


FORM OF ORDER SHEET

Court of _____

Appeal No. 855/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/06/2024	<p>The appeal of Mr. Muhammad Iqbal re-filed today by registered post through Sheikh Ifikhar ul Haq Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 20.08. 2024. Counsel for the appellant has been informed telephonically.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

Respected Sir,

The appellant applied for the post of medical technician through open merit and fulfillment of the all codel formalities, but the department erroneously served the appellant with the appointment letter against the improper post of EPI technician vide order No. 527 dated 19/11/2019. (Copy of the improper order is enclosed).

Being aggrieved by the improper order of EPI Technician the appellant knocks the door of Honourable High Court Bench Dera Ismail Khan for redressal of his grievances vide writ petition No. 624-D/2020. Where after during the pendency of the writ petition the grievances of the appellant was redressed by the department, so , the writ petition was withdrawn up-to the extent of appellant vide order dated 19/06/2023 as the writ petition was submitted with his colleagues. Because the department issued the office order No. 144 dated 24/05/2023 for adjustment/transfer of the appellant from the improper post of EPI Technician to the proper post of Medical Technician. Copy is already annexed as Annexure-B of the main appeal.

Hence, the appointment order of the appellant is based on feedback of the EPI Technician Order supra mentioned and the subsequent order of medical technician is only for the adjustment/transfer against the proper post for which the appellant had initially applied, meaning thereby the adjustment/transfer order of the appellant is the continuation of the improper order to the proper order. The case be fixed before the Honourable Tribunal.

Thus submitted please sir,

Dated - 12.6.2024

Sincerely Yours


Sheikh Iftikhar ul Haq
Advocate Supreme Court



OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION JANDOLA, TANK


No: - 527

Dated: - 19/11/2019

OFFICE ORDER

As recommended by the Departmental Selection Committee, Mr. Muhammad Iqbal S/O Mr. Kaleem Khan bearing CNIC No. 22601-2584782-1 r/o Ping, SD Jandola is hereby appointed against the vacant post of EPI Tech, fixed pay equivalent to BPS-12, under ADP Scheme "GAVI/EPI" in Sub Division Jandola with the following terms and conditions with immediate effect.

1. The Appointment is purely on fixed pay package initially for a period of one year, his service will be renewed on yearly basis subject to performance evaluation and till the life of the project.
2. The post will not be transferrable.
3. The appointee shall produce a Medical Fitness Certificate from the authorized Medical Superintendent.
4. The appointee shall be considered as project employee and his contract can be terminated at any time without assigning any reason as per project policy.
5. The appointee shall have no right of regular of regular status/continuation of service.
6. Salaries will be released after verification of all the academic documents and other codal formalities.
7. If he wishes to resign from the service, a prior notice of 30 Days will be submitted or pay of 30 Days shall be deposited in lieu thereof.
8. The appointment will not confer upon him any right of regularization of services.
9. He shall not be indulge in any trade, business and any other activity what so ever, which has been declared prohibited under Civil Servants Act, 1973.
10. If he accepts offer on the above terms and conditions, he is directed to report for duty to the undersigned (Deputy District Health Officer SD Jandola) within 15 Days positively from the date of issuance of this offer, in case of failure, the appointment shall automatically stand cancelled and next candidate shall be considered from the waiting list.
11. He will not be entitled for any TA/DA for joining service.

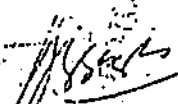

DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION JANDOLA, TANK

No: -

Dated: - / / 2019

Copy to:-

1. The Director Health Services Merged Area, Peshawar.
2. The Deputy Commissioner, Tank.
3. The District Account Officer, Tank.
4. The Account Clerk for record.
5. Official Concerned.


DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION JANDOLA, TANK

The appeal of Mr. Muhammad Iqbal received today i.e on 24.04.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 & 4 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Address of appellant is incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copy of proper appointment order mentioned in the memo of appeal is not attached with the appeal be placed on it.

