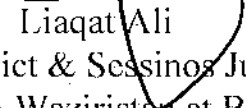


Service Appeal No. 351/2024.

**Rashi Iqbal.....Vs..... Registrar Peshawar High Court & others.**

Index

Sr.NO	Documents	Dated	Annex: Reply	Page
01	Reply along with counter affidavit and annexures.		Annexures: A(i) to A(iii) & B(i) to B(v)	1-12
02	Letter of DSJ along with authority letter.	27.06.2024		13-14
03	Appointment Order.	03.05.2019		15-17

  
Liaqat Ali  
District & Sessions Judge  
North Waziristan at Bannu  
/Respondent No.2

24-07-24

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

**Title: Service Appeal No. 351/2024**

**Rashi Iqbal..... Vs ..... Registrar PHC & Others**

**Subject: PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01&02**

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action to file instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appeal is barred by law and limitation.

**FACTS:**

1. Para no 1 need no comments.
2. Para no 2 is correct.
3. Para 03 is incorrect, hence denied. The appellant failed to perform his duty vigilantly. It is submitted that three explanations were called from the appellant on different occasions regarding his absence from duty without any leave application or intimation. (Copies are annexed as Annexure "A")
4. Para 04 is incorrect, hence denied. It is submitted that not only the appellant was coming from Miranshah but many other staff members are also attending their duty place at District Judicial Complex, Bannu. Appellant has not brought any such hardship in the knowledge of respondent.
5. In reply to para no. 5, it is submitted that the appellant has submitted his resignation on 10.12.2022 by mentioning therein that due to domestic problems he came late to his duty. As the resignation was voluntary, therefore, after recording his statement in support of resignation, wherein he has categorically stated that due to domestic problems, he was unable to continue his duty, thus, there was no need for any enquiry in the matter. Hence allegation of acceptance of resignation in hastily manner is denied. (Copy is annexed as Annexure "B").
6. In reply to para no 07, it is submitted that on 17-12-2022, appellant was heard for his withdrawal application of resignation, but no plausible reason was mentioned/explained during his personal hearing. Similarly, no unforeseen

**Khyber Pakhtukhwa  
Service Tribunal**

Diary No. 14466

Dated 24-07-24

P-2

circumstance for tendering resignation was mentioned. Therefore, the application for the withdrawal of resignation was dismissed. Copy of the application and order of withdrawal has already been annexed as annexure "D" with the appeal. Moreover, the resignation was submitted with free will & without any coercion.

7. Para No.07 pertains to the record of the appeal before Service Tribunal, therefore, need no reply. The same has already been annexed with the appeal as annex "E".
8. Para No.08 pertains to the record of the appeal before Service Tribunal, therefore, need no reply. The same has already been annexed with the appeal as annex "F".
9. In reply to para No.09, it is submitted that the Departmental Appeal was filed after much delay on 18.11.2023. A period 30 days is provided under section 3 of Khyber-Pakhtunkhwa Civil Servants (Appeal) Rules 1986. Therefore the appeal in hand is not maintainable.
10. Para No.10 is incorrect, Hence denied.

**GROUND:**

- A. Para-A need no Comment.
- B. In reply to para-B, it is submitted that appellant has clearly mentioned in his resignation that due to domestic problems, his duty was being affected, therefore, unable to perform duty. No haste was shown in acceptance of his resignation.
- C. In reply to para-C, it is submitted that appellant has never brought into the notice of undersigned that there was any threat to him. Many other staff members including minority community attend the duty daily.
- D. In reply to para-D, it is submitted that other staff members belonging to minority community attend the duty daily. Neither the appellant nor any other staff member has ever complained about any difficulty in attending duty place.
- E. Para-E pertains to the record.

