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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 853 OF 2024

Abid Ali.....Appellant

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR
SERVICE APPEAL NO. 853/2024

Abid Ali.....Appellant

Versus

Government of Khyber Pakhtunkhwa & others Respondents

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Deponent



(Dr. Muhammad Saleem)
Director General Health Services
Khyber Pakhtunkhwa, Peshawar

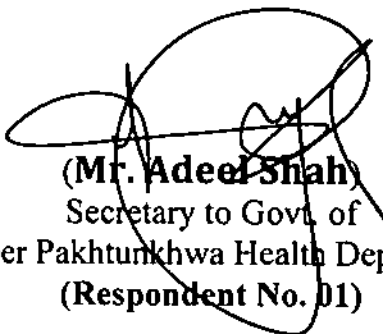
- II. Pertains to record.
- III. Pertains to record.
- IV. Pertain to record.
- V. Incorrect. The request of the appellant for extension of his EOL without pay (Ex-Pakistan) w.e.f 01/11/2022 (Annex-A) was regretted as his service was less than 10 years and he was not entitled for further two years EOL without pay.
- VI. Incorrect. The appellant applied for leave to continue his job with Ministry of Health Kuwait and not due to threats to his family. He did not annexed anything in support of his claim that he was under threat and informed his high ups but in fact he was abroad.
- VII. Incorrect, the request of the appellant for extension of leave was regretted and he was directed at his home address to immediately report for duty vide letter No. 6118-19/E.II dated 08/12/2022 (Annex-B), letter No. 1292-93/E.II dated 17/02/2023 (Annex-C) & letter No. 1951-52/E.II dated 30/03/2023(Annex-D) but he failed to do so, and continue his job in abroad (Kuwait).
- VIII. Incorrect, the appellant did not submit arrival report within stipulated period of time.
- IX. Incorrect, the appellant did not submit arrival report within stipulated period of time.
- X. The appellant did not reply to the absence notice in time and was removed from service on account of his willful absence from duty i.e 01/11/2022 vide office order bearing endorsement No. 7182-86/E.II dated 26/02/2024 (Annex-E) under Rule 9 of the Khyber Pakhtunkhwa E&D Rules 2011 by issuing absence Notice followed by Publications in daily Express on 03/06/2023 & daily Mashriq dated 06/06/2023 with directions to resume his duties within 15 days however he failed to resume his duty and reply the absence notice well within time.
- XI. Incorrect, the impugned removal from Service Order of the appellant dated 26/02/2024 was issued according to law & rules.
- XII. Incorrect. No departmental appeal of the appellant was received to the respondents.
- XIII. Incorrect the appellant is not an aggrieved person as no vested right has been violated by the replying respondents.


ON GROUNDS

- a. The appellant has been treated as per rules and accordance with the law & rules before imposing the penalty of removal from Service.
- b. Incorrect the appellant has been treated under the law & rules and was proceeded under rule 9 of the E&D Rules 2011. The appellant was willfully absented himself from duty and was doing job in abroad and he was directed three times at his home address to resume duty but he failed to do so. Furthermore, he has not denied his absence hence he is not entitled for any relief.
- c. Incorrect. The appellant was removed from service after completion of all codal formalities and no abuse of authority was exercised.
- d. Already replied in para "a" above. The appellant has never been discriminated.
- e. Incorrect. Already replied in the preceding paras.
- f. Incorrect. The appellant remained willfully absence from official duty for prolong period therefore, has committed gross misconduct.

PRAYER:

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


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


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

(4)

To A-16

PK A
6/10/22

69
Main Diary No. 38387

The Director General Health Services
KPK

6/10/22
North Ser
Khyber Pakhtunkhwa

Subject: Application for two year leaves with out po
(1st Nov 2022 - 1st Nov 2024)

Respected Sir,

It is stated that I am working as govern
employee under your services. Now I am wor
in Kuwait through overseas employment corpora
I was on leaves from Oct 2020 to Oct 20
Now I want to extend my leaves for n
two years (2023-2024 November) to continue m
job in Kuwait. Therefore you are requested
to accept my application. I shall be ver
thankful to you.