No. 979 /S.T.

Di. 29/4 /2024.


25/4/24

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sheikh Iftikharul Haq Adv.
High Court D.I.Khan.

Respected Sir,

1. The respondents No 1 & 4 be considered as deleted as per sub rule-4 of rule-6 of KPK Service Tribunal ruled 1974.

2. objection has been removed as per K.P.K Service Tribunal rules 1974.

3. As for as the objection no 3 is conserved, the appointment order, which is available on file is the only appointment order, which has been provided to the appellant. Hence resubmitted to the appellant. please sir.

Dated 15.5.2024 in file of
Sh: Iftikharul Haq
A.S.C

objection no 3

Available on file is the certificate and not the appointment order therefore applicant is directed to ^{provide} the appointment order with 7 days after receipt of this file. 27/5/24.

No 103 / Inst / 2024 / KPST
Dated 30/5/24

Reputed sit,
The objection is removed on page.

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 855 /2024

Muhammad Iqbal

VERSUS

Govt. of KPK and others

SERVICE APPEAL

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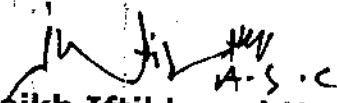
S.No	Particulars of the Documents	Annexure	Page
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Date: 29/04/2024

Yours Humble Appellant


Muhammad Iqbal

Through Counsel,


Sheikh Iftikhar ul Haq
Advocate Supreme Court
Cell#0345-9785920

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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 855/2024

Muhammad Iqbal son of Kaleem Khan caste Bhitani r/o
village Ping Sarmastkhel, Sub Division Jandola District Tank.

03371684040 Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Health Department KPK, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, District Tank.
4. Deputy District Health Office, Sub Division Jandola, District Tank.
5. District Accounts Officer, Tank.

..... Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICES
TRIBUNAL ACT, 1974.**

Prayer:

On acceptance of instant appeal the respondents may graciously be released the salaries of appellant from 01/07/2023 till now i.e. 22/04/2024 and onward in accordance with law.

Respectfully Sheweth:-

The appellant most respectfully submits as under:-

1. That the appellant is resident of Ping, Sub Division Jandola, District Tank and is qualified person.

- 2
2. That the appellant after all code formalities and correspondence, in the circumstances stated at that time, the appellant was appointed as Medical Technician on 13/04/2023 and properly order was issued vide order No. 144 dated 24/05/2023. Copies of appointment orders/correspondence are annexed as **Annexure-A & B**.
 3. That thereafter the respondents released the salaries of appellant till 30/06/2023 but onward the salaries of the appellant were not released in spite of this the appellant is performing duties at CD Darrikel as Health Facility In-Charge with full satisfaction of superiors. Proof in shape of attendance register is available with the respondents.
 4. That the appellant made various verbal requests and made various correspondence but that was not positively responded hence, at last the appellant submitted a departmental appeal on 21/12/2023 vide Dairy No. 40082 through proper channel which was further submitted/sent to the appellate authority on 29/12/2023. Copies of the departmental appeal are annexed as **Annexure-C**.
 5. That as the respondents have not decided the departmental appeal within stipulated period, meaning thereby the appeal has been rejected, hence, the instant service appeal, inter alia, on the following grounds.

GROUND

- A. That the acts and omissions of respondents by not releasing the monthly salaries of appellant are against law, facts and circumstances and have been issued without lawful authority.
- B. That as per service laws and rules, any employee who is performing duties the monthly drops of life/salaries be released forthwith and as per Islamic Verdicts, Ahadis of the prophet Muhammad (PBUH) is that مزدور کی مزدوری پسینہ خشک ہونے سے پہلے ادا کر دی جائے
- C. That in the lights of verdicts of superior courts, when anyone do the job, the salary be paid to them, thus the acts and

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omission of the respondents/authorities are in violation of law and constitution of Islamic Republic of Pakistan.

