

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

**SERVICE APPEAL NO. 1139/2023**

Gulzar.....Appellant

**Versus**

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

**Index**

<b>S. No.</b>	<b>Description</b>	<b>Annexure</b>	<b>Pages No.</b>
1	Comments		1-4
2	CNIC	A	5
3	Office Order	B	6
4	Affidavit		7
5	Authority letter		8

  
Deponent

1/4

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 1139 OF 2023**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12827

Dated 16-05-24

Gulzar .....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 04**

**Respectfully Sheweth:**

**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.
9. That the Honorable Service Tribunal has no jurisdiction to adjudicate the matter.

**ON FACTS:**

1. Correct to the extent of address of the appellant and rest of the para is denied. As the Service Book of appellant amply shows his DOB recorded at the time of appointment into service as 25-04-1961. In term of GFR 116 the date of birth of newly appointed civil servant, at the time of joining service is declared by him based on documentary proof which is

further testified by the medical officer while issuing health and age certificate required under rule 49 of CSR. Furthermore, the appellant managed to obtain CNIC (issued on 23-10-17) in which his DOB is 01/01/1967 (**Annex-A**) whereas his DOB in old CNIC (issued on 31/03/2017) is only 1967 (already attached with the appeal), whereas in his AGPR payroll his DOB is 1966 and father name is Ghulam Jilani (already attached with the appeal).

2. Correct only to the extent that appellant was appointed as a Ward Orderly at DHQ Hospital Abbottabad. And later on the appellant was transferred to DHQ Mansehra vide. DGHS order No. 7192-93 dated: 9/5/2002. And rest of the para is denied as appellant was also suspended on 30-06-2017 (**Annex-B**) due to misbehave etc. with seniors.
3. Correct to the extent of retirement order dated 27.12.2022 (already annexed with the appeal) and as per the official Service Book record, his date of birth is 25/04/1961 (already annexed with the appeal), so the appellant got retired as per the service record and order. In addition to that, appellant has received an excess amount which is recoverable by the concerned department.
4. Incorrect. As his service book was maintained in DHQ Abbottabad and later on the appellant was transferred to DHQ Mansehra alongwith service book.
5. Incorrect. In fact he was initially appointed in DHQ Abbottabad and later on transferred to DHQ Mansehra along with the stated available service record.
6. Correct. The appellant filed appeal in the office of DGHS Khyber Pakhtunkhwa, and at the same time on 10/01/2023, he filed a case at Session Court against the retirement order, while has concealed the fact that he has also filed a review appeal in DGHS office.
7. Incorrect. The allege reminder has been mentioned in order to extend period of limitation however, U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 only one departmental appeal is permissible before filling service appeal before the Service Tribunal. In addition to that, the appellant simultaneously also filed a Civil Suit in Civil Court Mansehra on dated 11-01-2023 (already attached with the appeal) against the defendants. Whereas the same was withdrawn on 29-03-23, (suit & its judgment already attached with the appeal).
8. Not related to the answering respondents. However, detail reply has been given in para 01 above.

9. Pertains to record. However, detail replay has been given in para 01 above.
10. Incorrect. No vested right of the appellant has been violated by the replying respondents. Therefore, he is not an aggrieved person however, reply on the grounds is as under:


### GROUNDS


- A. Incorrect. The replying respondents acted as per law, rules and principles of natural justice hence denied.
- B. Incorrect. There is no need of issuing any notice before retiring a civil servant as retirement comes within terms and conditions of service and incase of the appellant he has not been awarded any penalty or proceeded under disciplinary rules therefore, there was no need of any notice. The impugned order was issued on the basis of entry into his service book recorded at the time of appointment.
- C. Incorrect. Serious allegations have been leveled against the replying respondents without any proof. In fact appellant is a tricky and fraudulent person as his DOB and parentage has wrongly mentioned at different levels by himself just to get the illegal gain.
- D. Incorrect. As already explained in para B of the grounds.
- E. Incorrect. As already explained in para A of the grounds.
- F. Incorrect. As already explained in para A of the grounds.
- G. Incorrect. As already explained in para A of the grounds.
- H. Denied and in the same regard an official letter/ request is made to obtain the appellant date of birth and correct father name as perform 'B' and NIC of NADR record. The Supreme Court of Pakistan in a reported judgment 2020 SCMR 1678, 2022 SCMR 1305 has categorically held that "entry into service book cannot be changed after expiry of two years from the date of entry into service" hence the appellant is not entitled for any relief after serving for decades without any objection.
- I. Incorrect. As already explained in para B of the grounds
- J. Incorrect. Already replied in para H above.
- K. Incorrect. Already replied in para H above.
- L. Incorrect. Already replied in preceding paras.
- M. Incorrect. Already replied in para A above.
- N. The answering respondents also seek prior permission of this Honorable Tribunal to adduce Additional grounds at the time of further arguments.

