

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

C.M. NO _____/2024

In Execution Petition No: 306/2024

In Appeal No. 1288/2019

Dr. Muhammad Salman..... (Appellant)

VERSUS


Director General Health Services KPK and Others..... (Respondents)

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Respondent-5

Through


Asif Yousafzai,
Advocate Supreme Court
of Pakistan

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

C.M. NO _____/2024

In Execution Petition No: 306/2024

In Appeal No. 1288/2019

Dr. Muhammad Salman..... (Appellant)

VERSUS

Director General Health Services KPK and Others..... (Respondents)

**APPLICATION FOR GRANT OF PERMISSION OF PLACEMENT
OF ADDITIONAL DOCUMENTS ON BEHALF OF RESPONDENT
NO-5 ON FILE IN COMPLIANCE OF THE HONOURABLE
SERVICE TRIBUNAL ORDER DATED 02.10.2024.**

Respectfully submitted,

1. That the above noted Execution petition is pending before this Honorable Tribunal which is fixed for today.
2. That the Respondent-5 earnestly requests to submit certain documents in connection with the instant appeal/execution petition which are essential for the just and effective disposal of the instant appeal/execution petition and as ordered by this honorable Tribunal in its Order dated 02.10.2024.

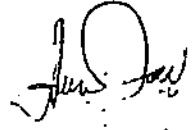
(Copies of Documents are attached)

3. That there is no legal impediment on acceptance of the instant application.

It is therefore, most humbly requested that on acceptance of this application, the above-mentioned documents may kindly be placed on file.


Respondent-5

Through


Asif Yousafzai,
Advocate Supreme Court
of Pakistan

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

C.M. NO _____/2024

In Execution Petition No: 306/2024

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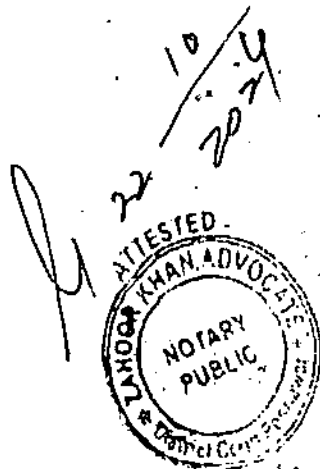
Dr. Muhammad Salman..... (Appellant)

VERSUS

Director General Health Services KPK and Others..... (Respondents)

AFFIDVIT.

I, Haroon Sarfaraz, (Manager Legal) MTI/KTH/KMC/KCD, do hereby solemnly affirm and declare on Oath that the contents of the accompanying application are true and correct as provided by concerned department and nothing has been concealed from this Honorable tribunal.

A handwritten signature of the deponent, consisting of a stylized 'H' followed by a diagonal line.

Deponent.

CNIC #17301-48042283



MEDICAL TEACHING INSTITUTION

KHYBER TEACHING HOSPITAL, PESHAWAR

Office of the Surgical ICU



No. 183/576 /KTH

Dated. 14 / 10 / 2024

To,


Manager Human Resources,
MTI, KTH, Peshawar.

SUBJECT: ATTENDANCE RECORDS.

It is submitted for your kind information that a letter from your office No 1981/KTH/HRD dated 15/10/2024 received asking for attendance record of Dr. Muhammad Salman (Dr. Watan Muhammad).

As I took the charge of Surgical ICU in May 2017, I found No doctor performing duties in Surgical ICU with above mentioned name, NOR there is any record of his Duties available in Surgical ICU till to date.

Thank You


Dr. Imran Ul Haq
AP & Incharge SICU
MTI/KTH

MANAGER HUMAN RESOURCES
Diar 137
Date: 18-10-24

DUTY ROTA FOR 13 AND 14TH AUGUST 2017

	MORNING	EVENING	NIGHT
13 august 2017	Dr Abeer ✓	Dr Nauman ✓	Dr Daud (SCW), Dr wasay shah (TR)
14 august 2017	Dr Abeer ✓	Dr Nauman ✓	Dr Wasay Shah (TR) Dr Daud ✓

Dr Imran ul haq will be on call 24 hours and will do rounds in Morning evening night three times a day

- Dr Nauman = 0336-955 8778
- Dr Daud = 0300-9594764
- Dr Wasay = 0340-6060060
- Dr Imran ul haq = 0333 9462779

Im
 Dr Imran ul haq
 AP & I/C S

Dr. Abul Jahanzaib		M	M	O					M				M		M	F		M		M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
Dr. Nauman Ali	Train	M	M	M					M				M					M																				
Dr. Abdul Wasay		N	N	N				X	X	X	X	N					X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Dr. Emad Afzal Khan	Train																																					
Dr. Uzair		M	M	M																																		
Dr. Saqib	TMO	E	E	N	OF	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	
Dr. Nasir/Mohsin	TMO	E	F	F	E	E	E	E	E	E	OF	E	E	E	E	E	E	E	E	E	E	N	N	N	OF	N	N	N	N	N	N	N	N	N	N	N	N	
Dr. Xayin	TMO	M	M	O																																		

DR. IMRAN
DENTIST

- > Dr. Mohsin I - 0341 448 517
- > Dr. Uzair - 0336 191 6434
- > Dr. Saqib - 0334 5178379
- > Dr. Atiq - 0333 9191863

Note

Everyone's N.S.I's TRs should make changes accordingly.

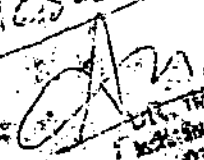
December Roster

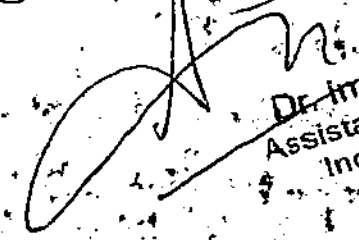
Dr. Imran

Revised December Roster for December 2017

Dr Name	Rank	THURSDAY	FRIDAY	STURED AT	SUNDAY	MONDAY	THURSDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
		21	22	23	24	25	26	27	28	29	30	31
Dr Imran Ul Haq	AP & I/C SICU	M	M	M	OC	M	M	M	M	M	M	OC
Dr Abeer Jahangir	SVC	M	M	M	M	M	M	M	M	M	M	OFF
Dr Noor Ali	Trainee Registrar	M	M	M	OFF	M	M	M	M	R	R	OFF
Dr Abdul Wasey	Trainee Registrar	OFF	OFF	OFF	OFF	N	N	OFF	OFF	M	M	N
Dr EMAD Atzal Khan	Trainee registrar	OFF	E	E	E	E	E	E	OFF	E	E	E
Dr Atic	TMO SAW	N	N	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF
Dr Sajid	TMO SCW	M	OFF	OFF	OFF	OFF	OFF	M	E	M	M	OFF
Dr Mohsin	TMO SDW	E	OFF	OFF	N	OFF	OFF	OFF	OFF	OFF	OFF	OFF
Dr. Maqbool	TMO SEW	M	M	M	OFF	M	M	M	M	M	M	M

Dr. Iqbal ul Haq 0302 8198032 (SCU P.O.)

