

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

**Execution Petition No.408/2024**

**In**

**Service Appeal No. 593/2023.**

Faridoon Khan

-----Appellant


**Versus**

Govt of Khyber Pakhtunkhwa &

-----Respondents

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Deponent

26-06-2024

Peshawar

S.B.

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

2

***Execution Petition No.408/2024***

***In***

***Service Appeal No. 593/2023.***

Faridoon Khan

-----Appellant

**Versus**

District Health Officer, Peshawar.

-----Respondent

Subject: - **Application for submitted Inquiry report by the Respondent Department as per Honourble Service Tribunal Court order dated.27-02-2024.**

Respectfully sheweth,

Regarding the above mentioned subject in the Honourble Service Tribunal Court, the Inquiry report about the appellant as ordered by Honourble Court has been already submitted vide Inst.No.12999 dated.27-05-2024, and Honourble Court order has been implemented in letter & spirit.

~~Respondent~~  
***Dr. Syed Muhammad Idrees***  
***District Health Officer,***  
***Peshawar***

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

***Execution Petition No.408/2024***

***In***

***Service Appeal No. 593/2023.***

Faridoon Khan

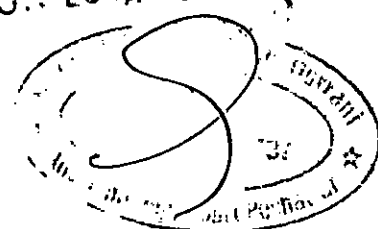
-----Appellant

**AFFIDAVIT**

I Dr, Syed Muhammad Idress S/O Syed Bakhat Badshah District Health Officer , Peshawar, do hereby solemnly affirm and declare on oath that content of the instant execution reply are true and correct to the best of my knowledge & belief and nothing has been concealed from this honorable 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.

**DEPONENT**

~~Syed Muhammad Idrees~~  
District Health Officer,  
Office of DHO Peshawar  
CNIC No.17102-1152032-1

L J J U . . . . . 78  


(3)

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

**Execution Petition No.408/2024**

**In**

**Service Appeal No. 593/2023.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 13784

Dated 25-06-2024

Faridoon Khan

-----Appellant

**Versus**

District Health Officer, Peshawar.

-----Respondent

**PARAWISE REPLY ON BEHALF OF RESPONDENT.**

Respectfully Shewith.

**Preliminary Objections.**

- The appellant has neither cause of action nor locus standi to file the instant appeal.
- The appellant has not come to the court with clean hands.
- The appeal is bad for mis joinder and non-joinder of the necessary and proper parties.

**Reply on facts:-**

Para No.1 Pertains to record.

Para No.2 The Honourble Tribunal Court Judgment has been implemented with letter & spirit and the Respondent Department has conducted a proper inquiry under the Rule and the appellant was given full opportunity and all the witnesses have been cross examined .The inquiry report has been already submitted by the Respondent Department in the Honourble Tribunal Court vide Inst No:12999 dated.27-05-2024.

The inquiry report is annexed as (*Annexure-A*).

Para No.3 The facts have been explained in para -02.

Para No.4 Incorrect, all the facts have been explained in para-02.

It is therefore, requested that the Execution Petition in hand, being devoid of merit may graciously be dismissed with cost.

  
**Respondent**

District Health Officer

Dr. M. Ishaq



**THE DISTRICT HEALTH OFFICER**

**PESHAWAR**

**Phone No. 091-9225387**

**Fax No. 091-9225467**

No. 8240 /DHO (Pesh) dated 15/05/2024

(B)

To

The District Health Officer.  
Peshawar.

Subject:- **Inquiry Report regarding Mr Faridoon Khan S/O Younas Khan District Peshawar).**

Sir,

Reference your letter No 5957-59/DHO, dated Peshawar .09-04-2024, I (Dr.Faroz shah ,DDHO Shah alam & Mathara circle) has been appointed as the Chairman of the enquiry in the above mentioned case.

