

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

**SERVICE APPEAL NO. 196/2024**

Rovaid Khan ..... **Appellant**

**Versus**

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

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27-05-24

  
**Deponent**

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

**SERVICE APPEAL NO. 196/2024**

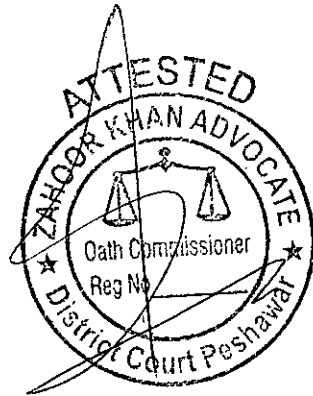
Rovaid Khan .....Appellant

**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 para-wise 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.



*[Handwritten Signature]*

**Deponent**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO.196 OF 2024**

Rovaid Khan.....Appellant

**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. 12752

Dated 14-08-24

**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.

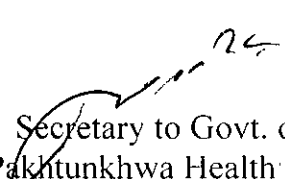
5. As explain in Para-04 above.
6. Relates to Respondent No. 04.
7. Pertains to record. However, detail reply has been given in para-04 above.
8. Relates to Respondent No. 04.
9. On his relieving from MTI LRH Peshawar he has already been adjusted at DHQ Hospital Landikotal as explain in Para-04 above.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

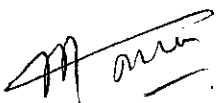
## GROUNDS

- 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 servent 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 (SGSMH)Sifwat Ghayur Shaheed 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**

Reference is made to the order of the Director General Health Services, Peshawar, dated 22.09.2023 regarding the following personnel transferred to the service of the Government of Khyber Pakhtunkhwa with immediate effect:

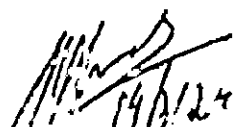
| No. | Name of the Employee | From                                                                     | To                                                     | Remarks                              |
|-----|----------------------|--------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------|
| 1   | Mr. Rana Khan        | Relieved from MTI LRI Peshawar under transfer to DHO Hospital Landikotal | do                                                     | For further adjustment under control |
| 2   | Mr. Mahmood Ahmad    | Relieved from MTI LRI Peshawar under transfer to DHO Charsadda           | Govt Nazeerullah Khan Babar Memorial Hospital Peshawar | For further adjustment under control |
| 3   | Mr. Farid Mahmood    | Relieved from MTI LRI Peshawar under transfer to DHO Nowsheera           | do                                                     | For further adjustment under control |

Sd. \_\_\_\_\_

**DIRECTOR GENERAL HEALTH SERVICES, K P, PESHAWAR**

Dated 14/03/2024

- 1. 1915-22 Personnel
  - 2. Copy forwarded to the
  - 3. Director, Peshawar
  - 4. Hospital Director MTI LRI Peshawar w/r to his letter No. 5291/09 HR-IV dated 22.09.2023 & No. 20347 dated 22.09.2023
  - 5. DHO Govt. Nazeerullah Khan Babar Memorial Hospital Peshawar
  - 6. DHO Sufi Muhammad Shaheed Memorial Hospital Peshawar
  - 7. DHO Khyber Charsadda Nowsheera
  - 8. DHO DHO Hospital Landikotal
  - 9. P.A. & DCCS Khyber Pakhtunkhwa
  - 10. All concerned
- For information and necessary action

  
**DIRECTOR (ADMIN)**  
**DIRECTORATE GENERAL HEALTH SERVICES, K P PESHAWAR**

*[Handwritten signature and initials at the bottom left of the page]*



**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*

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**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**