

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR




APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES
748/2017	11.06.2017	14.07.2017	12.07.2024	67

MISS SHAGUFTA VS HEALTH DEPARTMENT

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بار کونسل نمبر: 20-2032	 	143964
بار ایسوسی ایشن نمبر: 423		
رابطہ نمبر: 0146 941 8863	ڈسٹرکٹ بار ایسوسی ایشن سوات	
ای میل ایڈریس:		

بعدالت جناب: سر جسٹس سید سید محمد رفیق صاحب مدظلہ العالی

مخاطب: مساجد	دعویٰ اور خواست: سرسبزگی
عزت نمبر:	
مورخہ:	
جرم:	
تھانہ:	

نرخانہ علی بنام آرمی جی بی وی دلہ

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام صورت کے لیے قسریٰ رینٹہ برداری اور کاسٹنس کو مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کاروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کاروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ دیا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،

لہذا کالت نامہ لکھ دیا کہ سندر ہے

مقام: _____

ایڈووکیٹس/ادستخط:

Qasim Ali & Behrosh Khan
Advocates

المرقوم: 04/06/24

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
 RASHIDA BANO ... MEMBER (Judicial)

Service Appeal No.748/2017

Date of presentation of Appeal.....14.07.2017

Date of Hearing.....03.07.2024

Date of Decision.....03.07.2024

Miss. Shagufta D/O Sikandar Shah Resident of Mohallah Syeddan Khwesgi Payan District Nowshera.....(**Appellant**)

Versus

1. **The Secretary Health Department** Khyber Pakhtunkhwa, Peshawar.
2. **The Director General Health Services**, Khyber Pakhtunkhwa, Peshawar.
3. **The District Health Officer**, Nowshera.....(**Respondents**)

Present:

Mr. Hilal Zubair, AdvocateFor the appellant

Mr. Asif Masood Ali Shah, Deputy District Attorney...For respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 21.02.2017 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN WITHDRAWN WITH IMMEDIATE EFFECT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Brief facts of the case, as per averments of the appeal, are that the appellant was appointed as Dai in the Health Department on 08.01.2015 on contract basis;

that vide order dated 21.09.2016, she was appointed against the same post on regular basis; that after serving for five months, her appointment order was withdrawn vide impugned order dated 21.02.2017; that feeling aggrieved, she filed departmental appeal but the same was not responded, hence, the instant service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

04. Learned counsel for the appellant submitted that the impugned seniority list dated 21.02.2017 was against law, facts and norms of justice. He submitted that the appointment order of the appellant had been withdrawn by the respondents without giving any notice which was against the law and facts. Further submitted that the appellant had been condemned unheard as no chance of personal hearing had been afforded to the appellant. Lastly, he submitted that although there was no need of any qualification for the post of Dai, but despite that, her appointment order had been withdrawn. Therefore, he requested for acceptance of the instant service appeal.

05. As against that learned Deputy District Attorney submitted that withdrawal of appointment order was correct and as per law. He submitted that the appellant had cheated the respondents and had

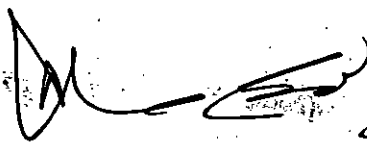
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Peshawar

obtained the appointment order through fake and bogus certificate. Lastly, he submitted that the appellant had committed a heinous crime by submitting fake documents, therefore, learned DDA requested for dismissal of the instant service appeal.

06. From the record it is evident that appellant Miss. Shagufta was initially appointed as Dai on contract basis who was appointed on regular basis vide appointment order dated 21.09.2016. After serving for five months, the District Health Officer, Nowshera, vide order dated 21.02.2017 withdrawn the appellant's appointment order for the reason that she had submitted fake/bogus Dai Certificate.

07. Before declaring any document, verification of the same is must. While in the instant case, there is nothing available on record to show that the appellant's documents have been sent to any forum. A letter of the DHO Nowshera addressed to the DG Health Services Khyber Pakhtunkhwa has been annexed with the reply, wherein, verification has been enquired by the DHO Nowshera, however, in that very letter, there is no mention of the name of appellant.

08. Besides, there is nothing on record to show that the appellant has been intimated regarding the issue of documents' verification. The whole process shows that before withdrawal of the appointment order, no inquiry has been conducted in the matter. Furthermore, the appellant has not been associated with the process for her defense, rather the appointment order has been withdrawn by the authority in a hasty manner.




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09. In view of the above circumstance, facts and discussion made herein above the instant service appeal is accepted. Appellant is reinstated into service and case is remitted back to the Department for inquiry within 60 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the inquiry. Costs shall follow the event. Consign.

10. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3rd day of July, 2024.

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KALIM ARSHAD KHAN
Chairman



RASHIDA BANO
Member (Judicial)

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S.A.No.748/2017


ORDER


3rd July, 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and heard.

2. Vide our detailed judgment of today placed on file, instant service appeal is accepted: Appellant is reinstated into service and case is remitted back to the Department for inquiry within 60 days of the receipt of the judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the inquiry. Costs shall follow the event. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3rd day of July, 2024.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

SA 748/2017

- 21.06.2024 01. Junior to counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.
02. Former requested for adjournment as learned senior counsel for the appellant is not available today. Absolute last chance is given for arguments. In case of failure no other chance will be given and the case will be decided on the basis of available record without the arguments. To come up for cost of Rs. 2000/- imposed on 13.06.2024 and arguments on 27.06.2024 before the D.B. PP given to the parties.

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(Fareeha Paul)
Member(E)


(Rashida Bano)
Member(J)

Fazle Subhan, P.S

- 27.06.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Yousaf Jamal, Focal Person for the respondents present.
2. Partial arguments heard. Representative of respondent is directed to produce Service Rules for the post of Dai and record pertains to certificate issued bearing No. 1953 dated 05.07.2007 and the relevant register on the next date. To come for record and remaining arguments on 03.07.2024 before D.B. P.P given to the parties.

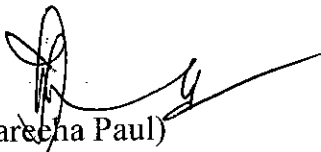
(Muhammad Akbar Khan)
Member (E)



(Rashida Bano)
Member (J)

13.06.2024 1. Learned counsel for the applicant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

2. Instant application is for restoration of service appeal, which was dismissed in default on 03.04.2024 while this application has been moved on 11.06.2024. Learned Deputy District Attorney raised no objection upon restoration of instant service appeal. Considering contention of learned counsel for the applicant and in the interest of justice, instant service appeal is restored to its original number on payment of cost Rs. 2000/-. Adjourned. To come up for payment of cost as well as arguments on 21.06.2024 before D.B. P.P given to the parties. Original file be requisitioned.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 13th day of June, 2024.*



(Fareeha Paul)
Member (E)


(Rasheeda Bano)
Member (J)

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 546/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.06.2024	<p>The application for restoration of appeal No. 748/2017 submitted today by Mr. Muhammad Asif Yousafzai Advocate. It is fixed for hearing before Division Bench at Peshawar on 13.06.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the applicant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>


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Service Appeal No.748/2017 titled "Shagufta Vs. Government of Khyber
Pakhtunkhwa"

3rd Apr. 2024 . **Kalim Arshad Khan, Chairman:** Nobody is present on
behalf of the appellant. Mr. Muhammad Jan, District
Attorney for the respondents present.

2. This case was called several times but nobody put
appearance on behalf of the appellant till rising of the
Court. Therefore, the appeal in hand is dismissed in
default. Consign.

3. *Pronounced in open court in Peshawar and given
under our hands and seal of the Tribunal on this 3rd day
of April, 2024.*


(Rashida Bano)
Member (J)

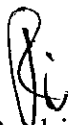

(Kalim Arshad Khan)
Chairman

12th Jan. 2024

1. Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.
2. Former made a request for adjournment in order to prepare the brief. Adjourned by way of last chance. To come up for arguments on 07.02.2024 before D.B. P.P given to the parties.

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Mutazem Shah



(Rashida Bano)
Member (J)



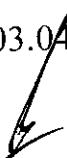
(Kalim Arshad Khan)
Chairman

07.02.2024

1. Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.
2. Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. To come up for arguments on 03.04.2024 before D.B. P.P given to parties.

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H-3T
Peshawar

Kaleem Ullah



(Muhammad Akbar Khan)
Member (E)



(Rashida Bano)
Member (J)


S.A.#. 748/2017

22nd Aug, 2023 1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Former made a request for adjournment as her counsel for the appellant is not available today. Adjourned by way of last chance. To come up for arguments on 18.09.2023 before D.B. P.P given to the parties.