D. That the Counsel for the appellant may kindly be allowed to raise further legal grounds during the course of arguments.

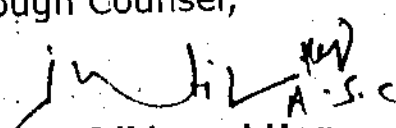
In wake of submissions made above, On acceptance of instant appeal the respondents may graciously be released the salaries of appellant from 01/07/2023 till now i.e. 22/04/2024 and onward in accordance with law.

Any other relief which this honourable tribunal may deems appropriate may also be granted to the petitioner.

Date: 29/04/2024

Yours Humble Appellant


Muhammad Iqbal
Through Counsel,


Sheikh Iftikhar ul Haq
Advocate Supreme Court
Cell#0345-9785920

4

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. _____/2024

Muhammad Iqbal

VERSUS

Govt. of KPK and others.

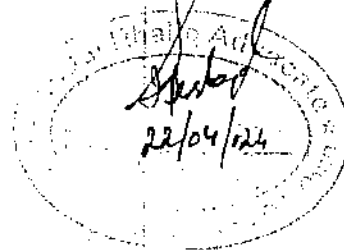
SERVICE APPEAL

AFFIDAVIT

I, **Muhammad Iqbal** son of Kaleem Khan caste Bhitani r/o village Ping Sarmastkhel, Sub Division Jandola District Tank, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

Dated: 23/04/2024


DEPONENT



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Ann- A^o



**OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION JANDOLA, TANK**

No: - 92

Dated: - 13/04/2023

TO WHOM IT MAY CONCERN

Mr. Muhammad Iqbal S/O Mr. Kaleem Khan, bearing CNIC No. 22601-2584782-1 had applied for the post of Medical Technician & EPI Technician in March 2019, advertised by DDHO SD Jandola. Said official was eligible both for Medical Technician & EPI Technician.

He was appointed against the post of EPI Technician in said recruitments and has drawn salary. He has performed regular duty and drawn salary against vacant post of Medical Technician under Personal No. 970364 w.e.f 01/01/2021 to 31/08/2022.

His application is considerable.

**DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION JANDOLA, TANK**

Attached to be true copy

order

Correspondence

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Ann-B



**OFFICE OF THE DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION JANDOLA, TANK**

No: - ...144

Dated: - ...24...5.../2023

OFFICE ORDER: -

Mr. Muhammad Iqbal S/O Kaleem Khan, whose designation is recently changed from EPI Tech to Medical Tech in the compliance of directions of Peshawar High Court, DIKhan bench has been transferred to CD Dari Khel as Health Facility Incharge.

Said Official is directed to make compliance on the Office order and report to his new place of posting by today positively.

[Signature]
DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION JANDOLA, TANK

No & Date even,

Copy to: -

1. The District Health Officer, Tank.
2. Account Clerk.
3. Official concerned.

[Signature]
DEPUTY DISTRICT HEALTH OFFICER
SUB DIVISION JANDOLA, TANK

attached to be true copy

[Signature]

Departmental Order for Release of

Salary 1/1 Ann-C

Dr. ... 1/10/23

most respectfully stated that

1) I (Muhammad Iqbal Medical Technician in Sr. Jundola, personal number = 970311, bearing ID no number 22602784782 performing regular duties of CD-DARI KHEL in health facility in charge

2) I have all the necessary documents of a government servant

3) My Salary has stopped from 1-7-2023 till now

4) Respected Sir, Therefore you are requested to give direction of releasing Salary to DDHO Sr Jundola and DAO

Thank

5) I shall be greatly thankful to you for this act of kindness

Muhammad Iqbal
Medical Technician
CD - Darsi Khel

Dated: 21-12-2023

Attested to be true copy

[Signature]



