

16.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 08.06.2022 for the same as before.


Reader.

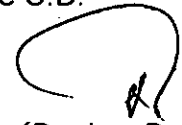
08.06.2022

Nemo for appellant. Lawyers are on strike.

File to come up alongwith connected Service Appeal No.7303/2021 titled Dr. Syed Sarwar Shah Vs. Government of Khyber Pakhtunkhwa on 28.07.2022 before S.B.


Appellant's Assessed
Security & Process Fee

16/6


(Rozina Rehman)
Member (J)

15.10.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 13.01.2022 before D.B.


(Rozina Rehman)
Member (J)

13.01.2022

Nemo for the appellant.

Security & process fee not deposit, therefore, notice be issued to appellant and his counsel for 16/03/2022 before S.B




(Atiq-Ur-Rehman Wazir)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7307 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2021	<p>The appeal of Dr. Arif Jamal resubmitted today by Mr. Habib Anwar 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> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Dr. Arif Jamal Medical Officer Tehsil Headquarter Hospital Banda Daud Shah Karak received today i.e. on 11.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the memo of appeal some texts are missing.
- 2- Check list is not attached with the appeal.


No. 1616 /S.T,

Dt. 12/08 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Habib Anwar Adv. Pesh.

*file re-submitted after removing both of
the above objections.*


20/08/2021.

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No. 7307 /2021.

Dr. Arif Jamal

Vs.

Government of KPK etc.

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Wakalatnama

HABIB ANWAR

Advocate High Court, Peshawar.

0336-9987282

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No. _____/2021.

Dr. Arif Jamal, Medical Officer (BPS-17), Tehsil Headquarter Hospital, Banda Daud Shah, Karak.

.....Appellant.

VERSUS

1. **Government of Khyber Pakhtunkhwa**,
Through Chief Secretary, Civil Secretariat, Peshawar.
2. **Government of Khyber Pakhtunkhwa**,
Through Secretary Health Department, Civil Secretariat, Peshawar.
3. **Government of Khyber Pakhtunkhwa**,
Through Secretary Finance Department, Civil Secretariat, Peshawar.
4. **Government of Khyber Pakhtunkhwa**,
Through Secretary Establishment Department, Civil Secretariat, Peshawar.
5. **Director General Health Services**, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
6. **Accountant General Khyber Pakhtunkhwa**, Peshawar.

.....Respondents

Service Appeal Under Section 4 of KP Service Tribunal Act.

Respectfully Sheweth,

Brief but relevant facts warranting this Appeal:

1. That the appellants herein are the regular employee of Health Department who is now posted at the positions duly mentioned in the heading of this appeal. Ever since appointment, the appellant is performing his duties to his zeal and zest and has never been complained of regarding his duties which the appellant is performing since entering into service.
2. Ever since 2011 the appellants along with other similarly placed employees of the province are getting Health Professional Allowance (herein-after referred to as HPA) which was enhanced in 2016 at various rates for various categories keeping in view the



category of hospitals and its locality. (*Copy of Notification Dated. 07.01/2016 is Annex-A*).

3. Prior to promulgation of the Medical Teaching Institutions Reforms Act of 2015 (hereinafter referred to as MTI Act), most of the sanctioned posts of health department were created in these MTIs which are available in all these MTIs even today, however, section 16 of the Act *ibid* granted them the status of deputationists and provide the MTIs to treat such civil servants in manner as provided under 11A of the Civil Servants Act 1973, for their future posting.
4. It is pertinent to mentioned here that the respondents have no any such *Surplus Pool Policy* in health department for handling such anomalies. Similarly, the concept of OSD is alien in health department. Thus, the treatment so inflicted upon the appellant, i.e. relieving health employees to Respondent No. 5 without sending the post back to the health department and thus keeping such employees without any further posting, that too, to the detriment of the appellant, in the form of deducting his HPA, is against all the principles of interpretation of a statute. This practice of relieving employees of health department without sending the incumbent post, is now seriously jeopardizing the smooth running of the respondent qua posting of its employees.
5. In the above backdrop, the appellant was relieved from MTI/ Khyber Medical College Hospital, Peshawar and vide **Order dated. 04.10.2019 (Annex-B)** his services were placed at the disposal of Respondent No. 5/ DGHS for further posting (*Annex-C*). In response, the appellant immediately submitted his arrival report. It is however due to above anomalous situations: the respondents were unable to find any vacant slot for the appellant. Thus, the appellant being so transferred, keep on knocking the doors of respondent No. 5 for his further posting but of no avail.
6. Consequent, after a delay of more than 4 months, **vide Notification dated. 06.02.2020 (Annex-D)**, the services of the appellant were placed at the disposal of DHO Karak for further posting at Type D Hospital, B.D. Shah Karak against a vacant post of Medical Officer.

7. On my posting, vide **application dated. 02.03.2020 (Annex-E)**, the appellant applied for regularizing his gap period for the purpose of drawl of pay and allowances whereupon, the services of the appellant were regularized on his existence post vide **Office Order dated. 06.04.2020 (Annex-F)** for pay purpose. However, his HPA was withhold vide the same order.
8. Although the appellant obeyed all his transfer and posting orders right from relieving order till his posting against the sanctioned post and left no stone un-turn till his posting at his current place of posting, by showing complete respect to all the orders of his competent authorities but, to his utmost dismay, **the respondents vide above order dated. 06.04.2020 deducted his HPA.** It is pertinent to mention here that the respondents have burdened the appellant due to their own inability as delay in posting is the sole liability of respondents.
9. The appellant requested the respondents that as his gap period has been regularized against the sanctioned/ vacant posts and as the appellant is now deemed to be in continuous service against the said sanctioned post even in gap period, thus, his HPA also be granted for their services against the said sanctioned post from period between **16.10.2019 till 06.02.2020** but the respondents are now illegally denying the same.
10. Thus, the appellant was constrained to file **Writ Petition No. 3218-P/2020 (Annex-G)** before the Hon`ble Peshawar High Court, Peshawar. However, the Hon`ble Court vide **Order dated. 21.04.2021 (Annex-H)** disposed of the matter, treated the petition as departmental appeal and sent the same to Respondent No. 5 for decision. Now after lapse of more than 3 months, as the respondents failed to respond his departmental appeal therefore, the appellant has now left with no other option except to approach this hon`ble tribunal on the grounds inter alia:

Ground:

- a. ***Because*** the Respondent, No. 5 vide Order dated 06.04.2020, regularized the gap-period of the appellant against a sanction vacant post for the purpose of drawl of pay for their period of waiting, thus, denying HPA during the same period is illegal, unlawful, without lawful authority and of no legal effect.

