

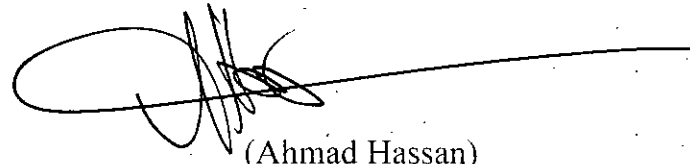
Order

27.11.2018

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents and present. Arguments heard and record perused.

This appeal is also dismissed as per detailed judgment of today placed on file in connected service appeal No. 221/2016 titled "Yousaf Hayat-vs-The Secretary Health Department Khyber Pakhtunkhwa, Peshawar and four others" Parties are left to bear their own cost. File be consigned to the record room.

Announced:
27.11.2018



(Ahmad Hassan)

Member

Camp Court D.I.Khan



(Muhammad Amin Khan Kundi)

Member

20.06.2018

Neither the appellant nor his counsel present.
Mr.Sadaqat Ullah Deputy Secretary alongwith Mr. Usman Ghani, learned District Attorney for the respondents present.
Adjourned. To come up for arguments on 27.08.2018 before the D.B. at camp court D.I.Khan.

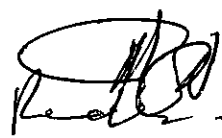

Member

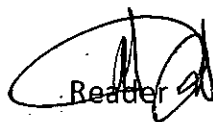

Chairman
Camp Court, D.I.Khan

27-08-2018

Appellant in Person present. M. Jamshed, CCT
on behalf of respondents present.
Tour is hereby cancelled, Therefore, the case
is adjourned for the same on 12.09.2018 at
camp court D-I.Khan.


12.09.2018



12th September has been declared as public holiday
on account of 1st Muharram therefore, the case is adjourned
for the same on 26.11.2018 before D.B at Camp Court
D.I.Khan.


Reader
Camp Court D.I.Khan

26.11.2018

Appellant in person present. Mr. Usman Ghani, District
Attorney for the respondents present. Appellant requested for
adjournment on the ground that his counsel is not available
today. Adjourned. To come up for arguments on tomorrow i.e
27.11.2018 before D.B at Camp Court D.I.Khan.


(Ahmad Hassan)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

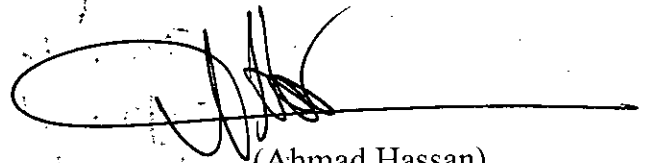
Order

27.11.2018 Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file; the appeal is dismissed. Parties are left to bear their own cost.

File be consigned to the record room.

Announced:
27.11.2018.





(Ahmad Hassan)
Member
Camp Court D.I.Khan

(Muhammad Amin Khan Kundi)
Member

21.02.2018.

Counsel for the appellant present# Mr. Usman Ghani, District Attorney alongwith Mr. Samiullah, Junior Clerk for the respondents also present. During the course of arguments it was observed that the appellant was appointed as Ward Attendant (BPS-1) on contract basis vide order dated 25.10.2008. Learned counsel for the appellant was confronted on the point to provide any proof regarding subsequent regularization of services of the appellant. However, he was unable to produce any proof. Prima-facie it appears to be an appointment on contract basis and as such the appellant is not a civil servant and cannot invoke the jurisdiction of this Tribunal. Learned counsel for the appellant sought adjournment. Request accepted. Adjourned. The appeal is fixed for arguments on the point of maintainability on 23.04.2018 before D.B at Camp Court D.I.Khan.


(Ahmad Hassan)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

25.05.2018

Due to retirement of the worthy Chairman, the Tribunal is non-functional. To come up for the same on 20.06.2018. Notices be issued to the parties accordingly.


Member

Service Appeal No. 222/2016


26.12.2017


Bench is incomplete. To come up for arguments on
28.12.2017.

(Muhammad Hamid Mughal)
Member
Camp Court D.I.Khan

28.12.2017

Appellant and his counsel is absent. Mr. Farhaj Sikandar,
District Attorney alongwith Mr. Muhammad Jamshed, Chief
Clinical Technician for the respondents present. Notice be issued
to appellant and his counsel for arguments for 23.01.2018 before
D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan


(Muhammad Hamid Mughal)
Member
Camp Court D.I.Khan

23.01.2018


Appellant in person and Mr. Farhaj Sikandar, Deputy District
Attorney alongwith Mr. Samiullah, Junior Clerk for respondents.
Arguments could not be heard due to general strike of the Bar. Adjourned.
To come up for arguments on 29.02.2018 before D.B at camp court
D.I.Khan.


(AHMAD HASSAN)
Member


(M.AMIN KHAN KUND)
Member
Camp Court D.I.Khan

26.07.2017


Counsel for the appellant present, Mr. Farhaj Sikandar, District Attorney for the respondents also present. Learned counsel for the appellant submitted rejoinder and copy also handed over to learned District Attorney for arguments. To come up for arguments on 24.10.2017 before D.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

24.10.2017


Counsel for the appellant and Mr. Farkhaj Sikandar, District Attorney present. Representative of the respondents are not present. Respondents no. 3 and 5 be summoned in person on the next date of hearing failing which their salaries will be attached. To come up for arguments on 27.11.2017 before D.B at camp Court D.I.Khan.



Member
(Executive)


Member
(Judicial)
Camp Court D.I.Khan

27.11.2017

Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Jamshid, Chief Clinical Technologist for the respondents also present. Due to general strike of the Bar learned counsel for the appellant is not in attendance today. Adjourned. To come up for arguments on 26.12.2017 before D.B at Camp Court D.I.Khan.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

223/2016

27.09.2016

Appellant in person, M/S Abdul Manan, Stenographer and Tufail Khattak, SO alongwith Mr. Farhaj Sikandar, Government Pleader for the respondents present. Written reply by respondents not submitted and requested for further time to submit written reply. Request accepted. To come up for written reply/comments on 24.01.2017 before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan

25.01.2017

Appellant in person and Mr. Saleem, Junior Clerk alongwith Mr. Farhaj Sikandar, Government Pleader for official respondents present. Written reply by respondents submitted and copies delivered to all concerned. To come up for rejoinder and arguments on 28.03.2017 before D.B at Camp Court D.I.Khan.


ASHFAQUE TAJ
MEMBER
Camp Court D.I.Khan

28.03.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 26.07.2017.


Reader

21.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that vide impugned order dated 12.1.2013 services of appellant were terminated where-against he preferred departmental appeal followed by service appeal which was decided by this Tribunal vide judgment/order dated 16.10.2015 giving directions therein for deciding the departmental appeal within two months where-after the same was decided on 18.1.2016 maintaining the original order and hence the instant service appeal on 16.2.2016.

Appellant Deposited
Security & Process Fee

That the directions issued by the Tribunal in its judgment were not followed and the impugned termination order is against facts and law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 9.5.2016 before S.B.


Chairman

09.05.2016



Agent of counsel for the appellant and Mr. Abdul Manan, Steno alongwith Asstt. AG for the respondents present. Requested for adjournment. The appeal pertains to territorial limits of D.I.Khan Division as such assigned to S.B for written reply/comments on 25.07.2016 at camp court, D.I.Khan.



Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 222/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.03.2016	<p>The appeal of Mr. Muhammad Bashir resubmitted 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	21.3.16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>21-3-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of  Mr. Muhammad Bashir Ex-Ward Attendant MMT Hospital D.I.Khan received today i.e. on 16.02.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of judgment of this Tribunal mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexures A, C, D, E, H, I, M and N of the appeal are illegible which may be replaced by legible/better one.
- 3- Many documents attached with the appeal are torn.

No. 259 /S.T,

Dt. 17~~th~~ 2/2016


16.2.16
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Asif Yousafzai Adv. Pesh.

Respected Sir
1- Removed
2- Removed
3- Removed



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 222 /2016

Muhammad Bashir

V/S

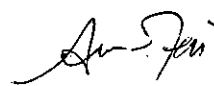
Health Deptt:

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S.NO.	Documents	Annexure	Page No.
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2.	Copy of appointment	A	7
3.	Copy of medical fitness	B	8
4.	Copy of charge report	C	9
5.	Copy of stoppage of salary	D	10-11
6.	Copy of order of High Court	E	12-15
7.	Copy of termination order(8.6.2009)	F	16-18
8.	Copy of judgment of service Tribunal	G	19-26
9.	Copy of reinstatement order	H	27-28
10.	Copy of termination order(12.1.2013)	I	29-30
11.	Copy departmental appeal	J	31-32
12.	Copy of judgment of service Tribunal	K	33-35
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APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)

& 
(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 222/2016

Muhammad Bashir Ex- Ward Attendant,
MMT Hospital D.I.Khan

(Appellant)

K.P. Province
Service Tribunal
Diary No. 103
Date 16-2-2016

Versus

- 1: The Secretary Health Deptt: KPK, Peshawar.
- 2: The Director General Health Services KPK, Peshawar
- 3: The Medical Superintendent MMT Hospital, D.I Khan
- 4: The Distt: Accounts Officer D.I Khan.
- 5: The Chief Executive M.M.T Hospital D.I Khan.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 18.01.2016, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 12.01.2013 HAS BEEN REJECTED FOR NO GOOD GROUNDS AND IN VIOLATION OF SERVICE TRIBUNAL'S JUDGMENT.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 18.01.2016 MAY BE SET ASIDE BEING PASSED ARBITRARILY, ILLEGALLY, WITHOUT OBSERVING PROCEDURE AS DIRECTED BY THE AUGUST SERVICE TRIBUNAL VIDE JUDGMENT DATED 16.10.2015. THE RESPONDENT MAY FURTHER PLEASE BE DIRECTED TO REINSTATE THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL BENEFITS AND ALSO

Filed to the
Registrar
16/2/16

re-submitted to the
and filed:
Registrar
11/3/16

GRANT THE SALARIES OF THE APPELLANT W.E.FROM MARCH 2009 TILL THE REJECTION ORDER DATED 18.01.2016. AND ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH.

FACTS:

1. That the appellant was appointed as ward attendant in the MMT Hospital D.I by the competent authority vide order dated 25.10.2008 ,the appellant got medical fitness and took over the charge of the post on 1.11.2008 .(copies of the order medical fitness and charge reporter attached as Annexure -A,B&C)
- 2 –The appellant was performing duties up to the entire satisfaction of the superior, but all of sudden on coming new M.S, the pay of the appellant was stopped vide order dated 11.03.2009 without any notice or chance of defense. (Copy of the order is attached as Annexure-D)
- 3 - That the appellant against stoppage of the salaries filed a Writ Petition bearing No.207/09 in the august High Court. The Hon'able High Court in its decision held that since the petitioner is a civil servant, therefore he should approach to Service Tribunal ad the mean while his Writ Petition was treated as departmental appeal which was sent to the departmental authority for decision up to 30/06/2009 positively. (Copy of High Court decision is attached as Annexure-E)
- 4 – That as the departmental authority was failed to give decision on the appeal of the appellant up to 30/6/2009, as directed by the Hon'able High

Court, therefore the appellant filed service appeal in this Tribunal but as the respondent No.3 had passed termination order on 08/06/2009. Therefore appeal for the payment of service of the appellant was become in fructuous, however the august Tribunal was pleased to direct the respondent NO.2 on 31.12.2009 for deciding the pending departmental appeal of the against the termination order within one month. (Copies of termination order and the tribunal decision are attached as Annexure-F&G)

5- That after obtaining the rejection order, the appellant filed service appeal 876/ 2010 which was decided on 5.4.2012. The august Tribunal was kind enough to reinstate the appellant for proper departmental proceeding with full chance of defence. (Copy of judgment is attached as Annexure-H)

6- That then the respondent Deptt reinstated the appellant on 29.11.2012 and then without following proper procedure and directions of the august tribunal again terminated the appellant on the basis of so called publication vide order dated. 12.1.2013. (copy of the order dated 12.1.2013 is attached as annexure-l)

7- That the appellant again filed departmental appeal on 20.2.2013 and waited for statutory period but no reply received by the appellant, therefore the appellant filed service appeal 992/2013 against the order dated 12.1.2013 in this august Tribunal which was decided 16.10.2015 in which the august Tribunal remit the case to the appellate authority with the direction to examine it and decide departmental appeal of the appellant as soon as possible but not later than 2 months after receipt of

the judgment, however the appellate authority again reject the case vide order dated 18.01.2016. (Copies of the of the departmental appeal, Service Tribunal judgment and rejection order are attached as Annexure-J,K&L)

8- That now the appellant is constrained to file the present appeal on the following ground amongst others.

GROUNDS:

A- That the impugned orders dated 18.1.2016, 12.1.2013 and non-payment of salaries are illegal against the law, rules, norms of justice and passed without observing the proper procedure and principles of justice.

B- That the impugned order passed by the respondent Deptt is in utter violation of the principles of "Audi Altrem Partem" and judgments of the Supreme Court of Pakistan has held that this principles is to be read in every statute even not specifically, provided

C- That the appellant has been condemned unheard and no chance of personal hearing was provided to the appellant while passing the impugned order.