A

- F. In reply to para-F, it is submitted that the appellant has himself tendered resignation clearly mentioning therein that due to domestic problems, he was unable to continue his duty, therefore, there was no need to probe being a domestic matter of appellant.
- G. Para No.G is incorrect. No right of appellant was violated an he has never been discriminated or denied of his any right.
- H. Para No.H is incorrect. No right of appellant was violated as he has never been discriminated or denied of his any right.
- I. Para No.I is incorrect. Appellant has tendered resignation himself, without any force or coercion by clearly mentioning in it that due to domestic problem that his duty was affected.
- J. Para No.J is incorrect. Nothing has been mentioned about any threat to the appellant in his resignation, rather domestic problems affecting his duties was mentioned in the resignation. Similarly, while recording statement in support of resignation, appellant has never stated about threat or agonies except domestic problems.

**Prayer:**

It is, therefore, requested that the appeal being without merit is liable to be dismissed with cost. It is therefore, most humbly prayed before, this Hon'ble Tribunal that on accepting the comments in hand, the instant appeal may very graciously be rejected/dismissed with cost.

Ikhtiar Khan

Registrar

Hon'ble Peshawar High Court Peshawar

*Respondent No-1*

LIAQAT ALI

District & Sessions Judge  
North Waziristan at Bannu

*Respondent No-2*

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 351/2024.

Rashi Iqbal .....(Appellant)

Versus

The Registrar Peshawar High Court & others.....(Respondents)

**Affidavit**

I, **Mr. Liaqat Ali**, District & Sessions Judge, North Waziristan at Bannu do hereby affirm and declare on oath that the contents of the instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Service Tribunal Peshawar.

It is further stated on oath that in this appeal the answering respondents neither have been placed ex-parte nor their defense has been struck off/cost.

*Attested*  
**Yamin Ullah Sikandry**  
Advocate  
Oath Commissioner  
District & Session Court Bannu  
28-6-24

*Liaqat Ali*  
**Liaqat Ali**  
District & Sessions Judge  
North Waziristan at Bannu  
Deponent/Respondent No.02

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Annexure A-(i)

65



**DISTRICT & SESSIONS JUDGE,**  
**NORTH WAZIRISTAN AT BANNU**

OFF: 0928-662172  
FAX: 0928-662036

dated. 07 /04/2021

No: 624 /DSJ NW at Bannu

From The District & Sessions Judge,  
North Waziristan at Bannu

To Rashi Iqbal  
Sweeper (BPS-03),  
North Waziristan at Bannu


**SUBJECT: EXPLANATION**


Memo:

You are found absent today i.e 07-04-2021 from your duty without leave permission and intimation and you also do not take interest in your assigned duty.

Your this act comes within the purview of misconduct on your part.

You are hereby directed to explain your position that why disciplinary proceedings shall not be initiated against you being on probation. Your reply should reach to the undersigned within three (03) days otherwise, it will be presumed that you have no defense to offer.

  
SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN AT BANNU

  
District & Sessions Judge  
North Waziristan at Bannu

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Annexure A (ii) 65



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT**  
**BANNU**

Ph: 0928-662172  
Fax: 0928-662036  
Email: dsjnorthwaziristan@gmail.com

Dated: 25 /03/2022

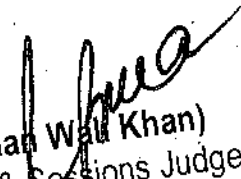
No: 550 / DSJ NW, at Bannu

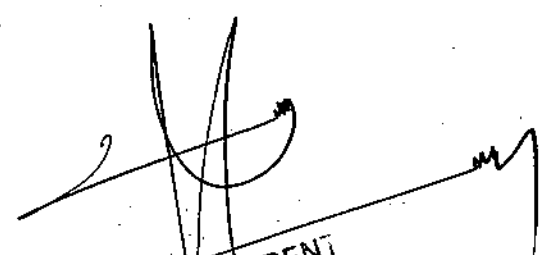
To Rashi Iqbal,  
Sweeper (BPS-03),  
District Judiciary, North Waziristan at Bannu.

Subject: **EXPLANATION**

It has been observed that you are remained absent from your duty today on dated. 25.03.2022 without any application or prior intimation. Your this act comes within the purview of misconduct on your part.