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Mutazem Shah


(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

18.09.2023 Junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 12.01.2024 before the D.B. Parcha Peshi given to the parties.

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(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

Naeem Amin

20.03.2023

Junior to counsel for petitioner present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel is busy before the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 26.05.2023 before D.B. Parcha Peshi given to the parties.

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Peshawar

(Muhammad Akbar Khan)
Member (E)

(Rozina Rehman)
Member (J)

Restoration Application No.20/2023

26th May, 2023

1. Learned counsel for petitioner and Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

2. Learned Additional Advocate General on behalf of the respondents did not raise any objection on acceptance of this application for restoration of appeal. Instant application is for restoration of appeal No.748/2017 dismissed in default on 12.10.2022. Considering the contention of learned counsel for the applicant and in the interest of justice, instant service appeal is restored to its original number on payment of cost of Rs.5000/-. To come up for arguments on 22.08.2023 before D.B. P.P given to the parties.

3. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 26th day of May, 2023.*

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

21st Feb. 2023

Nemo for the petitioner. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned AAG sought adjournment in order to contact the respondents and submit reply on the application. Adjourned. To come up for reply/arguments on restoration application on 20.03.2023 before the S.B.

SCANNED
PETITIONER



(Muhammad Akbar Khan)
Member(E)

13

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 20/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.01.2023	<p>The application for restoration of appeal No. 748/2017 submitted today by Mr. Muhammad Asif Yousafzai Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>21-01-23</u>. Original file be requisitioned. Parcha Peshi is given to appellant/counsel.</p>
		<p>By the order of Chairman</p> <p> REGISTRAR</p>
	13.01.2023	<p>Petitioner present in person. Due to general strike of the lawyers the case is adjourned. To come up for reply/arguments on restoration application on 21.02.2023 before S.B.</p> <p></p> <p>(Kalim Arshad Khan) Chairman</p>

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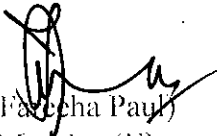
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Peshawar


12th Oct, 2022

1. None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Called several times till last hours of the court but neither appellant nor his counsel is present. In view of the above, the instant appeal is dismissed in default.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of October, 2022.*


(Parvatha Paul)
Member(I)


(Kalim Arshad Khan)
Chairman

16
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18/06/22
Peshawar

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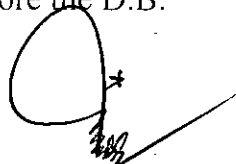
Due to Retirement of Hon,ble
Chairman The case is adjourned to
up for the same as before 16-6-22

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16.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 01.09.2022 before the D.B.



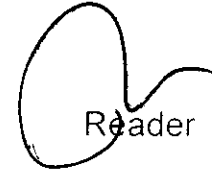
(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

01.09.2022

Bench is incomplete, therefore, case is adjourned to
12.10.2022 for the same as before.

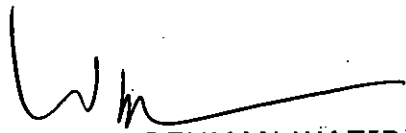



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6.07.2021

Mr. Taimur Ali Khan, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 13.10.2021.


(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

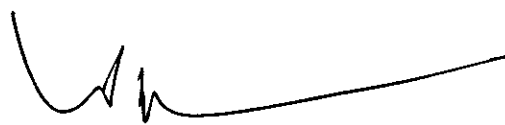

(SALAH-UD-DIN)
MEMBER (JUDICIAL)


14.10.2021

Syed Noman Ali Advocate present on behalf of learned counsel for appellant.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment as learned counsel for appellant is busy before Hon'ble Peshawar High Court, Peshawar; Adjourned by way of last chance. To come up for arguments on 09.12.2021 before D.B.

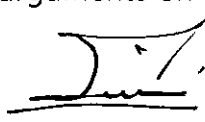

(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

09.12.2021

Counsel for the appellant and Mr. Asif Masood, DDA for the respondents present.

Counsel for the appellant seeks time in order to prepare the brief. Request is accorded. To come up for arguments on 02.03.2022 before the D.B.


(Salah-ud-Din)
Member(J)


Chairman

30.11.2020

Appellant present through counsel.

Kabirullah Khattak learned Additional Advocate General alongwith Nadim H.C for respondents present.

Former made a request for adjournment. Adjourned to come up for arguments on 10.02.2021 before D.B.

(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

10.02.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Learned counsel representing appellant has made request for adjournment. The request is acceded to, the appeal is adjourned to 09.04.2021 on which date file to come up for arguments before D.B.

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

9.4.21

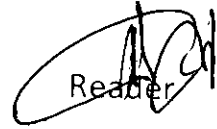
due to COVID-19, the case is adjourned to 26.7.2021 for the same.

19

11-5 .2020

Due to COVID19, the case is adjourned to

28/7/2020 for the same as before.


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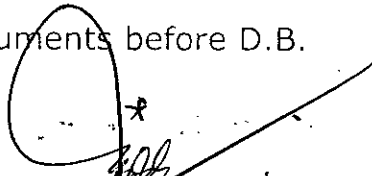
28.07.2020


Due to COVID-19, the case is adjourned. To come for the same on 21.09.2020 before D.B.


Reader

21.09.2020


Mr. Muhammad Asif Yousafzai, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present. Learned counsel for the appellant requested for adjournment. Adjourned to 30.11.2020. File to come up for arguments before D.B.



(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

03.01.2020

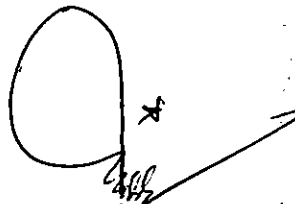
Learned counsel for the appellant present. Mr. Kabirullah Khattak Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

06.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.05.2020 before D.B.


Member


Member

13.6.2019

The Bench is incomplete, therefore, the case is adjourn for arguments on 06.08.2019 before D.B.


Reader

06.08.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present.

Learned counsel for the appellant requests for adjournment.

Adjourned to 24.10.2019 before D.B.


Member


Chairman

24.10.2019

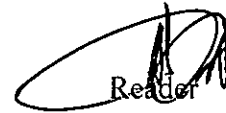
Mr. Taimur Ali Khan, Advocate for appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 03.01.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

16.11.2018

The Hon'able Chairman has not yet been assumed the charge, therefore, the case is adjourned for the same on 04.01.2019 before D.B.



Reader

04.1.2019

Mr. Taimur Ali Shah, Advocate for Mr. Muhammad Asif Yousafzai, Advocate and Addl. AG for the respondents present.

States that learned senior counsel for the appellant is appearing before the Apex Court, Islamabad today, therefore, requests for adjournment. Adjourned to 15.3.2019 for arguments before the D.B.


Member


Chairman

15.03.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant states that he seeks fresh instructions from the appellant who is not available today, therefore, requests for adjournment.

Adjourned to 13.06.2019 before the D.B.

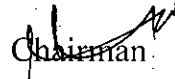

Member


Chairman

13.04.2018


Counsel for the appellant and Addl. AG alongwith Hazrat Shah, Supdt. for the respondents present. The court time is over. To come up for arguments on 28.06.2018 for arguments before the D.B.


Member


Chairman

28.06.2018


Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjournd. To come up for arguments on 10.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

10.08.2018

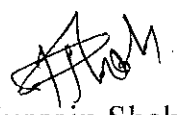
Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjournd. To come up for arguments on 02.10.2018 before D.B.

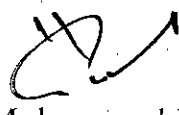

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

02.10.2018

Junior to counsel for appellant and Mr. Riaz Painsakheil learned Assistant Advocate General present. Junior to counsel for appellant seeks adjournment as counsel for appellant is not in attendance. Adjourn. To come up for arguments on 16.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

16/10/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Jafar Ali, Senior Clerk for the respondents present. Representative of respondents submitted written reply which is placed on file. To come for rejoinder and arguments on 10/1/2018 before DB.



(GUL ZEB KHAN)
MEMBER

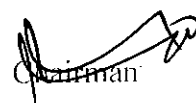
10.01.2018

Clerk of counsel for the appellant and Mr. Kabir Ullah Khattak, AAG for the respondents present Clerk of counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance today. Granted. To come up for rejoinder, if any, argument on 15.02.2018 before D.B.


