

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, D.I.KHAN

Service Appeal No.80/2018

Date of Institution ... 18.01.2018
Date of Decision ... 24.02.2021

Dr. Moiz Ahmed Shahkar, R/O Usmania Street, Kashmir Chowk, North
Circular Road, D.I.Khan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Civil
Secretariat Peshawar and three others.

... (Respondents)

Muhammad Abdullah Baloch,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

ROZINA REHMAN

... MEMBER (J)

ATIQU-UR-REHMAN WAZIR

... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : Brief facts of the case are that appellant did his M.B.B.S from Khyber Medical University Peshawar. He applied for post of Medical Officer advertised by the respondents' Department and he successfully passed test & interview and was appointed as Medical officer (BPS-17) on Adhoc Basis vide notification dated 12th January, 2017. In the meanwhile, Provincial Government of Khyber Pakhtunkhwa passed an Act "Khyber Pakhtunkhwa (Regularization of Services) Act, 2017" and services of the appellant were regularized on 9th June, 2017 where-after he took

charge on regular basis as Medical Officer. During this time, some of the candidates who had applied for the post of M.O alongwith the present appellant, filed a Writ Petition No.1818/2017 wherein they challenged their ineligibility for Adhoc appointment and during the pendency of the Writ Petition, comments were filed by the respondents' Department wherein it was mentioned that appointment order of the present appellant had been withdrawn and his services were terminated. He, therefore, approached the competent authority through departmental representation but in vain. He also approached the Hon'ble Peshawar High Court, Peshawar through Writ petition and the august Court was pleased to suspend the operation of impugned order. He then approached the Service Tribunal and Writ Petition was withdrawn.

2. Learned counsel for appellant argued that the respondents were having no authority to issue impugned order dated 23.08.2017 whereby services of the appellant as Medical Officer were canceled. He submitted that the appellant has fundamental rights of being treated in accordance with law but the treatment meted out to the appellant was not in accordance with law, therefore, the order dated 23.08.2017 is against law, facts, arbitrary and violative of Article 2-A & 25 of the Constitution of Islamic Republic of Pakistan, 1973. He argued that appellant was not heard and he was terminated without any reason. Lastly, he argued that it is the cardinal principle of natural justice and statutory requirement that before proceedings against any civil servant, who has been appointed after due process of law, proper inquiry like issuance of charge sheet/statement of allegation and show cause notice shall be served upon him but no such legal procedure was followed by the respondents in the present case.


3. Conversely, learned A.A.G argued that eligibility for the post of Medical Officer (BPS-17) requires permanent registration in P.M.D.C on the part of a candidate, which is issued after completion of House Job and that the appellant had not completed his House Job till the last date of submission of application. He submitted that his registration was purely provisional which made him ineligible for the post. He, therefore, requested for dismissal of instant appeal.

4. From the record, it is evident that appointment order of the appellant was withdrawn being based on shortage of 42 days in completion of House Job Training until the last date of receipt of application, whose services, however, were regularized by the time, and who served for more than a year with respondents. No doubt, he was appointed on Adhoc Basis but his services were regularized on 9th June, 2017 and this aspect of the case was not taken into consideration by the respondents who issued a simple order. It was noted that such order was issued without observance of codal formalities. Authorities were bound to issue show cause notice to the civil servant in that regard and if such notice had been issued, the civil servant might have come out with defense that his appointment was not illegal and that the illegality, if at all, had been committed by the respondents, for which action the civil servant could not be penalized. Show cause notice is mandatory even if an employee is a probationer and fair opportunity of defense is to be provided.

5. It is also worth to mention here that House Job Certificate was issued in favor of the present appellant which is available on file and which shows that appointment was whole time, paid and residential, so, the only deficiency for which the present appellant was blamed and later on

terminated, has also been made up. Now, there is nothing on file which could show any sort of deficiency on the part of the present appellant.

6. From the record, it is evident that appointment order of the appellant was issued on 12.01.2017 which was withdrawn on 23.08.2017. Appellant filed Writ Petition in the High Court and succeeded in getting stay order dated 13.10.2017 and on the strength of stay order, salaries were released until February, 2018. Later on, Writ Petition was also withdrawn and the present service appeal was filed. From order sheet dated 30.10.2019, it is evident that status-quo order was effective only till 04.07.2018 and due to inefficiency of the respondents' Department, the appellant kept performing his duties as Medical Officer. In the meanwhile, he also submitted an application for extraordinary leave and vide notification dated 5th August, 2019, sanction was accorded to the grant of 1825 days leave w.e.f 07.08.2018 in respect of Dr. Moiz Ahmad Shahkar, M.O (BS-17) attached to Civil Dispensary Madhran Kalan District D.I.Khan for the purpose of TMO ship. In a way, appellant was on the payroll of respondents despite the fact that his appointment was withdrawn on 23.08.2017.