D- That in case of termination, charge sheet and statement of allegation are must and mandatory as per provision of law but in the instant case no such provisions of law has been followed. Thus termination order is totally illegal viod ab-initio.

E- That the appellant appointment order was remained in field for considerable long time and under the principles of "locus poenitentiae" the appellant's valuable rights created in pursuant to appointment order cannot be infringed.

F- That the impugned orders are arbitrary which is against the all norms and canons of justice.

G- That Service Tribunal ordered to inquire in the matter in a proper way by giving full chance of defense to the appellant but the Deptt neither follow the directions nor conduct regular inquiry and terminated the appellant on the basis of publication of show cause notice in a slipshod manner.

H- That the final rejection order is against the ruling of the Supreme Court of Pakistan in which it has been held that every order of the departmental authority must be speaking one and be based on well founded reasons, while in the present case no reasons given by Deptt: and even not responded the departmental appeal of the appellant, which is an arbitrary act on the part of the respondents.

I- That in the instant matter, two earlier inquires have been conducted and in both the inquires the re-instatement of the appellant has been recommended. (Copies of the inquiries are attached as Annexure-M&N)

J- That the appellant seeks permission to advance other 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
MUHAMMAD BASHIR

THROUGH:

(M.ASIF YOUSAFZAI)
&
TAIMUR ALI KHAN
(ADVOCATES PESHAWAR)

Annexure
OFFICE OF THE MEDICAL SUPERINTENDENT
MMM TEACHING HOSPITAL DERA ISMAIL KHAN

A 7

OFFICE ORDER.

Mr. BASHIR S/O MUHAMAD NAKIZO DIKhan City DIKhan is hereby appointed as W/A BPS-01 @ Rs. 2970/- plus usual allowances admissible under the Rules subjected to revision from time to time against the existing vacancy at Muffi Mahmood Memorial Teaching Hospital Dera Ismail Khan on the following terms and conditions according to the Government policy:

- 1- His appointment in the Health Department is purely on contract basis and his services are liable to termination at any time without giving any notice or assigning any reason.
- 2- He will be governed by such rules made and instructions issued relating to traveling allowances, general provident fund, pension, leave, medical charges and conduct and discipline by the Government from time to time for the category of civil servant to which he belongs.
- 3- No TA/DA is allowed to him for joining duty.
- 4- In respect of other matters not specified in this appointment, the Rules/Regulations as applicable to Provincial Civil Servants shall apply.
- 5- The appointment is liable to termination on 30 days notice on either side or payment of one basic pay in lieu thereof, without assigning any reason.
- 6- If the above terms and conditions of appointment are acceptable to him, he should send her written confirmation by registered post or personally so as to reach the undersigned within one month of the receipt of this letter.
- 7- This offer of appointment will be treated as cancelled if he does not convey acceptance thereof or resumed duty within the specified time.
- 8- He will produce medical fitness certificate before resuming the duty.

Medical Superintendent
MMM Teaching Hospital DIKhan.

No. MS-143 / Dated DIKhan the 25/1/08 /2008.

Copy is forwarded to the:

- 1- District Accounts Office, DIKhan.
- 2- Head Clerk of this office.
- 3- A/C of this office.
- 4- Mr. Muhammad Sajid S/O Muhammad Sadiq R/O DIKhan
For information and necessary action please.

Medical Superintendent
MMM Teaching Hospital DIKhan.

ATTESTED

OFFICE OF THE MEDICAL SUPERINTENDENT
MMM TEACHING HOSPITAL DERA ISMAIL KHAN.

Better Copy Annexure-A

OFFICE ORDER.

Mr. Bashir S/O Mohammad Nawaz R/O DI Khan City DI Khan is hereby appointed as Ward Attendant BPS-1 @ Rs. 2970/-plus usual allowances admissible under the Rules subjected to revision from time to time against the existing vacancy at Mufti Mehmood memorial Teaching hospital Dera Ismail Khan on the following terms and conditions according to Government Policy:

17. His appointment in the Health Department is purely on contract basis and his service are liable to termination at any time without giving any notice and assigning any reasons.
18. He will be governed by such rules made and instructions issued relating to traveling allowance general provident fund, pension, leave, medical charges and conduct and discipline by the Government from time to time for the category of civil servant to which he belong.
19. No TA/DA is allowed to him for joining duty.
20. In respect of other matters not specified in this appointment. The rules/regulations as applicable to the Provincial Civil servant shall apply.
21. The appointment is liable to termination on 30 days notice on either side or payment of one basic pay in lieu thereof, without assigning any reason.
22. If the above terms and conditions of appointment are acceptable to him, he should send written confirmation by registered post or personally so as to reach the undersigned within one month of the receipt of this letter.
23. This offer of appointment will be treated as cancelled if he does not convey acceptance thereof or resumed duty within the specified time.
24. He will produce medical fitness certificate before resuming the duty.

Medical Superintendent
MMM Teaching Hospital DI Khan.

No. 145-148/ Dated DI Khan the 25/10/2008.

Copy is forwarded to the:

9. District accounts Officer, DI Khan.
10. Head clerk of this office.
11. A/C of this office.
12. Mr. Mohammad Sajid S/O Muhammad Sadiq R/O DI Khan

For information and necessary action please

Medical Superintendent
MMM Teaching Hospital DI Khan.

MEDICAL CERTIFICATE

Name of Official: BASHIR

Caste or Race: MATY

Father's Name: MUHAMMAD NAWAZ

Residence: SAGAU SHUMALI, Teh. & DISTT

Date of Birth: 1980 (12.10.3-6794671-7)

Exact height by measurement: 5-10

Personal marks of identification:

Signature of the Official: [Signature]

Signature of:

Head of office:

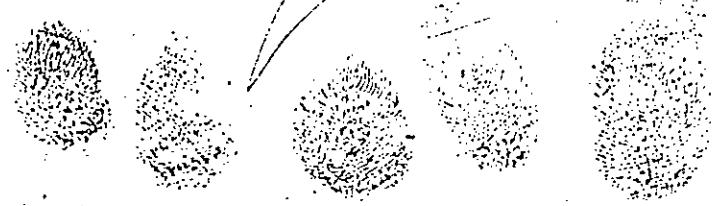
Seal of Office:

Medical Superintendent
Civil Hospital
Faisalabad Hospital
Faisalabad

31/10/08

I do hereby certify that I have examined Mr. BASHIR
a candidate for employment in the Office of the M.M. Teaching Hos. P.T.O. F.
and can not discover that he has any disease communicable or other constitutional
deficiency or bodily infirmity except NIL.

I do not consider this as disqualification for employment in the office of the
His age according to his own statement 28 year and
by appearance about 28 years



LEFT HAND THUMB AND FINGER IMPRESSIONS

[Handwritten signature]
D. I. Khan

Medical Superintendent
Civil Hospital
Faisalabad Hospital
Faisalabad

31/10/08

REGISTERED

(8)
(B)
(P)
(A-C-1)

GEORGE

Handwritten signature or scribble in the upper right quadrant.

Small handwritten text, possibly a date or initials.

Handwritten text in the middle section, appearing to be a list or notes.

Handwritten text below the middle section, possibly a heading or sub-section.

Large block of handwritten text in the lower middle section, containing several lines of notes.

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19

OFFICE OF THE MEDICAL SUPERINTENDENT JAM TEACHING HOSPITAL DIKHAN

No. 3/6 181 Dated 11/11/2009

The District Accounts Officer
Dial Ismail Khan

Subject: NOCTUAL OF PAY

Memo: Please reference to subject, it is submitted that:-

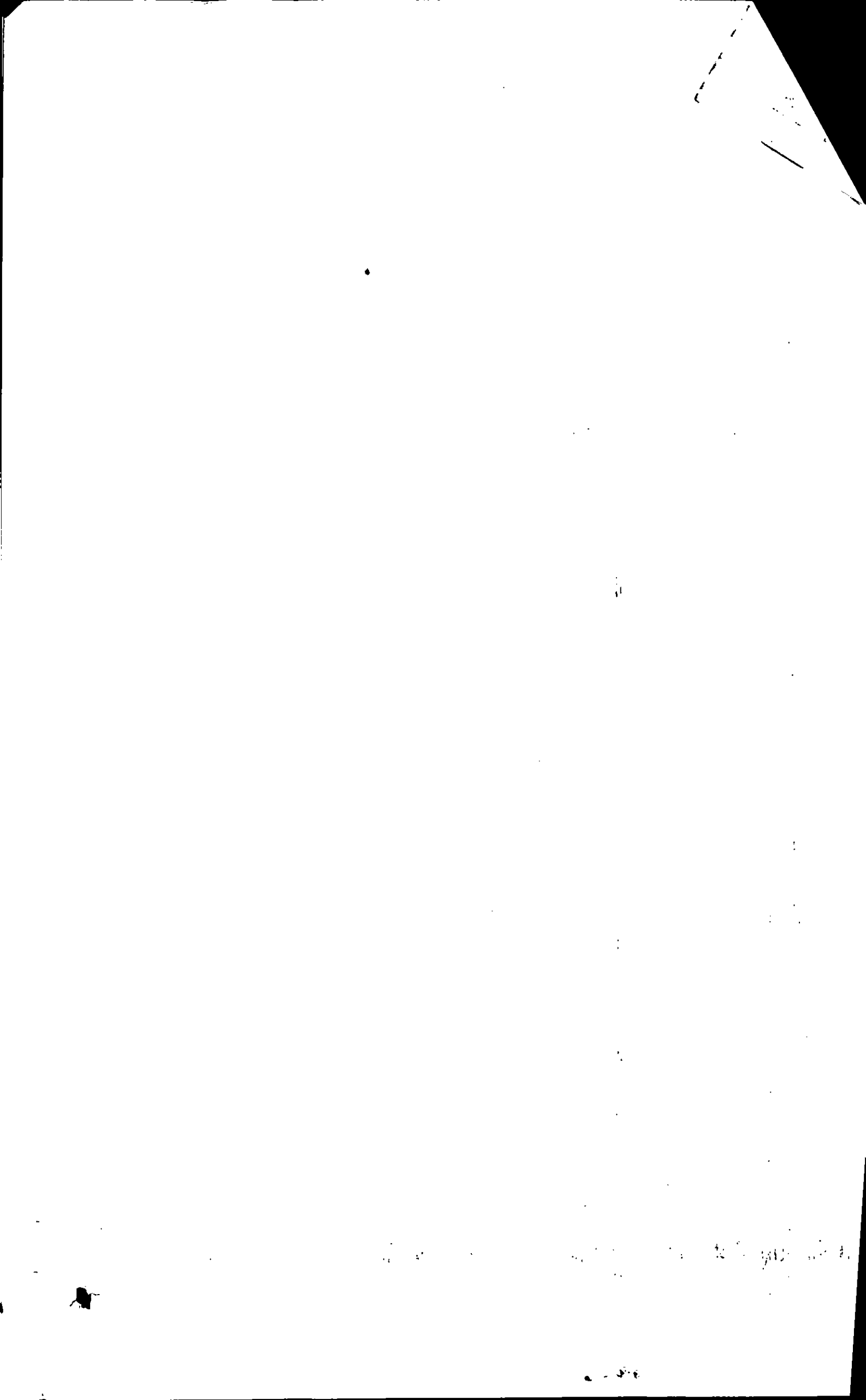
The following staff, whose names are enlisted in the pay roll of February 2009 are requested, violating the rules and regulation of recruitment.

The staff is physically not present on duty. No any NOC is obtained from District Government. Moreover their service record including Service Books, appointment orders, Medical Fitness etc are not available in this office.

No.	Name	Designation	UPS	Personel No.	Account No.	Bank Branch	Pay
1	M. Ahmad Samran	MEER Technician	09	00429261	PLS-1006916-2	UBL Circular Road DIK	4840/-
2	M. Iqbal Meheran	MEER Technician	09	00429264	PLS-8931-9	Klyber Bank DiKhan	4840/-
3	N. Iqbal Ullah	Junior Clerk	07	00429251	PLS-4806-6	NBP Circular Road DIKhan	4522/-
4	M. Iqbal Anwar Khan	Telephone Operator	06	00433203	PLS-8973-4	Klyber Bank DIK	4481/-
5	Said Khan	Generator Operator	05	00433201	PLS-	HBL Bakery Bazar DIK	4035/-
6	M. Iqbal Shaqir	Fireman	01	00429257	PLS-	HBL Bakery Bazar DIK	3966/-
7	Fazal	Di	02	00433202	PLS-	HBL Bakery Bazar DIK	4085/-
8	S. Iqbal Ullah	Di	02	00429253	PLS-4630-3	ABL Inqam Gate DIK	4030/-
9	Fazleem Bibi	Di	02	00429254	PLS-	HBL Circular Road DIK	4030/-
10	M. Iqbal Begum	Di	02	00429256	PLS-	HBL Bakery Bazar DIK	4030/-
11	M. Iqbal Bibi	Di	02	00429255	PLS-4349-3	NBP Circular Road DIK	4030/-
12	Z. Iqbal Rashid	Di	01	00433369	PLS-	HBL Circular Road DIK	4021/-
13	M. Iqbal Hayat	Di	01	00429265	PLS-1021936	UBL Bakery Bazar DIK	3966/-
14	M. Iqbal Imran	Di	01	00429260	PLS-4349-3	ABL DIKhan	3966/-
15	M. Iqbal Anwar	Di	01	00429263	PLS-4350-4	ABL DIKhan	3966/-

[Handwritten signature]

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OFFICE OF THE MEDICAL SUPERINTENDENT MMM TEACHING HOSPITAL DI KHAN

No. 3/6 dated DIKhan the
To

1/3/2009

The District Accounts Officer
Dera Ismail Khan

Subject: STOPPAGE OF PAY

Memo: please reference to subject, It is submitted that:

The following staff, whose names are enlisted, in the pay role of February 2009 are recruited violating the rules and regulations of recruitment.