Member
Chairman

15.02.2018

Clerk of the counsel for appellant present. Mr. Zia Ullah, DDA for the respondent present. Rejoinder submitted. Clerk of the counsel for appellant seeks adjournment. Granted. To come up for arguments on 13.04.2018 before D.B.


Member
Chairman

31.07.2017

Counsel for the appellant alongwith appellant present. The learned counsel for the appellant argued that the appellant was recruited as Dai in the Health Department on 08.01.2015 on contract basis which was regularized on 21.09.2016. That the order of regularization was withdrawn on 21.02.2017 on the basis of her Dai certificate as fake/bogus. That the appellant then filed a departmental appeal on 20.3.2017 which was not responded to and hence the present appeal on 14.07.2017 which is within time.

The ground for challenging the original order is that no enquiry was conducted by the department before declaring the certificate as bogus.

The points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents. To come up for written reply/comments on 30.08.2017 before S.B.

7105-P-145

7105-P-15

Appellant Deposited Security & Process Fee

Chairman

30.08.2017



Counsel for the appellant present. Mr. Yar Gul, Senior Clerk alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on 16.10.2017 before S.B.

(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 748/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14/07/2017	<p>The appeal of Mst. Shagufta presented today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24-7-2017	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-07-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>

27

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 748 /2017

Miss. Shagufta

V/S

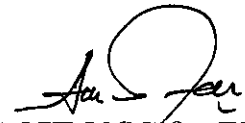
Health Deptt:

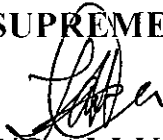
INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-03
2.	Copy of Order dated 8.1.2015	--A--	04
3.	Copy of Appreciation certificate	--B--	05-06
4.	Copy of Letter	--C--	07
5.	Copy of Order dated 21.09.2016 and Arrival Report.	--D--	08-09
6.	Copy of Impugned order dt. 21.02.2017	--E--	10
7.	Copy of Departmental Appeal	--F--	11
8.	Copy of SC Judgment	--G--	12-17
15.	Vakalat Nama	-----	18

APPELLANT

THROUGH:


(M.ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,


&
S. NOMAN ALI BUKHARI
(ADVOCATE PESHAWAR)

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt.
Cell # 03339103240

BEFORE THE KPK SERVICE TRIBUNAL PESHAWARAPPEAL NO. 748 /2017Khyber Pakhtukhwa
Service TribunalDiary No. 810

Miss. Shagufta D/O Sikandar Shah

Resident of Mohallah Syeddán Khewesgi Payan District Nowshera.

Dated 14-7-2017

(Appellant)

VERSUS

1. The Secretary Health Deptt: KPK Peshawar.
2. The Director General Health Services KPK, Peshawar.
3. The District Health Officer, Nowshera.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 21.02.2017 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN WITHDRAWN WITH IMMEDIATE EFFECT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.02.2017 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day
14/7/17
Registrar

RESPECTFULLY SHEWETH:**FACTS:**

1. That the appellant was firstly appointed on contract basis as Dai in BHU Gandari District Nowshera vide order dated 8.01.2015 and work with full zeal and zest. The appellant was also awarded with appreciation certificate. Copy of the order and appreciation certificate are attached as Annexure-A, B.

- 2. That the District Support Manager, DSU-PPHI Nowshera wrote letter to District Health Office Nowshera in which he stated that Miss. Shagufta has been working since 2 years against the Dai post. Her performance excellent and all respect. This office has no objection if her service regularize against the post working. Then District Health Office Nowshera on the approval of departmental selection committee appointed the appellant as Dai against the vacant post BPS-4 on regular basis vide order dated 21.09.2016 and the appellant give her arrival report on 22.09.2016. **Copy of the letter and appointment order and arrival are attached as C, and D.**

- 3. That after five months District Health Office Nowshera withdraw the appointment order dated 21.09.2016 in respect of appellant vide order dated 21.02.2017. Against the order dated 21.02.2017 the appellant prefer departmental appeal which was not replied in statutory period of 90 days hence the present appeal on the following grounds amongst the others. **Copy of the Impugned order and Departmental Appeal is attached as Annexure-E & F.**

GROUND:

- A) That the impugned order dated 21.02.2017 and not taken action against the departmental appeal within statutory period of 90 days are against the law, facts, norms of justice, and material on record, therefore not tenable and liable to be set aside.

- B) That the appellant appointment order was withdrawn without given 1 month prior notice which is against the law and Supreme Court Judgment reported as 1997 SCMR 1552. Copy of judgment is attached as Annexure-G.

- C) That the whole proceeding conducted by the respondent department is against the law and rules.

- D) That the appellant has been condemned unheard as no chance of personal hearing and defence was provide to the appellant while passing the impugned order.

- E) That even there is no need of any qualifications for the post of Dai, but despite that the appellant has been removed from service on lame excuses.

- F) That the appellant is not treated according to law and rules.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT

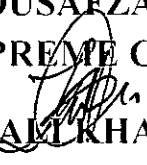
Miss. Shagufta

THROUGH:



(M. ASIF YOUSAEZAI)

ADVOCATE SUPREME COURT,



(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,



S. NOMAN ALI BUKHARI

(ADVOCATE PESHAWAR)



31 FA 4

People's Primary Healthcare Initiative (PPHI)
District Support Unit Nowshera
Anwar Shah House, Main Pirpai village, District Nowshera
Tel. No. 0923-580414, Fax No. 0923-580978
Email: dsu_nsr@yahoo.com

Letter No. 1535/MON/DSU/NSR

Dated: 8th January, 2015

Office Order:

No: 1535/MON/DSU/NSR. On the recommendation of the selection committee and upon the acceptance of the offer of appointment given by PPHI/DSU Nowshera, Miss. Shagufta W/O Saifdar Ali Khan is hereby appointed as Dai in BIU Ganderi District Nowshera according to the terms & conditions of the contract signed by her with this office with immediate effect in the public interest.

District Support Manager,
DSU-PPHI Nowshera

Copy to:

1. The Chief Operating Officer PPHI/FATA, Peshawar..
2. The District Health Officer Nowshera.
3. Executive (F&A) DSU Nowshera.
4. Official Concerned.

District Support Manager
DSU- PPHI Nowshera

Attached to Sarhad Rural Support Program (Regd. under section 42 of Companies Ord., 1984)
Village Pirpai Nowshera
Telephone No: 0923-580414, Fax No: 0923-580978
E-mail: dsu_nsr@yahoo.com

ATTESTED



**International Rescue Committee
Country Office**

House No. 11-B, Street No. 4, F-6/3
P.O. Box 568 Islamabad, Pakistan.
Telephone : +92 (51) 2822214 & 16
 : +92 (51) 2822258 & 83
Fax : +92 (51) 2822284
Web Address : www.rescue.org

32 B¹¹

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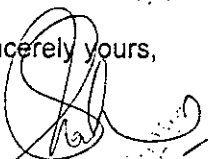

March-07, 2014

To Whom It May Concern

This is to certify that Ms. Shagufta has worked with the International Rescue Committee (IRC), Pakistan from April 19, 2013 to December 31, 2013 as "MCH Dai", Health based in Peshawar, Khyber Pakhtunkhwa.

If you have any queries regarding employment with IRC, feel free to contact us.

Sincerely yours,


Shahnaz Badshah
Sr. Human Resources Manager


Cc: Personnel File, 11959MDH

The International Rescue Committee (IRC) is a leading global relief and development organization, working in 42 countries worldwide. Established in Pakistan for 28 years, IRC manages and delivers large, complex programs to meet needs in health, education, protection and livelihoods for displaced, poor and conflict-affected communities. IRC works in partnership with local government and non-governmental organizations and currently works in the Khyber Pakhtunkhwa, Sindh and Azad Jammu Kashmir.

ATTESTED


Khyber Pakhtunkhwa Main Office:
80-E, Old Bara Road, University Town,
GPO Box 504, Peshawar, Pakistan.
Tel : +92 91 5703310 / 1921 / 1576
Fax: +92 91 5840283

Sindh Main Office:
House 282 & 283, Block B, Friends Cooperative,
Society (Akhwat Nagar) Airport Road, Sukkur, Pakistan.
Telephone: +92 (71) 5632122 / 24
Fax: +92 (71) 5632123

6

CERTIFICATE OF APPRECIATION

2013 - 2015

INTERNATIONAL RESCUE COMMITTEE (IRC)

hereby presents this certificate of appreciation to

Ms. Shagufa

In recognition for sustained and sincere dedication
towards FP PACE Program, Nowshera.