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- b. **Because** the respondents regularized the services of similarly placed employees, who were relieved in the like manner and further posted after certain gap-period. One such case is of Dr. Naik Dad, to whom HPA was allowed thus, denial of similar treatment to the appellant amounts to discrimination and as such violation of Article 4 & 25 of the Constitution of Islamic Republic of Pakistan.
- c. **Because** the appellant obeyed all orders quo his relieving/ transfer/ posting, made by respondents although belatedly thus, the appellant cannot be penalized for the fault of Respondents by delaying his posting order.
- d. **Because** the appellant never agitated for his relieving/ posting nor so relieved/ transferred as a result of any fault on his part, rather it is the petitioner who time and again requested respondent no. 5 for his posting which was never listened to.
- e. **Because** the Notification dated 07.01.2016, on the very face of it, is a beneficial/ remedial instrument, admissible to the appellant at a rate commensurable to the hospital where he is posted and the area where the said hospital is located and as the services of the appellant is regularized against the named hospital, thus, he is entitled to HPA as per rate applicable and admissible to other employees placed/ posted in such hospitals.
- f. **Because** regularizing the gap-period against the sanctioned vacant post at a given place, entitled the appellant for grant of HPA during the regularized period of his services, which has not been so intended to denied with vide the notification of 07th January 2016, thus, denying the same to the appellant, being front-liner in the global pandemic of Covid 19, is against any rhyme, reason and logic.
- g. **Because** the posting of the appellant is the prerogative of health department and thus, as the respondents made default/ delay in posting his employee, therefore, employees/ appellant cannot be punished for the same.
- h. **Because** any office memo, circular or order so issued to the detriment of Notification of 7th January 2016, cannot restrict or put an embargo on the interpretation of ibid notification which is curative instrument in its very form and substance. Thus, the appellant is allowed to HPA as allowed to one Dr. Naik Dad Khan dealt with as such, a month prior from the appellant.
- i. **Because** the appellant is entitled to HPA as per Notification of 7th January 2016 for the period between his relieving order and regularization of his service against a sanctioned/

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vacant post. Thus, denial of HPA to appellant during such period is unlawful, illegal and wrong and thus, cannot be allowed to remain in the field anymore.

- j. **Because** the Appellant seek leave to furnish further grounds at the main hearing of the instant Service Appeal.

In view of the aforesaid submissions, it is very humbly prayed that on acceptance of this Appeal, this Hon'ble Tribunal may graciously be pleased to:

To allow the departmental Appeal of the Appellant as prayed and thus direct the respondents to allow HPA during the period between 16/10/2019 till 06/02, 2020; and also Grant: Any other relief, not specifically prayed, may also graciously be granted, if appears just, necessary and appropriate.

Cost throughout



APPELLANT

Through



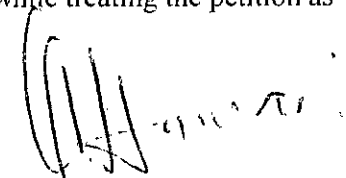
HABIB ANWAR

Advocate High Court, Peshawar.

CERTIFICATE

It is certified that no such Appeal has earlier been filed by the petitioner on this subject matter before this or any other Hon'ble Court.

Take note that the Writ Petition so filed before the hon'ble Peshawar High Court Peshawar, on same subject-matter, has already been disposed of while treating the petition as departmental appeal



Counsel

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No. _____/2021.

Dr. Arif Jamal

Vs.

Government of KPK etc.

AFFIDAVIT

I, Dr. Arif Jamal, Medical Officer (BPS-17), Tehsil Headquarter Hospital, Banda Daud Shah, Karak., do hereby solemnly affirm on Oath that the contents of this Writ Petition are true and correct to the best of my knowledge and belief and that nothing has been kept concealed from this honorable court.



Deponent

CNIC No.

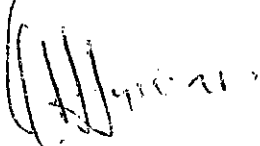
14203-2991193-3

Cell No.

0333-9604773

Handwritten signature and date: 9-8-21

Identified by:



Habib Anwar

Advocate, Peshawar.

7

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re: Service Appeal No. _____/2021.

Dr. Arif Jamal

Vs.

Government of KPK etc.

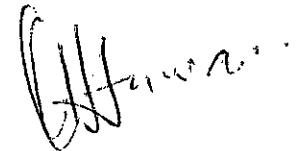
Addresses of the Parties:

A. Appellant:

Dr. Arif Jamal, Medical Officer (BPS-17), Tehsil Headquarter Hospital, Banda Daud Shah, Karak.

B. Respondents:

1. **Government of Khyber Pakhtunkhwa,**
Through Chief Secretary, Civil Secretariat, Peshawar.
2. **Government of Khyber Pakhtunkhwa,**
Through Secretary Health Department, Civil Secretariat, Peshawar.
3. **Government of Khyber Pakhtunkhwa,**
Through Secretary Finance Department, Civil Secretariat, Peshawar.
4. **Government of Khyber Pakhtunkhwa,**
Through Secretary Establishment Department, Civil Secretariat, Peshawar.
5. **Director General Health Services,** Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
6. **Accountant General Khyber Pakhtunkhwa,** Peshawar.



HABIB ANWAR

Advocate High Court, Peshawar.