7. We are of the considered opinion that appellant was appointed after observance of all codal formalities as he was holding the requisite qualifications but his order was withdrawn without invoking the mandatory provisions of law. The question of his 42 days shortage in House Job Training was ignored during his selection which was realized after filing of a Writ Petition by his co-competitors and for which appellant shall not suffer. Shortage of 42 days in his House Job is also noteworthy but other factors like his vested right over the post, his selection as per law and rules, and his continuance of service despite his withdrawal from service, weighs more.


8. In the circumstances, impugned order stands set aside and the present service appeal is accepted as prayed for. With no order as to costs. File be consigned to the record room.

ANNOUNCED.

24.02.2021



(Attiq ur Rehman Wazir)
Member (E)
Camp Court, D.I.Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

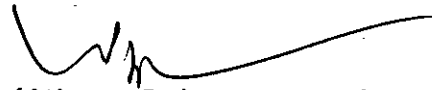
24.02.2021

Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General for respondent present.

Vide detailed judgment of today of this Tribunal placed on file, impugned order stands set aside and the present service appeal is accepted as prayed for. With no order as to costs. File be consigned to the record room.

Announced.
24.02.2021



(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I.Khan.

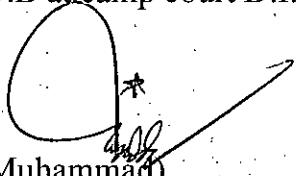


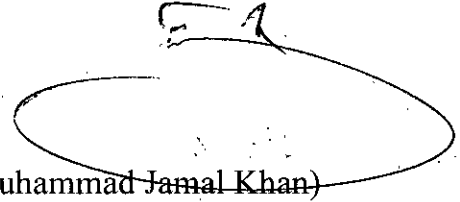
(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan.

29.10.2020

Junior to counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Hazrat Shah, SO for respondents are present.

Since the Members of the High Court as well as of the District Bar Association, D.I.Khan are observing strike today, therefore, the case is adjourned to 23.12.2020 for arguments before D.B at camp court D.I.Khan.


(Mian Muhammad)
Member (E)


(Muhammad Jamal Khan)
Member (J)
Camp Court D.I.Khan

*Due to covid, 19 case is
adjourned to 23/02/2021*


*On
Readn*


23.02.2021

Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Arguments heard. To come up for order on 24.02.2021 before D.B at Camp Court, D.I.Khan.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I.Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan


24/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 24/4/2020 at Camp Court, D.I Khan


Reader

20/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 24/9/2020 at Camp Court, D.I Khan

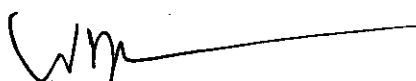

Reader


24.09.2020

Counsel for appellant present.

Mr. Muhammad Jan, learned District Attorney for respondents present.

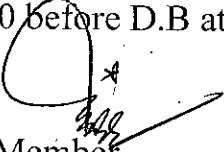
Former requests for adjournment as his client is not before the court; adjourned with direction to make sure the presence of appellant alongwith the judgment of the Hon'ble Peshawar High Court, Peshawar on 29.10.2020 before D.B at Camp Court D.I Khan.



(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

25.02.2020

Mr. Abdullah Baloch, Advocate appeared on behalf of the appellant and submitted fresh Wakalatnama which is placed on file. Mr. Ziaullah, Deputy District Attorney for respondents present. Learned counsel for the appellant seeks adjournment being freshly engaged. Adjourned. To come up for arguments on 24.03.2020 before D.B at camp court D.I.Khan.


Member



Member
Camp Court D.I.Khan

27.11.2019

Appellant absent. Learned counsel for the appellant absent. Father of the appellant present. Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant submitted application for withdrawal of Wakalat Nama of learned counsel for the appellant. The application is allowed and the Wakalat Nama submitted by Jehanzeb Mehsood Advocate in the present service appeal on behalf of appellant is hereby treated as withdrawn. Father of the appellant seeks adjournment. Adjourn. To come up for arguments on 28.01.2020 before D.B.

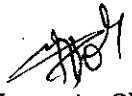
Father of the appellant submitted application for transfer of the present service appeal at Camp Court, D.I.Khan. The application alongwith case file be sent to the learned Chairman for appropriate order on the said application.



Member


Member

28.01.2020

Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani, District Attorney the respondents present. Adjourned to 25.02.2020 for further proceeding D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


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

15.10.2019

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Hazrat Shah Superintendent for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 30.10.2019 before D.B.