Admitted

 Dr. Imran-ul-Haq
 Assistant Professor for Surgery
 KTH Peshawar


 Dr. Imran-ul-Haq
 Assistant Professor &
 Incharge SICU
 KTH/MTI

NAME / POSITION	MONTHS																											
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4
Dr. Abeer hanzain	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
Dr. Nauman	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
Dr. Abdul Say	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Dr. Emad Afzal Khan	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dr. Uzair/ATIC	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
Dr. Sajid	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Dr. Nasir/Mohs	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Dr. Yasir	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M

Dr. Mutsin: - 0341-4480517

Dr. Sajid: - 0334-5178379

Dr. Attia: - 0333-9191863

Dr. Uzair: - 0334-1916434

Dr. Yasir: - 0333-990677

Dr. Naseem: - 0333-990677

Dr. Yasir
AP I/C SICK

PLEASE ADJUST YOUR OFFS. & NOW
YOU HAVE 3 OFF IN
A WEEK YOU HAVE 6 DAYS IN NOVEMBER
3 EXTRA NIGHTS OF NOVEMBER

NOTE

Handwritten signature and stamp

Handwritten scribbles and illegible text at the top of the page.

DR. Jinnah - IIC
SR & IIC SQU
Khyber Teaching Hospital

Handwritten signature.

DR. IMRAN UL HAQ	Senior Registrar	0333-9962779
DR. SALMAN MALIK	Specialist Registrar	0333-9181832
DR. SIBGHAT ULLAH	Specialist Registrar	0333-5919191
DR. ABER	Medical Officer	
DR. WAHAB	Medical Officer	
DR. MAHAM	Registrar	
DR. SAAD	Registrar	
DR. MUJEEB	Registrar	
DR. HAMID	Registrar	
DR. AMIN	Registrar	

MONDAY (13/5)

MIDNIGHT	DR. Abeer + Dr. Hamid + Dr. Maham (M.O) (SQU)	
TUESDAY	"	
WEDNESDAY	"	
THURSDAY	"	
FRIDAY	"	
SATURDAY	"	
SUNDAYS	DR. Mujeeb Registrar (M.O) (SQU)	
21-5-17	DR. Hamid Registrar (M.O) (SQU)	
28-5-17	DR. Maham Registrar (M.O) (SQU)	

EVENING
DR. Salman + Dr. Mujeeb (SQU)
DR. Sibghat + (SQU)

Duty Roster SRU. May 15 to May 31st 2017

Day	Morning	Evenings	Nights
Monday	Dr. Abeer, Dr. Hamid Dr. Neelam (SEW)	Dr. Salman + Dr. Aqsa (SEW)	Dr. Sibghat, Dr. Sana (SPR), Dr. Sana (SEW)
Tuesday	"	"	"
Wednesday	"	"	"
Thursday	"	"	Dr. Unsoy + Dr. Sana (SEW)
Friday	"	"	"
Saturday	"	"	"
<u>SUNDAYS</u>			
	Morning	Evening	Nights
21.05.17	Dr. Hamid (SEW) Dr. Neelam (SEW)	Dr. Aqsa (SEW)	Dr. Nabeel / Dr. Waleed
28.05.17	Dr. Abeer Dr. Hamid	Dr. Neelam (SEW) Dr. Hamid	Dr. Sajid
<hr/>			
	Dr. Sana ul haq	AP & I/C SICU	0333 996277
	Dr. Salman Mickle	SPR	0333 918183
	Dr. Sighat ulah	SPR	0336-59191
	Dr. Unsoy Shuk	TR	0333 97218
	Dr. Sajid	TMO. SDW	0333-9740
	Dr. Hamid	TMO. SEW	0333-93271

AKESICD

2.1.17

MORNING

EVENING

Dr. Abeer + Dr. Aysa

Dr. Salman

Dr. Sibghat (TMO)

Dr. Mahmood

Tuesday

"

"

Wednesday

"

"

Thursday

"

"

Friday

"

"

Saturday

"

"

7 DAYS

Morning

Evening

NIGHT

06-17 Dr. Aysa

Dr. Mahmood

06-17 Dr. Abeer

Dr. Shaukat (TMO)

Salman Malik

HP & Incharge SICU

0333-996

Sibghatullah

SPR

0333-996

A. Waheed Shah

SPR

0333-996

Mehmood Ahmad

TMO SEW

0333-996

Kiaz Muhammad

TMO SDW

0333-996

Shaukat

TMO SCW

0333-996

Nabeel

TMO SAWS

Aysa

TMO SBWS

Dr. Salman Malik
Specialist
SICU KEMH

DUTY ROSTER FOR SICU

16 June 2k17 To 30 June 2k17

Dr Imran will be on call 24/7

Day	Morning	Evening	Night
Monday	Dr Abeer+Dr Aqsa+Dr Imran	Dr Salman +Dr Shukat	Dr Sibghat+Dr Saeed Dr Misbahullah (SAW)
Tuesday	-do-	-do-	Dr Sibghat +Dr Riaz
Wednesday	-do-	-do-	Dr Sibghat+dr Riaz+Dr Wasey
Thursday	-do-	-do-	-do-
Friday	-do-	-do-	Dr wasey +Dr Saeed Misbahullah (SAW)
Saturday	-do-	-do-	-do-

Sunday Duties

Dr Imran will remain on call throughout Sundays

Day	Morning	Evening	Night
18 June 2k17	Dr Aqsa	Dr Shukat	Dr wasey
25 June 2k17	Dr Abeer	Dr Salman	Dr Saeed

Doctor	RANK	CONTACT
Dr Imran ul haq	AP & Incharge SICU	03339962779
Dr Salman	SPR	03339181832
Dr Sibghat	SPR	03365919194
Dr Wasey	STR	03339728766
Dr Mehmood ahmad	PG SEW	03149866313
Dr Riaz Muhammad	PG SDW	03012826565
Dr Shukat	PG SEW	03349453102
Dr Saeedullah	PG SAW	03038394183
Dr Aqsa	PG SBW	
Dr Abeer	SMO	