The staff physically not present on duty No any NOC is obtained from district Government. Moreover their service record including service books appointment orders, medical fitness etc are not available in this office.

S NO	name	Designation	BP S	Personal No.	Account No.	Bank Branch	Pay
1	Muhammad kamran	M&R Technician	09	00429261	PLS1006916-2	UBL Circular Road DIK	4840/.
2	Muhammad Mehran	M&R Technician	09	00429264	PLS-8931-9	Khyber Bank DIK	4840/.
3	Najeeb ullah	Junior Clerk 07	07	00429251	PLS4006-6	NBP Circular Road DIK	4522/.
4	Muhammad Anwar khan	Telephone operator	06	00433203	PLS8973-4	Khyber bank DIK	4481/.
5	Sajid Khan	Generator Operator	05	05004332 01	PLS-15407900072701	HBL Bakhry bazaar DIK	4085/.
6	Muhammad Shafiq	Fireman	01	00429257	PLS-15407900066101	HBL Bakhry bazaar DIKhan	3966/.
7	Farida	Dai	02	00433202	PLS-15407900069301	HBL bakhry Bazar DIKhan	4085/.
8	Saida Bibi	Dai	02	00429253	PLS-4630-3	ABL Fqrini Gate DIKhan	4030/.
9	Tasleem Bibi	Dai	02	0042954	PLS-15407900232101	HBL Circular Road DIK	4030/.
10	Rukhsana Begum	Dai	02	00429256	PLS-1357900066701	HBL Bakhry bazar DIK	4030/.
11	Rukhsana Bibi	Dai	02	00429255	PLS-4249-3	NBP Circular Road DIK	4021/.
12	Abdur Rashid	Chowkidar	01	00433369	PLS-1357900258701	HBL Circular Road DIK	4021/.
13	Yousaf Hayat	Ward Attendant	01	00425265	PLS-01021936	UBL Bakhry Bazar DIK	3966/.
14	Muhammad Imran	Ward Attendant	01	00429260	PLS-4349-3	ABL DIK	3966/.
15	Muhammad Anwar	Ward Attendant	01	00429262	PLS-4350-4	ABL DIK	3966/.
16	Muhammad	Ward	01	00429258	PLS-6878-8	ABL circular	3966/.

	Bilal	Attendant				Road DIK	
17	Muhammad faheem	Ward Attendant	01	00429252	PLS-4628-9	ABL Faqirni Gate DIK	3966/.
18	Muhammad ali	Ward Attendant	01	00431092	PLS-1357900232903	HBL Circular Road DIK	3966/.
19	Muhammad Irfan	Ward Attendant	01	00429293	PLS-135970010104401	HBL Circular Road DIK	3966/.
20	Muhammad Sajid	cleaner	01	00431093	PLS-4627-8	ABL Faqirni Gate DIK	8327/.
21	Shah Nawaz	Cleaner	01	00431093	PLS-13697900237401	HBL Circular Road DIK	8327/.
22	Bashir	Ward Attendant	01	00429259	PLS-1359700225001	HBL Circular Road DIK	3966/.
23	Ikhlaq Ahmad	Ward Attendant	01	0049266	PLS-8926-0	Khyber Bank DIK	3966/.

It is requested that to stop the pay of above mentioned staff immediately to proceed further in the matter.

Medical Superintendent
MMM Teaching Hospital
Dera Ismail Khan.

No.

Copy is forwarded to:-

1. The Director General Health services NWFP Peshawar for information please.
2. The district Coordination officer DIKhan for information.
Dr. muhammad Arif Ullah Khan DMS (Admin) MMM Teaching Hospital DIKhan for detail enquiry and repost within 15 days.
3. Account Clerk MMM teaching Hospital DIKhan for information and necessary

Medical Superintendent
MMM Teaching Hospital
Dera Ismail Khan.

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1) KENNEDY KENNETH STUART, M.D. & KENNEDY, D.L.KENN.
 2) KENNEDY KENNETH STUART, M.D. & KENNEDY, D.L.KENN.
 3) KENNEDY KENNETH STUART, M.D. & KENNEDY, D.L.KENN.
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 5) KENNEDY KENNETH STUART, M.D. & KENNEDY, D.L.KENN.
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 7) KENNEDY KENNETH STUART, M.D. & KENNEDY, D.L.KENN.
 8) KENNEDY KENNETH STUART, M.D. & KENNEDY, D.L.KENN.
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 19) KENNEDY KENNETH STUART, M.D. & KENNEDY, D.L.KENN.
 20) KENNEDY KENNETH STUART, M.D. & KENNEDY, D.L.KENN.

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 PESTWATER
 D.L.KENN.
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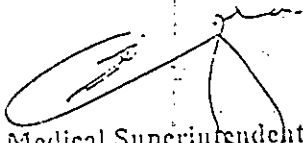
REGISTERED FOR THE HIGH COURT, PESTWATER

11

Muhammad Bilal	Ward Attendant	01	00429253	PLS-6878-8	ABL Circular Road DIK	3966/-
Muhammad Faheem	Ward Attendant	01	00429252	PLS-4628-9	ABL Faqirni Gate DIKhan	3966/-
Muhammad Ali	Ward Attendant	01	00431092	PLS-1357900232903	HBL Circular Road DIK	3966/-
Muhammad Irfan	Ward Attendant	01	00429261	PLS-135790010104401	HBL Circular Road DIK	3966/-
Muhammad Sajid	Cleaner	01	00431094	PLS-4627-8	ABL Faqirni Gate DIK	8327/-
Shah Nawaz	Cleaner	01	00431093	PLS-1357900237401	HBL Circular Road DIK	8327/-
Bashir	Ward Attendant	01	00429259	PLS-1357900225001	HBL Circular Road DIK	3966/-
Khalid Ahmed	Ward Attendant	01	00429266	PLS-8926-0	Khyber Bank DIKhan	3966/-

It is requested that to stop the pay of above mentioned staff, immediately to proceed further in the matter.

11


 Medical Superintendent
 MMM Teaching Hospital
 Dera Ismail Khan


No.

Copy is forwarded to:-

1. The Director General Health Services NWFP Peshawar for information please.
2. The District Coordination Officer DIKhan for information.
Dr. Muhammad Arif Ullah Khan DMS (Admin) MMM Teaching Hospital DIKhan for detail enquiry and report within 15 days.
3. Account Clerk MMM Teaching Hospital DIKhan for information and necessary action.

6/5/22
no
Attest

Medical Superintendent
 MMM Teaching Hospital
 Dera Ismail Khan

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RESPONDENTS

- 1) OFFICE OF THE ATTORNEY GENERAL, HEALTH DEPARTMENT, DISTRICT OF COLUMBIA, WASHINGTON, D.C.
- 2) DIRECTOR GENERAL (HEALTH SERVICES), N.W.F.P., PESHAWAR
- 3) SENIOR MEDICAL OFFICER, SENIOR MEDICAL OFFICER, KARACHI GENERAL HOSPITAL, D.I.KHAN
- 4) DISTRICT MEDICAL OFFICER, DISTRICT MEDICAL OFFICER, D.I.KHAN
- 5) THE STATE ENGINEER GENERAL, WATER, PESHAWAR

Finance Department

- 6)
- 5)
- 4)
- 3)
- 2)
- 1)

FILED TODAY
Deputy Registrar
10 MAY 1968

EXAMINED
12/9/68
13/5/68

APPENDIX A

PETITIONERS

- 1) ...
- 2) ...
- 3) ...
- 4) ...
- 5) ...
- 6) ...
- 7) ...
- 8) ...
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Writ Petition. No. 207 of 2009

1. MUHAMMAD KAMRAN SALEEM M&R TECHNICIAN
S/O HAJI ALLAH NAWAZ SALEEM,
R/O STREET ASLAM FAQIR D.D.KHAN
2. MUHAMMAD MEHRAN M&R Technician,
SON OF MUHAMMAD YOUNAS
R/O QUARTER NO.3 ZANANA HOSPITAL, ASLAM FAQIR, DI KHAN.
3. NAJIB ULLAH JUNIOR CLERK,
SON OF HAMEED ULLAH,
R/O DERA CITY D.I.KHAN
4. MUHAMMAD ANWAR KHAN, TELEPHONE OPEARTOR,
SON OF RAB NAWAZ
R/O VILL: LONY, TEHSIL KULACHI, D.I KHAN.
5. SAJID KHAN GENERATOR OPERATOR,
SON OF FARID KHAN
R/O MOHALLAH SHUKHI, KULCHI, D.I KHAN.
6. MUHAMMAD SHAFIQ , FIREMAN,
SON OF QAZI MUHAMMAD ISHAQUE
R/O DERA CITY D.I.KHAN.
7. MRS. FARIDA, DAI
D/O DILAWAR KHAN
R/O MOHALLAH JUGIAN WALA, DERA CITY, DI KHAN.
8. MST. SAJIDA BIBI, DAI
D/O FAIZULLAH
R/O D.I.KHAN CITY
9. MST. TASLEEM BIB, DAI
WIFE OF MUHAMMAD SALEEM,
R/O RATA, KULACHI, DI KHAN
10. MST. RUKHSANA BEGUM,DAI,
W/O MAQSOOD ANWAR,
R/O NAJAF ROAD KACHI PIND KHAN, D.I KHAN.
11. MST. RUKHSANA BIBI, DAI,
W/O MUHAMMAD SHAKIR,
R/ODI KHAN CITY, D.I KHAN.
12. ABDUL-UR-RASHID, CHOWKIDAR,
SON OF AMIN MUHAMMAD,
R/O GHARAR GUL KULACHI, D.I KHAN.
13. YOUSAF HAYAT, WARD ATTENDANT,
SON OF AZIZ KHAN,
DEFENCE COLONY D.I KHAN.
14. MUHAMMAD IMRA, WARD ATTENDANT,
SON OF MALIK SIRAJUDDIN,
R/O VILLAGE DI KHAN, NEW DERA DI KHAN.
15. MUHAMMAD ANWAR, WARD ATTENDANT,
SON OF MUHAMMAD RAMZAN,
R/O DEFENCE COLONY D.I KHAN.
16. MUHAMMAD BILAL, WARD ATTENDANT,
SON OF RAB NAWAZ,
R/O MOHALLAH KIRI ADIZAI, D.I KHAN CITY, D.I KHAN.
17. MUHAMMAD FAHIM, WARD ATTENDANT
SON OF GHULAM YASIN
R/O MOHALLAH KIRI ADIZAI, D.I KHAN CITY D.I KHAN.
18. MUHAMMAD ALI, WARD ATTENDANT,
SON OF RASHID AHMID
R/O SHAH ALAM ABAD, D.I KHAN.
19. MUHAMMAD IRFAN, WARD ATTENDANT,
SON OF MUHAMMAD NAWAZ
R/O QAISER ABDA COLONY, D.I KHAN.
20. MUHAMMAD SAJID, CLEANER,

- SON OF MUHAMMAD SADIQ
R/O D.I KHAN CITY, D.I KHAN.
21. SHAH NAWAZ, CLEANER,
SON OF HAQ NAWAZ,
R/O D.I KHAN CITY, D.I KHAN.
 22. BASHIR, WARD ATTENDANT,
SON OF MUHAMMAD NAWAZ,
R/O D.I KHAN CITY, D.I KHAN.
 23. IKHLAQ AHMAD, WARD ATTENDANT,
SON OF MUSHTAQ AHMAD,
R/O MOHALLAH, SHIP SHAH, D.I KHAN.

..... PETITIONERS

VERSUS

1. GOVT: OF NWFP, THROUGH SECRETARY HEALTH DEPARTMENT,
CIVIL SECRETARIAT, PESHAWAR.
2. DIRECTOR GENERAL, (HEALTH SERVICE), N.W.F.P, PESHAWAR.
3. DR. SHAH JEHAN BALOCH, SENIOR MEDICAL OFFICER,
MAULANA MUFTI MAHMOOD CIVIL HOSPITAL, D.I. KHAN.
4. DISTRICT ACCOUNTS OFFICER, DERA ISMAIL KHAN.
5. THE STATE THROUGH ADVOCATE GENERAL, NWFP, PESHAWAR.
6. FINANCE DEPARTMENT

..... RESPONDENTS

JUDGMENT

Date of hearing 9.6.2009

Appellant Muhammad Kamran Saleem & others by Mr. Afsar

respondent Govt of NWFP - Advocate by Mr. Muhammad Khan D.A. & Mr. Rustam Khan Kundi Adv.