Member



Member

30.10.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present.

Certificate regarding completion of House Job ^{training} is not available on file. Learned counsel for the appellant seeks adjournment to furnish the same.

Learned District Attorney stated that despite termination of his services, the appellant is still performing the job of Medical Officer.

Perusal of file would show that order regarding maintenance of status-quo was effective only till 04.07.2018. This Tribunal was astonished to note that due to inefficiency of the respondent department, the appellant is still performing as Medical Officer.

Adjourn. To come up for further arguments on 27.11.2019 before D.B.



Member



Member

30/08/2019

Junior to counsel for the appellant present: Mr. Ziaullah, DDA for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 06.09.2019 before D.B. Interim relief in the shape of status-quo is no more in the field.

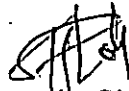
Member



Member

06/09/2019

Junior counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned counsel is not available today. Adjourned to 07.10.2019 for arguments before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member


07/10/2019

Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Adjournment requested. Adjourn. To come up for arguments on 15.10.2019 before D.B.


Member
Member

13.05.2019

Nemo for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Due to leave of the worthy Chairman the case is adjourned to 29.05.2019 for arguments before D.B.


(Hussain Shah)
Member

29.05.2019

Clerk to counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Clerk to counsel for the appellant again seeks adjournment.


In the present service appeal, status-quo order earlier issued till 04.07.2018 was not extended any further and as such the interim relief in the shape of status-quo is no more in field. Adjourn. To come for arguments on 16.07.2019 before D.B.

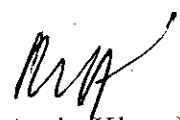

Member


Member

16.07.2019

Learned counsel for the appellant and Mr. Riaz Kahn Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 30.08.2019 before D.B.


(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

13.02.2019

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Hazrat Shah, Superintendent for the respondents present.


Parawise comments on behalf of respondents received which are placed on file. To come up for arguments on 30.04.2019 before the D.B. The appellant may submit rejoinder within a fortnight, if so advised.



Member


Chairman

30.04.2019

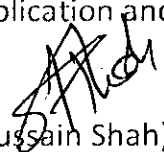
Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. In the ~~present~~ service appeal status quo order was issued till the next dated fixed as 04.07.2018 but the same was not extended any further. ~~Adjourned~~. Last opportunity is granted. To come up for arguments on 13.05.2019 before D.B.


Member


Member

17.12.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Hazrat Shah Superintendent for the respondents present. Record reveals that the respondents were proceeded Ex-Party vide order sheet dated 18.09.2018. Application for setting aside of the same Ex-party is available on record but counsel for the appellant have not submitted replication of the same. Copy of application for setting aside ex-party is hand over to learned counsel for the appellant. Adjourned. To come for replication and arguments on 02.01.2019 before D.B.


(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

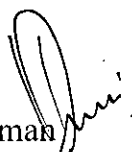
02.1.2019

Counsel for the appellant, Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant does not object the application for setting aside ex-parte proceedings filed by respondent No. 3. The application is, therefore, allowed.

To come up for arguments on stay application as well as appeal on 30.01.2019 before the D.B. The appellant may submit rejoinder within fortnight, if so advised.


Member


Chairman

30.1.2019

Counsel for the appellant and Asstt. AG for the respondents present.

Learned Asstt. AG states that the employees of Health Department are on strike today and no one is in attendance to represent the respondent department. He, therefore, requests for short adjournment.

Adjourned to 13.02.2019 before the D.B.


Member


Chairman

31.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak AAG, for the respondents present. Written reply not submitted by the respondents, despite last chance. Learned Additional AG, requested for further adjournment. Adjourned. To come up for written reply/comments on

18.09.2018

18.09.2018 before D.B. for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of the respondents not submitted despite of numerous opportunities, hence they are placed ex-parte. Case to come up for arguments on 29.10.2018 before D.B.

Member

18.09.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of the respondents not submitted despite of numerous opportunities, hence they are placed ex-parte. Case to come up for arguments on 29.10.2018 before D.B.

Member

29.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 17.12.2018.

READER

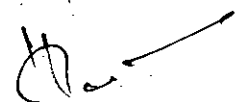
04.07.2018

Clerk of the counsel for appellant and Mr. Sardar Shaukat Hayat, Addl: AG alongwith Mr. Jabbar Ali, Assistant (Litigation) for the respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 20.07.2018 before S.B.