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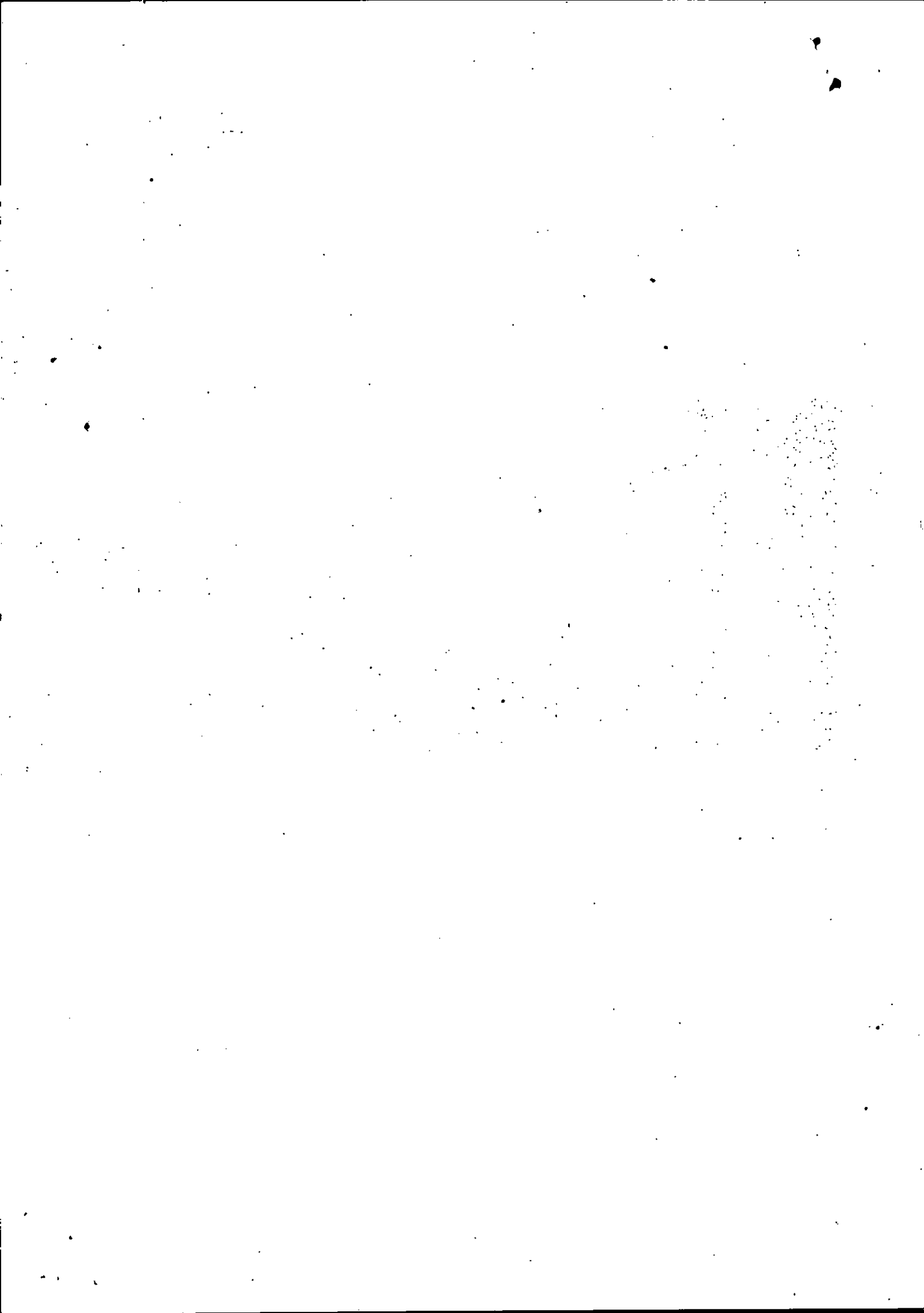
[Signature]
Health Coordinator

ATTESTED

[Signature]
Country Director



International Rescue Committee





People's Primary Healthcare Initiative (PPHI)
District Support Unit Nowshera
Phone# 0923-580414

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Letter No.2079/MON/DSU/PPHI NSR

Dated: 21st September, 2016

To,

The District Health Officer,
District Nowshera.

Subject: Regularization of the Services.

Kindly find enclosed application received in original in respect of Ms. Shagufta Dai, BHU
Ghanderi, District Nowshera.

The above mentioned employee has been working since 2 years against the post. Her
performance is excellent in all respect.

This office has no objection if her service is regularized against the post working.

District Support Manager,
DSU-PPHI Nowshera

A part of the Sarhad Rural Support Program (Regd. under section 42 of Companies Ord., 1984)
Village Pirpai Nowshera
Telephone No: 0923-580414, Fax No: 0923-580978
E-mail: dsu_nsr@yahoo.com

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35 (D)

OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

OFFICE ORDER

On recommendation / approval of departmental selection committee, Mrs. Shagufta D/O Sikandar Shah Mohallah Syeddan, Kheweshgi Payan District Nowshera is hereby appointed as Dai against the vacant post of Dai BPS-04 under the control of DSM PPHI Nowshera with the following terms and conditions.

1. The appointment shall be subject to the Medical fitness and initially on probation for a period of 01-years.
2. The services can be dispensed with during the probation period on unsatisfactory performance.
3. The appointment will be governed by such rules and order issued by the Government from time to time.
4. In case of acceptance, he should submit his arrival report within 07-days.

Sd _____

District Health Officer
Nowshera

No. 848792 / DHO NSR

Date: 21 / 09 / 2016

Copy forwarded to the:

1. Senior District Accounts Officer Nowshera.
2. District Support Manager DSU-PPHI Nowshera for information w/r letter No. 2079/MON/DSU/PPHI NSR, dated 21-09-2016.
3. Accounts Section DHO Office Nowshera.
4. Mrs. Shagufta D/O Sikandar Shah Mohallah Syeddan, Kheweshgi Payan District Nowshera.
5. Office record.

District Health Officer
Nowshera

ATTESTED

To,

The DHO Dst
Nowshera.

Sub: Arrival Report.

Sir,

Ref your letter No. 8487-92

dated 21/9/16.

I beg to submitted my arrival.

Report at BHU Grandhri as

Dai.

Date: 22-9-16.

Your obediently

Shagufta ^{Shagufta}

Dai BHU Grandhri.

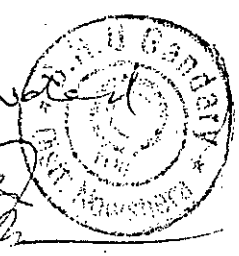
Copy to DSM.

Copy to DHO.

Nowsher for N/A.

For water

ATTESTED



Handwritten signature/initials



37 (E) 10

OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

OFFICE ORDER

In pursuance of this office letter No. 1370/DHO/NSR dated. 03.02.2017 with subsequent Directorate General Health Services Khyber Pakhtunkhwa letter No. 73/MCHN dated. 08.02.2017, the appointment order No. 8487-92/DHO/NSR dated. 21.09.2016 in respect of Mrs. Shagufta D/O Sikandar Shah R/O Moh: Syeddan Kheweshgi Payan District Nowshera is hereby withdrawn with immediate effect, after declaration of her Dai Certificate found Fake / Bogus.

Moreover, in future she will not be entitled for such type of post.

Sd/ _____
District Health Officer
Nowshera

1967-70
No. _____ / DHO NSR

Date: 21/02/2017

Copy forwarded to the:

1. District Accounts Officer, Nowshera.
2. SMO Incharge BHU Gandheri.
3. Accounts Section DHO Office Nowshera.
4. Mrs. Shagufta D/O Sikandar Shah R/O Moh: Syeddan Kheweshgi Payan District Nowshera


District Health Officer
Nowshera

ATTESTED


خدمت صحت 38 ڈائریکٹر جنرل ہیلتھ سہیلہ بیگم

(11)

اپیل برائے بحالی

حیات عالی

صوبہ گنڈارشی ہے کہ میں 2016-09-01 کو

ڈسٹرکٹ ہیلتھ آفیسر کے حکم سے DSM: PPHI ٹوبلیسرہ میں کیریئر میں بائج سپین ٹوٹری کرنے کے بعد مجھے ٹوٹری سے نکال دیا گیا ہے جو کہ سراسر ڈیبارنگ ہے

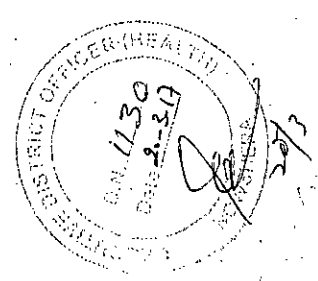
2017-05-01 کو آرڈر خلاف عملوں سے اور مجھے ٹوٹری سے برخواستہ کرنے سے پہلے توکی نوٹس ہی نہیں دیا گیا

لینڈ گنڈارشی ہے کہ 2017-05-01 کے حکم کو رفع کر کے مجھے ٹوٹری میں بحال کیا جائے

صفحہ 17/3/20

آئی جی صاحب

شیف ڈائریکٹر
ڈیپٹی ڈائریکٹر



ATTESTED

[Handwritten signature]

1997 S C M R 1552

[Supreme Court of Pakistan]

Present: Ajmal Mian, Actg, CJ., Irshad Hasan Khan and , Nasir Aslam Zahid, JJ

THE SECRETARY, GOVERNMENT OF THE PUNJAB, through Secretary, Health Department, Lahore and others--Petitioners

versus

RIAZ-UL-HAQ---Respondent

Civil Appeal No. 1428 of 1995, decided on 5th June, 1997.