Name: Abid Ali S/O Mohammad Ismail

Department: Nursing

CNIC # 15602-0668939-5

Sign- Abid Ali

Date: 06 Oct 2022

Abid Ali
PK

SA No. 253/2022

تمودج
تتفيذ المعاملة

الرقم المدني : 292040305869

بيانات الاقامة

رقم الاقامة : 330676873 الاسم : عبيد محمود اسفاعيل علي

الاسم اللاتيني : ABID MUHAMMAD ISMAIL ALI

تاريخ البداية : 2021-06-17 تاريخ النهاية : 2022-06-16 المادة : 17

الجنس : ذكر

الجنسية : باكستان

تاريخ الميلاد : 1992-04-03

المهنة : ممرض

تاريخ النهاية : 2024-02-19

رقم الجواز : HX1829391

رقم واسم الكفيل : 100000000 وزارة الصحة

مكان الاصدار : قسم تقنية المعلومات

رقم تليفون مقدم الطلب : 66168454

44068

ملاحظات

*** يرجى التحقق من صحة البيانات المذكورة اعلاه (الاسم اللاتيني ورقم الجواز) ومطابقتها مع جواز السفر
برجاء متابعة اصدار البطاقة المدنية من خلال الرسالة النصية التي ستملك من
الهيئة العامة للمعلومات المدنية او من خلال الموقع الالكتروني WWW.PACI.GOV.KW

*** PLEASE MAKE SURE ALL DETAILS ARE ACCORDING TO THE PASSPORT ESPECIALLY
NAME AND PASSPORT NUMBER
FOR CIVIL ID ISSUANCE , PLEASE CHECK THE RECEIVED SMS FROM PACI OR VISIT
PACI ONLINE SERVICES AT WWW.PACI.GOV.KW

Annex-B

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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications Should be Addressed to The Director General
Health Services Peshawar and not to any official by name
Office Ph: 091 - 9210268 Exchange Ph: 091 - 9210187, 091 - 9210196 Fax: 091 - 9210230

REGISTERED.

No. 6118-19 /E II, Dated Pesh: the 09/12/2022.

To:-

Mr. Abid Ali S/O Muhammad Ismail,
Mohalla Malay Villlage Dakorak
Post Office and Tehsil Charbagh
District Swat.

Subject: -

**APPLICATION FOR TWO YEARS LEAVE WITHOUT PAY
(1ST NOV:2022 TO 1ST NOV 2024).**

Memo:-

Reference your application dated 06.10.2022 on the subject noted above.

Your request for extension of your EOL without pay (EX-Pakistan) for a period of two years w.e.f 01.11.2022 to 31.10.2024 is regretted.

Your previous leave for 730 days granted vide this Directorate office order bearing Endst: No. 4038-41/E II dated 27.10.2020 is already expired on 31.10.2022. You are directed to immediately report to this Directorate. General Health Services Khyber Pakhtunkhwa Peshawar for further posting.

[Handwritten signature]

CC

[Handwritten signature]
ADDI: DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES, KP PESHAWAR.

7/23/11/22

Medical Superintendent, SGTH, Swat for information.

R.K.
Please put up
again on 8/12/2022.
7/23/11/2022

Annex-c

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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications Should be Addressed to The Director General
Health Services Peshawar and not to any official by name
Office Ph (+91 - 9210269) Exchange Ph (+91 - 9210187, 091 - 9210196) Fax (+91 - 9210230)

REGISTERED.

REMINDER-1

No. **1292-93** (E.II), Dated Pesh: the **17th 02/2023**.

To:-

Mr. Abid Ali S/O Muhammad Ismail,
Mohalla Malalay Villlage Dakorak
Post Office and Tehsil Charbagh
District Swat.

Subject: - **APPLICATION FOR TWO YEARS LEAVE WITHOUT PAY
(1ST NOV 2022 TO 1ST NOV 2024).**

Memo:-

Reference to this Directorate letter No. 6118-19/EII dated 05.12.2022 on the subject noted above.

You are once again directed to immediately report to this Directorate General Health Services Khyber Pakhtunkhwa Peshawar for further posting, failing which strict disciplinary action will be taken against you under Govt. servant E&D rules 2011.

Handwritten signature
C.C. >

Handwritten signature
ADDI: DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH
SERVICES, KP PESHAWAR.

7th 16/2/2023

Medical Superintendent, SGTH, Swat for information.

RK
Please put up
again on **3/3/2023**

7th 16/2/2023

Annex-D

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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to The Director General Health Services Peshawar and not to any official by name
Office Ph: 091 - 9210299 Exchange: 091 - 9210187, 091 - 9210196 Fax: 091 - 9210230

**REGISTERED.
REMINDER-2**

No. 1951-52 /E.II, Dated Pesh: the 30/ 03 /2023.

