

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

**SERVICE APPEAL NO. 3183-81/2020**

Dr. Muhammad Idrees and others..... Petitioner

**Versus**

Govt of Khyber Pakhtunkhwa through Secretary Health & others

**Respondents**

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*Sibaz Khan*

Section officer (Lit-II)  
Govt: of Khyber Pakhtunkhwa  
Health Department

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL**

Khyber Pakhtunkhwa  
Service Tribunal

**SERVICE APPEAL NO. 3183 OF 2020**

Diary No. 15768

Dated 13/9/24

Dr. Muhammad Idrees.....Appellant

**Versus**

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

**Respectfully Sheweth:**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT 01 & 02**

**Preliminary Objections:-**

1. That the Appellant has got neither cause of action nor did locus standi to file the instant Appeal.
2. That the Appellant has filed the instant Appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the Appellant has filed the instant Appeal with mala-fide intention hence the appeal is liable to be dismissed.
6. That the Appellant has not come to the Tribunal with clean hands.
7. That the instant Appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
8. That the instant appeal has been filed in utter violation of Section 4 of the Khyber Pakhtunkhwa service tribunal Act 1974.
9. That the appeal is badly time barred.

**ON FACTS:**

1. Subject to proof.

2. Subject to proof as the appellant has not annexed any supportive documents in support of his claim further more being a civil servant a civil servant if unable to perform his duties due to any reason is required to inform his parent department.
3. Pertains to record. However he did not informed the department if he was unable due to any reasons but admittedly remained absent from his duties as well as department too.
4. Correct to the extent of issuing letter dated 21/03/2014 addressed to his home address however he received the same and he admitted that he replied the same which is sufficient to prove that he was at his home but willfully remained absent from his duties.
5. Incorrect in fact the appellant admittedly remain absent from his official duties however the respondents while taking a lenient view, instead of initiating disciplinary proceedings against the appellant, regularized his absent period by treating the same as EOL on the analogy of NO WORK NO PAY. It is further to clarify that even the insurgency was overcome in 2014 therefore his absence beyond 2014 to 2018 is also a lame excuse.
6. Incorrect. The appellant has not been deprived from the promotion however due to his long absence of 8 years he has been suffered due to his own conduct he will be treated in accordance with promotion policy of the provincial government by completion of all coddle formalities under the law and rules.
7. Incorrect. The so called departmental appeal is badly time barred as the impugned letters were issued in 2014 and 2018 however the so called departmental appeal was filed in the years 2020.
8. Incorrect. The appellant is not an aggrieved person as no vested right of the appellant has been violated by the replying respondents

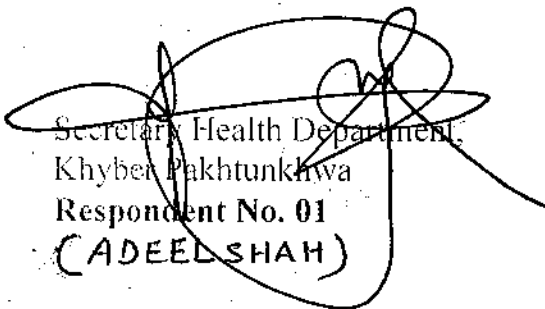
**ON GROUNDS:**


- i. Incorrect the appellant has been treated in accordance with law, rules and principles of natural justice.
- ii. Incorrect. The as replied in the preceding paras it was willful absence not a forced absence.
- iii. Incorrect. Already replied in the preceding paras.
- iv. Incorrect. As the Govt. Servants are paid salaries and allowances on performing their duties on regular basis. Furthermore no documents have been annexed by the appellant in support of his claim.
- v. Incorrect already replied above.
- vi. Detailed reply has already been furnished in Paras No. 4 & 5 of the Facts.

- vii. Detailed reply has already been furnished in Paras No. 4, 5 & 6 of the Facts.
- viii. In reply to this para, it is submitted that as the Appellant has not performed any duty, therefore, taking a lenient view of the case, the absence period was treated as EOL without pay.
- ix. Replying respondents also seek prior permission from this Honorable Service Tribunal to adduce additional grounds at the time of arguments.

**PRAYER:**

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

  
Secretary Health Department,  
Khyber Pakhtunkhwa  
Respondent No. 01  
(ADEEL SHAH)

  
Director General Health Services,  
Khyber Pakhtunkhwa.  
Respondent No. 02  
(DR. MUHAMMAD SALEEM)

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

**SERVICE APPEAL NO.3183/2020**

Muhammad Idrees .....appellant

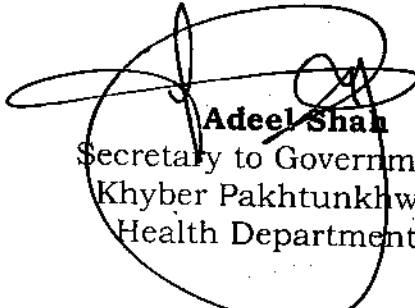
**Versus**

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

**Affidavit**

I Adeel Shah, Secretary to Government of Khyber Pakhtunkhwa Health Department is hereby, solemnly affirmed on oath that the contents of the Parawise Comments on behalf of Respondents are true and correct to the best of my knowledge and belief as per information provided and nothing has been concealed from this Honorable Court

**Deponent**

  
**Adeel Shah**  
Secretary to Government of  
Khyber Pakhtunkhwa,  
Health Department

Identified by

**Addl: Advocate General,**  
Khyber Pakhtunkhwa,  
Service Tribunal

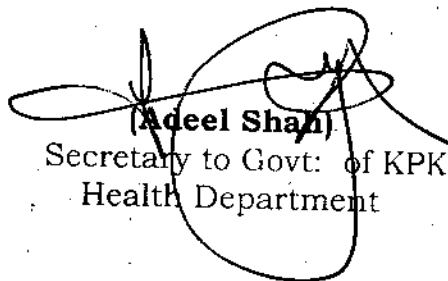




**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

**AUTHORITY LETTER**

**Mr. Safi Ullah**, Focal Person, Health Department Civil Secretariat Peshawar is hereby authorized to attend/defend the court cases and file comments on behalf of Secretary to Government of Khyber Pakhtunkhwa Health Department before the Service Tribunal and lower Courts.

  
**(Adeel Shah)**  
Secretary to Govt: of KPK  
Health Department