**PROCEEDINGS :-**

- The enquiry committee called upon Mr Faridoon Khan S/O Younas khan for personal hearing vide letter No.5956/DHO/Pesh date 09-04-2024 (*Annexure-A*)
- Mr Faridoon Khan recorded his statement to the enquiry committee as well as submitted his written reply to the enquiry committee (*Annexure-B*) .Similarly it is added here that Mr Faridoon Khan accept the fact that his father was the employee of the Population Welfare Department (Federal Department ) and his father was working here as Chowkidar Since 20-25 years (*Annexure-C*).
- Furthermore it is important to mention here that the enquiry committee also called upon Mst Hashmat Bibi,Mr Israr and Mr Parviz Akhtar for recording their statements whose signatures /thumb impressions are present on the resignation letter of Mr Faridoon Khan.
- Mr Parviz Akhtar submitted his written reply to the enquiry Chairman (*Annexure-D*).
- Mr Muhammad Israr also submitted his written statement(*Annexure-E*).
- Mst Hashmat Bibi also submitted her written statement to the enquiry committee (*Annexure-F*).

**FINDINGS:-**

Mr Faridoon Khan has submitted an application for the post of Class-IV in the District Health Office Peshawar in lien of Retired Son's Quota which has been received by the Establishment Section of this office & his name was included in the Retired Son's Quota list and selected consequently .Later on for the purpose of pay when he was asked to produce the retirement documents of father , he didn't produce the same. Mr Faridoon has admitted the fact that his father was the employee of Federal Government (i-e) Population Welfare Department & was working as a Chowkidar in Health Department.

Attached


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Pesh

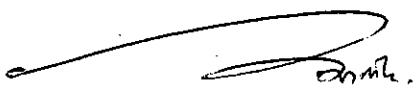
Furthermore Mr Faridoon Khan father got retirement from Population Welfare Department ,not Health Department (*Annexure-C*). It is important to mention here that the signature on the resignation letter of Mr Faridoon Khan is the same as the signature is present on his Medical Board Certificate (*Annexure-G*). Similarly the thumbs impression of Mst Hashmat Bibi is present on the resignation letter of Mr Faridoon Khan as she accept the fact that it is her thumb impression.

Similarly the statements of Mr Parviz Akhtar & Muhammad Israr are also self explanatory (*Annexure-D&E*).

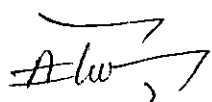
**RECOMMENDATIONS:-**

1. Looking at the findings and going through all the relevant record and the statements by Mr Faridoon Khan, Mst Hashmat Bibi , Muhammad Israr, Mr Parviz Akhtar and cross examining all the members including Mr Faridoon Khan , this committee came to the conclusion that Mr Faridoon Khan S/O Younas Khan was appointed inadvertently under Retired Son's Quota because of wrong and incomplete information submitted by Mr Faridoon Khan.
2. Decision may be issued by the Competent Authority to the Sub-Offices (i-e) Dairy section, Establishment section ,Account section that in future no application should be received without proper documentation .The documentation must include CNIC ,Domicile ,father /mother retirement documents ,qualification documents etc etc.
3. As the resignation letter is considered, all the signatures & thumbs impression are self explanatory ,and the same signature of Mr Faridoon khan is present on his medical Board Certificate during the time of selection in police Services Hospital ,which can't be denied and after his resignation the same was accepted by the Competent Authority and the account section is directed to do the remaining payment to Mr Faridoon Khan for his duty if any on their part. In view of above , it is stated that the resignation letter has been submitted by Mr Faridoon Khan and so Mr Faridoon Khan is not entitled to claim for job under retired Son's Quota .

1.   
**Dr. Feroz Shah.**  
*DDHO Shah Alam & Mathra Circle, Peshawar.*

2.   
**Dr. Mubarak Zeb Khan**  
*DDHO Litigation /Development*  
*District Health Office, Peshawar.*

Attested  


  
**Mr Abdullah (Co-opted Member)**  
*District Health Office, Peshawar.*



**OFFICE OF THE DISTRICT HEALTH**  
**PESHAWAR**  
**Phone No. 091-9225387**

Annexure - A

ER

No. 5956 /DHO/Pesh

Dated: 09/04/2024

To

The Faridoon Khan S/O Younas Khan  
Pishtakhara Payan District Peshawar .

Subject: Personal Hearing

Memo,

You Mr. Faridoon Khan S/O Younas Khan are directed to attend this office (District Health Office) at 15-04-2024 in person at 11:00AM sharply for personal hearing to record your statement before the inquiry committee in light of order No.13651 /DHIO/Pesh, dated 21-07-2023.

*District Health Officer,*  
*Peshawar*

Copy forwarded to the :

- PA Director General Health Services , Khyber Pakhtunkhwa Peshawar.
- DDHO Shah Alam & Mathra Circle Peshawar.
- Coordinator (DHIS), DHO, Office Peshawar.
- Inquiry Officer concerned .