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SICU ROSTER OCTOBER 2018

Dr name	Rank	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Dr Imran Ul haq	AP	M	M	M	M	M	M	O	M	M	M	M	M	M	M	M	M	M	M	M	M	M	O	M	M	M	M	M	M	O/c	M	M
Dr Wajeeha	MC	M	M	M	M	M	M	M	M	of	M	M	M	M	of	of	M	M	M	M	M	M	M	off	M	M	M	M	M	off	M	M
Dr Nauman	TR	E	E	E	E	E	E	O	L	L	L	L	L	E	M	L	L	L	L	L	E	E	L	L	L	L	L	E	E	L	L	
Dr Wasay	TR	O	O	of	N	N	of	N	O	O	N	N	N	of	N	O	of	N	N	N	O	of	Off	off	N	N	N	off	N	N	N	
Dr sami ullah Khan	MO	N	N	N	Off	O	N	O	N	N	O	O	O	N	O	N	N	O	O	of	N	N	N	N	Off	O	O	N	Off	Off	Off	
Dr iltemas	TMO SAW	N	N	N	off	of	E	E	E	E	E	E	E	O	O	E	E	E	M	M	M	M	M	M	M	M	M	M	Off	M	M	
Dr anwar	TMO SCW	E	E	E	E	N	N	N	O	O	O	of	N	N	N	O	O	O	E	E	E	E	of	of	of	M	M	M	off	M		
Dr Fida Hussain	TMO SDW	M	M	M	M	M	E	E	N	N	N	O	O	O	of	N	N	N	O	O	O	O	E	E	E	E	E	of	Off	E		
Dr Wajid	TMO SEW	E	E	E	N	of	M	M	O	O	O	O	O	E	E	E	E	E	E	E	E	E	M	M	OF	E	E	E	E	E	E	
Dr Gul Bano	Anest hesia	M	M	M	M	M	M	O	M	M	M	M	M	M	M	M	M	M	M	M	M	M	of	M	M	M	M	M	off	M	M	

Adjusted

DR. IMRAN-UL-HAQ
 Associate Professor (SICU)

DUTY ROTA FROM 15TH AUGUST TO 31ST AUGUST 2017

Dr. Imran will be on call & also do the rounds

Dr. Nauman
0336-9558778

Dr. Arshad
03439486204

Dr. Daud
03009594764

Dr. Aimen
03337376171

Dr. Wasif
0340-6660060

Dr. Abid Haleem
03339283789

Dr. Imran ul Haq
0333-9962779

Dr. Emad Afzal Khan
03449398004

Dr Name	Rank	15	16	17	18	19	20 SUNDAY	21	22	23	24	25	26	27 SUNDAY	28	29	30	31
01 Dr Abeer	SMO	D/O	D/O	M	M	M	M ✓	M	M	M	M	M	M	Off	M	M	M	M
02 Dr Afroz	TMO (SBW)	M	M	M	M	M	Off	M	M	M	M	M	M	M	M	M	M	M
03 Dr SOMIA	TMO (SDW)	M	M	M	M	M	Off	M	M	M	M	M	M	Off	M	M	M	M
04 Dr Nauman	TR	Off	Off	E	E	E	Off	E	E	E	E	E	E	E	E	E	E	Off
05 Dr Arshad	TMO (SEW)	E	E	E	E	E	E	E	E	E	E	E	E	Off	E	E	E	E
06 Dr Daud	TMO(S CW)	N	N	D/O	D/O	D/O	D/O	N	N	N	D/O	D/O	D/O	N	N	N	N	D/O
07 Dr Aimen	TMO(S AW)	D/O	D/O	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
08 Dr Wasif Shah	TR	N	N	D/O	D/O	D/O	D/O	N	N	N	D/O	D/O	D/O	N	N	N	N	N
09 Dr Abid Haleem	SPR	D/O	D/O	N	N	N	N	N	N	N	N	N	N	D/O	D/O	D/O	D/O	D/O

M=Morning

10 Dr Emad TR

D/O = Duty Off

E= Evening

N=Night

N N N N N D/O D/O D/O D/O D/O D/O

Arshad

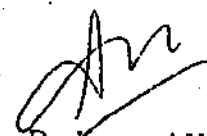
DR. IMRAN-UL-HAQ
AP & D/O etc

*Dr. Imran ul Haq
AP & D/O etc*

EID UL AZHA (2017) DUTY ROTA OF DOCTORS
S. ICU MTI-KTH, PESHAWAR.

Dates / Days	Morning S. ICU 08 am to 08 pm	Night S. ICU 08 pm to 08 am
01-09-2017	Dr. Abeer J.Z Khan (MO S. ICU)	Dr. Abid Haleem (SPR)
02-09-2017	Dr. Somia Ibrar (PGR S. ICU SDW)	Dr. Abid Haleem (SPR)
03-09-2017	Dr. Nouman (TR)	Dr. Wasey / DR. UZAIR (TR) / SAW + TMO
04-09-2017	Dr. Imran ul-Haq (A.P / C S. ICU) Dr. Amjid - SBW TMO	Dr. Wasey / DR. UZAIR (TR) / SAW + TMO

Dr. Shauzeb SBW TMO


Dr. Imran ul Haq
Assistant Professor & I.C
S. ICU MTI-KTH, Peshawar

Copy to:

MD, MTI
HD, MTI
Office Record

Dr. IMRAN UL HAQ : 0333 9962 779

Dr. Abid Haleem : 0333 9283789

Dr. Nouman : 0336 9558778

Dr. Wasey : 0333 9728766

Dr. Uzair : 0336 191 6434

Dr. Amjid : 031 4964 9589

Shauzeb : 0333 5853664

Amjid
Shauzeb
Uzair
Wasey
Nouman
Abid Haleem
Imran ul Haq



MEDICAL TEACHING HOSPITAL PESHAWAR

KHYBER TEACHING HOSPITAL, PESHAWAR

Office of the Hospital Director



No. _____ /KTH/HRD

Dated. 15 / 11 / 2020

To,
The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: IMPLEMENTATION OF THE JUDGMENT BY THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Memo:

It is submitted that Dr. Muhammad Salman Ex-Medical Officer BPS-17 (Civil Servant) attached to this institution till 25-07-2016. The doctor concerned was relieved from MTI, KTH to Director General Health Services Khyber Pakhtunkhwa vide this office order No.15807-15/KTH/E dated 25-07-2016. Moreover, the appeal is allowed to him by Honorable Khyber Pakhtunkhwa Service Tribunal for period of 01-07-2016 till 26-09-2019, further to add that the doctor concerned soon after his reliving had not given any duty rota or duty to be performed. Therefore, the appellant is not entitled for any sort of pay on part of MTI, KTH.

The appeal was decided by Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar wherein, the concluding part is as under: - "In view of the above discussion, the appeal is allowed and remitted back to the Respondents to settle the matter amicably in the interest of justice and salaries for the period as prayed be paid to the appellant by the respective Respondents i.e. DG Health, KP and Hospital Director, MTI, Khyber Teaching Hospital, Peshawar. Discrepancy in the date of arrival 06-04-2018 as contended by the Appellants and 03-12-2018 as per the Respondents needs to be settled by the Respondents in such a way that there is no financial loss to the Appellant. Parties are left to bear their own costs. Consign"

In this regard, Government of Khyber Pakhtunkhwa Health Department issued vide letter No. SOH/4-V/2/2024/Dr. Muhammad Salman dated 06th September, 2024, communicated to Director General Health Services, Khyber Pakhtunkhwa Peshawar, regarding for regularization/release the rest of salary w/e from 02-07-2016 to 02-12-2018. (Copy attached)

In view of the above facts, and in compliance of Judgment of the honorable KP Service Tribunal, Peshawar a meeting sitting may kindly be convened to resolve this issue/matter amicably.