PREMIER COURT BAR ASSOCIATION OF PAKISTAN

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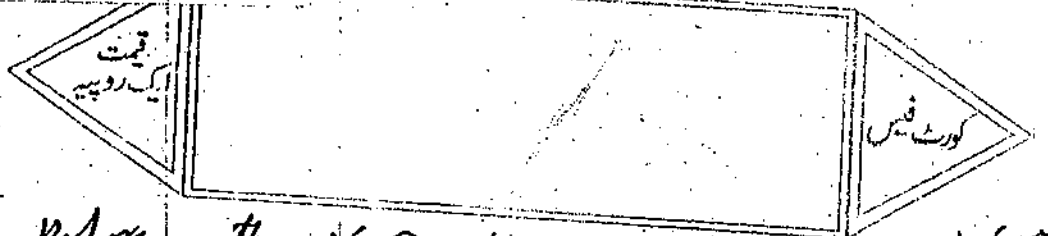
IFTIKHAR - UL-HAQ
Advocate Supreme Court of Pakistan
12201-0316740-9

M. ANAM BHOON
President

WASEEM FURUQAZ MALIK
Secretary



وکالت نامہ



Before the K-P-K Service Tribunal
Appellant
Muhammad Afzal vs Govt of K.P.K
Service Appeal
دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آفیکہ

مقدمہ مندرجہ بالا اشخاص میں اپنی طرف واسطے بیرونی وجوہات پر پیش کی گئی یا تصدیق مقرر مقام D.P.K
Sh. Iftikhar ul-Haq A.C.C

کو سب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود بخود تیار ہوں اور عدالت حاضر ہونے کا ارادہ رکھتا ہوں۔ اور ہر وقت پارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف
اسکی کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بعد از تظیل عدالت کرنے کے
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بعد از تظیل عدالت کرنے کے ذمہ
دار نہ ہوں گے۔ اور مقدمہ صدر مقام بکھری کے علاوہ اور جگہ سماعت ہونے یا بعد از تظیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ
دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ ہونے کے لیے کوئی ذمہ دار نہ ہوں گے۔ مجھ کو کل سامنے پر داخلہ صاحب موصوف مل کر دو
ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو مرضی ہوگی یا جواب دعویٰ یا درخواست اجراء و کرہ یا نظر ثانی اپنی طرف سے اور درخواست پر دخل و تصرف کرنے کا
بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کا رویہ وصول کرنے اور رسید دینے اور واپس کرنے اور اس کے معائنہ دینے اور اس پر حاشیہ یا روشنی نامہ و فیصلہ پر
خلاف کرنے یا اقبال دعویٰ کا کسی اختیار ہوگا۔ اور صورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بکھری صدر مقام مذکورہ نظر ثانی واپس لے کر آئی اور آئی
مقدمہ یا منسوی ڈگری یا درخواست حکم اختتامی یا ترقی یا گرفتاری قبل از فیصلہ اجراء و کرہ کی صاحب موصوف کو بطور ادائیگی ملکہ عدالت ہی کا اختیار ہوگا
اور تمام سامنے پر ذرا اہمیت صاحب موصوف مل کر دو ذات خود منظور و قبول ہوگا۔ اور صورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکی کسی جزو
کی کارروائی یا صورت و درخواست نظر ثانی اپنی یا گرفتاری یا دیگر معاملہ مقدمہ مذکورہ کی اور دوسرے وکیل یا ایڈووکیٹ کو اپنے بجائے یا اپنے ہر مقرر کریں۔ اور اپنے شہر قانون کو
بھی ہر اس میں ہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو جگہ ہر جگہ انکوائہ ہو گیا، وہ صاحب
موصوف کا ہے اور صاحب موصوف کو اپنی پیشی تاریخ پیشی سے پہلے اذات کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی عدالت نہ کریں اور اسکی
صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

22 مارچ 2024

مضمون وکالت نامہ من لیا ہے۔ اور اچھی طرح سمجھا گیا ہے اور منظور ہے۔

Attested
Accepted
In Attestation
Su: Iftikhar ul-Haq