You are hereby directed to explain your position that why disciplinary proceedings shall not be initiated against you being on probation and dismissed from service. Your reply should reach to the undersigned within three (03) days otherwise, it will be presumed that you have no defense to offer.

  
(Usman Wali Khan)  
District & Sessions Judge  
North Waziristan, at Bannu

  
SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN AT BANNU

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Annexure A (iii)



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT**  
**BANNU**

Ph: 0928-920007  
Fax: 0928-662036  
Email: dsjnorthwaziristan@gmail.com

Dated: 17/09/2022

No: 1641 / DSJ NW, at Bannu

To

Rashi Iqbal,  
Sweeper (BPS-03),  
District Judiciary,  
North Waziristan at Bannu

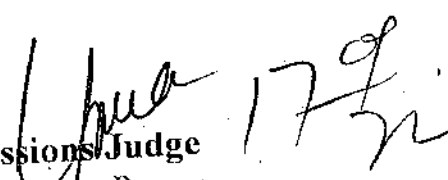
**SUBJECT: EXPLANATION**

Memo:

Whereas, it has been reported that you are absent today i.e 17-Sep-2022 from your duty without leave permission and intimation.

Your this act comes within the purview of professional misconduct on your part.

You are hereby directed to explain your position that why disciplinary proceedings shall not be initiated against you. Your reply should reach to the undersigned within **three (03) days** otherwise, it will be presumed that you have no defense to offer.

  
District & Sessions Judge  
North Waziristan at Bannu  
(Competent Authority)

  
SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN AT BANNU





**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT**  
**BANNU**

Ph: 0928-920007  
 Fax: 0928-662036  
 Email: dsjnorthwaziristan@gmail.com

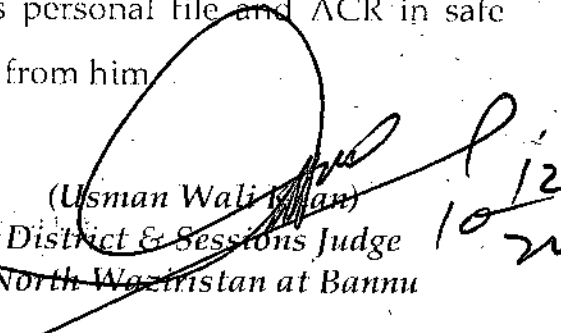
No. 400 9/DSJ NW at Bannu

Dated: 10/12/2022

**ORDER**

Mr. Rashi Iqbal Sanitation Attendant/Sweeper of this Sessions Division has rendered his resignation on 10/12/2022 on the ground mentioned in his application, which is accepted w.e.f. 10/12/2022 subject to service rules.

The official concerned is relieved from his responsibilities on 10/12/2022(A.N). Office is directed to keep his personal file and ACR in safe custody for record and service card be recovered from him.

  
 (Usman Wali Khan)  
 District & Sessions Judge  
 North Waziristan at Bannu

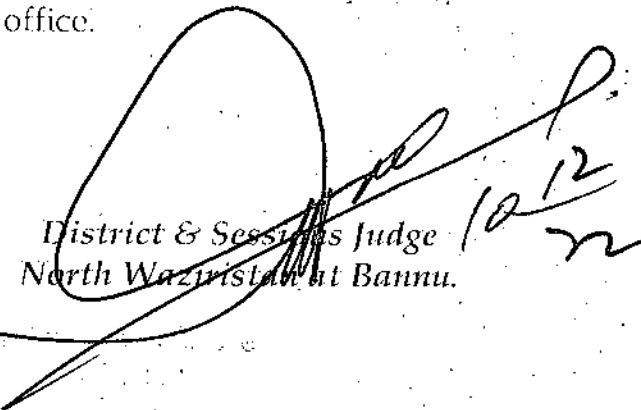
**OFFICE OF THE DISTRICT & SESSIONS JUDGE NW at BANNU**

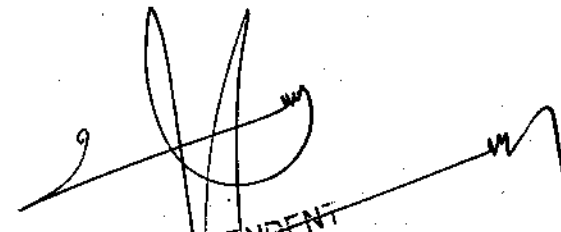
Endst: No. 4010-13 /DSJ NW at BANNU

Dated: 10/12/2022.