(On appeal from the judgment dated 30-11-1994 of the Punjab Service Tribunal, Lahore, passed in Appeal No.657 of 1992).

(a) Punjab Civil Servants Act (VIII of 1974)---

----S. 10(3)---Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, R. 7---Constitution of Pakistan (1973), Art. 212(3)--Misconduct---Temporary employee engaged on contract---Termination of service of employee on ground of misconduct and that his performance was not found satisfactory and that he failed to prove his innocence---Leave to appeal was granted to consider, as to whether employee's services could be terminated under S.10(3), Punjab Civil Servants Act, 1974 by serving him 30 days' notice as he was temporary employee.

(b) Civil service---

---- Termination of service---Misconduct---Civil servant's services were on temporary basis liable to be terminated on 30 days' notice or pay in lieu thereof on either side---Services of civil servant were to be governed by statute and Rules/Instructions/Regulations framed thereunder---If a person is employed on contract basis and terms of employment provide the manner of termination of his services, the same can be terminated in terms thereof---Where, however, a person is to be condemned for misconduct, in that event, even if he is a temporary employee or a person employed on contract basis or probationer, he is entitled to a fair opportunity to clear his position which means that there should be a regular enquiry in terms of Efficiency and Discipline Rules before condemning him for the alleged misconduct.

Muhammad Siddiq Javaid Chaudhry v. The Government of West Pakistan PLD 1974 SC 393 and Pakistan (Punjab Province) v. Riaz Ali Khan 1982 SCMR 770 ref.

(c) Civil service---

----Termination of service---Misconduct---Regular enquiry---If an accused civil servant/employee is charged. with misconduct of the nature which cannot be proved without holding of regular enquiry, the removal or dismissal from service of a civil servant on the basis of summary enquiry is not

ATTESTED

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sustainable in law---Charges of defiance of orders of superiors; being rude to his colleagues and having concealed the factum of having a job in another department, which the civil servant had denied involved factual controversy which could not be resolved without holding regular enquiry and services in such a situation could not be terminated without such enquiry.

Deputy Inspector-General of Police, Lahore and others v. Anis-urRehman Khan PLD 1985 SC 134; Alamgir v. Divisional Forest Officer, Multan and others 1993 SCMR 603; Jan Muhammad v. The General Manager, Karachi Telecommunication Region, Karachi and another 1993 SCMR 1440; Nawab Khan and another v. Government of Pakistan through Secretary, Ministry of Defence, Rawalpindi and others PLD 1994 SC 222 and Ghulam Muhammad Khan v. Prime Minister of Pakistan and others 1996 PLC (C.S.) 868 ref.

Ehsan Sabri, Assistant Advocate-General, Punjab for Petitioners.

Malik Amjad Pervez, Advocate Supreme Court for Respondent.

Date of hearing: 5th June, 1997.

ORDER

AJMAL MIAN, ACTG. C.J.---This is an appeal with the leave to this Court against the judgment dated 30-11-1994 of the Punjab Service Tribunal, Lahore, hereinafter referred to as the Tribunal, passed in Appeal No.657 of 1992, filed by the respondent against the termination of his service by an order dated 29-5-1991 while working as a Stenographer in the Office of the Project Director, Paediatric Hospital/Institute, Lahore, hereinafter referred to as the Institute, allowing the same as follows:--

"18. Section 10(3) *ibid* prescribes 30 days' notice and not 10 days. Obviously it did not meet the requirement. In any event section 10 had no application inasmuch as it was not an *ad hoc* appointment. Parties were agreed that it was regular employment though they differed as to the precise date of joining it on the part of the appellant. Thus, 10 days' notice did not improve the situation.

19. As a result the appeal is allowed. The impugned order is set aside and the appellant is re-instated with back benefits. "

2. The brief facts are that the respondent was employed on 26-4-1986 on contract basis by the Health Department at the behest of the Project Director of the Institute. It seems that at the time of the respondent's induction into service, there were no rules to govern terms and conditions of the staff of the Institute. The rules were subsequently framed, which came into force with effect from 28-10-1988. It appears that after the framing the aforesaid rules, the respondent's services were regularised by an order dated 8-1-1989 retrospectively *i.e.* from the date when he joined the Institute on 26-4-1986. It was also stated in the aforementioned order of regularisation that like others, the respondent would also be treated as a civil servant and governed by the rules applicable to them. It further seems that the respondent's services were terminated by an order dated 18-5-1991. However, the above termination order was not acted upon and the respondent was served with a show-cause notice, calling upon him to explain as to why he observed local holidays without permission and why

ATTESTED
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he used to leave the office without permission while his officers were still working in the office and thereby committed an act of misconduct and indiscipline. He was required to submit his reply within 10 days. It appears that before the expiry of above period of 10 days, the department served another notice dated 22-5-1991 upon the respondent, further charging him with defiance of orders of the superiors, being rude to his colleagues, having concealed the factum of having a job of a Stenographer with the Board of Excellence of Education by making a formal application there etc. It seems that the respondent refuted all these allegations. He also expressed his apprehension that he would not get justice from appellant No.4 Project Director of the Institute and requested that an Enquiry Officer might be appointed to look into the charges. It was further asserted by him that he was no more on probation and he had become a regular incumbent, whose services could not have been terminated especially by aforesaid order dated 18-5-1991. On receiving the above reply from the respondent, the Project Director of the Institute (i.e. appellant No.4) by his aforesaid order dated 29-5-1991 terminated the respondent's services. After that the respondent filed a departmental appeal and then approached the Tribunal through the aforementioned appeal, which was upheld in the above terms. Thereupon, the appellants i.e. the Government of the Punjab and other officials, filed a petition for leave to appeal, which was granted to consider, as to whether the respondent's services could be terminated under section 10(3) of the Punjab Civil Servants Act, 1974, hereinafter referred to as the Act, by serving 30 days notice as he was a temporary employee.

3. In support of the above appeal Mr. Ehsan Sabri, learned Assistant Advocate-General, Punjab, has vehemently contended that since the respondent was employed on contract basis and as he was a temporary employee, his services could have been terminated by serving 30 days' notice and, therefore, the respondent, at the most, was entitled to one month's salary in lieu of the notice period.'

On the other hand, Malik Amjad Pervaiz, learned Advocate Supreme Court for the respondent, has strongly urged that factually the respondent was a permanent employee of the Institute as he was inducted against a permanent post and his services were regularised after the enforcement of the rules with effect from 28-10-1988. His further submission is that even if it is to be held that the respondent was a temporary employee of the Institute, his services could not have been terminated under section 10 of the Act read with Rule 7 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, hereinafter referred to as the Rules, particularly by condemning the respondent without holding an enquiry.

4. In order to appreciate the respective contentions of the learned counsel for the parties, it may be pertinent to reproduce the above termination order dated 29-5-1991, which reads as under:-

"Whereas Mr. Riaz ul Haq Stenographer of this office was served with Memo. No.PF/4182/PH & I, dated May 18, 1991 to put up his defence in writing or otherwise as to why his services may not be terminated during probation under section 10 of the Punjab Civil Servants Act, 1974 read with Rules 7 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 on account of his work and conduct during the probation period being not satisfactory.

And whereas, he submitted a representation dated 26-5-1991 in this behalf which was given due consideration and he was also heard in person on the same day.