Hospital Director
MTI, KTH, Peshawar.

No. 1989 /KTH/HRD

Copy to: -

- 1. Medical Director, MTI, KTH, Peshawar.
- 2. Manager Legal, MTI, KTH, Peshawar.
- 3. Secretary to BOC, MTI, KTH/KMC/KCD, Peshawar.

MANAGER LEGAL MTI KTH

Diary No. 135

Dated. 16-10-24

Hospital Director
MTI, KTH, Peshawar.

14



DIRECTORATE OF FINANCE
(MT) KHAIKORHYBA TEACHING HOSPITAL PESHAWAR
Phone No.091-9224400 Ext: 2217

No: Audit/113/119/DF/KTH

Dated: 25/07/2016

LAST PAY CERTIFICATE

P.No. 009900431361

GP Fund Ac No. Na

Last Pay Certificate of Dr. Watan Mohammad (BPS-17) Medical Officer Khyber Teaching Hospital Peshawar, proceeding on Transfer to Director General Health Service KPK Peshawar. He has been paid up to 25/07/2016 at the following rates:-

B Pay	CA	TIRA	MPA	MA	Ad:10	MFA	Ad:13	Ad:15	Ad:2016	Total
4800	3000	2433	3800	2363	4033	15000	1220	528	4083	82746

DEDUCTION									
O.P.F	HP	G.Ins	Room	I.Tax	Gas	Elac	AC	Ad:Gin	Total
2898	230	230	200	2991	200	300	1000	23	8094

DETAIL OF RECOVERIES						
S No	Hours of Recovery	Amount	Recovered	Balance	Settlements	Remarks
1	OFF Advance					

SERVICE STATEMENT

Prior to 01.06.2012 He was under the audit control of District Accounts Officer Dera Ismail Khan

ALLOWANCES

Month	Day	EA	LEA	MA	DA	TA	DA	SA	TA	MA	DA	TA	DA	TA	DA	TA	DA	TA	DA	TA	

Remarks. Relieved from this institute vide office of the Hospital Director office order No. 15307-15/K dated 25/07/2016

[Signature]
Finance Officer
(MT) KTH, Peshawar

UPC

*Reviewed
origina
passed
[Signature]*

[Signature]
Audit Officer
KTH/KMC/KCD
Peshawar
25/7/16

DIRECTORATE OF FINANCE, MTL, KTH, KMC & KCD, PESHAWAR KTH-7-2016 999900431361 Dr Watan Mohammad Medical Officer BPS:17						
08 BOK		0121 KTH Branch		5780-6	NTN 0	MRNo. 60000003788
Phys & Allowances	Amount	Deductions	Amount	Loan/Fund	PRN REPAY	Balance
AD1151 B Pay	40880	GG640 G P Fund	2898	Others		79842
AD1233 CA	3000	GG6211 B Fund	250			
AD1202 H R A	4433	GG6408 G Ins	290			
AD1252 H P A	3000	PL306703 Room Rent	300			
AD1217 Medical ALL	2362	ED11521 Tax	2991			
AD21 Adhoc Ret 2021	6033	PL305703 Gas	300			
Health pro All	13000	PL305703 Elect	300			
Adhoc Ret 2013	1220	PL306703 AC Charges	1000			
Adhoc Ret 2015	838	PL305703 Add G Ins	25			
Adhoc Ret 2016	4045	AD1161 Ag & Pay	21721			
Payment	67716	Deduction	30815			

Ref No: 51931 Note: Exact GPFund Is maintained in AG-Khyber Pakhtunkhwa

(Signature)
Finance Officer
 (MTL) KTH, Peshawar



MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL, PESHAWAR
 Office of the Hospital Director.

(143)

No. 15307-15/KTH/E

Dated 25/7/2016

OFFICE ORDER

Dr. Watan Muhammad, Medical Officer, BPS-17, working in Surgical ICU is hereby relieved from this institution on account of Poor Performance, habitual of proceeding leave without sanctioned (copy of report attached) and directed to report to Director General Health Services, Khyber Pakhtunkhwa.

No. 15307-15/KTH/E
 Copy to:

[Signature]
 Hospital Director
 MTI, KTH, Peshawar.
 2/7/16

1. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
2. Medical Director, MTI, KTH, Peshawar.
3. Director Administration, MTI, KTH, Peshawar.
4. Director Human Resources, MTI, KTH, Peshawar.
5. I/C Surgical ICU, MTI, KTH, Peshawar.
6. Accounts Officer, MTI, KTH, Peshawar.
7. Audit Officer, MTI, KTH, Peshawar.
8. Resident Assistant Director, (Audit), MTI, KTH, Peshawar.
9. Doctor concerned.

[Signature]
 Hospital Director
 MTI, KTH, Peshawar
 25/7/16



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 1288/2019

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN
MISS FAREEHA PAUL, ... MEMBER (E)

Dr. Muhammad Salmaan, presently serving as Senior Medical Officer,
Type D Hospital, Lora, Abbottabad. (Appellant)

Versus

- 1. The Secretary Health Department, Peshawar.
- 2. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
- 3. The Secretary Health Department, Khyber Pakhtunkhwa, Peshawar.
- 4. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5. Hospital Director MPTI, Khyber Teaching Hospital, Peshawar. (Respondents)

Mr. Ali Azim Afridi, Advocate ... For appellant

Mr. Muhammad Jan, District Attorney with Mr. Asif Yousufzai, Legal Advisor ... For respondents

Date of Institution..... 03.10.2019
 Date of Hearing..... 06.12.2022
 Date of Decision..... 06.12.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for allowing grant/release of salary to the appellant, w.e.f 01.07.2016 to 26.02.2019.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant while working in Surgical ICU at Medical Teaching Institution.

