

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

SERVICE APPEAL NO. 2610/2023

Saif ud Din.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

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Deponent

DR. MUHAMMAD SALEEM

Next Date - 17-07-2024

NDA - 13-08-2024

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 2610 OF 2023

Saifud Din.....Appellant

Versus

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 03

**Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth:

Diary No. 16003

Dated 24-09-24

Preliminary Objections:-

1. That the appellant has got no cause of action or locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.

ON FACTS:

1. Pertains to record, hence no comments.
2. Pertains to record, hence no comments.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Incorrect. According to Service Rules dated 10/05/2016, basic qualification for the post of Clinical Technologist is "Bachelor" degree from a recognized institution / University in the relevant field. Furthermore, Biochemistry and Microbiology are not included in 14-cadres of Paramedics. The aforesaid categories having their separate cadres, seniority list and line of promotion (Biochemist and Microbiologist).
7. Pertains to record.
8. Pertains to record.
9. Incorrect. However, it is submitted that the decision taken in the 1st enquiry meeting was reviewed on the application of Pathology Technician with observation that the petitioners themselves were the members of 1st enquiry and it is a settled principal of law, that no man can be judge in his own cause. After

considering the observations of the Technicians, the competent authority comprises another high officer's committee who review the decision of the 1st committee and by setting a-side the prior decision and incorporate the decision taken by the 2nd committee.

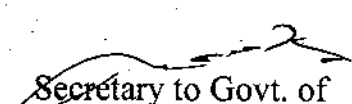
10. As explained in Para 09 above.
11. Incorrect, as explained in Para-09 above.
12. Incorrect, as explained in Para-09 above.
13. As explained in Para-09 above.
14. As explained in Para-09 above.
15. As explained in Para-09 above.

GROUNDS


- A. Incorrect, as explained in above Para.
- B. Incorrect, as explained in Para 09 above.
- C. Incorrect, as explained in Para 09 above.
- D. Incorrect, as explained in above Paras.
- E. Incorrect, as explained in above Paras.
- F. Incorrect. All the previous Service Rules ~~after~~ 10-05-2016 have been Superseded. However, according to the Service Rules approved by the Government dated 10-05-2016 basic Qualification for the post of Clinical Technologist is "Bachelor degree from a recognized institution / University in the relevant field. Furthermore, Biochemistry and Microbiology are not included in 14 Cadres of Paramedics. The aforesaid Categories (Biochemistry and Microbiology having) their (Separate Cadre. Seniority list and line of Promotion).
- G. Incorrect. As in Para F above.
- H. Incorrect. As in Para F above.
- I. Incorrect. As explained in Para 06 and 09 above.
- J. Incorrect. As explained in Para 06 and 09 above.
- K. Incorrect. As explained in para 09 above.
- L. Incorrect. As explained above Paras.
- M. Incorrect. As explained above Paras.
- N. Incorrect. As explained in above Paras.
- O. The respondent seeks leave to raise additional grounds at the time of arguments.

PRAYER:


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


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

MEHMOOD AKRAM


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

DR. MUHAMMAD SALEEM


District Health Officer Bannu
(Respondent No. 03)

DR. REHMAN AFRIDI

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TRIBUNAL, PESHAWAR**

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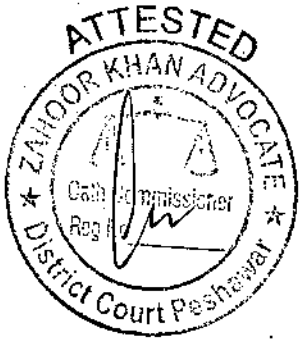
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Affidavit

I, Dr. Muhammad Saleem, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parwise Comments on behalf of Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court. This is further to affirm on oath that neither defense is struck off nor cost is imposed against the respondents in this Service Appeal.



10/7/2024

**Deponent
Dr. Muhammad Saleem
DG HS KP Peshawar**



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

*All communications should be addressed to the Director General Health Services
Peshawar and not to any official by name
Office # 091-9210269 Fax # 091-9210230*

AUTHORITY LETTER

Muhammad Yousaf Jamal Focal Person Litigation Section Directorate General Health Services Khyber Pakhtunkhwa is hereby authorized to attend/defend the court cases and file Parawise Comments / Reply on behalf of the undersigned before the Honorable Khyber Pakhtunkhwa Service Tribunal and its Camp Courts.

**Director General Health Services
Khyber Pakhtunkhwa, Peshawar**

*DR. MUHAMMAD SALEEM
DGHS KP.*