Copy forwarded to:

1. The Senior Civil Judge North Waziristan at Bannu.
2. The District Accounts Officer, North Waziristan
3. The Budget & Account Assistant of this office.
4. Personal file of the official concerned.

  
 District & Sessions Judge  
 North Waziristan at Bannu.

  
 SUPERINTENDENT  
 DISTRICT JUDICIARY  
 NORTH WAZIRISTAN AT BANNU

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Annexure B (ii)



**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT**  
**BANNU**

Ph: 0928-920007  
Fax: 0928-662036  
Email: dsjnorthwaziristan@gmail.com

No. 4004 /DSJ NW at Bannu

Dated: 10/12/2022

From:

The District & Sessions Judge,  
North Waziristan at Bannu

To: Ms. Rashi Iqbal,  
Sanitation Attendant/Sweeper (BPS-03),  
Sessions Division North Waziristan at Bannu.

SUBJECT: ACCEPTANCE OF RESIGNATION  
W.E.F. 10/12/2022(A.N)

Memo:

Your resignation is accepted as per your application & subject to service rules. You are hereby relieved from Government Service w.e.f 10/12/2022(A.N).

(Usman Wali Khan) 10/12/22  
District & Sessions Judge North  
Waziristan at Bannu

**OFFICE OF THE DISTRICT & SESSIONS JUDGE NW at BANNU**

Endst: No. 4005-08 /NW at BANNU

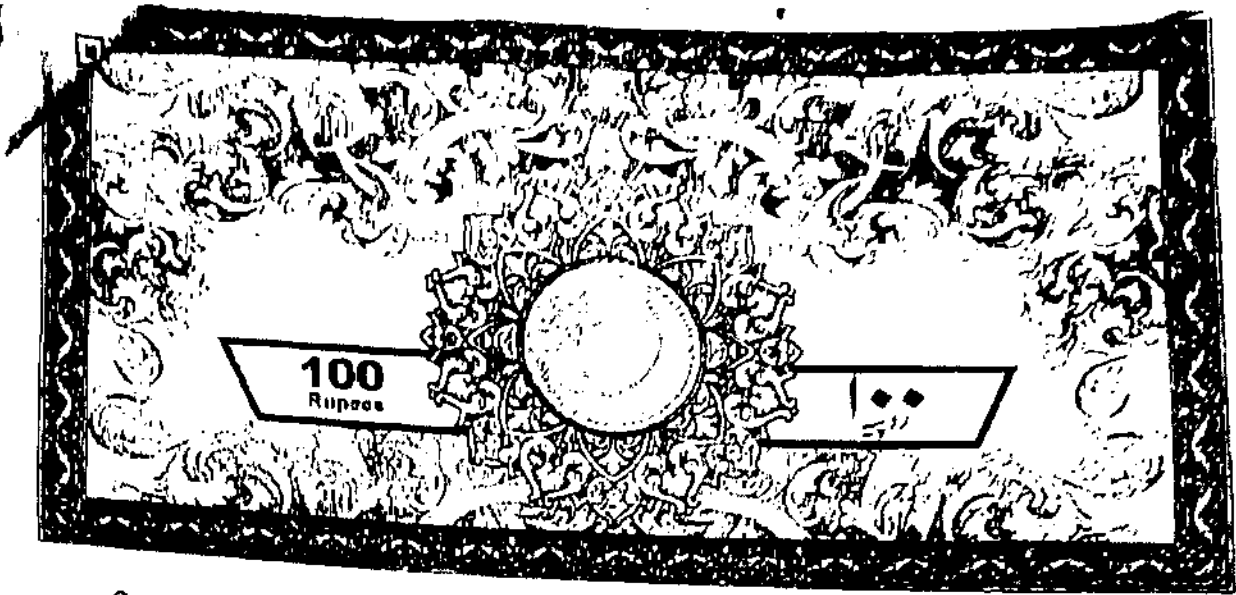
Dated: 10/12/2022.