Attested  
Shah

انکوائری آفس کے ساتھ ایک خط لکھ کر

درخواست پر ادبیات کے بارے میں  
بھرتی کلاس فور

مذکورہ بالا سب حساب دہل میں رہا ہے

(1) یہ کہ سب سے پہلے تقریباً چھ ماہ قبل ایک خط میں  
بھرتی کلاس فور کے بارے میں اور اسے  
فریفٹ پوری امانداری سے لکھا گیا ہے۔

(2) یہ کہ اب اب دارنامی کلرک D.H.O نے ایسی  
طرف سے ایک نوٹس درخواست میں سائل کے  
استغناء سے متعلق لکھا ہے۔ اور اسے  
بنیاد پر بھی ملازمت سے فارغ کرنے کی بنیاد  
رکھی ہے۔ اور بھی 06/07 سے ملازمت  
سے فارغ کیا گیا ہے۔ جو کہ ایک نوٹس درخواست  
کی بنا پر لکھا گیا ہے۔

DHO  
No. 1769  
25/04/2024

(3) یہ کہ میں نے اس کوئی درخواست برائے استغناء نہیں  
دی ہے۔

Alleged

(4) یہ کہ میں ایک سال کی دارم رہی اور  
اس دارنامی کلرک نے اس سے اور سے سے



جانب سے ہوگی درخواست گزار ہے جس سے  
مجھے کوئی معلوم نہ ہے

اللہ اعلم  
کہ منظور کی درخواست لا  
اس کیس کی مندرجہ صنادید کو ایٹمی کے ملک  
عنا صبر کو تم ارادہ ہی نہاد لو اس اور  
سئل کو ملازمت پر بحال کر سکی سفارش  
کر کے داد رسی فرمائیں

الموعوم  
4/2024  
15

س

فریدون خان ملا پولیس خان  
سکن لیکچرہ پانڈا، کٹہہ

فریدون خان

0346-5972100

Attested  
Shah

⑧  
⑤

Annexure (5)

Office of the ACMR Sr. Peshawar  
No. CP/SH/13449-N the 19

UNTIL FURTHER NOTICE, and on the expiration of every month please pay to Yousuf Khan the sum of Rupees Five hundred and forty eight (Rs. 547-58) (less income tax) being the amount of PENSION.

as ex. co. under of population web for Peshawar

Upon the production of this order and a receipt in the usual form. The payment should commence from 1-12-2006

- Nature Diff. PM Payable
- ① Pension No 73-50 1-5-1987 to 30-11-1996 has 20 yrs of service
  - ② 36-7-50 1-12-1996 to 30-11-1997 has 20 yrs of service
  - ③ 5-51 1-12-1997 to 30-11-1998 has 1 yr of service
  - ④ 17-36 1-7-2003 to 30-11-2004 has 1 yr of service

The gratuity is debitable to the head:  
 Major Object 600 Transfer Payments  
 Minor Object 450 Superannuation Allowance and Pension  
 Detailed Object 663 Gratuity value of Pension

Monthly Pension increases  
CP/SH/13449-N No. 273-78  
CP/SH/13449-N No. 41-06  
CP/SH/13449-N No. 129-36  
CP/SH/13449-N No. 79-34 w.e.f. 1-12-2006  
CP/SH/13449-N No. 107-11  
CP/SH/13449-N No. 176-73  
 He is also entitled to a temporary increase of (Rupees) \_\_\_\_\_ or until further orders under usual conditions. A sum of (Rupees) \_\_\_\_\_ on account of commuted value of pension is also payable. The commuted value is debitable to the head.

Major Object	600	Transfer Payments.
Minor Object	660	Superannuation Allowance and Pension.
Detailed Object	663	Commuted value of pension

(Signature)

(Designation) General Officer Accounts General Services Revenue and Office Pakistan

To The Treasury Officer/D.A.O. Manager National Bank of Pakistan.

Saddar Road Branch  
Peshawar Cantt.