Member

20.07.2018

Learned counsel for the appellant and learned Additional Advocate General alongwith Mr. Hazrat Shah Superintendent for the respondents present. Representative of the respondents stated that he was of the view that the present case is fixed for 08.08.2018, so he requested for time to furnish reply. Granted by way of last chance. To come up for written reply/comments on 21.08.2018 before S.B.


Member


20-8-18

Due to Eidul Azhe occasion the case has been adjourned to 31.08.2018.

Jalil
READER.

30.05.2018

Clerk to counsel for the appellant and Addl: AG alongwith Mr. Hazrat Shah, Supdt for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 12.06.2018 before S.B. Status quo be maintained till the date fixed.


(Ahmad Hassan)
Member

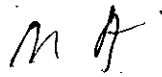
12.06.2018

Clerk of the counsel for appellant present. Mr. Hazrat Shah, Superintendent alongwith Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply not submitted. Representative of the department requested for further time. Granted. To come up for written reply/comments on 22.06.2018 before S.B. Status-quo be maintained till the date fixed.


(Muhammad Amin Khan Kundi)
Member

22.06.2018


Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hazrat Shah, Superintendent for the respondents also present. Written reply by respondents not submitted. Learned Additional AG requested for further adjournment. Last opportunity granted. Adjourned. To come up for written reply/comments on 04.07.2018 before S.B. Status-quo be maintained till the date fixed.


(Muhammad Amin Khan Kundi)
Member

12.04.2018

Learned counsel for the appellant present and requested for permission to deposit the security and process fee today. Request allowed. Upon the deposit of security and process fee, notices be issued to the respondents for 26.04.2018 for written reply/comments. To come up before S.B on the date fixed. Status quo be maintained till the date fixed i.e 26.04.2018.

Appellant Deposited
Security & Process Fee


Member

26.04.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 15/05/18 before S.B.


Reader

15.05.2018

Counsel for the appellant present. Notices have not been issued to the respondents. Office is directed to issue notices to the respondents. To come up for written reply/comments on ³⁰15.5.2018 before S.B. Status quo be maintained till the date fixed.


Chairman

A. No. 80/2018

Dr. Moiz Ahmad Shakkas

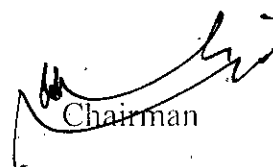
29.03.2018

Counsel for the appellant present. Preliminary arguments heard. The learned counsel for the appellant argued that the appellant was terminated from service on 23.08.2017 against which he filed departmental appeal on 20.09.2017 which was not responded to. Thereafter, he filed the present service appeal on 18.01.2018.

The grounds of appeal as argued by the learned counsel for the appellant are that the services of the appellant were regularized by the dint of a law passed in the year, 2017 under the name of "Khyber Pakhtunkhwa (Regularization of Services) Act, 2017". That in view of this Regularization Act, the termination order could not be passed.

The points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 12.04.2018 before S.B.

The learned counsel for the appellant drew the attention of this Tribunal towards a misc. application submitted alongwith the main appeal for suspension of the impugned order. Learned counsel for the appellant also pressed into service pay slip for the month of February, 2018 of the appellant in order to augment his arguments that the appellant is still serving in the department and has not been relieved as the impugned order has not been acted upon. Notice of the application be also given to the department for the date fixed. Status quo be maintained till the date fixed.


Chairman

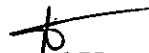
21.01.2018

Counsel for the appellant present and stated at the bar that the present case may be fixed before learned Chairman Service Tribunal, Khyber Pakhtunkhwa Peshawar. To come up for further proceedings on 27.02.2018 before S.B.


(Gul Zeb Khan)
Member

26.02.2018

Counsel for the appellant present. Attention is invited to order sheet dated 07.02.2018, the case may be fixed before some other S.B. Adjourned. To come up for preliminary hearing on 27/03/18 before S.B.


(Ahmad Hassan)
Member(E)

27.03.2018

Learned counsel for the appellant present and insisted for placing the present case before the learned Chairman Khyber Pakhtunkhwa Service Tribunal. Adjourn. To come up for preliminary hearing on 29.03.2018 before S.B


MEMBER

07.02.2018

Counsel for the appellant present. This case was fixed for hearing on 06.02.2018 but for want of certain documents, it was scheduled for hearing on 07.02.2018. Vide impugned order dated 23.08.2017 services of the appellant have been terminated. He filed writ petition in Peshawar High Court and got aforementioned order suspended vide order sheet dated 13.10.2017. Today the case was heard at length. Learned counsel was adamant to get stay order at any cost. When he was confronted on the point that stay had already been granted by the Peshawar High Court, so would it be permissible for this Tribunal to grant stay? He was not able to provide proper legal assistance on this score. He argued that an application for withdrawal of writ petition has been submitted and is fixed for hearing on 20.02.2018. Finally the appeal was admitted but stay was not granted by the undersigned. He accused me of being biased/having personal grudge in the instant appeal and further requested that so the same may be passed on to the Chairman for placing it before some other bench.