Copy forwarded to:

1. The Senior Civil Judge, North Waziristan at Bannu.
2. The District Accounts Officer, North Waziristan
3. The Budget & Account Assistant of this office.
4. Personal file of the official concerned.

9  
SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN AT BANNU

10/12/22  
District & Sessions Judge  
North Waziristan at Bannu.



خدمت منابہ ڈسٹرکٹ اینڈ سیشن جج نارنگ وزیرستان ڈسٹرکٹ  
 جناب عالی!

مخول <sup>استغنی</sup> مودبانہ گزارشی کی جاتی ہے کہ فدی ۲۰ روپے زلیغور پھولے کی سالانہ  
 سے بطور فائروہ / سو پور ڈیوٹی اہنام دے ریہا تھا دستان  
 سروک فدی کو کافی وقت سے راستہ میں سائیل اور  
 گمر کے سائیل سے روزانہ دو بار ہونا پڑتا ہے  
 جسکی وجہ سے فدی کو ڈیوٹی اوقات میں تاخیر کا سامنا ہوتا ہے  
 اور ڈیوٹی بھی متاثر ہوتی ہے  
 لہذا آپ صاحبان سے درخواست ہے کہ یہ اپنی ڈیوٹی سے  
 استغنی کرنا چاہتا ہوں

میں نواز شہری

**SUPERINTENDENT  
 DISTRICT JUDICIARY  
 NORTH WAZIRISTAN AT BANNU**

العارضی  
 آریکا فرما منبردار رشی امبال ولد پرکاش لعل  
 21506-5884832-5

**ATTESTED**

Scanned by

2-1388888-8015

مستحق

ATTESTED

SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN AT BANNU

*[Signature]*

*[Signature]*  
10/12/22  
District North Waziristan at Bannu

STATEMENT OF GLOBAL SANITATION ATTENDANT/SWEEPERS  
CNIC: 21506-5884832-5

*[Signature]*  
10/12/22  
District North Waziristan at Bannu

RO & AC  
10.12.2022

Stated that I have submitted my resignation as due to some domestic problems, I am not able to continue my duties. Hence, it may kindly be accepted as per rules and regulations. My resignation is in PA and copy of my CNIC is EX.PA.

STATEMENT OF GLOBAL SANITATION ATTENDANT/SWEEPERS  
10.12.2022



*[Signature]*

Annexure B (IV) P-11

IN THE COURT OF USMAN WALKHAN, DISTRICT AND SESSIONS  
JUDGE/APPOINTING AUTHORITY, DISTRICT NORTH WAZIRISTAN AT  
BANNU  
Rashid Iqbal Vs State

ORDER 01  
17.12.2022

Application submitted personally. Be registered.

Applicant personally present and heard at length. No such

reason was explained during personal hearing, which could show

any coercion or other defect in submission of resignation. Record

reveals that resignation was submitted on stamp paper. Statement

of applicant was properly recorded and accepted accordingly.

In view of above, I see no substance in present application.

which is rejected without further proceedings.

Applicant be informed accordingly and file be consigned

to record room of learned D&S, Bannu after completion and

completion.

Announced

USMAN WALKHAN  
DISTRICT & SESSIONS JUDGE

~~NORTH WAZIRISTAN AT BANNU~~  
DISTRICT & SESSIONS JUDGE,  
NORTH WAZIRISTAN AT BANNU

Usman Walkhan  
(District & Sessions Judge)

17/12/22

~~SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN AT BANNU~~

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Annexure B (V)

To:

*Official to be called for hearing on 17/12/22 - Yours*

The Hon'ble District & Sessions Judge/Competent Authority  
North Waziristan at Bannu.