MUHAMMAD ALAM KHAN I. Muhammad

Kamran Saleem and 22 others have through this writ petition challenged the order dated 11/3/2009 whereby their salaries have been stopped.

2. The grievances of the petitioners are that they have actually performed duties in accordance with law and the attendance register available on record duly signed by the then Medical Superintendent Doctor Shah Jehan supports their claim, that no NOC has been obtained from the DCO, that Mufli Mehmood Teaching Hospital is under the direct control of Provincial Government and not under the District Government

Pl. 100

*ATTORNEY GENERAL
13/6/09*

ATTORNEY GENERAL D.I. Khan and thus, there was no need for issuance of NOC, their appointment orders are intact, medical fitness, arrival reports and service books are available and annexed with the petition.

3. Mr. Rustam Khan Kundi advocate for respondent No. 4 argued that the petitioners are civil

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servants and in view of the bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan 1973, their case exclusively falls within the domain of NWFP Service Tribunal and thus the instant writ petition is not maintainable.

3. We have scanned the record and find that since the petitioners are civil servants, in view of the bar contained under Article 212 of the Constitution and the dicta handed down in the case of Muhammad Ancees and others...Vs...Afzal Sher and others (PLD 1994 SC 539), the writ petition is not maintainable. However, instead of dismissing the same, in view of the dicta handed down in the case of Muhammad Ilwas Patwari...Vs...District Officer Revenue Peshawar etc (PLJ 2008 Peshawar 75), we treat it as representation on behalf of the petitioners and remit the same to Director General Health NWFP Peshawar/respondent No.2 with direction to decide the same positively by 30th June 2009 after hearing the petitioners or their learned counsel Khan Askar Afridi Advocate. In case their grievances are not redressed, they will be at liberty to move afresh the appropriate Services Tribunal in the matter.

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13/6/09

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9/6/2009.

M. Khan
JUDGE

JUDGE

ANNOUNCED

Office of the Medical Superintendent MMM Teaching Hospital
Dera Ismail Khan

Office Order:-

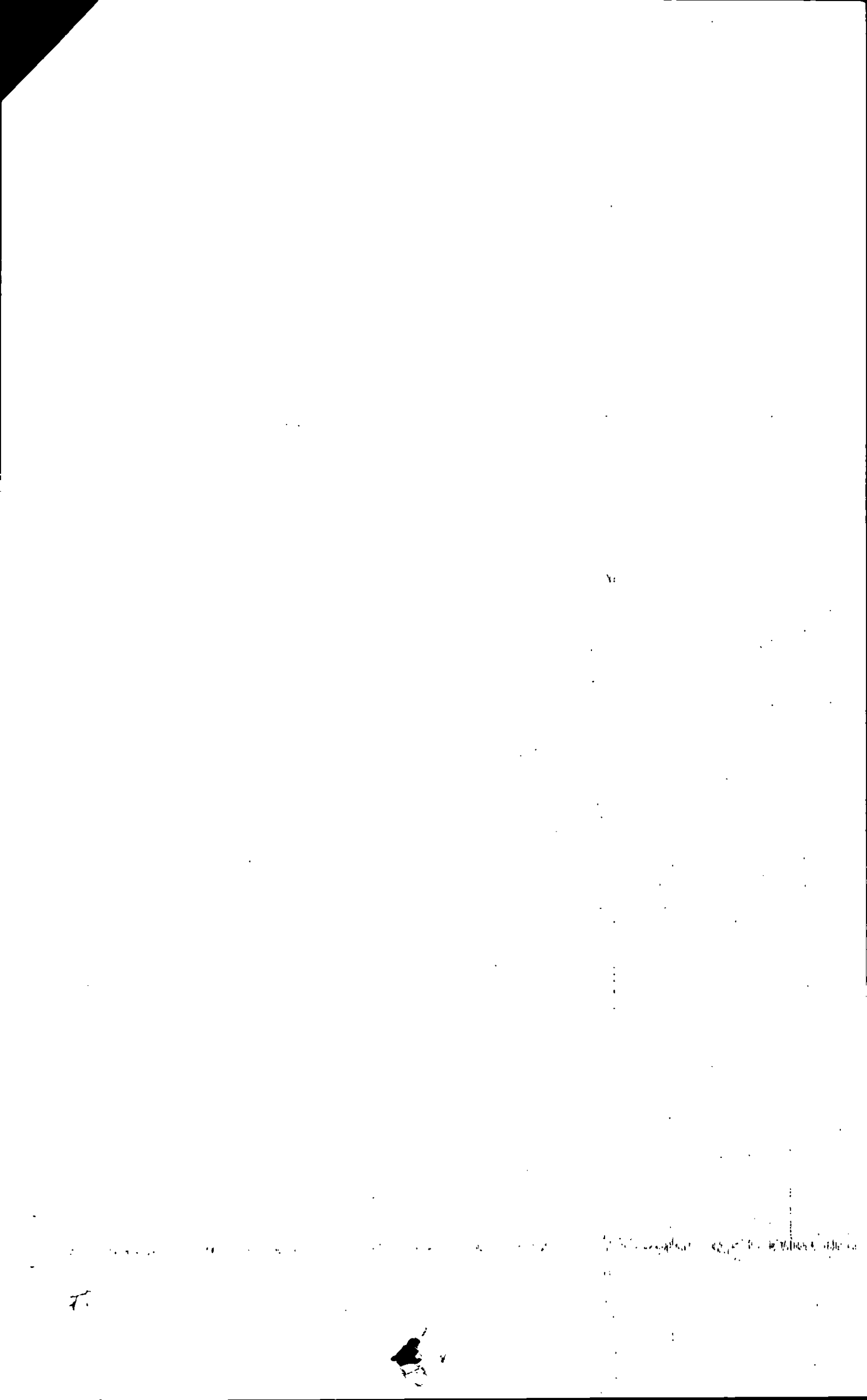
F (16)

Reference Director General Health Services NWFP Peshawar office letter No. 3786/Personal dated 15-05-2009.

The following employees of this Hospital recruited on 25-10-2008, without observing codal/legal formalities before making appointments; are hereby terminated w.e.f. the date of posting on 25-10-2008.

S.No	Name	BPS	Designation	Personal No	Reason for Termination	Specific Deficiency
1.	Muhammad Kamran	09	Civil M&R Technician	00429201	Codal formalities for recruitment not followed i. No Advertisement in local or National Daily News Papers. ii. No Selection Committee constituted for the purpose. iii. No Interview/written/skill tests iv. No NOC obtained from DCO D.I.Khan for adjustment of Surplus -Pool staff. v. No formal approval from competent authority (DGHS) vi. MS having no power of recruitment for BPS-1 to 15. vii. No power of recruitment through employment exchange for BPS- 1 to 4 till 03-11-2008. viii. Having No service record till March 2009.	Posted as Electrical M&R Technician (No such Post exists) while the approved post is of Civil M&R Technician.
2.	Muhammad Mehran	09	M&R Technician	00429264	Do	Do
3.	Najeeb Ullah	07	Junior Clerk	00429251	Do	No practical Experience
4.	Muhammad Anwar	05	Telephone Operator	00433203	Do	Do

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5.	Sajid Khan	05	Generator Operator	00433201	Do	
6.	Muhammad Shafiq	01	Fire Man	00429257	Do	
7.	Farida Bibi	02	Dai	004355202	Do	i. No approval Dai Training ii. Having course completion certificate iii. No qualification Certificate from Prov. Asstt. Director Public Health iv. Having No result sheet from Prov. Asstt. Director Public Health
8.	Sajida Bibi	02	Dai	00429253	Do	Do
9.	Tasleem Bibi	02	Dai	00429254	Do	Do
10.	Rukhsana Begum	02	Dai	00429256	Do	Do
11.	Rukhsana Bibi	02	Dai	00429255	Do	Do
12.	Abdur Rasheed	01	Chowkidar	00433369	Do	
13.	Yousef Hayyat	01	Ward Attendant	00429265	Do	
14.	Muhammad Imran	01	Ward Attendant	00429260	Do	
15.	Muhammad Anwar	01	Ward Attendant	00429262	Do	

REGISTERED

16.	Muhammad Sal	01	Ward Attendant	00429258	Do
17.	Muhammad Fahem	01	Ward Attendant	00429252	Do
18.	Muhammad Ali	01	Ward Attendant	00431092	Do
19.	Muhammad Irfan	01	Ward Attendant	00429263	Do
20.	Muhammad Sajid	01	Cleaner	00431094	Do
21.	Shah Nawaz	01	Cleaner	00431093	Do
22.	Bashir	01	Ward Attendant	00429259	Do
23.	Ikhlaq Ahmad	01	Ward Attendant	00429266	Do

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Medical Superintendent
MMM Teaching Hospital
Dera Ismail Khan

No. MMH-30/1/09
CC: -

is dated 02-06-09

1. Director General Health Services NWFP Peshawar for information with reference to his office letter No cited above.
2. District Accounts Office DIKhan for information and necessary action.
3. Deputy Medical Superintendent Admn/Human Resources of this Hospital with reference to enquiry office No. 649/DMS/E-9 dated 11-04-2009.
4. All employees concerned with the remarks to deposit the salaries received by them up till now to the Government Treasury immediately.

Medical Superintendent
MMM Teaching Hospital
Dera Ismail Khan

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 861/2010

Date of institution 28.4.2010
Date of judgment ... 05.1.2012.



M. Kamran Saleem, Ex-M&R Tech:
MMT Hospital, D.I. Khan.

... (Appellant)

VERSUS

1. The Secretary Health Department NWFP (KPK), Peshawar.
2. The Director General Health Services NWFP (KPK), Peshawar.
3. The Medical Superintendent Mufi Mehmood Hospital, D.I. Khan.
4. The Distt: Accounts Officer, D.I. Khan.
5. The Chief Executive, Multi Mehmood Teaching Hospital, D.I. Khan. (Respondents)

APPEAL U/S 4 OF THE NWFP (KPK) SERVICE TRIBUNALS ACT, 1974
AGAINST THE ILLEGAL TERMINATION ORDER DATED 8.6.09
WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM
SERVICE WITHOUT FOLLOWING PROPER PROCEDURE AND
AGAINST THE FINAL REJECTION ORDER DATED 31.3.10 PASSED ON
THE DIRECTION OF THE HON'BLE SERVICE TRIBUNAL.

Mr. Muhammad Asif Yousafzai,
Advocate.

For appellant

Mr. Sherafgan Khattak, AAG

For respondents.

Mr. Qalandar Ali Khan

Chairman

Mr. Sultan Mehmood Khattak,

Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:-

This single judgment shall also

dispose of the connected appeals, listed separately in the list annexed to this judgment, because similar questions have been raised for determination in all these appeals.

2. The appellant in this appeal as well as appellants in the connected appeals, mentioned above, were appointed on various posts i.e. M&R Technician/Junior Clerk/Ward Attendant/Cleaner/Dai/Fireman, respectively, in Mufi Mehmood Teaching Hospital, D.I. Khan by the Medical Superintendent, MMM Teaching Hospital, D.I. Khan (Respondent No.3) vide his separate orders dated 25.10.2008. After their appointment, the appellants got themselves medically examined and submitted their arrival reports; but vide memo. dated 11.3.2009, the S.O. (Respondent No.3) requested the District Accounts

ATTESTED

QALANDAR ALI KHAN
Chairman
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Officer, D.I.Khan to stop pay of 23 persons mentioned in the list/memo. on the ground that they were recruited, violating the rules and regulation of recruitment'; and that the 'staff is physically not present on duty. No any NOC is obtained from District Government. Moreover their service record including service books, appointment orders, medical fitness etc. are not available in this office'. All the persons mentioned in the memo. approached Peshawar High Court, D.I.Khan Bench through Writ Petition, which treated the Writ Petition as representation on behalf of the petitioners and remitted 'the same to Director General Health NWFP, Peshawar/respondent No.2 with direction to decide the same positively by 30th June 2009 after hearing the petitioners or their learned counsel Khan Askar Afridi Advocate'. The Hon'ble Bench of the Peshawar High Court D.I.Khan Bench further observed in the judgment dated 9.6.2009 that in case their grievance was not redressed, they would be at liberty to move afresh the appropriate Service Tribunal in the matter. However, vide office order dated 8.6.2009, the Medical Superintendent, while referring to the letter of Director General Health Services, NWFP, Peshawar dated 15.5.2009, terminated services of all the said 23 persons with effect from the date of posting (appointment) on 25.10.2008 on the ground of their appointments being made 'without observing codal/legal formalities before making appointments'. In the meantime, the appellants lodged appeals for release of their pay, which were withdrawn after termination order dated 8.6.2009, and disposed of as withdrawn by this Tribunal vide order dated 31.12.2009. The appellants also preferred departmental appeals to the Director General Health Services, NWFP, Peshawar (Respondent No.2), which were rejected vide letter of the D.G Health to the M.S, MMTH, D.I.Khan dated 31.3.2010, hence these appeals on 28.4.2010 and 19.7.2010, respectively. It may be added here that two inquiries, one by Deputy Medical Superintendent (DMS):MMTH, D.I.Khan on the direction of M.S, MMTH, D.I.Khan and the other by the Executive District Officer(Health) Kohat on the direction of D.G Health Services, NWFP, Peshawar, were also conducted; and both the inquiry officers submitted their reports. In the first inquiry report, the DMS, MMM Teaching Hospital, D.I.Khan recommended that 'although, the appointments have been

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Service Tribunal,
Peshawar

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made without observing codal/legal formalities before making appointments/filling of these posts. all these new recruitments have drawn their salaries from the Government exchequer from 01.11.2008 onwards for four consecutive months up till February 2009. So these appointments made may be legalized through formal approval from Director General Health Services NWFP Peshawar or otherwise". While in the second inquiry report, the EDO(H) Kohat recommended that "All the Class-IV employees(20 in Nos in the complaint) recruited, their services should be restored and their pay be released as no fault exists on their part. So far as the case of two M&R Tech. and one Junior Clerk are concerned their service should not be restored".