0336-9987282



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 07/01/2016

NOTIFICATION

No.FD(SOSR-II)8-18/2016. In continuation of this Department Notification of even number dated 06/08/2011, the Provincial Cabinet of Khyber Pakhtunkhwa has been pleased to accord approval to the incentive for doctor (All the following cadres) excluding those working in MTIs on the basis of territory (Districts declared as Category A, B & C) / unattractive / attractive specialties and enhanced the Health Professional Allowance as under to ensure presence of doctors at all levels of health facilities, which is mandatory for the provision of minimum health services to the people of Khyber Pakhtunkhwa w.e.f. 01/01/2016:-

Cadre	Existing rates of HPA	Districts					
		Category-A		Category-B		Category-C	
Districts Specialists, Non-attractive specialties (radiology, Pathology, Anaesthesia)	Rs.10,000/-	Rs.80,000/-		Rs.100,000/-		Rs.140,000/-	
Districts Specialists, Attractive specialties	Rs.10,000/-	Rs.60,000/-		Rs.80,000/-		Rs.100,000/-	
Health Managers	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Rs.56,000/-		Rs.76,000/-		Rs.96,000/-	
Medical officer / Dental surgeon	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Urban	Rural	Urban	Rural	Urban	Rural
		42,000	52,000	62,000	72,000	82,000	92,000

The categorization of districts on the basis of hard to reach area, geographic terrain, security situation and lack of development and infrastructure shall be as under:-

Districts Category-A

1. Peshawar
2. Abbottabad

Districts Category-B

3. Nowshera
4. Swat
5. Kohat
6. Mardan
7. Bannu
8. Charsadda
9. Dera Ismail Khan
10. Dir Lower
11. Haripur
12. Mansehra
13. Malakand
14. Swabi

Districts Category-C

15. Buner
16. Battagram
17. Chitral
18. Dir Upper
19. Hangu
20. Karak
21. Kohistan
22. Lakki Marwat
23. Shangla
24. Tank
25. Torgar

The districts are internally further segregated into urban and rural settings for awarding incentives to ensure health services delivery in far flung and hard areas within districts.

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- 2 -

The above enhanced Health Professional Allowance will be admissible subject to the following conditions:

- i. The existing allowances for doctors (Anaesthesia allowance in district hospital hard & hardest. Special package / incentives at Civil Hospital gar Habibullah Mansehra, incentives allowance to Gynaecologist and lady doctors at Districts Batagram Kohistan, Hangu, Tank, Buner, Dir Upper, Dir Lower, Shangla and Chitral) shall be discontinued except Non-practicing Allowance.
- ii. Will be admissible only during their period of posting against the sanctioned posts at Health Department.
- iii. Will not be admissible during earned leave, study leave & extra ordinary leave except casual leave.
- iv. Shall not be treated as part of emoluments for the purpose of calculation of pension and recovery of House Rent etc.
- v. Shall not be admissible to the employees posted/deputed outside the Health Department.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action is forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director FMIU, Finance Department.
4. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
5. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
6. The All the District Accounts Officers in Khyber Pakhtunkhwa.
7. The Treasury Officer, Peshawar.
8. Budget Officer-VI, Finance Department


(WAZIR MUHAMMAD AFGAR)
SECTION OFFICER (SR. II)



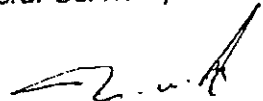
KHYBER MEDICAL COLLEGE PESHAWAR
OFFICE OF THE DEAN

10 B
091-9222162
091-9222163
principal@kmc.edu.pk
dean@kmc.edu.pk

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Dated: 4/10/2019

NOTIFICATION:

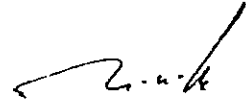
No. 8901 /Estt/KMC; In pursuance of the Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act, 2015 (Amended 2018); the contract period in respect of Dr. Arif Jamal S/O Muhammad Jamal Khan, Demonstrator/MO (Civil servant), Department of Pharmacology, KMC for a period for 03 years is expiring on 16-10-2019 (AN), therefore, he is repatriated to Director General Services, Govt. of Pakhtunkhwa for further posting.


DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR

No. 8902-10 /Estt/KMC

Copy to:-

1. The Secretary Health, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General Khyber Pakhtunkhwa Peshawar.
3. The Director General Health Service, Khyber Pakhtunkhwa, Peshawar.
4. The Hospital Director (MTI), KTH Peshawar.
5. The Chairman Department of Pharmacology, KMC, Peshawar.
6. The Director Finance KTH/KMC/KCD, Peshawar.
7. The Accounts Officer, KMC.
8. The Secretary to Chairman BoG (MTI) KTH/KMC/KCD, Peshawar.
9. The doctor concerned.


DEAN
KHYBER MEDICAL COLLEGE
PESHAWAR



Dated Peshawar the 06th October 2016

NOTIFICATION

No. SOH/SH-II/5-50/2016: On recommendations of the Departmental Selection Committee of Khyber Medical College Peshawar, the following doctors are hereby posted as Demonstrator (BS-17) in different units of Khyber Medical College Peshawar with immediate effect for a period of three years, as provided under the Rules notified vide No. SOH (EV) 4-20/2009, dated 24.03.2009. On the expiry of their three years tenure, they shall stand automatically repatriated to the Director General Health Services, Khyber Pakhtunkhwa for further posting:

S#	Name of Doctor	From	To
1.	Dr Arif Jamal s/o Dr. Muhammad Jamal Khan MO (BS-17)	THQ Hospital Banda Daud Shah Karak	Demonstrator (BS-17) Pharmacology Department, KMC Peshawar.
2.	Dr. Muhammad Khalid s/o Muhammad Rehman MO (BS-17)	Forensic Medicine Department KMC Peshawar	Demonstrator (BS-17) Forensic Medicine & Toxicology Department, KMC Peshawar.
3.	Dr. Anwar Ali s/o Dr. Qamar Ali, MO, (BS-17)	Forensic Medicine Department KMC Peshawar	Demonstrator (BS-17) Forensic Medicine & Toxicology Department, KMC Peshawar
4.	Dr. Mohammad Inam Marwat s/o Muhammad Akram, MO, BS-17	Provincial Health Services Academy Peshawar	Demonstrator (BS-17) Community Medicine Department, KMC Peshawar
5.	Dr. Muhammad Haroon s/o Jan Muhammad, MO, BS-17	LRH Peshawar	Demonstrator (BS-17) Anatomy Department, KMC Peshawar.
6.	Dr. Fazlina Shanid D/O Gul Shahid Khan, WMO, BS-17	KTH Peshawar	Demonstrator (BS-17) Physiology Department, KMC Peshawar

NOTE: Provided that in future they shall not claim experience as Demonstrator (BS-17) but only administrative and teaching experience.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Ends: of even number & date

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. Hospital Director, KTH/LRH, Peshawar.
4. Director PHSA, Peshawar.
5. DHO Karak.
6. District Accounts Officer, Karak.
7. Deputy Director (IT), Health Department Peshawar.
8. PS to Secretary Health, Khyber Pakhtunkhwa.
9. PA to Deputy Secretary-I, Health Department.
10. Doctors concerned


(Jibreel Raza)

To

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.