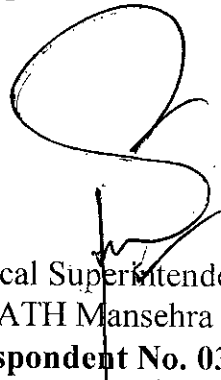
4/4


**PRAYER:**

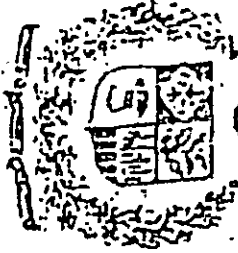
It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellatant may very graciously be dismissed with costs.

  
Secretary to Govt. of  
Khyber Pakhtunkhwa Health Department  
(Respondent No. 01)

  
Director General Health Services  
Khyber Pakhtunkhwa  
(Respondent No. 02)

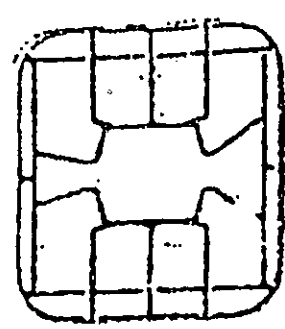
  
Medical Superintendent  
KATH Mansehra  
(Respondent No. 03)

  
Medical Superintendent DHQ  
Hospital Abbottabad  
(Respondent No. 04)



PAKISTAN National Identity Card  
ISLAMIC REPUBLIC OF PAKISTAN

Name  
Muhammad Guzar



Father Name  
Kala Khan

Gender  
M

Country of Stay  
Pakistan

Identity Number  
1350301371711

Date of Birth  
01.01.1967

Date of Issue  
23.10.2017

Date of Expiry  
23.10.2027



Holder's Signature

*Atent*

5  
A

(6) B

**OFFICE OF THE MEDICAL SUPERINTENDENT  
KING ABDULLAH TEACHING HOSPITAL MANSEHRA**


Tel: 0997-920096, Fax: 0997-540211; email: mskathmansehra @ gmail.com  
Website: www. kathmansehra.com

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**OFFICE ORDER**

Mr. Muhammad Gulzar Ward Orderly of King Aabdullah Teaching Hospital Mansehra is hereby suspended from his service with immediate effect, on the written complaint submitted by Mr. Muhammad Fayyaz Dispenser Emergency OPD Counter regarding physical attack & misbehaving with him during duty hours in Casualty Department.


Dr. Bashir Ahmad DMS (Admin) of KATH Mansehra is directed to enquire the matter in detail and report within 07 days.

  
Medical Superintendent  
King Abdullah Teaching  
Hospital Mansehra

No. 4855-58  
Dated 30.06.2017

Copy to:-

1. Deputy Medical Superintendent (Admin) KATH Mansehra for necessary action.
2. Account Section undersigned office for necessary action.
3. Supervisor Class-IV staff of KATH Mansehra.
4. Mr. Muhammad Gulzar Ward Orderly KATH Mansehra.

  
Medical Superintendent  
King Abdullah Teaching  
Hospital Mansehra

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**SERVICE APPEAL NO. 1139/2023**

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**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 parawise 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'able Tribunal. It is further stated on oath that in this appeal, the answering respondents have never been imposed cost / fine, neither placed Ex-Parte nor their defense has been struck off.



  
**Deponent**





(B)

**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**