3. The appeals have been lodged on the grounds that the impugned order of termination, rejection order and stoppage of pay were illegal, against law, rules, norms of justice and passed without observing proper procedure and principles of justice; that the impugned orders passed by the respondent-department were in utter violation of principle of 'Audi alteram partem' and the Supreme Court of Pakistan had held in numerous judgments that this principle was to be read in every statute even not specifically provided for; that the appellants have been condemned unheard and no chance of personal hearing was provided to them while passing the impugned orders; that in case of termination, charge sheet and statement of allegations were must and mandatory as per provisions of law but in the case of appellants no such provision of law was followed, thus the termination order was totally illegal and void ab-initio; that the appointment orders of the appellants were in the field for considerable long time and under the principle of 'locus-poenitentiae', the appellants had acquired valuable rights in pursuance to the appointment orders which could not be infringed; that the termination order was based on malafide as after termination of the appellants some persons were appointed by respondent No.3 without observing codal formalities; that two inquiries were conducted in the matter and in both the inquiries reinstatement of the appellants was recommended; and that the final rejection order was against the judgments of the Supreme Court of Pakistan, requiring the departmental authority to furnish well founded reasons for its order.

APPROVED

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4. While District Accounts Officer, D.I.Khan (Respondent No.4) showed his no concern with the appeals and requested for deletion of his name from the list of respondents in his reply, the rest of the respondents vehemently contested the appeals in their written replies, wherein, they raised several legal and factual objections. They resisted the appeals on the grounds that neither the appellants were qualified nor No Objection Certificate, necessarily required for fresh recruitment, was obtained from DCO D.I.Khan. They claimed that competent authority for such fresh recruitment was Director General Health Services, KPK, Peshawar and that the appointments were made without inviting applications through press. The respondents also defended the impugned action of termination of services of the appellants and also rejection of their departmental appeals. They alleged that the appellants had also absented themselves from official duty, therefore, their salaries were stopped after they were served with notices and opportunity of hearing was provided to them. They further claimed that appointments were made purely on contract basis and services were, as such, liable to termination at any time without giving any notice and assigning any reason. The respondents also disputed claim of the appellants that inquiry officers had recommended restoration of their services.

5. The appellants filed rejoinders to the written replies/comments of the respondents, wherein, the contentions raised in the appeals were reiterated, besides refuting allegations of the respondents; where-after, arguments of the learned counsel for the appellants and learned AAG heard, and record perused.

6. The record would reveal that the appellants were appointed on the mentioned posts by the Medical Superintendent, Mufli Mehmood Teaching Hospital, D.I.Khan vide his separate orders dated 25.10.2008. The appellants got themselves medically examined and submitted their arrival reports. Though the respondents raised the plea that the appointments were made purely on contract basis and the service were liable to termination at any time without giving any notice and assigning any reason. yet they had no explanation when they were confronted with the judgment dated 9.6.2009 of the

ATTESTED
 [Signature]
 MEMBER,
 Peshawar Tribunal,
 Peshawar

ATTESTED
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Peshawar High Court, D.I.Khan Bench, whereby the appellants were declared civil servants; and thereafter the issue was also not pressed further at the stage of arguments.

The respondents, particularly respondent No. 3, after around five months of the appointment, requested the District Accounts Officer, D.I.Khan for stoppage of pay on 11.3.2009 in the first place and then the same authority issued termination order of all the appellants and few others w.c.f their posting/appointment on 25.10.2008, vide his impugned order dated 8.6.2009. The departmental appeals of the appellants were also rejected by the appellate authority i.e Director General Health Services (respondent No. 2) summarily, in the like manner, without furnishing any reason for rejection of the appeals.

7. It is thus clear that neither charge sheet/statement of allegation nor show cause notice preceded the impugned action of termination of services. In their written reply, the respondents alleged that appellants were charge sheeted and statement of allegations were issued to them during inquiry proceedings, besides publication of notices, but they could not place on record either the charge sheet/statement of allegation or notices issued to the appellants. The record contains two inquiry reports, one by Deputy Medical Superintendent, MMM Teaching Hospital, D.I.Khan and the other by EDO (H) Kohat; but neither of the two indicate that the appellants were provided opportunity of defence and hearing. In any case, both were fact findings inquiries and could not form basis for termination of services of the appellants in the absence of service of charge sheet/statement of allegation and show cause notices on the appellants prior to the termination of their services. Needless to say that the competent authority did not pay heed to the recommendations of these two inquiry officers for restoration of the services of the appellant and release of their pay 'as no fault existed on their part'; and, instead, terminated services of the appellants without conducting proper departmental/inquiry proceedings and providing opportunity of defence and hearing to the appellants in accordance with law/rules and judgments of the superior courts reported as 2007 PLC (CS)334 (Supreme Court of Pakistan), 2009 SCMR 663 (Supreme Court of Pakistan) and 1994 SCMR 2232 (Supreme Court of Pakistan).

ATTESTED

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

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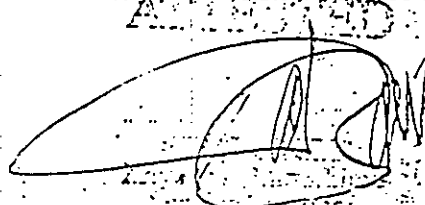
8. The respondents vehemently agitated the issue of appointment of the appellants, allegedly, without observing proper procedure and in violation of clear rules; but they lost sight of the fact that authority making such appointments should have been held responsible for illegality, if any, in the appointments and not beneficiary of the appointments in view of consistent view of the superior courts (2004 SCMR 1077- Supreme Court of Pakistan). Even otherwise, once the order had taken legal effect and created certain rights in favour of the appellant, it could not be withdrawn or rescinded in view of judgment reported as 2003 SCMR 410 (Supreme Court of Pakistan). In these cases, the appellant, admittedly, not only reported their arrival, after medical examination, but had also drawn salary for certain period. The impugned order dated 08.06.2009 also suffers from illegality on account of the fact that the same has been given effect from a retrospective date i.e 25.10.2008, in view of clear judgments of the superior courts reported as PLD 2007 SC 52 (f) and 2002 SCMR 1124(c)(Supreme Court of Pakistan).

9. Apart from inherent legal defects in the proceedings leading to the impugned termination order, the appellate authority also failed to follow law and judgments of the superior courts while disposing of the departmental appeals of the appellants as the appeals were rejected in a summary way without furnishing any reason in violation of the provision of section 24-A(2) of the General Clauses Act, 1897 and judgment of the august Supreme Court of Pakistan reported as 1991 SCMR 2330 (Supreme Court of Pakistan).

10. The learned AAG also argued that services of the appellants were terminated during probation period; but he could not show anything to that effect in the impugned order, which is simply based on the ground that the appointments/recruitments were made without observing codal/legal formalities.

11. In short, the appellants have not been dealt with in accordance with law, and the impugned orders against them, as such, are not sustainable in law.

12. Consequently, on the partial acceptance of the appeals, both the orders of the competent authority dated 8.6.2009 and appellate authority dated 31.3.2010 are set aside,





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and appellants are reinstated for the purpose of proper departmental proceedings, without any order with regard to back benefits, with direction to the respondent-department to proceed afresh in the case in accordance with law and also provide opportunity of showing cause/hearing before passing any order detrimental to the interest of the appellants. There shall, however, be no order as to costs.

ANNOUNCED
05.4.2012

(SULTAN MEEMOOD KHATTAK)
MEMBER

(QALANDAR ALI KHAN)
CHAIRMAN

Certified to be true copy

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 10.4.2012
Number of Writs 2800
Copying Fee 16
Urgent 2
Total 18
Name of Applicant [Signature]
Date of Copy for use of Court 10.4.2012
Date of Delivery of Copy 10.4.2012

ATTESTED

[Signature]

LIST OF CONNECTED APPEALS.



26

S.NO.	APPEAL NO.	NAME OF APPELLANT
1.	S62/2010	Muhammad Mehran
2.	S63/2010	Najeebullah
3.	S64/2010	Ikhtlaq Ahmad
4.	S65/2010	Shah Nawaz
5.	S66/2010	Bashir
6.	S67/2010	Mohammad Imran
7.	S68/2010	Yousaf Hayat
8.	S69/2010	Rukhsana Bibi
9.	S70/2010	Mohammad Fahim
10.	S71/2010	Mohammad Bilal
11.	S72/2010	Mohammad Sajid
12.	S73/2010	Mohammad Shafique
13.	S74/2010	Rukhsana Begum
14.	S75/2010	Farida
15.	S76/2010	Sajida Bibi
16.	S77/2010	Tasleem Bibi
17.	S78/2010	Mohammad Irfan
18.	S79/2010	Mohammad Ali
19.	1487/2010	Mohammad Anwar

Total number of appellants 19
 Number of appeals 19
 Copies of the 400
 copies 4
 Total 2
 Number of copies 6
 Date of Circulation of copy 10-4-2012
 Date of Delivery of copy 10-4-2012

Certified to be true copy

 Officer in Charge
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

ATTESTED
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Office of the
Medical Superintendent

Mufti Mehnood Memorial Teaching Hospital
Dera Ismail Khan

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0905-747111
0905-747111

ORDER

Reference Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar vide their judgment in service Appeal No. 861/2010 & other announced on 05-04-2012.

The following Appellants are re-instated for the purpose of departmental proceedings without any orders with regard to back benefits with immediate effect.

S.No	Name	Father's Name	Designation
1	Mr. Karam Saleem	Allah Nawaz Saleem	M&R Technician (Electrical) (BPS-09)
2	Mr. Mohammad Mehran	Muhammad Younas	M&R Technician (Electrical) (BPS-09)
3	Mr. N. Jeeb Ullah	Hameed Ullah	Junior Clerk (BPS-07)
4	Mr. Shah Nawaz	Haq Nawaz	Cleaner (BPS-01)
5	Mr. Bashir	Muhammad Nawaz	Ward Attendant (BPS- 02)
6	Mr. Mohammad Imran	Malik Siraj-u-Din	Ward Attendant (BPS- 02)
7	Mr. Yousef Hayat	Abdul Aziz	Ward Attendant (BPS- 02)
8	Miss Rukhsana Bibi	W/O Muhammad Shakir	Dai (BPS- 02)
9	Mr. Mohammad Faheem	Ghulam Yasin	Ward Attendant (BPS- 02)
10	Mr. Mohammad Bilal	Rabnawaz	Ward Attendant (BPS- 02)
11	Mr. Mohammed Sajid	Muhammad Sadiq	Cleaner (BPS-01)
12	Mr. Mohammed Shafiq	Gazi Muhammad Ishaq	Fire Man (BPS-01)

APPROVED
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Name	Father's Name	Designation
Miss Rukhona Bagum	W/O Maqsood Anwar	Dai (BPS- 02)
Miss. Farida Btoi	Dilawar Khan	Dai (BPS- 02)
Miss Saadia Btoi	Faiz Ullah	Dai (BPS- 02)
Miss. ...	W/O Muhammad Saleem	Dai (BPS- 02)
Mr. Mohammad Inan	Muhammad Nawaz	Ward Attendant (BPS- 02)
Mr. Mohammad Ali	Rasheed Ali	Ward Attendant (BPS- 02)
Abdur Rashid	Ameer Muhammad	Chowkidar (BPS-01)
Muhammad Anwar Khan	Rab Nawaz Khan	Telephone Operator (BPS-07)

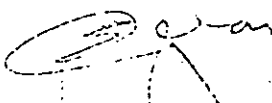
Medical Superintendent
Mufti Mehmood Memorial Teaching Hospital
Dera Ismail Khan

No. 25-49/11/2012 /Litt: Dated DIKhan the 29/11/2012

Forwarded to the:

1. Director General Health Services Khyber Pakhtunkhwa Peshawar, with reference to their letter No. 0614/P dated 30-06-2012.
2. Chief Executive/Principal Gomal Medical College DIKhan, with reference to their letter No. 33-35/Esst/PF dated 28-11-2012.
3. P. to Secretary Health Government of Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer, DIKhan.
5. Accountant MMM Teaching Hospital DIKhan.
6. A. concerned.