Through: Proper Channel

Subject: ARRIVAL REPORT (CERTIFICATE OF TRANSFER OF CHARGE)

Respected Sir,

I Dr. Arif Jamal S/O Prof. Dr. Muhammad Jamal Khan was serving as a Demonstrator from 17/10/2016 to 16/10/2019 and as per order No. 6263/Estt/KMC, dated 04-10-2016 by Dean, Khyber Medical College, Peshawar. After completion of 03 years on 16/10/2019 (AN) Notification No. 8901/Estt/KMC, dated: 04-10-2019 hereby accept my arrival report.

Dated: 16-10-2019


DR. ARIF JAMAL
Medical Officer (BPS-17),
Health Department, KPK,
Peshawar

34382
16/10/19
16/10/19
Physically
appeared.
Propose at the
DHO - Karak
disposal.
Put up on
note.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

5

7

Dated Peshawar the 06th February 2020

12

NOTIFICATION

No.SO(E)H-II/4-1/2019/P Upon completion of TMOship, the following doctors, awaiting for posting are hereby posted as mentioned against their names with immediate effect in the public interest:

Sr. No.	Name of Doctor	Proposed Place of Posting
1.	Dr. Sharif Ullah, S/O Abdur Rahim, MO (BS-17)	MO, BS-17 DHQ Hospital Lakki Marwat.
2.	Dr. Naveed Danish S/O Abdul Qadoos, MO(BS-17)	Services placed at the disposal of DHO Nowshera for further posting against the vacant post of Medical Officer, BS-17
3.	Dr. Shabeena Naz D/O Muhammad Nawaz, WMO (BS-17)	Services placed at the disposal of DHO Haripur for further posting against the vacant post of WMO, BS-17
4.	Dr. Farooq Khan S/O Shaheen Khan, MO (BS-17)	Services placed at the disposal of DHO Swat for further posting against the vacant post of MO, BS-17
5.	Dr. Sardar Alam, MO, BS-17	DHQ Hospital Batkhela against the vacant post of SMO (BS-18) In his own pay and scale.
6.	Dr. Kamran Alamgir S/O Alamgir Khan , MO, BS-17	Services placed at the disposal of Director Health Services Merged Areas, Peshawar for further posting against the vacant post of MO, BS-17
7.	Dr. Mohammad Iqbal S/O Jan Mohammad , MO, BS-17	Services placed at the disposal of Director Health Services Merged Areas, Peshawar for further posting against the vacant post of MO, BS-17
8.	Dr. Saira Maab D/O Husn- ul-Maab, WMO, BS-17	Services placed at the disposal of DHO Swat for further posting against the vacant post of WMO, BS-17
9.	Dr. Sofia Shah D/O Zahir Shah ,WMO, BS-17.	Services placed at the disposal of DHO Malakand for further posting at THQ Hospital Dargal Malakand against the vacant post of WMO, BS-17
10.	Dr. Hania Akbar , WMO, BS-17	Services placed at the disposal of DHO Abbottabad for further posting against the vacant post of WMO, BS-17
11.	Dr. Kausar Robeen, WMO, BS-17	Type-D Hospital Agra Malakand against the vacant post of District Specialist (Gynae) BPS-18 In her own pay scale.
12.	Dr. Sadia Sajeed, WMO, BS-17	DHQ Hospital Nowshera against the vacant post of WMO BS-17.
13.	Dr. Rizwan Ullah S/O Ihsan Ullah, MO, BS-17	Services placed at the disposal of DHO Swat for further posting against the vacant post of MO, BS-17
14.	Dr. Rahid Ullah S/O Habib Ullah, MO, BS-17	Services placed at the disposal of DHO Hangu for further posting against the vacant post of MO, BS-17