And whereas, the representation of the official having not been found satisfactory and he having not been able to prove his innocence in this behalf, therefore, in exercise of the powers conferred under section 10 of the Punjab Civil Servants, 1974, I hereby terminate his services with immediate effect in

ATTESTED

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the public interest. "

A perusal of the above order indicates that the respondent's services were terminated on the ground that his performance was not found satisfactory and that he failed to prove his innocence. Reference has also been made to the show-cause notice and the reply submitted by the respondent, and it has been stated that the respondent's reply was given due consideration and was also afforded personal hearing.

5. It will not be out of context to refer to the aforesaid order dated 8-1-1989, whereby the respondent's services were regularised. The above, order is at pages 35 and 36 of the paper book, which indicates that the respondent's services were regularised on the following terms and conditions:-

"(1) that your service will be governed by the provisions of the Punjab Civil Servants Act, 1974 and all Rules/Regulations/Instructions framed thereunder;

(2) that you will be required to undergo a medical examination if not already done on your first entry into Government service, and your appointment will be subject to the conditions that you are declared medically fit by the competent medical authority.

(3) that your appointment will be subject to verification of your character and antecedents to the satisfaction of the Government.

(4) that your appointment in the Paediatric Hospital/Institute will be on temporary basis liable to terminate on 30 days notice or pay in lieu thereof on either side.

(5) that you will be governed by such rules and orders relating to leave, T.A., Medical Attendance, Pay etc. as may be issued by the Government from time to time for the category of Government servants to which you will belong."

6. It is evident from the abovequoted terms and conditions that the respondent's services were to be governed by the provisions of the Act and of the Rules/Regulations/Instructions framed thereunder. It is also manifest that the respondent's services were on temporary basis, which were liable to be terminated on 30 days' notice or pay in lieu thereof on either side.

7. Without going into the controversy, as to whether the respondent's claim that he was a permanent employee, we may observe that there is a marked distinction between simpliciter termination of services in accordance with the terms of appointment and the termination of services on the ground of misconduct. There is no doubt that if a person is employed on contract basis and if the terms of employment provide the manner of termination of his services, the same can be terminated in terms thereof. However, if a person is to be condemned for misconduct, in that event, even if he is a temporary employee or a person employed on contract basis or a probationer, he is entitled to a fair opportunity to clear his position, which means that there should be a regular enquiry in terms of the Efficiency and Discipline Rules before condemning him for the alleged misconduct. In this regard, reliance has been placed by the learned counsel for the respondent on the case of Muhammad Siddiq Javaid Chaudhry v. The Government of West Pakistan (PLD 1974 SC 393), in which Waheeduddin Ahmad, J. has succinctly brought out a distinction between termination of services of a probationer on the ground of unsatisfactory performance and the ground of misconduct as follows:--

"In the light of the above discussion, it appears to me that a probationer is a person who is taken in

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service subject to the condition that it will attain a sure footing only if during the period that he is on probation he shows that he is a fit person to be retained in service. I agree with the view expressed in Muhammad Afzal Khan v. The Superintendent of Police, Montgomery and Riaz Ali Khan v. Pakistan, that a person who is on probation is subject to all checks to which a permanent servant is subject. He cannot, for example, refuse to obey orders, keep his own hours of duty, or indulge in any malpractice. In my opinion, if the service of a probationer is terminated on the ground of unsatisfactory work that will not amount to dismissal or removal from service, such termination will be in terms of the contract or the rules made by the Government but if the service of a probationer is terminated on the ground of misconduct that will amount to removal or dismissal. It will be a stigma in his favour. In the last-mentioned case, the probationer will be protected by the provisions of Article 177 of the Constitution of 1962 and will be entitled to a show-cause notice and a proper enquiry against him must be made. "

8. The above view was reiterated by this Court in the case of Pakistan (Punjab Province) v. Riaz Ali Khan (1982 SCMR 770) as under:--

"From the pleadings of the parties it is clear that there was no latent stigma of misconduct but the sole ground of termination of service was his unsatisfactory work which was also apparent from the explanation submitted by the respondent. Therefore, the result of this appeal is concluded by a judgment of this Court reported as Muhammad Siddiq Javaid Chaudhry v. The Government of West Pakistan (PLD 1974 SC 393). It was observed in this case at page 401 that a probationer is taken in service subject to the condition that it will attain a sure footing only if during the period that he is on probation he shows that he is a fit person to be retained in service; and if the service of a probationer is terminated on the ground of unsatisfactory work, it will not amount to dismissal or removal from service. Such termination will be in accordance with the terms of the contract or the Rules made by the Government in that behalf. However, a distinction was drawn that if such termination was on the ground of misconduct then it will be subject to the Constitutional protection which is not the case here."

9. We respectfully agree with the proposition of law as enunciated in the above reports. The same is in line with the view which we are inclined to take and which has been highlighted hereinabove.

It may be observed that in the present case, inter alia, the respondent was charged with defiance of the orders of his superiors, being rude to his colleagues, having concealed the factum of having a job of a Stenographer with the Board of Excellence of Education etc., which the respondent had denied and, therefore, there was a factual controversy which could not have been resolved without holding regular departmental disciplinary proceedings. In this regard, reference may be made to the following cases:

--

- (i) Deputy Inspector-General of Police, Lahore and others v. Anis-ur Rehman Khan (PLD 1985 SC 134);
- (ii) Alamgir v. Divisional Forest Officer, Multan and others (1993 SCMR 603);
- (iii) Jan Muhammad v. The General Manager, Karachi Telecommunication Region, Karachi and another (1993 SCMR 1440);
- (iv) Nawab Khan and another v. Government of Pakistan through Secretary, Ministry of Defence,

ATTESTED

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Rawalpindi and others (PLD 1994 SC 222); and

(v) Ghulam Muhammad Khan v. Prime Minister of Pakistan and others (1996 PLC (C.S.) 868);

In all the above reports, it has been held that if an accused civil servant/employee is charged with misconduct of the nature which cannot be proved without holding of a regular enquiry, the removal or dismissal from service of a civil servant on the basis of a summary enquiry is not sustainable in law. It will suffice to reproduce para. 5 from the last report, which reads as under:--

"5. It has been consistently held by this Court that there is a marked distinction between Rule 5 and Rule 6 of the Rules, inasmuch as under the former Rule, a regular inquiry can be dispensed with, whereas the latter Rule envisages conducting of regular inquiry which will necessitate the examination of witnesses in support of the charges brought against the accused civil servant, his right to cross-examine such witnesses and his right to produce evidence in rebuttal. The question, as to whether the charge of a particular misconduct needs holding of a regular inquiry or not, will depend on the nature of the alleged misconduct. If the nature of the alleged misconduct is such on which a finding of fact cannot be recorded without examining the witnesses in support of the charge or charges, the regular inquiry could not be dispensed with. Reference may be made in this behalf to the case of Nawab Khan and another v. Government of Pakistan through Secretary, Ministry of Defence, Rawalpindi and others (PLD 1994 SC 222)."

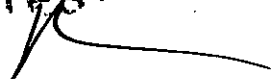
10. The above cases support the view of the Tribunal that the respondent's services could not have been terminated in the manner which was resorted to in the present case.

11. The upshot of the above discussion is that the instant appeal has no merits and the same is, accordingly, dismissed. However, there will be no order as to costs.

M.B.A./S-1/S

Appeal dismissed.

ATTESTED



VAKALAT NAMA

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NO. _____/20

IN THE COURT OF K.P.K Service Tribunal, Peshawar

Shagofa (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Health Deptt (Respondent)
(Defendant)

I/We Shagofa

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Shagofa
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

Taimur Ali Khan

Syed Noman Ali Bukhari

Hilal Zubair
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

46

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR

CIVIL APPEAL No. 748/2017

Mrs. Shagufta..... Appellant

VS

Government of Khyber Pakhtunkhwa & Others Respondents

PARA WISE COMMENTS IN BEHALF OF RESPONDENTS

Respectfully Sheweth,

Preliminary objection

- i. That the appellant has neither cause of action nor locus standi.
- ii. That the appellant has not come with clean hands to this Honourable Service Tribunal.
- iii. That the appeal is badly time barred.
- iv. The appellant has concealed actual position from the Honourable Services Tribunal.
- v. That the appeal is not maintainable in its present form also in present circumstances.
- vi. That the Honourable Services Tribunal has no jurisdiction to entertain the present appeal.