*13/12/22*  
District Sessions Judge  
North Waziristan  
At Bannu

Subject: APPLICATION FOR WITHDRAWAL OF RESIGNATION

Respected Sir,

With due respect I have the honor to state that I have submitted my resignation on 10/12/2022, from the post of Sanitation Attendant/Sweeper, which was gratefully accepted by your goodself on 10/12/2022. In some unforeseen circumstances I have taken a decision to resign, but now I realized my mistake.

So, I request to your goodself to kindly ignore my resignation and allow me to continue in my current position Sanitation Attendant/Sweeper with an open heart and mind.

I shall be very grateful to you for this act of kindness.

Rashi Iqbal  
CNIC # 21506-588-4832-5

SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN AT BANNU

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**DISTRICT JUDICIARY KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT BANNU**

Ph: 0928-920007

Fax: 0928-662036

Email: dsjnorthwaziristan@gmail.com

No: 343 / DSJ NW at Bannu

Dated: 27/06/2024

To,

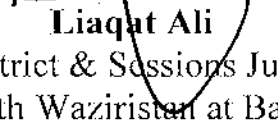
**Registrar,**  
Service Tribunal KP,  
Peshawar.

Subject: Service Appeal No. 351/2024.

**Rashi Iqbal.....Vs..... Registrar PHC & others.**

Reference to the subject noted above, find enclosed herewith parawise comments in service appeal No.351/2024 titled "Rashi Iqbal Vs Registrar PHC and others", please.

*Encl: Fair Para-Wise vetted comments.*

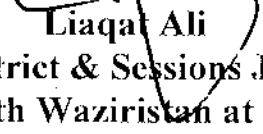
  
**Liaqat Ali**  
District & Sessions Judge  
North Waziristan at Bannu

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PESHAWAR HIGH COURT, PESHAWAR

AUTHORITY LETTER

No. 344 /DSJ NW at Bannu, dated 27/06/2024, Mr. Ahmad Ud Din (Superintendent on acting charge) is hereby authorized to attend & submit Parawise Vetted Comments in the Khyberpakhtunkhwa Service Tribunal in Service Appeal No. 351/2024, titled "Rashi Iqbal Vs The Registrar PHC and others" on behalf of the respondent No.01 and respondent No.02.

  
Liaqat Ali  
District & Sessions Judge  
North Waziristan at Bannu.  
Respondent No.02



**OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT BANNU.****ORDER**

On the recommendations of Departmental Selection Committee made in its meeting, held on 03.05.2019, the competent authority is pleased to order the appointment of the following candidates on temporary basis, for the posts mentioned against their names, from the date of assumption of charge of their respective posts subject to medical fitness and antecedent, verification/clearance as well as their documents' verification.

**1. Naib Qasid (BPS-03)**

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Murad Khan	Qimat Khan r/o Shogi Ali Khel, P.O Razmak North Waziristan
2	Sabitullah	Hazrat Gul r/o Aghzan Kala Miranshah, P.O Miranshah North Waziristan
3	Niamatullah	Gul Karam Khan r/o Spin Wam Hassan Khel Tehsil Spin Wam North Waziristan
4	Abdul Qayum	Gul Shah Ali Jan r/o Mir Ali Issori, North Waziristan
5	Havedullah	Haki Rehman r/o Haider Khel P.O Mir Ali North Waziristan
6	Khaliq Noor	Bahadar Khan r/o Spalga Tori Khel P.O Miranshah North Waziristan
7	Muhammad Farooq	Rehman Qadir r/o Danday Darpa Khel Miranshah North Waziristan

**2. Chowkidar (BPS-03)**

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Shahzar Ali	Gul Mamir Khan r/o Mir Ali P.O Spin Wam Tehsil Spin Wam North Waziristan
2	Sher Awal Din	Jabbar Khan r/o Dawar Khaddi Eidak Mir Ali North Waziristan
3	Kifayatullah	Gul Sarwar Khan r/o Mussaki P.O Mir Ali North Waziristan