[Signature]
 FAREEHA PAUL
 MEMBER (E)

[Signature]

ATTESTED
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conceded the payment of salary was the constitutional right of the

learned counsel for the appellant after presenting the case in detail

respondents and perused the case file with connected documents in detail.

counsel for the appellant as well as the learned District Attorney for the

were deleted vide order sheet dated 05.10.2022. We heard the learned

written replies/comments on the appeal. Minutes of Respondents No. 1 & 2

Respondents were put on notice. Respondents No. 1 & 2 submitted

the said period, which remained un-responded, hence the present appeal

preferred to respondents No. 1 & 2 on 25.06.2019 for release of salary for

salary was 01.07.2016 to 27.02.2019 for which department appeal was

16.01.2019. The grievance of the appellant originated from non-payment of

respondent No. 1 on 06.04.2018. His Service Appeal was dismissed on

of the appeal, the appellant preferred appeal under protest, before the

which he was asked to vacate the official accommodation. During pendency

Health Services Khyber Pakhtunkhwa and order dated 24.08.2016 vide

dated 25.07.2016 vide which he was directed to report to Director General

4/8/2018 before the Khyber Pakhtunkhwa Service Tribunal against the order

maintainability on 14.03.2018. The appellant filed service appeal No.

on 29.08.2016. The writ petition was however dismissed on the point of

Peshawar in Writ Petition No. 3206-P/2016, wherein status quo was granted

said order was brought under question before Hon'ble Peshawar High Court,

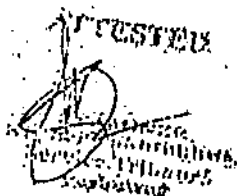
vide order dated 25.07.2016 and directed to report to respondent No. 2. The

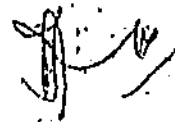
Khyber Teaching Hospital, Peshawar, was relieved from the said Institution

3
appellant, hence not allowing the salary to him was totally uncalled for and against the law governing the subject. He further contended that payment of salary had direct nexus with the terms and conditions of the appellant being a civil servant and that his salary was no more a bounty but a right, which could not be denied to him. He requested that the appeal might be accepted as prayed for,

5. Learned District Attorney, on the other hand, contended that the appellant was relieved by the Hospital Director Medical Teaching Institution/Khyber Teaching Hospital, Peshawar to report to Director General Health Services, Khyber Pakhtunkhwa due to his poor performance. The appellant filed Writ Petition No. 3206-P/2016 in the Hon'ble Peshawar High Court, Peshawar wherein status quo was granted on 29.08.2016 but later on the said writ petition was dismissed on 14.03.2018. He further contended that the appellant submitted his arrival on 03.12.2018, therefore, the period w.e.f 03.12.2018 to 27.02.2019 related to respondents No. 1 & 2, while the period before 03.12.2018 related to MTI/KTH, Peshawar.

6. After hearing the arguments and going through the record presented before us, it transpires that the appellant was relieved from Surgical ICU, Khyber Teaching Hospital on account of poor performance and habitual absence without prior approval and was directed to report to Director General, Health Services, Khyber Pakhtunkhwa (respondent No. 2). The transfer order was challenged by him in the Hon'ble Peshawar High Court, which was dismissed on the ground of being not maintainable. He


District Attorney
Peshawar



approached the Khyber Pakhtunkhwa Service Tribunal but here too, his service appeal was dismissed vide judgment dated 16.01.2019. In pursuance of his transfer order dated 25.07.2016, the appellant submitted his arrival report, under protest, on 06.04.2018, and was placed at the disposal of District Health Officer, Abbottabad for further posting as SMO (BS-18) vide order dated 22.02.2019. Here it has been noted that the appellant has attached a document dated 06.04.2018 with the subject "Arrival under Protest" addressed to the Secretary Health, Khyber Pakhtunkhwa Peshawar. It is not confirmed from that document whether it was received by the Secretary Health or not and what action was taken on it. On the other hand, the reply of respondents as well as the learned District Attorney mention the date of arrival as 03.12.2018 but no arrival report of that date has been attached with their reply.

7. It is felt that being a civil servant, the appellant was bound to act on the orders of his competent authority but instead he resorted to unnecessary litigation which resulted in delayed response to his transfer order. His submission of arrival report at a belated stage and further adjustment as SMO took almost two years and seven months since his transfer order which resulted in non-payment of his salaries. Reply of the respondents indicates that there are two parts during this entire period of transfer from Khyber Teaching Hospital to the Directorate of Health and further posting to Abbottabad. This bench feels that a sympathetic and quite fair approach is

11/28/2019
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required in dealing with the case of the appellant as far as payment of his salaries is concerned.

8. In view of the above discussion, the appeal is allowed and remitted back to the respondents to settle the matter amicably in the interest of justice and salaries for the period as prayed be paid to the appellant by the respective respondents, i.e. the Director General Health Services, Khyber Pakhtunkhwa and the Hospital Director, MTI, Khyber Teaching Hospital, Peshawar. Discrepancy in the date of arrival, 06.04.2018 as contended by the appellant and 03.12.2018 as per the respondents, needs to be settled by the respondents in such a way that there is no financial loss to the appellant. Parties are left to bear their own costs. Consign.

9. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 6th day of December, 2022.

(KALIM ARSHAD KHAN)
Chairman

(PARVEEN AKUL)
Member (L)

Certified to be true copy

EXCISE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Copy 23/12/22
Number of Words 2000
Copying Fee 20/-
Stamp 20/-
Date 23/12/22
Date of Issuance of Copy 23/12/22

21

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

WP No. 3206-PI/2016

JUDGMENT

Date of hearing: 14.03.2018.

Petitioner: Dr. Iqbal Muhammad *Dr. Iqbal Muhammad*

Respondent: Hospital & Dr. (MTI) by Mr. Faraz Durrani *Hospital & Dr. (MTI) by Mr. Faraz Durrani*

WAQAR AHMAD SETH, J.:- Dr. Watan

Muhammad, petitioner has filed the instant Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with a prayer to set aside the impugned orders dated 24.08.2016 & 25.07.2017 as illegal, without jurisdiction and without lawful authority besides being mala fide and for political consideration.

2. Brief facts of the case are that the petitioner is serving as Medical Officer in Surgical ICU (MTI) KTH, Peshawar since 31.05.2012, who applied for leave for some days to take his ailing mother to Lahore for medical treatment, which was approved/granted but all of a sudden, the petitioner received a letter dated 25.07.2016, whereby his services were

ATTESTED

EXAMINER
Peshawar High Court

19 MAR 2018

22
placed at the disposal of Director General Health, Khyber

Pakhtunkhwa. Similarly, the respondents have also issued

notice dated 24.08.2016 to the petitioner for vacation of room,

so allotted to him; hence, the instant Writ Petition.

3. Respondents have furnished comments and

denied the assertion of petitioner by stating that the petitioner

always produce such excuses whenever he remained absent

from duty. Previously, petitioner was relieved vide office No.

68641-44/KTH/E dated 12.9.2015, but executed with last

warning and submission of undertaking on stamp paper that he

will not repeat but after released of two month salary of the

absent period, he again started his wilful absence from duty

and without NOC or sanctioned leave he visited Saudi Arabia.