FACTS:

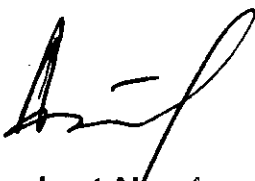
1. That the appellant was first appointed on contract basis on 08.01.2013 by an NGO SRSP / PPHI. While the appreciation certificate has also issued awarded by an NGO, IRC in 2013. The IRC is neither government nor a government partner so it does not matter.
2. Correct

3. The post of Dai is wholly solely a technical post and need one year training certificate from the Director General Health Services a recognized institution for awarding one year Certificate of Dai. After completion and qualifying the examination. The certificate through which she get recruited found fake and bogus after verification from the Director General Health Services Office having no record (Copy of the certificate and documents and verification is as Annexure.

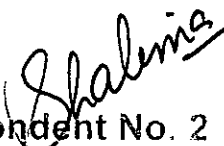
GROUNDS:

- A. Incorrect, withdrawal order is correct and according to the law and justice.
- B. The withdrawal order is according to the law and the order is rightly taken back by the Respondent. The appellant is cheated the government and has obtained the appointment order through fake and bogus certificate.
- C. The proceedings are according to the law and rules, moreover she was in prohibition period and can be terminated any time without any notice if found guilty.
- D. The appointment was subject to the verification of documents / certificate which has been found guilty.
- E. This is a heinous crime that an unprofessional, non qualified and un-certified person has got recruitment on fake documents and plying with the precious lives of people.
- F. The appellant has been treated according to the law and rules.
- G. Need No reply.

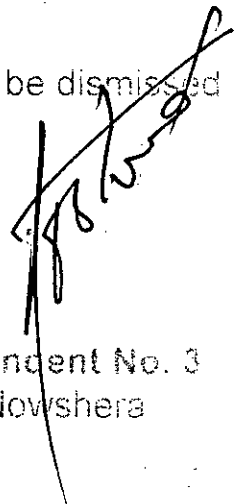
It is therefore humbly requested that the appeal may kindly be dismissed with cost.



Respondent No. 1
Secretary Health KPK



Respondent No. 2
DG Health KPK



Respondent No. 3
DHO Nowshera

DIRECTORATE GENERAL HEALTH SERVICES, NWFP, PESHAWAR



No. 1953 I.H.S NWFP, Dated Peshawar the 05.07.2007

Qualifying Certificate of Trained Dai

This is certify that *Mrs.* SHAGUPTA Daughter/Wife/Widow
of Sikandar shah of Newsheera Kalan

has passed the examination for trained dais held at D.D. RHS Peshawar
on 05.07.2007 after being trained at MCH Aba Khel RSR Kalan
for a period of one year.

تصدیق کیا جاتا ہے کہ سہ ماہی شگپتا لڑکی ایسوی ایچ او سیکرٹری خان
کے ڈپٹی ڈائریکٹر نے ایک سال کی تعلیم ایچ او ایچ او میں حاصل کر لی ہے
میں حاصل کرنے کے بعد ٹرینڈرائی کا امتحان جو مورخہ پانچ جولائی 2007 کو
ڈی ڈی آر ایچ او میں دیا گیا تھا پاس کر لیا ہے۔

INSPECTRESS HEALTH SERVICES
N.W.F PROVINCE, PESHAWAR.

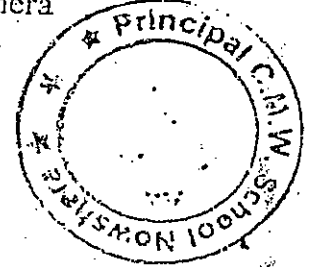
49

CMW SCHOOL NOWSHERA

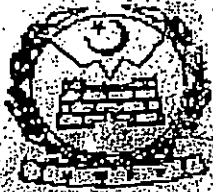
TO WHOME IT MY CONCERN

It is certified the Miss. SHUGAETA D/O SIKANDAR SHAH is doing the training of midwifery under the National Maternal Newborn Child Health program (MNCH). She has complete command over the delivery, gynae and other female related conditions. Her examination will be held in OCTOBER 2012.

[Signature]
Principal
CMW School,
Nowshera



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No. 243

Date: 8/7/2005

PROVISIONAL CERTIFICATE ONE YEAR D.A.I

Certify that Mst. Shagufta Wife of Safdar Ali Khan

Address: New Dage Khera Nowshera Kala Dist. Nowshera Training Center

MCH Abakheri Nowshera Kala has passed one year DAI Examination held
on 8/7/2005 at I.H.S. office Peshawar

she has qualified herself as DAI. Her original certificate will
issued as and when it is received from the controller Nursing
Examination Board N.W.F.P. Peshawar

Controller Nursing Examination Board
N.W.F.P. Peshawar

8/7/2005

S.No.185036

Roll No. 145354



Board of Intermediate and Secondary Education
Peshawar N.W.A.P. Pakistan

Secondary School Certificate Examination

SESSION 2001-ANNUAL


(Science Group)

This is to Certify that Shagufta S. Daughter of Sikandar Shah
and a resident of District Nowshera has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April 2001 as a Private
candidate. He / She obtained 538 Marks out of 850 and has been placed in Grade "B" Representing Very Good

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|-------------|--------------|
| 1. English | 3. Islamiyat | Mathematics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | Physics | 8. Biology |

Date of birth according to admission form October 03, 1984


Asst Secretary


Secretary

This certificate is issued without alteration or erasure.

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BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 748/2017

Mst. Shagufta Begum

vs

Govt: of KPK

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(i to VI) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect. While Para-1 of the appeal is correct as mentioned in the main appeal of the appellant.
- 2 Admitted correct by the respondent department. Needs no comments.
- 3 Not replied according to Para-3 of the appeal. Moreover the para-3 of the reply is incorrect. While para-3 of the appeal is correct as mentioned in the main appeal of the appellant. furthermore there is no qualification for the post of Dai

GROUNDS:

- A) Incorrect. While Para-A of grounds of the appeal is correct. Moreover, impugned order dated 21.02.2017 is against the law, facts and norms of justice.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mention in the main appeal of the appellant.

Handwritten signature and date: 15/2/18

- C) Incorrect. While Para-C of grounds of the appeal is correct as mention in the main appeal of the appellant. Moreover as explained in para-B of the main appeal of the appellant.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mention in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mention in the main appeal of the appellant. Moreover, if the appellant is not competent and playing with the precious lives of the people then how appreciation certification was awarded to appellant. Furthermore the appellant was discriminated because there is some employees which's Dai certificate also found fake but they were still working. **The related document is attached as Annexure-R1.**
- F) Incorrect. While Para-F of grounds of the appeal is correct as mention in the main appeal of the appellant.
- G) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

S/ko
APPELLANT

Through:

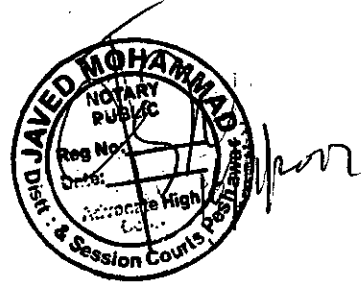
M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.

ATTESTED

S/ko
DEPONENT



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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 Ph: 091 - 9210269 Exchange Ph: 091 - 9210187, 091 - 9210196 Fax: 091 - 9210230

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Nowshera

S#: 1

P Sec:001 Month:September 2017
NR6110 -District Health Officer (R
DISTRICT HEALTH OFFICER (

Pers #: 00710435 Buckle:

Name: RAZIYAT BEGUM

NIN:

DAI

GPF #:

CNIC No.1720196356594

Old #:

GPF Interest Applied

04 Active Temporary

NR6110 -

PAYS AND ALLOWANCES:

0001-Basic Pay	11,220.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	262.00
2199-Adhoc Relief Allow @10%	183.00
2211-Adhoc Relief All 2016 10%	939.00
2224-Adhoc Relief All 2017 10%	1,122.00

Gross Pay and Allowances

17,011.00

DEDUCTIONS:

GPF Balance 26,518.00	Subrc:	830.00
3501-Benevolent Fund		300.00
4004-R. Benefits & Death Comp:		451.00

Total Deductions

1,581.00

15,430.00

D.O.B

LFP Quota: 4

01.01.1983

ALLIED BANK LIMITED JAMIA MASJID ROAD

03 Years 09 Months 001 Days

0010029883340014

55 R-1

Nowshera

S#: 1

F Sec:001 Month:September 2017
NR6111 -Mother & Child Health Cent
MOTHER & CHILD HEALTH CEN

Pers #: 00758394 Buckle:

Name: MEHNAZ BEGUM

NTN:

DAI

GPF #:

CNIC No.1720176858712

Old #:

GPF Interest Applied

03 Active Temporary

NR6111 -

PAYS AND ALLOWANCES:

0001-Basic Pay	10,000.00
1000-House Rent Allowance	942.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
2148-15% Adhoc Relief All-2013	260.00
2199-Adhoc Relief Allow @10%	163.00
2211-Adhoc Relief All 2016 10%	837.00
2224-Adhoc Relief All 2017 10%	1,000.00

Gross Pay and Allowances 16,487.00

DEDUCTIONS:

GPF Balance 12,999.00	Subrc:	770.00
3501-Benevolent Fund		300.00
4004-R. Benefits & Death Comp:		451.00

Total Deductions 1,521.00

14,966.00

D.O.B

LFP Quota:

11.06.1981

MEEZAN BANK LIMITED NOWSHERA BRANCH

01 Years 10 Months 012 Days

0102210158



56
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 Ph: 091 - 9210269 Exchange Ph: 091 - 9210187, 091 - 9210196 Fax Ph: 091 - 9210230

No. _____, MCH Date: ____/05/2017

Confidential

To: _____
 The District Health Officer
 Nowshera

Subject: VERIFICATION OF DAI CERTIFICATE

Memo:

Reference your letter.No:2173/DHO NSR dated 27.02.2017 regarding verification of Dai Certificates. The information is submitted in the following table.

S.NO	Name	F/H Name	Remarks
1	Raziat Begum	Muhammad ali shah	Fake
2	Naseem Bibi	Muhammad Mehfooz	Found Correct
3	Mehnaz Begum	Aqila Zada	Fake

The undersigned recommends appropriate action against the said Dais with intimations to the undersigned.

Director (MCHN)
 Directorate General Health Service
 Khyber Pakhtunkhwa

CC:
 PA to Director General Health Services KP
 Addl: Director General Health Services KP

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OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

No. 2173 / DHO NSRDate: 27 / 02 / 2017

To,

The Director General,
Health Services,
Khyber Pakhtunkhwa Peshawar

Subject: VERIFICATION OF DAI TRAINING CERTIFICATE.

Sir,

I have the honour to enclosed herewith copy of Dai training certificate in respect of the following Dais working under the control of the undersigned in Health Department Nowshera, for verification and return please so as to proceed further.

S. No	Name	F/H Name
1	Raziat Begum	Muhammad Ali Shah
2	Naseem Bibi	Muhammad Mehfooz
3	Mehnaz Begum	Aqil Zada

[Signature]
District Health Officer
Nowshera

OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERAOFFICE ORDER

As approved by the appointment committee, Mrs. Raziat Begum (Dai) BPS-04 working under the control of the undersigned at MGH-Abba Khail Nowshera is hereby appointed as *Sweeper / Cleaner* in BPS-03 against the vacant post under the control of DoH Nowshera.

Sd _____

District Health Officer
NowsheraNo. 9162-70 / DHO NSRDate: 26 / 07 / 2007

Copy forwarded to the:

1. Senior District Account Officer Nowshera.
2. Accounts Section DHO Office Nowshera.
3. Official concerned.

District Health Officer
Nowshera



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OFFICE OF THE DISTRICT HEALTH OFFICER NOWSHERA

Phone & Fax: 0923-580759

E-Mail: nowshera.edoh@gmail.com

OFFICE ORDER

On recommendation / approval of departmental selection committee, Mrs. Negar Begum W/O Amrez Khan Resident of Mohallah Willium Abad, Manki Sharif, District Nowshera is hereby appointed as Dai, BPS-04 against the vacant post under the control of DoH District Nowshera with the following terms and conditions.

1. The appointment shall be subject to the Medical fitness and initially on probation for a period of 01-years.
2. The services can be dispensed with during the probation period on unsatisfactory performance.
3. The appointment will be governed by such rules and order issued by the Government from time to time.
4. In case of acceptance, he should submit his arrival report within 07-days.

Sd _____

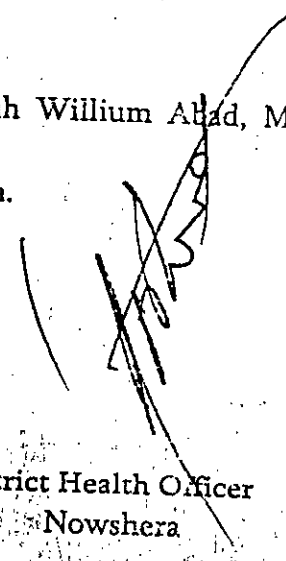
District Health Officer
Nowshera

No. 8295-98 DHO NSR

Date: 13/7 /2017.

Copy forwarded to the:

1. Senior District Accounts Officer Nowshera.
2. Mrs. Negar Begum W/O Amrez Khan Mohallah Willium Abad, Manki Sharif, District Nowshera.
3. Incharge Accounts Section DHO Office Nowshera.
4. Office record.


District Health Officer
Nowshera



OFFICE ORDER

On recommendation / approval of departmental selection committee, Mrs. Abida Begum W/O Javed Khan Resident of Mohallah Taj Abad, Kaka Sahab Road, District Nowshera is hereby appointed as Behishti EPS-03 and will draw salary against the vacant post of Dai under the control of DoH District Nowshera with the following terms and conditions.

1. The appointment shall be subject to the Medical fitness and initially on probation for a period of 01-years.
2. The services can be dispensed with during the probation period on unsatisfactory performance.
3. The appointment will be governed by such rules and order issued by the Government from time to time.
4. In case of acceptance, he should submit his arrival report within 07-days.

Sd _____
 District Health Officer
 Nowshera

No. 12244-47 / DHO NSR

Date: 07/11/2017

Copy forwarded to the:

- ✓ 1. Senior District Accounts Officer Nowshera.
- ✓ 2. Mrs. Abida Begum W/O Javed Khan Resident of Mohallah Taj Abad, Kaka Sahab Road, District Nowshera.
- ✓ 3. Incharge Accounts Section DHO Office Nowshera.
4. Office record.

 District Health Officer
 Nowshera

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.

R.A No: 20 /2023
In
APPEAL NO.748/2017

Khyber Pakhtunkhwa
Service Tribunal
Diary No: 2907
Dated: 11/01/2023

Shagufta Bibi

V/S

Health Deptt:


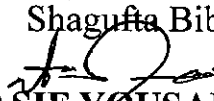
APPLICATION FOR RESTORATION OF APPEAL NO.
748/2017 WHICH WAS DISMISSED ON DEFAULT VIDE
ORDER DATED 12/10/2022.

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 748/2017 was filed before this Honorable Tribunal against the removal order.
2. That the instant appeal was in Argument stage at principle Bench Peshawar, on date 12.10.2022. Counsel for the appellant was busy at Peshawar High Court Peshawar and appellant herself was seriously ill. The appeal was dismissed in default on 12/10/2022.
3. That when the counsel got knowledge about the Appeal then immediately filed application for provision of copy. **Copy of the order is attached as annexure-A**
4. That it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 748/2017 may be restore on the acceptance of this application.

Through:


APPELLANT
Shagufta Bibi

M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.


DEPONENT

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 748 /2017

Khyber Pakhtukhwa
Service Tribunal

Miss. Shagufta D/O Sikandar Shah

Diary No. 810

Resident of Mohallah Syeddian Khewesgi Payan District Nowshera

Dated 14-7-2017

(Appellant)



VERSUS

1. The Secretary Health Deptt: KPK Peshawar.
2. The Director General Health Services KPK, Peshawar.
3. The District Health Officer, Nowshera.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 21.02.2017 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN WITHDRAWN WITH IMMEDIATE EFFECT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.02.2017 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day
Registrar
14/7/17

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was firstly appointed on contract basis as Dai in BHU Gandari District Nowshera vide order dated 8.01.2015 and work with full zeal and zest. The appellant was also awarded with appreciation certificate. Copy of the order and appreciation certificate are attached as Annexure-A, B.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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No. 748/2017
Shagufta vs Govt




12th Oct. 2022


1. None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General respondents present.

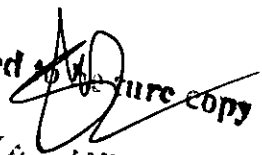
2. Called several times till last hours of the court but neither appellant nor his counsel is present. In view of the above, the instant appeal is dismissed in default.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of October, 2022.

SCANNED
KPST
Peshawar


(Faizeha Paul)
Member(I)


(Kalim Arshad Khan)
Chairman

Certified  true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

21-12-2022
Date of Presentation of Application _____
Number of Pages 2-page
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