV/LRH dated 21.06.2022
78. Complaint by Ap Urology: No. 1858/URO/LRH dated 16.05.2022
79. Explanation/Complaint: No. 19137-40/HR/LRH dated 02.08.2022
80. Complaint by AP Nephrology: 03.06.2022
81. Complaint by AP Nephrology: 08.06.2022
82. Explanation/Complaint to submit affidavit: No. 24514-17/HR/LRH
83. Enquiry No. 15-2022/HR-IV: No. 30801-07/HR-IV/LRH dated 04.11.2022
84. Relieving Order: No 6993-99/HR-Iv/LRH dated 07.03.2023
85. Relieved to DGHS: Letter No. 685/HD/LRH-MTI dated 07.03.2023
86. Relieving order Cancellation from DGHS: Letter No. 3007/Personnel dated 11.05.2023
87. Relieving Letter to DGHS: No. 12520/HR-IV dated 01.06.2023

Attested  
[Signature]  
Tid.





# OFFICE OF THE HOSPITAL DIRECTOR

LADY READING HOSPITAL MEDICAL TEACHING INSTITUTION, PESHAWAR



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0092-91-9211401



www.lrh.edu.pk

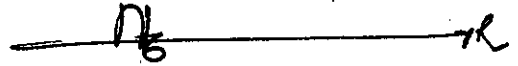
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No. 143 /HD/LRH-MTI

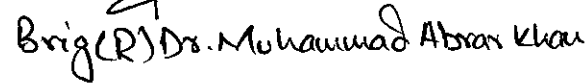
Date: 26 /03/2024

## AUTHORITY LETTER

Mr. Majid Masoom Khattak, AD Legal LRH-MTI, is hereby authorized to attend/defend the Appeal No. 196/2024 titled as "Rovaid 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.



**HOSPITAL DIRECTOR**  
Lady Reading Hospital – MTI,  
Peshawar.

  
Brig(R) Dr. Muhammad Abrar Khan