(For information and necessary action please)


Medical Superintendent
Mufti Mehmood Memorial Teaching Hospital
Dera Ismail Khan

ATTACHED

Better Copy Annexure-H

Office of the
Medical Superintendent
Mufti Mehmood Memorial Teaching Hospital
Dera Ismail Khan.

ORDER

Reference Honourable Court of the Service Tribunal Khyber Pakhtunkhwa Peshawar vide their judgment in service appeal No. 861/2010 & other announced on 50-04-2012.

The following Appellant are re-instated for the purpose of departmental proceeding without any orders with regard to back benefits with immediate effect.

S.NO	Name	Father's Name	Designation
1.	Mr. Kamran Saleem	Allah Nawaz Saleem	M&R Technician (Electrical) (BPS-09)
2.	Mr. Mohammad Mehran	Muhammad Younas	M&R Technician (Electrical) (BPS-09)
3.	Mr. Najeeb Ullah	Hameed Ullah	Junior Clerk (BPS-07)
4.	Mr. Shah Nawaz	Haq Nawaz	Cleaner (BPS-01)
5.	Mr. Bashir	Muhammad Nawaz	Ward Attendant (BPS-02)
6.	Mr. Mohammad Imran	Malik Siraj-u-Din	Ward Attendant (BPS-02)
7.	Mr. Yousaf Hayat	Abdul Aziz	Ward Attendant (BPS-02)
8.	Miss Rukhsana Bibi	w/o Muhammad shakir	Dai (BPS-02)
9.	Mr. Mohammad Faheem	Ghulam Yasin	Ward Attendant (BPS-02)
10.	Mr. Mohammad Bilal	Rab Nawaz	Ward Attendant (BPS-02)
11.	Mr. Mohammad Sajid	Muhammad Sadiq	Cleaner (BPS-01)
12.	Mr. Mohammad Shafiq	Qazi Mohammad Ishaq	Fire Man (PBS-01)
13.	Miss Rukhsana Begum	W/O Maqsood Anwar	Dai(BPS-02)
14.	Miss Farida Bibi	Dilaqar Khan	Dai (BPS-02)
15.	Miss Saida Bibi	Faiz Ullah	Dai(BPS-02)
16.	Miss Tasleem Bibi	W/O Muhammad Saleem	Dai (BPS-02)
17.	Mr. Mohammad Irfan	Muhammad Nawaz	Ward Attendant (BPS-02)
18.	Mr. Mohammad Ali	Rasheed Ali	Ward Attendant (BPS-02)
19.	Abdur Rashid	Ameer Mohammad	Chowkidar (BPS-01)

20.	Muhammad Khan	Anwar	Rab Nawaz Khan	Telephone Operator (BPS-07)
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Medical Superintendent
Mufti Mehmmod Memorial Teaching Hospital
Dera Ismail Khan

No 8826-49/11/2012/ Litt:

Dated DIKhan the 29/11/2012

Copy forwarded to the

1. Director General Health Services Khyber Pakhtunkhwa Peshawar, Reference to their letter No.56144/P DATED 30.08.2012
2. Chief Executive/ Principal Gomal Medical College DIKhan, with trefrence to their letter No.4133-35/PF dated 28.11.2012.
3. PS,to Secretary Health Governemnt of Khyber Paakhtunkhwa Peshawar.
4. District accounts officer DIKhan.
5. Accountant MMM Teaching Hospital DIKhan.
6. All concerned.

(For information and necessary action please)

Medical Superintendent
Mufti Mehmmod Memorial Teaching Hospital
Dera Ismail Khan



0966-747

0966-7472

0966 747.

Office of the
Medical SuperintendentMufti Mehmood Memorial Teaching Hospital
Dera Ismail Khan

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Orders

On the recommendation of Enquiry Officer's, the following staff of Mufti Mehmood Memorial Hospital Dera Ismail Khan are herewith terminated with immediate effect, after fulfilling all the codal formalities, including Departmental Enquiry, Show Cause Notice published in Daily Newspaper's, detail as under:

Name	Designation	BPS	Reason for Termination
Mr. Mohan nad Mehran	M&R Technician (Electrical)	BPS-09	No Sanctioned Post available.
Mr. Mohan nad Mehran	M&R Technician (Electrical)	BPS-09	No Sanctioned Post available.
Mr. Najeb Ullah	Junior Clerk	BPS-07	No codal formalities for recruitment observed.
Miss Rukh ana Begum	Dai	BPS-02	* No codal formalities for recruitment observed.
Miss. Farida Bibi	Dai	BPS-02	* Recruited against fake certificates. * No codal formalities for recruitment observed. * Recruited against fake certificates.
Miss. Farida Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
Miss Taslem Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
Miss Rukh ana Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
Mr. Ikhlas Ahmad	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
Mr. Bahir	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. No codal formalities for recruitment observed.
	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.

Name	Designation	BPS	Reason for Recruitment
Mr. Mohammad Iqbal	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
Mr. Mohammad Bilal	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
Mr. Mohammad Irfan	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
Mr. Mohammad Ali	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
Mr. Mohammad Shafiq	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
Mr. Mohammad Sajid	Fire Man	BPS-01	* No codal formalities for recruitment observed.
Mr. Khan Nawaz	Sweeper/Cleaner	BPS-01	* No vacant post available. * No codal formalities for recruitment observed.
	Sweeper/Cleaner	BPS-01	* No codal formalities for recruitment observed.

Medical Superintendent
Mufti Mahmood Memorial Teaching Hospital
Dera Ismail Khan

23/02/01/2013 /Estt: Dated DIKhan the 12/01/2013

Copy forwarded to the:

- Secretary Department of Health, Government of Khyber Pakhtunkhwa Peshawar.
- Director General Health Services Khyber Pakhtunkhwa Peshawar.
- Chief Executive/Principal Gomal Medical College DIKhan.
- District Accounts Officer, DIKhan.
- Deputy Medical Superintendent H/R MMM Teaching Hospital DIKhan.
- Accountant MMM Teaching Hospital DIKhan.
- All concerned for information.

(For information and necessary action please)

Mufti Mahmood Memorial Teaching Hospital
Dera Ismail Khan

TESTED

Office of the
Medical Superintendent
Mufti Mehmood Memorial Teaching Hospital
Dera Ismail Khan.

ORDER

On the recommendation of enquiry officer's the following staff of Mufti Mahmood Memorial Teaching hospital are herewith terminated with immediate effect, after fulfilling all the codal formalities including Departmental enquiry, show cause notice, published in daily Newspaper's detail as under:

S.NO.	Name	Designation	BPS	Reason for Termination
1.	Mr. Kamran saleem	M&R Technician (Electrical)	BPS-09	No sanctioned (post available)
2.	Mr. Mohammad Mehran	M&R Technician (Electrical)	BPS-09	No sanctioned post available
3.	Mr. Najeeb ullah	Junior Clerk	BPS-07	No codal formalities for recruitment observed.
4.	Miss.rukhsana Begum	Dai	BPS-02	*No codal formalities for recruitment observed *recruited against the fake certificates
5.	Miss farida Bibi	Dai	BPS-02	*No codal formalities for recruitment observed *recruited against the fake certificates
6.	Miss sadia Bibi	Dai	BPS-02	*No codal formalities for recruitment observed *recruited against the fake certificates
7.	Miss Tasleem Bibi	Dai	BPS-02	*No codal formalities for recruitment observed *recruited against the fake certificates
8.	Miss Rukhsana Bibi	Dai	BPS-02	*No codal formalities for recruitment observed *recruited against the fake certificates
9.	Mr. Ikhtlaq Ahmad	Ward attendant	BPS-01	*Over & above recruitment against sanctioned strength * No codal formalities for recruitment observed
10.	Mr. basher	Ward attendant	BPS-01	*Over & above recruitment against sanctioned strength * No codal formalities for recruitment observed
11.	Mr. Mohammad Imran	Ward attendant	BPS-01	*Over & above

				recruitment against sanctioned strength * No codal formalities for recruitment observed
12.	Mr. yousaf hayat	Ward attendant	BPS-01	*Over & above recruitment against sanctioned strength * No codal formalities for recruitment observed
13.	Mr. Muhammad faheem	Ward attendant	BPS-01	*Over & above recruitment against sanctioned strength * No codal formalities for recruitment observed
14.	Mr. Muhammad Bilal	Ward attendant	BPS-01	*Over & above recruitment against sanctioned strength * No codal formalities for recruitment observed
15.	Muhammad irfan	Ward attendant	BPS-01	*Over & above recruitment against sanctioned strength * No codal formalities for recruitment observed
16.	Mr. mohammad Ali	Ward attendant	BPS-01	*Over & above recruitment against sanctioned strength * No codal formalities for recruitment observed
17.	Mr. Mohammad Anwar	Ward attendant	BPS-01	*Over & above recruitment against sanctioned strength * No codal formalities for recruitment observed
18.	Mr. Mohammad shafiq	Fire man	BPS-01	*No codal formalities for recruitment observed * No vacant post available
19.	Mr. Mohammad sajid	Sweeper/ Cleaner	BPS-01	No codal formalities for recruitment observed
20.	Mr Shah Nawaz	Sweeper/ Cleaner	BPS-01	No codal formalities for recruitment observed

Medical Superintendent
Mufti Mehmood Memorial Teaching Hospital
Dera Ismail Khan

No 23-62/01/2013/Estt: Dated DIKhan the 12/01/2013

Copy forwarded to the:

1. Secretary Department of Health, Govt: of Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. Chief Executive/ Principal Gomal Medical College DIKhan.
4. District accounts Officer, DIKhan.
5. Deputy Medical Superintendent H/R MMM Teaching Hospital DIKhan.
6. Accountant MMM Teaching Hospital DIKhan.
7. All concerned for information.

(For information and necessary action please)

Medical Superintendent
Mufti Mehmmod Memorial Teaching Hospital
Dera Ismail Khan

The Chief Executive,
Gomal Medial College
D.I.Khan.

J (31)

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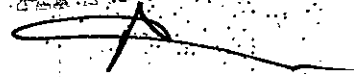
Subject: DEPAETMENTAL APPEAL AGAINST ILLEGAL TERMINATION FROM SERVICE

Respected Sir,

The appellant humbly submits as under:

1. That the appellant being eligible and having required qualification was appointed by the Medical Superintendent, Mufti Mehmood Memorial Hospital D.I.Khan after due course/ process of recruitment.
2. That, after furnishing Medical Fitness Certificate and taking over the charge of said post, the appellant started performing her official duties regularly with due diligence, care devotion and to the satisfaction of superiors and leave no stone unturned in performance of his/her official duties.
3. That during the period the services rendered by the appellant remained up-to the mark and no deficiency, inefficiency, negligence or irregularity of the appellant was reported.
4. That, due to the political influence, the M.S of MMMH while referring to the letter of director general health services, terminated the applicant.
5. That feeling aggrieved from the illegal termination orders of M.S MMMH D.I.Khan, the appellant filed an appeal along with others before learned Service Tribunal, who after hearing the counsel for the parties, accepted the appeal of appellants on 05-04-2012, set aside the orders and reinstated the appellant for the purpose of departmental proceedings with direction to

ATTESTED



the department to proceed afresh in the case in accordance with law by providing opportunity of show cause/hearing before passing any order.

6. That M.S of MMMH D.I.Khan without reinstating the appellant, issued fresh termination order dated 12-01-2013 which is received on 16-01-2013. It is pertinent to mention here that after receiving the termination, the back dated reinstatement order was received on 29-01-2013.
7. That M.S MMMH D.I.Khan did not issue any charge sheet, nor issue any show cause notice and without providing any opportunity of hearing according to the Judgment of Hon'ble Service Tribunal illegally terminated the applicant.

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the termination orders may please be set aside and appellant may graciously be re-instated with all back/future benefits

بشیر
Your Honorable Appellant

بشیر ولد محمد نواز
سگوشالی، ڈاکخانہ رنگپور
 تحصیل بہارپور

Note: That this appeal is being filed directly to the Chief Executive as the Office of M.S MMMH D.I.Khan, was reluctant to forward this appeal, being through proper channel.