35	Dr. Javed Khan S/O Rahat MO (BS-17)	MO, BS-17 DHQ Hospital Daggar Buner
36	Dr. Abrar-ud-Din S/O Shahab-ud-Din, MO (BS-17)	DHQ Hospital Timergara against the vacant post of District Specialist Nephrology BS-18 In his own pay and scale
37	Dr. Noor-ul-Hadi S/O Munda Khan, MO (BS-17)	Services placed at the disposal of DHO Swat for further posting against the vacant post of MO, BS-17
38	Dr. Faris Taj D/O Taj Wali Khan, WMO (BS-17)	WMO, BS-17 Category-D Hospital Sahbaz Garhi Mardan
39	Dr. Tariq Saleem Khan S/O Saleem Khan, MO (BS-17)	Services placed at the disposal of DHO Malakand for further posting against the vacant post of MO, BS-17
40	Dr. Rizwan Ahmad S/O Afsar Khan, MO (BS-17)	Services placed at the disposal of DHO Mardan for further posting against the vacant post of MO, BS-17
41	Dr. Zahoor Khan S/O Amir Hassan, MO (BS-17)	MO, BS-17 THQ Hospital Takht Bhai Mardan
42	Dr. Mohammad Fayaz S/O Hamdi Akbar, MO (BS-17)	MO, BS-17, DHQ Hospital Daggar Buner
43	Dr. Hakim Sawab S/O Amir Sawab, MO (BS-17)	MO, BS-17 DHQ Hospital Daggar Buner.
44	Dr. Omer Quddus MO (BS-17)	MO, BS-17 King Abdullah Teaching Hospital Mansehra.
45	Dr. Noor Shad, WMO (BS-17)	Services placed at the disposal of DHO Bannu for further posting against the vacant post of WMO, BS-17
46	Dr. Anatheeta Israr D/O Muhammad Israr, WMO (BS-17)	Services placed at the disposal of DHO Mardan for further posting against the vacant post of MO, BS-17
47	Dr. Azeeta Israr D/O Muhammad Israr, WMO (BS-17)	Services placed at the disposal of DHO Mardan for further posting against the vacant post of MO, BS-17
48	Dr. Maryam Alam Khan D/O Muhammad Alam, WMO, BS-17	WMO, BS-17 DHQ Hospital Charsadda.
49	Dr. Asma Sadaf D/O Mukhtar All, WMO, BS-17	Services placed at the disposal of DHO Charsadda for further posting against the vacant post of WMO, BS-17
50	Dr. Ayesha Rehman D/O Inayatullah Rehman, WMO, BS-17	Services placed at the disposal of DHO Abbottabad for further posting against the vacant post of WMO, BS-17
51	Dr. Huma Khan D/O Munshi Khan, WMO, BS-17	Services placed at the disposal of DHO Abbottabad for further posting against the vacant post of WMO, BS-17
52	Dr. Sadia Gulzar D/O Gulzar Khan, WMO, BS-17	She may be posted at the disposal of DHO Abbottabad for further posting against the vacant post of WMO, BS-17.
53	Dr. Arif Jamal, MO, BS-17	Services placed at the disposal of DHO Karak for further posting at Type-D Hospital B.D.Shah Karak against the vacant post of MO, BS-17
54	Dr. Hamda Shah D/O Roan Shah, WMO, BS-17	Services placed at the disposal of Director Health Services Merged Areas Peshawar for further posting against the vacant post of WMO, BS-17
55	Dr. Arshad Hussain S/O Akbar Hussain, MO, BS-17	Services placed at the disposal of DHO Abbottabad for further posting against the vacant post of WMO, BS-17

14

[Handwritten signature]
16/11/2020

56	Dr. Syed Muhammad Obaid S/O Syed Muhammad Tariq, MO, BS-17	MO, BS-17, DHQ Hospital Mardan
57	Dr. Haroon Khan S/O Jehangir Khan, MO, BS-17	Services placed at the disposal of Director Health Services Merged Areas Peshawar for further posting against the vacant post of MO, BS-17
58	Dr. Awais ur Rehman MO, BS-17	MO, BS-17, Nawaz Sharif Kidney Hospital Swat.
59	Dr. Abdur Rehman S/O Abdul Wakeel, MO, BS-17	MO, BS-17, Cat-D Hospital Gara Tajak Peshawar.

Furthermore, the competent authority is pleased to transfer Dr. Mustafa Kamal s/o Kamal Khan, Medical Officer, BS-17 from RHC Kot Najibullah Haripur and to post him at DHQ Hospital Haripur against the vacant post of Medical Officer, BS-17 with immediate effect in the best public interest.

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. of even No. & Date.

Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Director Health Services Merged Areas, Peshawar.
4. Medical Superintendent DHQ Hospital concerned.
5. District Health Officer concerned.
6. DAO concerned.
7. PS to Secretary Health Khyber Pakhtunkhwa.
8. Doctors concerned.

[Signature]
Section Officer (E-I)

To

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Through: Proper Channel

Subject: REGULARIZATION FROM 16th OCTOBER, 2019 TO 6th FEBRUARY, 2020 (AN)

Respected Sir,

With due respect it is stated I (Dr. Arif Jamal S/O Prof. Dr. Muhammad Jamal Khan) was appointed as a Medical Officer in Health Department on 25th October, 2011 via Notification No.SO(E)H-II/3-18/2011 and have worked as a Medical Officer at BHU Zaragandi District Karak.

After that I was transferred to THQ Hospital B.D. Shah District Karak via Notification No.SO(E)H-II/4-1/2014 dated 25th June, 2014. I worked there as a Medical Officer in THQ Hospital B.D. Shah District Karak from 15th July, 2014 to 17th October, 2016.

After that I was selected as Demonstrator in Department of Pharmacology Khyber Medical College Peshawar by Departmental Selection Committee Khyber Medical College. I joined and worked as Demonstrator in Department of Pharmacology Khyber Medical College Peshawar after approval from Health Department via Notification No.SO(E)H-II/5-50/2016 dated 6th October, 2016 for a period of three years on deputation basis. On the expiry of three years tenure on 16th October, 2019, I was repatriated to Director General Health Services on 4th October, 2019 via Notification No.8901/Estt/KMC.

I submitted my Arrival report in Director General Health Services on 16th October, 2019 {Afternoon (AN) copy attached} and then I have been posted at Type-D Hospital B.D. Shah District Karak against the vacant post of Medical Officer (MO), BS-17 via order No.SO(E)H-II/4-1/2019/P dated 6th February, 2020. I assume my duty as Medical Officer at Type-D Hospital B.D. Shah District Karak on 07 February, 2020 {Forenoon (FN)}.

It is therefore requested that my waiting period (16th October, 2019 A/N to 06 February, 2020 A/N) for posting be regularized and the salary for the said mention period may kindly be processed and released.

Thanking you in anticipation.

Your's Obediently,

Date: 02 March, 2020

Dr. Arif Jamal

Medical Officer (BPS-17) THQ Hospital
Banda Daud Shah District Karak
Khyber Pakhtunkhwa Health Department

*Forwarded to DHO Karak
for necessary action please -*

Am
02/03/2020
Medical Superintendent
THQ Hospital B.D. Shah
Karak



**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. E-Mail Address: kgshs@peshawar.gov.pk
Warsak Road Peshawar

OFFICE ORDER

The gap/waiting period for posting w.e from 16.10.2019 to 06.02.2020 in r/o Dr. Arif Jamal MO (BPS-17) Type "D" Hospital Banda Daud Shah (District Karak) is hereby regularized against his existing post, for the purpose of drawal of pay without HPA.

Sd/xxxxxxxxxxxx
DIRECTOR GENERAL HEALTH
SERVICES, Khyber Pakhtunkhwa
PESHAWAR


No. 4502-04/E-I,

Dated Peshawar the: 06/04/2020

Copy forwarded to the:

1. DHO, Karak.
2. DAO, Karak.
3. Doctor concerned.

For information and necessary action.