He was counsel several times by the authorities and finally by

the Medical Director dated 22.6.2016 but he turned deaf ear

and finally his case was reported to the Hospital Director and

was relieved on 25.7.2016. Thus, they requested for dismissal

of instant Writ Petition.

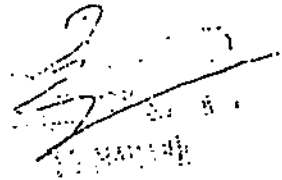
RECEIVED
19 MAR 2018

4. Arguments heard and record perused. 23

5. Admittedly, the petitioner is a civil servant and his grievance relates to '*terms and conditions*' of service, the appropriate remedy for seeking his redressal, would surely be the Services Tribunal.

6. This Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 to take cognizance of any matter relating to '*terms and conditions*' of service of a civil servant. The Apex Court in Ali Azhar Khan Baloch's case (2015 SCMR 456), has again laid down that the issue relating to the '*terms and conditions*' of service cannot be entertained by a High Court either in its constitutional jurisdiction or in its original civil jurisdiction being barred under Article 212 of the Constitution.

7. Even otherwise, on merits impugned herein is the office order dated 25.7.2016 whereby petitioner is relieved from the institution i.e Medical Teaching Institution, Khyber Teaching Hospital Peshavar, on account of poor performance



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and habitual of proceedings leave without sanction and directed to report to the Director Health Services, KPK. Petitioner has called in question the said order on the touchstone that the same has been issued by Hospital Director, MTI, KTH, Peshawar, who has got no authority and competency to issue such an order in view of section 16 of the KPK, Medical Teaching Institutions Reforms Act, 2015 (Act No. IV of 2015) and specially policy letter dated 6th October, 2017 with the subject "Human Resource Management with MTIs and transfer / posting of Civil Servants in MTIs".

Reference is made to para-4 of the said policy which reads as under:-

"Civil Servants working in MTIs cannot be dislodged from MTIs by Medical Director / Hospital Director / Dena but can be repatriated by Health Department only with the approval of the competent authority."

8. Section 16 of the Act No. IV of 2015 as well as the above quoted para of the policy are not applicable to the case, as petitioner is admittedly a civil servant with no pending right of option within requisite 90 days. Being civil servant no

ATTESTED
EXAMINER
Peshawar High Court

19 MAR 2018

one can proceed against him as under the service law only and
only employer is supposed to proceed against him on account
of poor performance, habitual absentee and as such the
Administration of MTI, KTH, Peshawar has rightly relieved
the petitioner to report at Director General Health Services,
KPK for proper adjudication of disciplinary proceedings, in
this respect.

9. In view of the above, this Writ Petition being not
maintainable is hereby dismissed.

ANNOUNCED.
Dated: 14.03.2018.

JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

Exhibition
Subscribed Under Seal of the
High Court of Peshawar Order 1004

19 MAR 2018



14889
Application 1913/18
Date of Preparation of Copy 19/3/18
D.T. 14/3/18

GOVERNMENT OF KHYBER PAKHTUNKHWA CERTIFICATE OF
TRANSFER OF CHARGE

5

Certified that I, Dr. Natan Muhammad

have this day before noon taken over charge of the office M.O
After relinquished

with reference to order of the K.P.K Government
No. S.D(E)+1-IL/23-6/2012 Dated 31/05/2012 20
to K.T.H

2. Particulars of Cash and Important / Secret / Confidential documents handed over/taken
over noted on the reverse.

Station

Signature of relieved
Government Servant

Designation

Signature of government
Servant receiving
Charge MD

Dated 02/05/2012

Designation M.O

Endst. No. 1320710 Dated 21-6-2012

From

To

1. The Accountant-General,
Khyber Pakhtunkwa, Peshawar
Account officer K.T.H Peshawar
2.
3. Audit officer G.P.H. Peshawar
4.
5. Dr. Natan Muhammad K.T.H Peshawar

The Charge of the office of
was transferred from Mr.
to Mr.

On the fore noon of the20
after

Signature



GOVERNMENT OF
KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 31st May, 2012.

NOTIFICATION

No.SO(E)H-II/23-6/2012. Dr. Watan Muhammad, Medical Officer (BS-17), BHU Mani Khan Korona District Tarik is hereby transferred to Khyber Teaching Hospital Peshawar in Anesthesia Department against the vacant post of Medical Officer, in the public interest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Health Services, Peshawar.
3. EDO (Health) Tank.
4. MS, KTH Peshawar.
5. DAO, Tank.
6. PS to Special Secretary Health.
7. Computer Section.
8. Doctor concerned.

(Javed Iqbal)
Section Officer-II

Copy also available on the website www.healthkp.gov.pk

HRD Building, Health Department Govt. of Khyber Pakhtunkhwa,
Khyber Road Peshawar Phone # 091-9210570, Fax # 091-9210419

BS-17
Position vacant
1/6/2012



GOVERNMENT OF
KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

3

Dated Peshawar the 31st May, 2012.

NOTIFICATION

No.SO(E)H-II/23-6/2012, Dr. Watan Muhammad, Medical Officer (BS-17), BHU Mani Khan Korona District Tank is hereby transferred to Khyber Teaching Hospital Peshawar in Anesthesia Department against the vacant post of Medical Officer, in the public interest.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Health Services, Peshawar.
3. EDO (Health) Tank.
4. MS, KTH Peshawar.
5. DAO, Tank.
6. PS to Special Secretary Health.
7. Computer Section.
8. Doctor concerned.

(Javed Iqbal)

Section Officer-II

Copy also available on the website www.healthkp.gov.pk

HRD Building, Health Department Govt. of Khyber Pakhtunkhwa,
Khyber Road Peshawar Phone # 091-9210570, Fax # 091-9210419

EST
For up vacant position & 1/16/2012



MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL, PESHAWAR
Office of the Hospital Director



No.

6189

/KTH/HRD

Dated.

22/03

/2024

To,

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL FOR RELEASE OF SALARY FOR THE PERIOD FROM 01-07-2016 TO 27-02-2019.

Memo:

Enclosed please find an application along-with judgment of the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar which is reproduced as under: - "In view of the above discussion, the appeal is allowed and remitted back to the Respondents to scule the matter amicably in the interest of justice and salaries for the period as prayed be paid to the appellant by the respective Respondents i.e DG Health, KP and Hospital Director, MTI, Khyber Teaching Hospital, Peshawar. Discrepancy in the date of arrival 06-04-2018 as contended by the Appellants and 03-12-2018 as per the Respondents needs to be settled by the Respondents in such a way that there is no financial loss to the Appellant. Partics are left to bear their own costs. Consign".