1. Copy to the Director General Health Services Peshawar.

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K (33)

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	16.10.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL. PESHAWAR.</p> <ol style="list-style-type: none">1. Appeal No. 992/2013, Muhammad Imran2. Appeal No. 993/2013, Muhammad Ali3. Appeal No. 994/2013, Muhammad Bilal4. Appeal No. 995/2013, Muhammad Ifran5. Appeal No. 996/2013, Bashir6. Appeal No. 997/2013, Yousaf Hayat7. Appeal No. 998/2013, Najeeb Ullah8. Appeal No. 999/2013, Muhammad Anwar &9. Appeal No. 1000/2013, Rukhsana Begum <p style="text-align: center;">Versus The Secretary Health Deptt: Govt of Khyber Pakhtunkhwa Peshawar & others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH. MEMBER.-</u> Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Muhammad Jan) for the respondents present.</p> <p>2. Previously appeals of the appellant were remanded to the respondent department by this Tribunal vide its judgment dated 05.04.2012 with the following directions:-</p> <p>“Consequently, on the partial acceptance of the appeals, both the orders of the competent authority dated 08.6.2009 and appellate authority dated 31.3.2000 are set aside, and appellants are reinstated for the purpose of proper departmental proceedings. without any order with regard to back benefits. with direction to the respondent department to proceed afresh in the case in accordance with law and also provide opportunity of showing cause/hearing before passing any order detrimental to the interest of the appellants. There shall, however, be no order as to costs.”</p>

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[Signature]

3. Record shows that after this order of the Tribunal the respondent department constituted an enquiry committee, who submitted its report, without associating the appellants in the proceedings. The respondent department in the light of this enquiry report issued show cause notice to the appellants through daily publication and without giving them opportunity of defence or personal hearing. Consequently, they were once again removed from service. Their departmental appeals were also not responded, hence again these service appeals.

4. Arguments heard and record perused.

5. It reveals from record that after decision of appeals by this Tribunal, the respondent department has neither ensured presence of the appellants for the purpose of de-novo proceedings nor they have been given any chance of defence or personal hearing. It is thus evident that the respondent department has failed to follow judgment of the Tribunal in letter & spirit. This has resulted into miscarriage of natural justice as no opportunity of defence or personal hearing was provided to the appellant. According to the plea of respondent department, the inquiry committee was constituted in pursuance of the direction of the Tribunal but if this committee was constituted for the purpose of proper regular departmental inquiry against the appellants, then

RECEIVED

in that case the respondent department should have issued and served the appellants with charge sheet and statement of allegations. There is no concept of proper and regular departmental inquiry without issue of the charge sheet and statement of allegations. In the opinion of this Tribunal the present inquiry seems to be a fact finding inquiry. Undoubtedly, the respondent department could dispense with regular inquiry but in that case it should have given reasons for it and as it was not a case of willful absence, therefore, the department should have ensured direct service of the show cause notice instead of substituted service.

6. For the said reasons the Tribunal is of the considered opinion to remit the case to the appellate authority with the direction to examine it and decide departmental appeals of the appellants as soon as possible but not later than 2 month, after receipt of this judgment. By this single judgment, all the appeals are disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record.

sd

Pir Bakhtshah
member

sd

Abdullahif
member

ATTESTED

[Signature]

26-10-2015

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[Signature]

26-10-2015

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[Signature]

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DIRECTORATE GENERAL HEALTH SERVICES KHYBER PAKHTUN KHYA PESHAWAR



E-Mail Address: nwfnhche@vahoo.com Office Fax: 9210187, 9210188 Exchange# 091-9210187, 9210188 Fax # 091-9210230

OFFICE ORDER

1. WHEREAS Disciplinary proceeding under E & D Rules, 2011, initiated against Mr. Muhammad Bashir Ex: Ward Attendant attached to MMM Teaching Hospital D.I Khan, on account of his irregular appointment by the M.S MMM Teaching Hospital D.I Khan.
2. WHEREAS, an Enquiry was conducted against him through Enquiry Committee.
3. WHEREASE, after publication of the show cause notice in the Daily News Paper their services were terminated by the M.S MMM Teaching Hospital D.I Khan.
4. WHEREAS, he lodged appeal against his termination order to the appellate authority viz: DGHS Khyber Pakhtunkhwa, but the same having no force: was rejected vide: DGHS letter No. 1508/Personnel dated 13.03.2010.
5. WHEREAS, he went into appeal before the Peshawar High Court Peshawar D.I Khan Bench.
6. WHEREAS, in pursuance of the Judgment of the above court passed in appeal No. 996/2013 dated 16.10.2015, he was given opportunity of defending himself and personal hearing.
7. AND WHEASEAS, he failed to justify his illegal appointment issued in the contravention of Appointment Promotion Transfer Rules 1989.
8. Therefore I in my capacity as Appellate authority hereby reject the case for re-instatement in service.

No. 318-22 Personnel.

Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. M.S MMM Teaching Hospital D.I Khan.
3. AD (Lit) DGHS, Khyber Pakhtunkhwa Peshawar w/r to his letter No. 4331-32/AD(Lit) dated 30.10.2015.
4. DAO D.I Khan.
5. Official concerned.

For information and necessary action.

58/XXXXXXXXXX
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR.
Dated: 18 /01/2016.

15/1/16
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K, PESHAWAR.

13/1/2016

ATTESTED

From:

Deputy Medical Superintendent
(Equity Officer)
MMM Teaching Hospital
Dera Ismail Khan

No. 648 / 11/104/2009
Dated: 11/10/2009

To

The Medical Superintendent
MMM Teaching Hospital
Dera Ismail Khan

Subject:

ENQUIRY REGARDING RECRUITMENTS MADE AT MUFTI
MEHMOOD MEMORIAL TEACHING HOSPITAL DIKhan IN
VIOLATION OF RULES OF RECRUITMENT.

TERMS OF REFERENCE:-

That the staff as per list attached appointed on 25-10-2008 are recruited in violation of the rules of recruitment.

Annexure -A

Description

The following 23 no appointments in different categories were made on 25-10-2009 under the signature of then Medical Superintendent Mufti Mehmood Memorial Teaching Hospital DIKhan.

- 02 appointments in BPS-09 as M&R Technician
- 01 appointment in BPS 07 as Junior Clerk.
- 01 appointment in BPS- 06 as Telephone Operator.
- 01 appointment in BPS -05 as Generator Operator.
- 05 appointments in BPS-02 as Dais.
- 01 appointment in BPS- 01 as Fireman.
- 01 appointment in BPS- 01 as Chowkidar.
- 09 appointment in BPS- 01 as Ward Attendant.
- 02 appointment in BPS- 01 as Cleaner.

Since their appointments (except one Mr. Muhammad Kamran M& R Technician) no one turned up for duties at the Hospital till the last week of March.

All the candidates appointed for the above mentioned different categories in Mufti Mehmood Memorial Teaching Hospital DIKhan submitted their arrival report on the same day i.e. 01-11-2008.

No record pertaining to their appointments was available in this office, for which the Steno/Accountant of this office was asked in verbal and then in written twice Vide No 375/76 dated 165-03-2009 and no-427/PF dated 21-03-2009 for production of said record so as to proceed further.

Copy attached for ready reference.

Annexure- B-C

In response, on 25-03-2009, a file containing appointment orders along with certain correspondence letters of Finance Department, Employment Exchange and Employment Exchange Registration Cards was handed over to the undersigned Vide Mr. Abdul Mannan Steno grapher/Accountant letter No nil dated 24-03-2009.

Copy of letter from Abdul Mannan attached for Ready Reference.

Annexure- D

ATTESTED

However other records pertaining to these appointments i.e. advertisement, applications of the candidates, service books, interview list, selection committee members list, merit list not available on the record of this office:

It was also learnt that service books which were initially not available with the concerned clerk were later on handed over by Mr. Atta Ullah Computer Operator of this office to the concerned clerk.

All these employees under enquiry were asked to appear before the enquiry officer from 24th to 28th March vide this office letter No.375-76 dated 16-03-09 through DMS Human Resource of this Hospital.

(Letter already attached as Annexure- B)

05 days time given for personal appearance was due to the fact that these new requirements did not attend their duties since their appointment and even then only 12 out of 23 appeared. The rest either not available as usual or abstained from appearing before the enquiry officer for reason best known to them.

The following had personal appearance:-

1. Muhammad Shafiq S/O Qazi Muhammad Ishfaq	Fire Man
2. Akhlaq Ahmad S/O Mushtaq Ahmad	W/A
3. Muhammad Irfan S/O Muhammad Nawaz	W/A
4. Muhammad Bilal S/O Rab Nawaz	W/A
5. Bashir S/O Muhammad Nawaz	W/A
6. Muhammad Ali S/O Rashid Ahmad	W/A
7. Najeeb Ullah S/O Harneed Ullah	J/C
8. Shah Nawaz S/O Haq Nawaz	Cleaner
9. Faheem S/O Yasin	W/A
10. Muhammad Kamran S/O Allah Nawaz	M&R Technician
11. Muhammad Anwar S/O Rab Nawaz	T/Operator
12. Muhammad Mehran S/O Muhammad Younes	M&R Technician

ATTESTED

Findings/observations

(39)

1. Staff drawing salaries against the above posts versus sanctioned strength given in the following table.

Category	No. of Posts drawing pay in October 08	No. of Posts drawing pay in November 08	Sanctioned Posts before Oct,08	Posts Sanctioned During Oct,08	Total Posts as per Budget Book	Excess drawl	Short drawl	Remarks
Ward Attendant	70	78	65	8	73	5		
Chowkidar	15	16	20	1	21	-	5	
Cleaner/ Sweeper	29	31	40	-	40	-	9	
Telephone Operator	1	4	5	-	5	-		
Fireman	-	1	1	-	1	-		
Gen'l Operators	-	1	1	-	1	-		
J/Clerk	5	6	6	-	4	2		2 Posts of J/Clerk are sanctioned vide Finance Dept. No. BOVI/ED/4-64/005/MMT dated 17-08-2007 but not reflected in Budget Book 2008-09.
Civil Tech:	-	2	-	2	2	-		
Dai	17	22	20	2	22	-		

2. Employment exchange

Employment exchange was requested by then Medical Superintendent Mufli Mehmood Memorial Teaching Hospital DIKhan who is signatory to the appointment orders, to send eligible candidates for appointments in Mufli Mehmood Memorial Teaching Hospital DIKhan for vacancies against Class-IV.

Copy attached for ready reference.

(Annexure-E)

ATTESTED

- 40
- No categories and other scales mentioned in the letter.
 - No date for Interview/Selection was intimated to the Manager Employment Exchange.
 - The Manager Employment Exchange provided 02 lists (09 + 14) of candidates (Hand Written) vide his office No. EE/DIK/App/127 dated 06-10-2008.

Copy of the letter from Manager Employment Exchange attached for ready Reference. (Annexure-F)

- The registration numbers issued by employment exchange are in the same consecutive order.
- Also there is duplication of registration Nos. as noted from the employment Registration Cards e.g. registration No 15/W/08 dated 08/09/08 for Rukhsana Bibi wife of Muhammad Shaker and the same registration No 15/W/08 dated 13/09/08 for Rukhsana Begum Wife of Maqsood Anwar. Similarly registration No 99/0/08 dated 08/09/08 for Shah Nawaz S/O Haq Nawaz and the same registration No. 99/0/08 dated 08/09/08 for Sajid S/O Sadiq Ali. Also the registration numbers in the hand written list provided by Manager Employment Exchange do not tally with the registration numbers of the registration cards in the above mentioned cases.

So all this raises questions about the entries made in Employment Exchange Registration Cards and the lists provided by Manager Employment Exchange. Copies of the lists along with the above noted Registration Cards for ready reference.

(Annexure-G)

3- Appointments Orders:-

The appointments orders are deficient regarding the following prescribed Government criteria.

- The appointments made are without formal advertisement.
- No selection committee duly approved was constituted for the purpose.
- No approval has been sought from Director General Health Services NWFP Peshawar for the selected candidates.
- All these appointees, having received their salaries from 01-11-2008 to Feb/2009, have not attended their duties (Except one Mr. Muhammad Kamran M&R Technician), and are not on the roll call of DMS Human Resource as he was not informed formally about these appointments.
- The appointments are made on 25-10-2008 and all of these employees have submitted their arrival for duty on the same day i.e. 01-11-2008.
- The diary Nos. shown on the appointment orders do not tally with diary/dispatch record of this office. This office diary/dispatch register record shows no diary No for 25-10-2008.
- Most of the appointment orders are attached with recommendations from MPA's and Minister Health NWFP, even some having both. Looking at some of these recommendations, creates doubts in one's mind because it seems that a single recommended application by Minister Health has been tactfully photo copied for a number of applicants probably.

Copies of two such applications recommended by Minister Health NWFP attached for ready reference.

(Annexure-H)

(91)

Conclusion/Recommendation:

All though, the appointments have been made without observing codal/legal formalities before making appointments/filling of these posts, all these new recruitments have drawn their salaries from the Government exchequer from 01-11-2008 onwards for four consecutive months up till February 2009. So these appointments made may be legalized through formal approval from Director General Health Services NWFP Peshawar or otherwise.



Enquiry Officer
Dr. Muhammad Arif Ullah
DMS (Admin) MMM Teaching Hospital
Dera Ismail Khan

ATTACHED



Deputy Medical Superintendent
Enquiry Officer
MMM Teaching Hospital
Dera Ismail Khan

Better Copy
Annexure - M

No. 648 /EQ
Dated: 11/04/2009

To

The Medical Superintendent
MMM Teaching Hospital
Dera Ismail Khan

Subject:

**ENQUIRY REGARDING RECRUITMENTS MADE AT MUFTI
MEHMOOD MEMORIAL TEACHING HOSPITAL DIKHAN IN
VIOLATION OF RULES OF RECRUITMENT.**

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No record pertaining to their appointments was available in this office, for which the Steno/Accountant of this office was asked in verbal and then in written twice Vide No 375/76 dated 165-03-2009 and no 427/PF dated 21-03-2009 for production of said record so as to proceed further.