Attest  
Shah

10

(4)

Annexure - ~~B~~

### PENSION PAYMENT ORDER PENSIONER'S PORTION

Name of pensioner Younis Khan  
 (Designation and Grade) Ex Chowkidar B-2  
 His/Her Father's name Qalandar Khan  
 Husband's  
 Permanent address showing village P. Pishitkhana Jay  
 Village, Tehsil Distt Peshawar  
 Identity Card No. -  
 Date of birth 02-5-1937  
 Date of Application 24-11-1976  
 Date of Retirement 01-5-1997  
 Length of Qualifying Service 21 years  
 Class of Pension Superannuation  
 Monthly average emoluments Rs 2275-00  
 No. and Date of sanction of pension or letter No Tris. off  
Report dt 12/03/2007

and Date of the other Audit and Account office authorising the Pension/Gratuity/commutation .....

Old P.P.O. No. if any CP/SH/9543-N

Gross pension Rs 1095-15

1/4th surrendered portion Rs -

Commuted portion Rs 547-57

Net pension payable monthly Rs 547-58

Debitable to Govt Central

#### (Classification)

Major Function	000	General Admn.
Minor Function	020	Fiscal Admn.
Detailed Function	028	Superannuation and Pension
Major Object	600	Transfer Payments
Minor Object	660	Superannuation Allowances and Pension.
Detailed Object	661	Superannuation retiring and Compensatory Pension

District Health Officer Peshawar

Attested  
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Bab

NOTE (1). No Pension shall be liable to seizure, attachment or requestration by process of any court in Pakistan at the instance of a creditor for any demand against the pensioner (section II), Act XXIII of 1871).

NOTE (2). Payment under this order is to be made only to the pensioner in person, with the following exceptions:-

- (a) To person specially exempted by Government.
- (b) To purdah observing ladies and to person unable to appear on account of illness or bodily infirmity.

(Payment in both cases (a) and (b) is made on production of a Life Certificate signed by a responsible officer of Government or other well known and trustworthy person).

- (c) To any person sending a Life Certificate, signed by some person exercising the powers of a Magistrate of any class under the criminal procedure code or by any Registrar or Sub-Registrar under the Registration Act, or by any pensioned Officer who before retirement exercise the powers of a Magistrate or any Gazetted Officer of Government or by a Munsiff or by any person holdig a Government title.

- (d) In all cases referred to in clauses (a), (b) and (c), the Disbursing Officer must, at least once a year, require proof, independent of that furnished by the Life Certificate of the continued existence of the pensioner.

NOTE (3). On the death of the pensioner this order should be immediately returned by his/her family to the Treasury Office District Account office/ National Bank of Pakistan with a report of the date of his death.

119 = 1357  
 1/1-1/11  
 1/3/11

Record of lump-sum payments on account of Gratuity and Commutation.

Nature of Payment	Vr. No. and Date	Amount
20/7/11		
1/12-27 31/3/11		
42/1357	5420	
Admin	13330	
1/8/11	18750	
2/10/11		
1/3/11		
2/8/11		
1/3/11	5710	

District Health Officer  
 Peshawar

Attested  
 18/8/11

خدمت جناب انگوٹھی آمینہ ڈی ریج او افسران

(12)

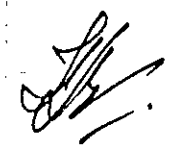
Annexure - D

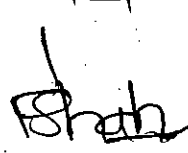
Subject: Enquiry

Sr.

I would like to inform your good self that Mr. Faridoo Shojamas Khan was appointed and after some time, he in my presence submitted his resignation from service. The reason is what so ever, he knows better.  
Thanks.

Dated. 9/5/2024.

  
Pervair Akhtar Afzidi  
Office Assot.  
DHO Dera Iskan.

Attested  


انوار شری از قلمسر ڈی ایچ او آفس ایف اے  
جہاں جہاں عالی اے

Ammaexu-E

عنوان: فریدون بمقابہ حکومت صیبر بختون خواہ

لڈارٹس جی۔ کہ فریدون ولہ یونس خان محلہ لڈے بالا

پشاورہ بنیاد نے بھرتی لکھیے درخواست دی تھی کہ ہم بہا والد ڈی ایچ

ادانسا سے ریٹائر ہو گیا ہے۔ سن آف پناہ سلیشن کمیشن نے  
ریٹائرڈ سن نوٹ میں اس آف بھرتی آف آرڈر جاری کر دی تھی


تخواہ شروع کرنے لکھیے اس سے ایڈ والد نے سنشن کافی اور  
دوسرے کاغذات مانڈے تھے جو وہ یورائٹ کر سکے۔ اس دوران