Addl: DIRECTOR GENERAL (H.R.M)
DIRECTORATE GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWAPESHAWAR

3/4/2020

6
18

IN THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 3218P/2020

CRH
re-employment

GHAME

CRH

KMC

FILED TODAY
Deputy Registrar
13 JUL. 2020

- 1. Dr. Jalal Mohyuddin, Senior Medical Officer (BPS-18), at the disposal of Director General Health Services, Health Directorate, Khyber Pakhtunkhwa, Khyber Road Peshawar.
- 2. Dr. Syed Sarwar Shah, Principal Dental Surgeon (BPS-19), Type D Hospital Gara Tajak Peshawar.
- ✓ 3. Dr. Wali Khan, Senior Medical Officer (BPS-18), Police Services Hospital Peshawar.
- ✓ 4. Dr. Muhammad Sohail Khattak, Senior Medical Officer (BPS-18), at Director Health Services Merged Districts, Peshawar.
- ⇐ 5. Dr. Muhammad Shakeel, Senior Medical Officer (BPS-18), Instructor, Post Graduate Paramedics Institute, Dauranpur Peshawar.
- ⇐ 6. Dr. Adnan Taj, Director Curative (BPS-19), at Director General Health Services, Health Directorate, Khyber Pakhtunkhwa, Khyber Road Peshawar.
- ✓ 7. Dr. Dost Muhammad, Medical Officer (BPS-17), District Headquarter Hospital Charsadda
- ✓ 8. Dr. Arif Jamal, Medical Officer (BPS-17) at THQ, Banda Daud Shah, Distt. Karak.....**Petitioners**

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Govt. of Khyber Pakhtunkhwa through Secretary, Finance Department Peshawar.
- 3. Govt. of Khyber Pakhtunkhwa through Secretary, Health Department Peshawar.
- 4. Director General, Health Services Khyber Pakhtunkhwa Peshawar.
- 5. Govt. of Khyber Pakhtunkhwa through Secretary, Establishment Department Peshawar.
- 6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
.....**Respondents**

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE.

19

Prayer In Writ Petition:-

On acceptance of this writ petition, an appropriate writ may please be issued declaring the impugned Office Orders dated 20-01-2020, 20-12-2019, 07-10-2019, 10-02-2020 and other orders issued in respect of petitioners to the extent of regularizing the gap/waiting for posting period of the petitioners without Health Professional Allowance, as illegal, unlawful, without lawful authority, discriminatory and of no legal effect, thereby setting aside the same and directing respondents to regularize the gap/waiting for posting period of the petitioners with Health Professional Allowance thereby allowing them Health Professional Allowance of the gap/waiting for posting period.

Any other remedy not specifically asked for and deemed appropriate in the circumstances case may also be granted in favor of the petitioners.

Respectfully Submitted:-

1. That the petitioners are the regular employees of the Health Department, Khyber Pakhtunkhwa who are serving on various positions in BPS-17 and above, duly mentioned in the heading of the petition. Since appointment petitioners have performed their duties with honesty and full devotion and to the entire satisfaction of their high ups.
2. That since 2011 the petitioners along with other employees of the Federal and provincial Govt. are granted Health Professional Allowance (herein after referred to as HPA) on fixed rate which was enhanced vide Notification dated 07-01-2016 at various rates for various categories of hospitals and areas. **(Copy of Notification dated 07-01-2016 is enclosed as Annexure A).**
3. That petitioner No 1 while posted at LRH (MTI) Peshawar, as SMO (BPS-18) was placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, petitioner No 2 while posted at LRH (MTI) as Principal Dental Surgeon (BPS-19) was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, petitioner No 3 while posted at LRH (MTI) Peshawar as Senior Medical Officer (BPS-18) was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, petitioner No 4 while posted at LRH (MTI) Peshawar as Senior Medical Officer (BPS-18) was transferred and his services were placed at the disposal of Director General Health Services Khyber

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13 JUL 2020

20

Pakhtunkhwa Peshawar for further posting, petitioner No 5 while posted at Nowshera Medical College MTI as Senior Medical Officer (BPS-18) was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, petitioner No 6 while posted as Chief Health Sector Reforms Unit at Directorate of Health Services, erstwhile FATA was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar for further posting, while petitioner No. 7 posted at LRH (MTI) Peshawar was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar, while petitioner No 8 Dr. Arif Jamal (BPS-17) was posted as Demonstrator Khyber Medical College, Peshawar and was transferred and his services were placed at disposal of Director General Health Services Khyber Pakhtunkhwa Peshawar.

4. That it is pertinent to mention here that there is no concept of OSD posts in the Health Department but even then services of the petitioners were placed at the disposal of Director General Health Services in violation of law and rules on the subject.

5. That the petitioners time and again approached respondents through written applications for their further posting but to no avail. **(Copies of Applications are enclosed as Annexure B).**

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13 JUL 2020

6. That the petitioners were at last transferred and posted at various positions after various time period from the DGHS KP Peshawar.

7. That after being posted, the gap/waiting for posting period of the petitioners was regularized for the purpose of pay but without Health Professional Allowance vide various Office Orders against sanction positions of the health department. **(Copies of Office Orders are enclosed as Annexure C).**

8. That the petitioners requested respondents through written applications for revision of the impugned Office Orders thereby regularizing their gape/waiting for posting period with Health Professional Allowance but they were denied the same. **(Copies of Applications are enclosed as Annexure D).**

9. That the impugned Office Orders are illegal, unlawful, without lawful authority and of no legal effect and the petitioners having no other efficacious and alternate remedy, approach this honorable Court by invoking its Constitutional Jurisdiction on the following, amongst other grounds:-

GROUNDS:

- A. That the impugned Office Orders to the extent of regularizing the gap/waiting for posting period of the petitioners without Health Professional Allowance are illegal, unlawful, without lawful authority and of no legal effect, hence needs the interference of this honorable Court.
- B. That the petitioners are denied treatment in accordance with law in violation of Article 4 of the Constitution and law of the land.
- C. That there is no omission or commission on part of the petitioners and they cannot be punished for the fault of others if any.
- D. That petitioners never requested for their transfer nor they were transferred in consequent to any fault on their part rather they time and again approached respondents for their further posting but they were not listened to.
- E. Those even otherwise respondents misinterpreted the Notification dated 07-01-2016, as petitioners even then were posted in Health Department and were awaiting their further posting.
- F. That for reasons other than fair and legal, the said Notification dated 07-01-2016 was misinterpreted by another impugned Notification bearing No: SOB-1/HD/5-7/Allowances/vol-VII; dated: 19-09-2019 by the Health Secretariat to the DGHS KP Peshawar.
- G. That the action of respondents and the impugned letter dated 19-08-2019 is discriminatory as prior to the said letter the HPA was admissible to the all employees for the gape/waiting for posting period. Even about a month prior to this letter dated: 19-09-2019 the HPA was allowed to DR Nek dad Khan BPS-18 for the gape/waiting for posting period vide Letter dated 27-08-

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13 JUL 2020

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2019. (Copy of Letter dated 27-08-2019 is enclosed as Annexure E)

- H. That posting is the prerogative of the Health Department and the employee(s) could not be punished for the same.
- I. It is pertinent to mention that HPA was not deducted for gap/waiting for posting period from all other doctors and employees before 19-09-2019 since issuance of original notification of HPA from Finance Department KP dated 07-01-2016.
- J. That the petitioners seek the permission of this honorable Court for additional grounds at the time of arguments.

It is therefore prayed that writ petition of the petitioners may kindly be accepted as prayed for.

Any other relief deemed appropriate in circumstances of the case and not specifically asked for may also be granted in favor of the petitioners.

Dated:-20-06-2020

Petitioners
Through

Fazal Shah Mohmand
Advocate Supreme Court


LIST OF BOOKS

1. Constitution 1973.
2. Other Books as per need

Certificate

Certified that as per instructions of my clients, no Writ petition on the same subject and between the same parties has been filed previously or concurrently before this honorable Court.


ADVOCATE

FILED TODAY

Deputy Registrar
13 JUL 2020

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
21.04.2021	<p><u>WP No. 3218-P of 2020</u></p> <p>Present: Mr. Fazal Shah Mohmand, advocate, for the petitioners.</p> <p>Mr. Shumail Ahmad Butt, AG and Syed Sikandar Hayat Shah, AAG, for the respondents.</p> <p style="text-align: center;">*****</p> <p><u>QAISER RASHID KHAN, CJ.</u>- The petitioners Dr. Jalal Mohyuddin and four others have prayed as under;</p> <p style="text-align: center;">“On acceptance of this writ petition, an appropriate writ may please be issued declaring the impugned office orders dated 20.1.2020, 20.12.2019, 07.10.2019, 10.02.2020 and other orders issued in respect of petitioners to the extent of regularizing the gap/waiting for posting period of the petitioners without Health Professional allowance as illegal, unlawful, without lawful authority, discriminatory and of no legal effect, thereby setting aside the same and directing respondents to regularize the gap/waiting for posting period of the petitioners with Health Professional Allowance thereby allowing them Health Professional</p>

H
23

“younas”

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan, CJ
Hon'ble Mr. Justice S.M. Attique Shah, J

24

Allowance of the gap/waiting for posting period".

2. On the previous date of hearing, comments were sought from the respondents but the same have not been submitted. Accordingly, the learned Advocate General present in the court in some other matters when put on notice about the failure of the respondents to do the needful, raised a preliminary objection viz the maintainability of the present petition and states the relief sought by the petitioners squarely falls within the terms and conditions of their service.

3. Such being the position, in view of the explicit bar contained in Article 212(2) of the Constitution of the Islamic Republic of Pakistan, 1973, this court lacks jurisdiction to adjudicate upon the matter in hand. However, in view of the request made by the learned counsel for the petitioners, this writ petition is treated as a departmental appeal and sent to the Director General Health Services, Government of Khyber Pakhtunkhwa to decide the same within a month after the receipt of the judgment of this court and thereafter the petitioners may have recourse to the

"younas"

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan, CJ
Hon'ble Mr. Justice S.M Attique Shah, J

25

proper remedy available to them under the law. The office is directed to send this petition to the aforesaid authority by retaining a copy thereof for record. This petition stands disposed of in the above terms.

Announced
21.04.2021



CHIEF JUSTICE



JUDGE

"younas"

(DB) Hon'ble Mr. Justice Qaiser Rashid Khan, CJ
Hon'ble Mr. Justice S.M. Anique Shah, J

To

The Director General Health Services,
Khyber Pakhtunkhwa Peshawar.

Through: Proper Channel

Subject: FOR APPROVAL AND RELEASE OF HPA FROM 16th OCTOBER, 2019 TO 6th FEBRUARY, 2020

Respected Sir,

With due respect it is stated I (Dr. Arif Jamal S/O Prof. Dr. Muhammad Jamal Khan) was appointed as a Medical Officer in Health Department on 25th October, 2011 via Notification No.SO(E)H-II/3-18/2011 and worked as a Medical Officer at BHU Zaragandi District Karak from October, 2011 to 14th July, 2020. Later, I was transferred to THQ Hospital B.D. Shah District Karak via Notification No.SO(E)H-II/4-1/2014 dated 25th June, 2014. I worked there as a Medical Officer in THQ Hospital B.D. Shah District Karak from 15th July, 2014 to 17th October, 2016.

After that I was selected as Demonstrator in Department of Pharmacology Khyber Medical College Peshawar by Departmental Selection Committee Khyber Medical College and worked as Demonstrator in Department of Pharmacology Khyber Medical College Peshawar as per approval of Health Department via Notification No.SO(E)H-II/5-50/2016 dated 6th October, 2016 for a period of three years on deputation basis and served KMC as demonstrator for three years tenure till October 16, 2019 (Before Noon). As per Notification No.8901/Est/KMC. Dated 4th October, 2019, I was repatriated to Director General Health Services to report for duty on October 16, 2019.