Copy attached for ready reference.

Annexure- B-C

In response, on 25-03-2009, a file containing appointment orders along with certain correspondence letters of Finance Department, Employment Exchange and Employment Exchange Registration Cards was handed over to the undersigned Vide Mr. Abdul Manan Steno grapher/Accountant letter No nil dated 24-03-2009.

Copy of letter from Abdul Manan attached for Ready Reference.

Annexure- D

(23)

✓

However other records pertaining to these appointments i.e. advertisement, applications of the candidates, service books, interview list, selection committee members list, merit list not available on the record of this office.

It was also learnt that service books which were initially not available with the concerned clerk were later on handed over by Mr. Atta Ullah Computer Operator of this office to the concerned clerk.

All these employees under enquiry were asked to appear before the enquiry officer from 24th to 28th March vide this office letter No.375-76 dated 16-03-09 through DMS Human Resource of this Hospital.

(Letter already attached as Annexure- B)

05 days time given for personal appearance was due to the fact that these new requirements did not attend their duties since their appointment and even then only 12 out of 23 appeared. The rest either not available as usual or abstained from appearing before the enquiry officer for reason best known to them.

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4. Muhammad Bilal S/O Rab Nawaz	W/A
5. Bashir S/O Muhammad Nawaz	W/A
6. Muhammad Ali S/O Rashid Ahmad	W/A
7. Najeeb Ullah S/O Hameed Ullah	J/C
8. Shah Nawaz S/O Haq Nawaz	Cleaner
9. Faheem S/O Yasin	W/A
10. Muhammad Kamran S/O Allah Nawaz	M&R Technician
11. Muhammad Anwar S/O Rab Nawaz	T/Operator
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Findings/observations

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ar	15	16	20	1	21	-	5	-
	29	31	40	-	40	-	9	-
ne	1	4	5	-	5	-	-	-
r	-	1	1	-	1	-	-	-
rs	-	1	1	-	1	-	-	-
	5	6	6	-	4	2	-	2 Posts of J/Clerk are sanctioned vide Finance Dept: No. BOVI/FD/4-64/005/MMT dated 17-08-2007 but not reflected in Budget Book 2008-09.
	-	2	-	2	2	-	-	-
	17	22	20	2	22	-	-	-

2. Employment exchange

Employment exchange was requested by then Medical Superintendent Mufti Mehmood Memorial Teaching Hospital DIKhan who is signatory to the appointment orders, to send eligible candidates for appointments in Mufti Mehmood Memorial Teaching Hospital DIKhan for vacancies against Class-IV.

Copy attached for ready reference.

(Annexure-E)

- No categories and other scales mentioned in the letter.
- No date for Interview/Selection was intimated to the Manager Employment Exchange.
- The Manager Employment Exchange provided 02 lists (09 + 14) of candidates (Hand Written) vide his office No. EE/DIK/Appt/127 dated 06-10-2008.

Copy of the letter from Manager Employment Exchange attached for ready Reference.

(Annexure-F)

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- Also there is duplication of registration Nos. as noted from the employment Registration Cards e.g. registration No 15/W/08 dated 08/09/08 for Rukhsana Bibi wife of Muhammad Shaker and the same registration No 15/W/08 dated 13/09/08 for Rukhsana Begum Wife of Maqsood Anwar. Similarly registration No 99/0/08 dated 08/09/08 for Shah Nawaz S/O Haq Nawaz and the same registration No. 99/0/08 dated 08/09/08 for Sajid S/O Sadiq Ali. Also the registration numbers in the hand written list provided by Manager Employment Exchange do not tally with the registration numbers of the registration cards in the above mentioned cases.

So all this raises questions about the entries made in Employment Exchange. Registration Cards and the lists provided by Manager Employment Exchange. Copies of the lists along with the above noted Registration Cards for ready reference.

(Annexure-G)

3- Appointments Orders:-

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- The appointments made are without formal advertisement.
- No selection committee duly approved was constituted for the purpose.
- No approval has been sought from Director General Health Services NWFP Peshawar for the selected candidates.
- All these appointees, having received their salaries from 01-11-2008 to Feb/2009, have not attended their duties (Except one Mr. Muhammad Kamran M&R Technician), and are not on the roll call of DMS Human Resource as he was not informed formally about these appointments.
- The appointments are made on 25-10-2008 and all of these employees have submitted their arrival for duty on the same day i.e. 01-11-2008.
- The diary Nos. shown on the appointment orders do not tally with diary/dispatch record of this office. This office diary/dispatch register record shows no diary No for 25-10-2008.
- Most of the appointment orders are attached with recommendations from MPA's and Minister Health NWFP, even some having both. Looking at some of these recommendations, creates doubts in one's mind because it seems that a single recommended application by Minister Health has been tactfully photo copied for a number of applicants probably.

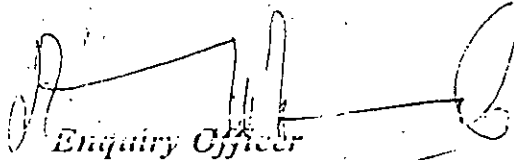
Two such applications recommended by Minister Health NWFP ready reference.

(Annexure-H)

(26)

Conclusion/Recommendation

All though, the appointments have been made without observing codal/legal formalities before making appointments/filling of these posts, all these new recruitments have drawn their salaries from the Government exchequer from 01-11-2008 onwards for four consecutive months up till February 2009. So these appointments made may be legalized through formal approval from Director General Health Services NWFP Peshawar or otherwise.



Enquiry Officer
Dr. Muhammad Arif Ullah
DMS (Admin) MMM Teaching Hospital
Dera Ismail Khan

(27)

GOVT OF NWFP
OFFICE OF THE EXECUTIVE DIRECTOR OFFICER
(HEALTH) KOFAT

*Deputy Director
residency*

ENQUIRY

N
42

INTRODUCTION:

The undersigned have been appointed as enquiry officer by the Director General Health Services NWFP, Peshawar vide his order No. 21721-Mainroad Teaching Hospital D.I. Khan (pages 1 to 2) dated 01/07/2009 (Page -1) on the complaint of staff of Main Road Teaching Hospital D.I. Khan (pages 1 to 2) against Dr. Shah Jahan Jaloch MIS Main Road Hospital D.I. Khan.

SCOPE OF THE ENQUIRY:

To dip into the file regarding appointment and termination of the affilictee employees of MAMM Hospital D.I. Khan (Complainants).

FINDING:

In this connection the undersigned proceeded to D.I. Khan on 27/07/2009 in connection with enquiry at MAMM Hospital D.I. Khan and checked the record of office of MAMM Hospital D.I. Khan.

CONCLUSION:

After going through the record it was revealed that no proper advertisement was made in the Press for the post of BPS-5 and above and no other valid notification for constitution of Departmental Selection Committee were compared.

The post of MIS/MAMM Hospital D.I. Khan is in grade-20 and it is not clear whether he is appointing Authority or otherwise, clear cut rules could not be found.

Moreover all the Class-IV employees including two M&R Tech. (BPS-09) and one Junior Clerk (BPS-07) were performing their duties, they were on Roll and their Service Books were prepared and they were drawing pay, as such all the appointment orders were acted upon.

It is also to mention that two vacant posts of Civil M&R Techs. were filled by Electrical Diploma Holders.

According to the General Clauses Act, Section-21, when an authority serves an appointment order on some one and that is acted upon by him, then it

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becomes his right and he cannot be terminated without initiating disciplinary proceeding.

The General Clauses Act is enumerated as follow:-

"Provision of section 21 General Clauses Act 1897 postulate that an authority which passes an order is competent to vary, rescind or cancel the order passed by that authority but such power is not absolute as the same is subject to certain limitations. Where the order sought to be varied, rescinded or cancelled is communicated to other party and subsequent to that communication that party acts upon such order, a very valuable rights accrues to that party. Authority passing such order becomes functus officio to vary, rescind or cancel its earlier order as the law does not allow "Volte facie" to that authority in circumstances (2000 CLC 492)".


"Authority empowered to pass an order can withdraw the order only if a decisive step in pursuance of the order has not been taken. Locus Poenitentiae not available to authority if such order has been acted upon and vested rights have accrued in pursuance of that order. Orders having been implemented partly and right of appeal accruing to one party, authority has no power to withdraw such orders. Extent of availability of principle of Locus Poenitentiae to authority cited (1984 PLC 669)".

"Power under section-21 to vary, rescind or cancel an order passed by an authority cannot be exercised in cases where order has already been communicated to other party and/Or subsequent to that communication that party has acted upon it. In such case a very valuable right accrues to other party and authority passing order in such circumstances becomes incompetent to vary, rescind or cancel its previous order (NLR 1984 Civil 729-PLD 1985)".

Moreover Services & General Administration Department (Regulation Wing) Notification No. SOR-II(SS&AD)1(10)/98, dated 13/11/2000 is very clear about such like "Illegal Recruitment". This notification bars one from terminating such employees (Copy attached).

RECOMMENDATION:

All the Class-IV employees (20 in Nos in the complaint) recruited, their services should be restored and their pay be released as no fault exists on their part. So far as the case of two MSc. Tech. and one Junior Clerk are concerned their service should not be restored.


Dr. Shad Ali Khattak
Executive Distt Officer
(Health) Kohat.
Enquiry Officer

ATTACHED



43

OFFICE OF THE EXECUTIVE DISTRICT OFFICER

(HEALTH) KOHAT

ENQUIRYINTRODUCTION

The undersigned have been appointed as enquiry officer by the Director general health Services NWFP, Peshawar vide order No. 21721-23/E-1, dated 01/07/2009 (page-1) on the complaint of staff of Mufti Mehmood Memorial Teaching Hospital Di Khan against Dr. Shah Jahan Baloch MS MMM Hospital Di Khan.

SCOPE OF THE ENQUIRY:

To dig out the facts regarding appointment and termination of the affectee employees of MMM Hospital Di Khan (Complaints)

FINDING:

In this connection the undersigned proceeded to Di Khan on 27/07/2009 in the connection with enquiry at MMM Hospital Di Khan and checked the record of the office of MMM Hospital Di Khan.

CONCLUSION:

After going through the record it was revealed that no proper advertisement was made in the press for the post of BPS-% and above and no other codal formalities i.e constitution of Departmental Selection Committee were completed.

The post of MS MMM Hospital Di Khan is in grade -20 and is not clear whether he is appointing Authority or otherwise, clear cut Rules could not be found.

Moreover all the class-IV employees including two M&R Tech.: (BPS-9) and one junior Clerk (BPS-7) were performing their duties., they were on Roll and their Service Books were prepared and they were drawing pay as such all the appointment orders were acted upon.

It is also to mention that two vacant posts of Civil M&R Tech: were filled by Electrical Diploma Holders.

According to General Clause Act Section-21 when an authority serves an appointment order on some one and that is acted upon by hi, then it become his right and he cannot be terminated without initiating disciplinary proceeding.

The General Clause Act is enumerated as follow:-

"provision of the section -21 General clause Act 1897 postulate that an author which passes an order is competent to var, rescind or cancel the order passed by that authority but such it not absolute as the same is subject to certain limitations, where the order sought to be varied, rescinded or cancelled is communicated to other party and subsequent to that communication that party acts upon such order, a very valuable rights accrues to that party.

Authority passing such order becomes functus officio to vary rescind or cancel its earlier order as the law does not allow Volte face to the authority in circumstances(2000 C.I.C 442)

“Authority empowered to pass an order can withdraw the order only if a decisive step in pursuance of the order has not been take. Locus poenitentiae not available to author if such order has been acted upon and vested rights have accrued in pursuance of that order. Orders having been implemented partly and right of appeal occurring to one party, authority has no power to withdraw such orders. Extent of availability of principle of Locus Poenitentiae to authority cited.(1984 PLC 663)”

“power under section-21 to vary, rescind or cancel an order passed by an authority cannot be exercised in cases where order has already been communicated to other party and/ or subsequent to that communication that party has acted upon as an such case a very valuable right accrues to other party and authority passing order in such circumstances becomes incompetent to vary, rescind or cancel is previous order(NLR 1984 Civil 729-PLD 1985)”

Moreover service & General administration Department (regulation Wing) notification No. SOR-II (S&GAD) (10)/98 dated 13/11/2000 is very clear about such like “Illegal Recruitment” this notification bares one from terminating such employees (Copy attached)

RECOMMENDATION:

All the class-IV employees (20 in Nos in the compliant) recruited their services should be restored and their pay be released as no fault exists on their part. So far as the case of the two M&R Tech: and one Junior Clerk are concerned their services should not be restored.

Dr. Shad Ali Khattak,
Executive District officer
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