It is important to mention that the appellant naming Dr. Muhammad Salman Ex-Medical Officer BPS-17 is a Civil Servant and employee of the health department. Moreover, the appeal is allowed to him by Honorable Khyber Pakhtunkhwa Service Tribunal is for period 01-07-2016 till 26-09-2019, further to add that the doctor concerned soon after his relieving had not given any doctor duty rota or duty to be performed. The appellant is not entitled for any sort of pay on the MTI, KTH, the doctor concerned was not performing any duty in connection to MTI, KTH, was clearly directed while relieving from such duties as to report to his parent department i.e DG Health for reporting.

It is therefore, requested that judgement may kindly be implemented letter & spirit may proceed further in the matter Dr. Muhammad Salman (being a Civil Servant) for further necessary action.

No.

6189

/KTH/HRD

Copy to:-

1. Medical Director, MTI, KTH, Peshawar.
2. Manager Legal, MTI, KTH, Peshawar.
3. Secretary to BOG, MTI, KTH/KMC/KCD, Peshawar.

Hospital Director
MTI, KTH, Peshawar.

Hospital Director
MTI, KTH, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)/2-2/2024/ Dr. Muhammad Salman
Dated Peshawar the 06th September, 2024

To: The Director General Health Services,
Khyber Pakhtunkhwa,
Peshawar.

Subject: APPLICATION FOR RELEASE OF SALARY

I am directed to refer to your letter No. 2145/E.I dated 29.01.2024 and to enclose herewith a copy of minutes of the meeting held on 13.07.2024 on the subject matter and to state that the waiting for posting period in respect of Dr. Muhammad Salman S/O Abdul Muhammad, SMO (BS-18) attached to DHO office Abbottabad w.e.f. 03.12.2018 to 27.02.2019 has already been notified while for remaining period i.e w.e.f 26.07.2016 to 02.12.2018 the concerned MTI may be request to issue salary to the doctor concerned.

I am therefore, directed to request you, to inform the doctor concerned to approach the concerned MTI for regularization/ release the rest of salary w.e.f 02.07.2016 to 02.12.2018, please.

Encl: As above.

Yours faithfully,

[Signature]
3092
29-9-24
SECTION OFFICER (E-V)

Endst. No. & Date Even
Copy to the:-

1. Hospital Director, MTI-KTH, Peshawar.
2. PS to Secretary Health, Khyber Pakhtunkhwa
3. PA to Additional Secretary (E&A), Health Department.

4481
10 SEP 2024

SECTION OFFICER (E-V)

Manager HR

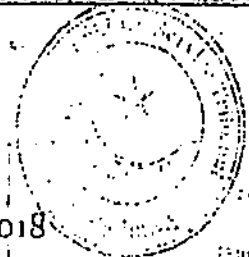
[Signature]
16/9/24
DIRECTOR
HEALTH DEPARTMENT
PESHAWAR

To: [Signature]

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Annex "C" D

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR



Service Appeal No. 408 of 2018

Page 436

Date 21-3-2018

Dr. Watan Muhammad S/o Abdul Muhammad
Medical Officer, Surgical ICU,
MTI, Khyber Teaching Hospital, Peshawar..... Appellant

VERSUS

1. Hospital Director (MTI), KTH, Peshawar
2. Director Administration/ Chairman,
Accommodation Committee, (MTI), KTH, Peshawar
3. Chairman Board of Governors (MTI)
Khyber Teaching Hospital, Peshawar
4. Director General (Health),
Health Directorate, Khyber Road, Peshawar
5. Secretary Health,
Govt of KPK, Civil Secretariat, Peshawar... Respondents

Service appeal u/s 4 of the Service Tribunal
Act, 1974 against orders dated 25.07.2016 of
respondent No.1 vide which he has been
directed to report to DG Health Services,
Khyber Pakhtunkhwa and order dated
24.08.2016 of respondent No.2 vide which
he has been asked to vacate the official
accommodation.

Filed by
 4/3/18
 Registrar

Received by
 and
 Registrar

21/3/18

ATTESTED

28

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 408/2018

Date of Institution ... 21.03.2018

Date of Decision ... 16.01.2019



Dr. Watan Muhammad S/o Abdul Muhammad, Medical Officer, Surgical ICU,
MTI, Khyber Teaching Hospital, Peshawar. ... (Appellant)

VERSUS

Hospital Director (MTI), KTH, Peshawar and four others. ... (Respondents)

MR. ALI AZIM AFRIDI,
Advocate

... For appellant.

MR. ZARTAJ ANWAR,
Legal Advisor

... For respondents no. 1 to 3

MR. ZIAULLAH
Deputy District Attorney

... For respondents no. 4 and 5.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

... MEMBER (Executive)
... MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER. Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that he was initially posted as Medical Officer in Khyber Teaching Hospital, Peshawar. His services are governed by MTI Act, 2015. This Act was challenged before the Peshawar High Court, Peshawar and was maintained vide judgment dated 25.08.2015 and 07.12.2015 respectively with slight modification.

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3. As mother of the appellant was suffering from cancer so he submitted an application for leave. On the assurance of the respondents that leave would be granted, the appellant took his mother to Lahore for treatment. To his astonishment his service were placed at the disposal of D.G Health vide impugned order dated 25.07.2016. The impugned order was against the invogue policy, rules and letter dated 06.08.2017. Furthermore, he was also asked to vacate the hostel accommodation allotted to him. Feeling aggrieved, he filed departmental appeal on 29.07.2016 and thereafter invoked the jurisdiction of Peshawar High Court by filing writ petition no. 3206-P/2016. Later on the writ petitioner was dismissed on the point of maintainability vide judgment dated 14.03.2018. It was followed by the present service appeal filed on 21.03.2018. Reliance was placed on judgment of this Tribunal dated 15.12.2017 rendered in service appeal no. 480/2017, where similar point was adjudicated by the Tribunal.

4. At the very outset the learned Legal Advisor for respondents no. 1 to 3 argued that the present appeal being barred by time was not maintainable. Impugned order was passed on 25.07.2016, while departmental appeal was filed on 29.07.2016. Thereafter the appellant filed writ petition in Peshawar High Court on 26.07.2016 which was dismissed on 14.03.2018 followed by present service appeal on 21.03.2018. In support of his arguments he invited attention of this Tribunal to service appeal no. 458/2017 decided on 30.11.2017. That case was also dismissed on the point of limitation. He further argued that the appellant being a civil servant was posted in KTH on 31.05.2012. On account of willful absence from duty, he was relieved from the above institution and directed to report to his parent department vide order dated 25.07.2016. The past conduct of

So far as retention of hostel

accommodation was concerned after passing of impugned order he had not right/claim on the same, hence, he was rightly directed to vacate the room. The accommodation was meant for Trainee Medical Officers.