I submitted my Arrival report in Director General Health Services on 16th October, 2019 (After noon (copy attached) and then I have been posted at Type-D Hospital B.D. Shah District Karak against the vacant post of Medical Officer (MO), BS-17 via order No.SO(E)H-II/4-1/2019/P dated 6th February, 2020. I assume my duty as Medical Officer at Type-D Hospital B.D. Shah District Karak on 07 February, 2020 (Fore Noon).

In the light of the above facts, it is therefore requested that as a regular employee (Medical Officer) for more than 9 years in the Health Department, my HPA may kindly be approved and released for the said mention period (16th OCTOBER, 2019 TO 6th FEBRUARY, 2020). Your kind help and cooperation in this regard will be highly appreciated.

Thanking you in anticipation.

Date: 13 April, 2020

Your's Obediently

Dr. Arif Jamal
Medical Officer (BPS-17) THQ Hospital
Banda Daud Shah District Karak
Khyber Pakhtunkhwa Health Department

Forwarded to DHO Karak for necessary action please with the note that he is working against the sanctioned post of medical officer at THQ Hospital B.D. Shah Karak.
13/04/2020



**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 E-Mail Address K.P.Kdghs@yahoo.com

Warsak Road Kababian Peshawar

NO. 6401 /E-I

Dated: 12/5 /2020

27

To

The District Health Officer,
Karak

Subject:-

**APPLICATION FOR APPROVAL AND RELEASE OF HPA FROM
16.10.2019 TO 06.02.2020.**

I am directed to refer to your letter No. 1636-37/Admn dated 02.04.2020, on the subject noted above and to inform you that as per instructions of Finance Department Khyber Pakhtunkhwa HPA is admissible only during period of posting against the sanctioned post of Health Department.

Add: 12/5/20 DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH SERVICES
KHYER PAKHTUNKHWA PESHAWAR

7/11/5/2020



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 E-Mail Address K.P.K
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax #
NO. 10505 /E-I Dated: 16/7/2020

YES

28
/2020

To


The Secretary to Government of
Khyber Pakhtunkhwa Health Department,
Peshawar.

Subject:- **NOTIFICATION.**
Dear Sir,

I have the honour to state that Dr. Capt. Shad Ali BPS-20 (Management Cadre) was working as Addl. D.G (Admn) DGHS, office Peshawar. He has been transferred and directed to report to DGHS, KP Peshawar vide Notification No. SOH(HD)E-V/PT(MANGT/GEN/2020 dated 17.01.2020, and since that he is waiting for posting.

It is added that this Directorate General Health has already submitted his proposal for posting against the vacant post of CMO (BPS-20) Category "C" Hospital Lahor (Swabi) vide this Directorate General Health letter No. 6866/E-I dated 28.05.2020 (copy attached).

It is therefore requested to either post Dr. Capt. Shad Ali BPS-20 (Management Cadre) against the vacant post of CMO (BPS-20) Category "C" Hospital Lahor (Swabi) or adjust his pay against the vacant post of BPS-20 to release his family from financial pressure.


DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR
16/7/2020



**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 E-Mail Address K.P.Kdghs@yahoo.com
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax # 091-9210230

29

OFFICE ORDER

The waiting period for posting w.e from 01.04.2020 to 03.11.2020 in respect of Dr. Capt: Shad Ali (Management Cadre BPS-20) working against the post of CMO (BPS-20) THQ Hospital Lahor (District Swabi) is hereby regularized against his existing post for the purpose of drawal of pay without HPA.

Sd/xxxx
Director General Health Services
Khyber Pakhtunkhwa, Peshawar

No. _____/E-I,

Dated Peshawar the: ____/____/2020

Copy is forwarded to the:

1. District Health Officer, Swabi.
2. District Account Officer, Swabi.
3. Doctor concerned.

For information and necessary action.

[Signature]
16/11/2020
Additional Director General (HRM)
Directorate General Health Services
Khyber Pakhtunkhwa

[Signature]
16/11/2020



Dated Peshawar the 17th December, 2020

NOTIFICATION

NO. SOH(E-V)4-4/2020

The Competent Authority has been pleased to adjust salary (waiting for posting period) in respect of Dr. Shad Ali (Management Cadre BS-20) at Cat-C Hospital Chota Lahore District Swabi against the vacant post of CMO (BS-20) at the same hospital w.e.f 18.01.2020 to 03.11.2020 for the purpose of drawl of pay & allowances admissible during waiting for posting period.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. of even No. & Date.

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, Swabi,
4. District Accounts Officer, Swabi.
5. Deputy Director (IT), Health Department for uploading on official website.
6. PS to Secretary Health, Government of Khyber Pakhtunkhwa.
7. Doctor concerned.


(Latif Ur Rehman)
SECTION OFFICER (E-V)

17-12-20

E-1

30

31

**POWER OF ATTORNEY/VAKALATNAMA
IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

In Re: Service Appeal No. _____/2021.

Dr. Arif Jamal

Vs.

Government of KPK etc.

On behalf of APPELLANT.

I/ we the **APPELLANT** hereby appoint **Mr. Habib Anwar** Advocate in the above-mentioned case, to do all or any of the following acts, deeds things.

1. To appear, act, sign, record Statement and plead for me/us in the above-mentioned case in this court /Tribunal or any other Court /Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all proceedings, petitions, appeals, affidavits, and any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/Tribunal when it is called for hearing.
- c. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof, I/We have signed this power of Attorney/ Vakalatnama hereunder, the contents of which have been read/ explained to me us and fully understood by me/ us this 30th day of July 2021, at Peshawar.

Terms Accepted

Signature

Accepted & Attested

Habib Anwar

Advocate Peshawar High Court, Peshawar



DR. Arif Jamal

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, SB
PESHAWAR.

No.

(Reg)

APPEAL No. 7307 of 20²¹.

Dr. Arif Jamal

Appellant/Petitioner

Versus

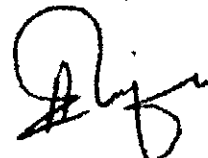
The Chief Secy: Civil Secretariat Peshawar

RESPONDENT(S)

✓ Dr. Arif Jamal, Medical
Notice to Appellant/Petitioner
Officer (BPS-17) Tehsil Headquarter Hospital
Banda Daud Shah Karak.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 16/3/2022 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

(For Process & Security fee)