**3. Maali (BPS-03)**

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Akhter Munir	Abdul Qadeer r/o Darpa Khel P.O Miranshah North Waziristan
2	Rehmanullah	Raghzali Khan r/o Spin Wam Shamiri Tori Khel, Spin Wam North Waziristan

SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN BANNU

## 4. Sweepers (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Anderyas	Boota r/o Civil Colony Miranshah North Waziristan
2	Rajesh Daas	Arjun Daas r/o Civil Colony Miranshah North Waziristan
3	Rashi Iqbal	Parkash Laal r/o Civil Colony House No.3 P.O Miranshah North Waziristan

## 5. Water Carrier (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Arif Shah	Syed Noor Jamal Shah r/o Eidak Mir Ali North Waziristan

## 6. Daftari (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Gul Nawar Din	Muhammad Khalil r/o Khaddi P.O Mir Ali North Waziristan
2	Javed Islam	Muhammad Aslam r/o Dawar P.O Darpa Khel Miranshah North Waziristan

2. Their appointment to the service shall be subject to the following terms and conditions:-
- i. They will be governed by the KP Civil Servants Act, 1973 and KP Government Servant (Appointment, Promotion & Transfer) Rules, 1989.
  - ii. They will be allowed to the minimum pay of BPS plus other allowances as admissible under the rules. Those who are already in Govt Service and whose pay is more than the minimum of BPS will be allowed to draw pay, which they were drawing before their appointment, subject to permission by the Competent Authority. Their pay shall be fixed at proper stage in BPS.
  - iii. They shall be governed by such rules and instructions relating to leave, T.A., and Medical Attendance as may be prescribed from time to time.
  - iv. They shall be on probation initially for a period of one year extendable upto two years.
  - v. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, subject to availability of permanent posts and the completion of prescribed training, if any.
  - vi. Their services shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/extended period of probation, if, their work or conduct during this period is not found satisfactory. In the event of termination from service, fourteen days notice or in lieu thereof fourteen days pay will be

**SUPERINTENDENT  
BPS CIVIL SERVANTS  
MIRANSHAH NORTH WAZIRISTAN**

03/05/19

paid by the Government. In case of resignation, they will give one month notice to the Competent Authority or in lieu thereof one month pay shall be forfeited to the Government. The resignation shall, however, be subject to the acceptance by the Competent Authority.

vii. They will be governed by the KP Government Servants (Efficiency and Discipline) Rules, 1973 and the KP, Government Servants Conduct Rules, 1987 and any other instructions which may be issued by the Competent Authority from time to time.

3. If the above terms and conditions of appointment are acceptable to them, they should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if any one fails to report for duty to the undersigned within one month from the date of issue of this order.

4. They shall join duty at their own expenses.

**DISTRICT & SESSIONS JUDGE,  
NW AT BANNU**

Endst: # 234-260

Dated 03/05/2019.

**Copies forwarded to:**

1. The worthy Registrar, Peshawar High Court Peshawar.
2. The worthy Additional Registrar (Admin), Peshawar High Court, Peshawar.
3. The worthy Member Inspection Team, Peshawar High Court, Peshawar.
4. The learned PSO to the Honorable the Chief Justice, Peshawar High Court, Peshawar.
5. The learned In-Charge, Secretariat for District Judiciary, Peshawar.
6. The worthy Additional Registrar, Peshawar High Court, Bannu Bench.
7. The Deputy Commissioner, Miranshah, North Waziristan,
8. The MS, DHQ Hospital, Miranshah, North Waziristan.
9. The District Comptroller of Accounts, District Miranshah, North Waziristan.
10. Officials concerned,
11. Personal file of the officials concerned.

**SUPERINTENDENT  
DISTRICT JUDICIARY  
NORTH WAZIRISTAN AT BANNU**

*Sumit*  
*103/05/19*  
**DISTRICT & SESSIONS JUDGE,  
NW AT BANNU**