5. Learned Deputy District Attorney relied on arguments advanced by the learned Legal Advisor for respondents no 1 to 3.

CONCLUSION

6. Before touching the deep merits of the case, it would be appropriate to first resolve the controversy of limitation raised by the learned Legal Advisor for respondents no. 1 to 3. There is inherent contradiction in the stance of the learned counsel for the appellant taken in para-3 of the application for condonation of delay submitted in this Tribunal. The plea that MTI Act, 2015 did not provide any forum for departmental appeal so the appellant was left with only option to knock the door of Peshawar High Court for the redressal of his grievances. However, perusal of writ petition and judgment of Peshawar High Court revealed that no such issue was raised by the learned counsel for the appellant at the above forum. On the other hand he preferred departmental appeal before the BOG on 29.07.2016, so his plea was not convincing and worth consideration. Our view point is further supported by Para-5 and 6 of the judgment of Peshawar High Court dated 14.03.2018. It is imperative that pleadings of the appellant lack substance/justification to convince this Tribunal.

7. The application for condonation of delay is moved under section-14 of the Limitation Act, 1908. Section-14 is not applicable in the proceedings before this Tribunal. The august Supreme Court of Pakistan in the judgment of Larger Bench reported as 2016 PLD 872, while discussing the applicability of Section-14 of the

ATTESTED
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Limitation Act has decided that provision of Section-14 of the Limitation Act are not applicable in all appeals even before the normal Civil Courts. But again in the said judgment, it was held that wherever Section-5 of the Limitation Act was applicable then the reasons given in Section-14 of the Act can be taken into consideration for deciding the sufficient cause. In the said judgment the august Supreme Court of Pakistan, while discussing many judgments of the august Supreme Court of Pakistan prior to 2016 has resolved the issue once for all by declaring many judgments as per incurium. In the judgment of the larger Bench the august Supreme Court of Pakistan has allowed the condonation on the ground of pursuing the remedy in good faith and due diligence, and the august Supreme Court of Pakistan has further held in that very judgment that pursuing case in wrong forum per se cannot be presumed to be pursuing in good faith and due diligence unless the valid and sufficient reasons are given in the application for condonation of delay which misled the party or for that matter their counsel for choosing wrong forum. Even on this score alone, the learned counsel for the appellant was unable to make out a case for indulgence of this Tribunal. Being a case barred by time, there seems no justification to deliberate/dilate on the merits of the case:


8. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(AHMAD HASSAN)
MEMBER

ANNOUNCED
16.01.2019

Certified to be true copy



POWER OF ATTORNEY

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA, PESHAWAR.

In Execution No.306/2024
In Appeal No. 1288/2019

Dr Muhammad Salman.....

COMPLAINANT (S)
PETITIONER (S)
APPELLANT (S)
APPLICANT (S)
APPELLANT (S)

Versus

DG Health services KPK and
others.....

ACCUSED (S)
RESPONDENT(S)
DEFENDANT (S)

I/We Hassan Sarfraz the undersigned Respondent-s

Hereby appoint M. Asif Yousaf Zairi in the above mentioned case, to do all or any of the following acts, deeds and things.

To, appear act, and plead for me/ us in the above mentioned case in this Court / Tribunal or any other Court / Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.

To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.

To receive payment of

, and issue receipts for, all money that may be or become due and payable to me during the course on the conclusion of the proceedings.

To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:

To ratify whatever the said advocate may do in the proceedings.

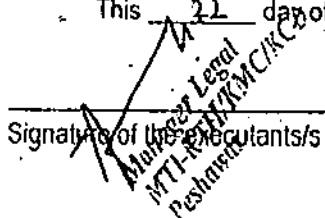
Not to hold the advocate, responsible if the said case be proceeded ex-parte or dismissed in default in consequences of their absence from the Court / Tribunal when it is called for hearing.

That the Advocate shall be entitled to withdraw from the prosecution of the said case, if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this power of Attorney / Wakalatnama herein under, the contents of which have been read/ explained to me and fully understood by me on

This 22 day of 10, 20 24 at Peshawar.

Signature of the Executants/s



(Handwritten signature)

Attested / Accepted

Name of advocate: M. Asif Yousaf Zairi



MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL, PESHAWAR
Office of the Hospital Director

No: 7646 /KTH/HD

Dated 28/06/2022

AUTHORITY LETTER



MTI-Khyber Teaching Hospital is an autonomous institution under MTI Reforms Act, 2015. Under the law each institution is defended by its own legal staff.

The post of Manager Legal as per MTI-KTH grading structure is BPS-18, therefore Mr. Haroon Sarfaraz s/o Sarfaraz Khan, Manager Legal MTI-KTH/KMC/KCD is hereby authorized to attend all courts of law including Civil Court, Criminal Courts, High Courts, all Administrative and Appellate Tribunal and Supreme Court of Pakistan on behalf of MTI-KTH/KMC/KCD, Peshawar.

He is competent and authorized to represent MTI-KTH/KMC/KCD and further to sign all the documents, Power of Authority (Wakalat Nama), swear affidavit, make statement(s), file any petition/plaint, file written statement, reply, comments, application, replication and to do all other acts and things which may be deemed necessary or advisable during course of the proceedings under my seal and stamp till further order.

HOSPITAL DIRECTOR
teaching institution
KCD

Hospital Director
MTI-KTH, Peshawar

	MEDICAL TEACHING INSTITUTE Khyber Teaching Hospital Khyber Medical College Khyber College of Dentistry	
	Office of the Hospital Director	
No. <u>2051</u> / KTH/ HD		Dated. <u>22/10/</u> /2024

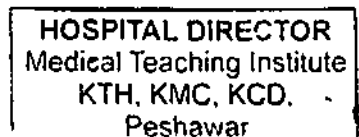
AUTHORITY LETTER

Khyber Teaching Hospital is an autonomous institution under MTI Reforms Act, 2015. Under the Law each institution is defended by its own Legal staff.

The post of Manager Legal as per MTI-KTH/KMC/KCD grading structure is (G-18), therefore **Mr. Haroon Sarfaraz S/O Sarfaraz Khan**, Manager Legal MTI-KTH/KMC/KCD is hereby authorized to attend all Courts of Law including Civil Court, Criminal Courts, High Courts, all Administrative and Appellate Tribunal and Supreme Court of Pakistan on behalf of MTI-KTH/KMC/KCD, Peshawar.

He is competent and authorized to represent Khyber Teaching Hospital in case titled **Dr. Salman Versus Govt of KP and others in Execution Petition No. 306/2024 in Appeal No. 1288/2019** and further to sign all the documents, Power of Authority (Wakalatnama), swear affidavit, make statements, file any petition/plaint, file written statement, reply, comments, record evidence, application, replication and to do all other acts and things which may be deemed necessary or advisable during course of the proceedings under my seal and stamp till further order.


**HOSPITAL DIRECTOR,
 MTI-KHYBER TEACHING HOSPITAL.**


HOSPITAL DIRECTOR
 Medical Teaching Institute
 KTH, KMC, KCD.
 Peshawar

Zafar Afzali