یا ایچ جی لڈارٹس۔ فریدون میرے پاس آیا اور کہا کہ اگر میرے  
تخواہ شروع نہیں ہوتی تو میں تو سزا چھوڑنے سے درخواست کرتا

دیتا ہوں۔ اس نے <sup>استغنی</sup> ~~دوسرے~~ میں اس آف اصل دستخط  
موجود ہے۔ اور ساتھ اس آف بھرتی نے بھی انکو بھی لکھا

اس بات کی میں خواہ یہ کہ جب درخواست فریدون نے جمع کی ہے

الغرض

  
محمد امیر  
ولہ صیبر الدین

آگاہ شدت ڈی۔ ایچ او آفس ایف اے

Attest

Shah

کھنور صاحب - انکوائری اجیڈنٹ ایف ڈی ایف

Annexure - F

1770  
15/04/2024

جناب عالی! منہ حسب ذیل مرض رہا ہے

گزارش ہے کہ فریڈون کلاس فور کی من بیلہ گوجھی جون ۱۹۸۰ء  
میں ہی دوڑ ڈھوپ کوج سے فریڈون کجنت کلاس فور  
کھرتی چوا گیا۔ من بیلہ ایڈن اسرار کلر کج  
D.H.O کے پاس گئی تھی۔ جہاں پر انہوں نے  
مجھ سے ایک درخواست پر انکو کجنت کج گج  
بابت مجھے کجی بات نہیں بنائی گئی۔ کہ پر کج  
لگا یا گیا ہے۔ بعد ازاں معلوم ہوا کہ میرا انکو کج  
کو اسرار نہی کلر نے مینی مہر بدینی و دروغ کج  
فریڈون کے خلاف ہی استعمال کیا ہے

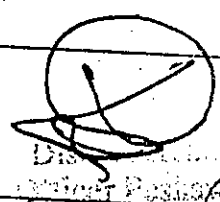
Attested  
Shake  
کجنت کج کے  
اور فریڈون کج  
فور ملازمت پر کج  
۲۰۲۴  
مہما انعام زود و شمال فان کج لکھنہ بال کج

(5)

# MEDICAL CERTIFICATE

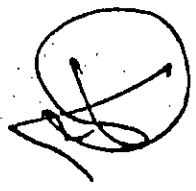
Name of official Faizidun Khan Annexure G  
 Caste or race Kharbil  
 Father's name Younus Khan  
 Residence Pishtalbade Pagan Peshawar  
 Date of birth 01-01-1982  
 Exact height by measurement 5-3  
 Personal mark of identification Nil  
 Signature of the official Faizidun Khan  
 Signature of head of office \_\_\_\_\_

Seal of office



I do hereby certify that I have examined Mr. Faizidun Khan a candidate for employment in the Office of the Health and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the As above year according to his own statement 40 year and by appearance about year Early 30s

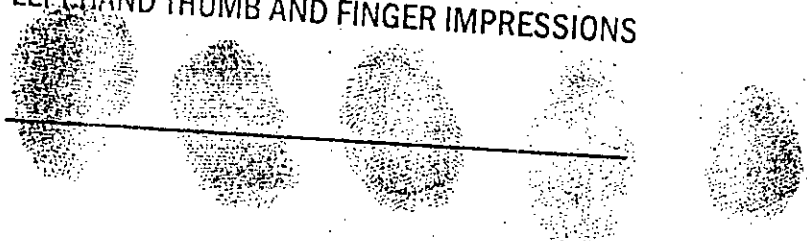


District Health Officer Peshawar

MEDICAL SUPERINTENDENT,  
 CIVIL HOSPITAL Medical Superintendent  
Police/Services Hospital  
Peshawar

14/06/22

LEFT HAND THUMB AND FINGER IMPRESSIONS



Attested  
[Signature]







**OFFICE OF THE DISTRICT HEALTH OFFICER  
PESHAWAR**

**Phone No. 091-9225387**

**AUTHORITY LETTER**

Dr, Mubarak Zeb Khan S/O Mr, Alam Zeb Khan DDHO Litigation (BPS-19) ,Office of DHO Peshawar, NIC No: 17101-6493994-5 is authorized to submit execution reply in the case of Execution Petition No.408/2024 in Service Appeal NO.593 /2023 titled Faridoon Khan Vs Govt of KP in Service Tribunal Khyber Pakhtunkhwa Peshawar .

*Dr. Syed Muhammad Idrees*  
*District Health Officer,*  
*AS*  
*Peshawar*

District Health Officer,  
Peshawar