To:-

Mr. Abid Ali S/O Muhammad Ismail,
Mohalla Malalay Village Dakorak
Post Office and Tehsil Charbagh
District Swat.

Subject: -

**APPLICATION FOR TWO YEARS LEAVE WITHOUT PAY
(1ST NOV 2022 TO 1ST NOV 2024).**

Memo:-

Reference to this Directorate letter No. 1292-93/EII dated 17.02.2023 on the subject noted above.

You are once again directed to immediately report to this Directorate General Health Services Khyber Pakhtunkhwa Peshawar for further posting, failing which strict disciplinary action will be taken against you under Govt. servant E&D rules 2011.

Asst. Dir. Health
[Signature]

[Signature]
DEPUTY: DIRECTOR (NURSING)
DIRECTORATE GENERAL HEALTH
SERVICES, KP PESHAWAR.

7/27/13/2023

C.C:>

Medical Superintendent, SGTH, Swat for information.

RK
put up again
on 15/4/2023.
[Signature]
7/27/13/2023



Amex - E (9)

AC

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

All communications Should be Addressed to The Director General
Health Services Peshawar and not to any official by name

Office Ph (091 - 9210269 Exchange Yr 091 - 9210187, 091 - 9210196 Fax (091 - 9210230

OFFICE ORDER

01. **WHEREAS:** Disciplinary proceedings under E & D Rules were initiated against Mr. Abid Ali S/O Muhammad Ismail Registered Nurse Officer (RNO) BS-16 previously attached to Saidu Group of Teaching Hospital Saidu Sharif Swat on account of his absence from duty w.e.f. 01.11.2022 after expiry of his 730 days EOL without pay (Ex-Pakistan) and rejection of his application for extension of leave for further two years.

02. **AND WHEREAS:** the above named (RNO) was directed at his home address through registered letter No. 6118-19/E-II dated 05.12.2022, letter No. 1292-93/E-II dated: 17.02.2023 and letter No. 1951-52/E-II dated: 30.03.2023, as well as absence notice through press published in Daily "Express" Peshawar on 03.06.2023 and the Daily "Mashriq" Peshawar on 06.06.2023, directing him to resume duty within 15 days of the publication of the absence Notice in the press failing which exparty action will be taken against him under E & D Rules 2011, but he did not respond to the said notice.

03. Now therefore I, Director General Health Services, Khyber Pakhtunkhwa Peshawar, being Competent Authority, in exercise of Powers conferred under Khyber Pakhtunkhwa Govt. Servants E & D Rules 2011, am pleased to impose major penalty of "Removal from Service" upon Mr. Abid Ali S/O Muhammad Ismail Registered Nurse Officer (RNO) BS-16 previously attached to Saidu Group of Teaching Hospital Saidu Sharif Swat on account of his willful absence from duty w.e.f. 01.11.2022. His absence period is treated without pay.

Sd/-
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.

No. 7182-86 /E.II, Dated Peshawar. the 26/02/2024

Copy forwarded to the: -

01. Medical Supdt. Saidu Group of Teaching Hospital Swat.
 02. District Account Officer Swat.
Registered/AD.
 03. Mr. Abid Ali S/O Muhammad Ismail Mohalla Malalay Village Dakorak
Post Office and Tehsil Charbagh District Swat.
 04. DA-concerned, DGHS office Peshawar.
 05. Nursing promotion Cell DGHS KP Peshawar.
- For information and necessary action.

Sd/-
DIRECTOR GENERAL HEALTH
SERVICES, KPK, PESHAWAR.

7/23/10/2023

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

SERVICE APPEAL NO. 853/2024

Abid Ali.....Appellant

Versus

Government of Khyber Pakhtunkhwa & othersRespondents

Affidavit

I, Dr. Muhammad Saleem, Director General Health Services, Khyber Pakhtunkhwa, Peshawar, under the directions of the Competent Authority, do hereby solemnly affirm that the contents of the parawise Comments on behalf of answering respondent are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court. It is further stated on oath that in this appeal, the answering respondent has neither been placed ex-parte nor their defense has been struck off / costs.

Deponent



**(Dr. Muhammad Saleem)
Director General Health Services
Khyber Pakhtunkhwa, Peshawar**

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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

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AUTHORITY LETTER

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

Deponent

(Dr. Muhammad Saleem)

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