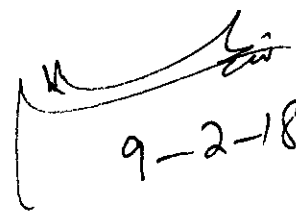
In view of the foregoing the instant appeal may be entrusted to some other bench for preliminary hearing.



(AHMAD HASSAN)
MEMBER

CHAIRMAN

May be fixed before some
other SB during next week.



9-2-18

CHAIRMAN

16.02.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 21.02.2018 before S.B.





(Muhammad Amin Khan Kundi)
Member (J)

CHAIRMAN

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 80/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22/1/2018	<p>The appeal of Dr. Moiz Ahmad Shakir resubmitted today by Mr. Jehanzeb Mehsud Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23/01/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Dr. Moiz Ahmad Shakir today on 18/1/2018 against the orders dated 23.08.2017 against which he preferred/made a departmental appeal dated 20.11.2017 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 136 /S.T,

Dt. 19/01 /2018

Dr. J. Mehrez
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Jehanzeb Mehsud Adv. Pesh.

R/Sir,

The departmental appeal/representation was made on 20-09-2017, which fact is proved from the main page of appeal, as the filing date and is mentioned as 21-09-2017. The date of the return is 21-09-2017. The date of the return is typical error. The appeal is well within time.

J. Mehrez

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

Service Appeal No: 80 of 2018

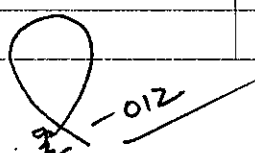
Dr. Moiz Ahmad Shahkar _____ Appellant

Versus


Govt. of Khyber Pakhtun Khwa and others _____ Respondents

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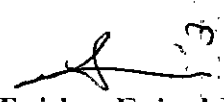
S.No	Description of documents	Annex	Pages
1	Appeal		1-6
2	Affidavit		7
3	Addresses of Parties		8
4	Application for stay along with affidavit		9-10
5	Copy of Degree & Service Card	A & A1	11-13
6	Copy of PMDC registration	B	14
7	Copy of Advertisement	C	15-16
8	Copy of Appointment Notification	D	17-21
9	Copy of notification/regularization	E	22-25
10	Copy of charge report of arrival	F	26-27
11	Copy of salary statement	G	28-30
12	Comments & Termination order 23-08-2017	H & I	31-35
13	Copy of departmental appeal and office order dated: 30-08-2017	J & K	36-45
14	Wakalat Nama		46


Appellant
(Through)

Dated: 12-01-2018


JAHANZEB MAHSUD
Advocate, High Court,
Peshawar.

&


Tajdar Faisal Khan Mina Khel
Advocate High Court.
0313-8708424

①

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

Service Appeal No: 80 of 2018

Dr. Moiz Ahmed Shahkar,

R/O Usmania Street, Kashmir Chowk, North Circular Road, D.I. Khan.

(Appellant)

Versus

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 56

Dated 18/1/2018

1. Government of Khyber Pakhtun Khwa,

Through Chief Secretary,
Civil Secretariat, Peshawar.

2. Chief Secretary,

Province of Khyber PakhtunKhwa,
Civil Secretariat, Peshawar.

3. Secretary Health,

Province of Khyber PakhtunKhwa,
Civil Secretariat, Peshawar.

4. Director General,

Province of Khyber PakhtunKhwa,
Civil Secretariat, Peshawar.

(Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT,

1974 AGAINST THE ACT OF THE RESPONDENT NO.3 DATED: 23-08-2017

WHO ISSUED IMPUGNED ORDER OF TERMINATION OF SERVICE OF

APPELLANT AND AGAINST THE INACTION OF RESPONDENTS WHO

FAILED TO DECIDE THE DEPARTMENTAL APPEAL OF THE APPELLANT.

PRAYER:-

ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDER OF
THE RESPONDENT NO. 3 DATED: 23-08-2017 MAY BE SET ASIDE AND THE
APPELLANT MAY KINDLY BE REINSTATED IN SERVICE.

RESPECTFULLY SHEWETH:

1. That the appellant hails from a respectable family of Dera Ismail Khan and holds MBBS degree from Khyber Medical University, Peshawar. At present, the appellant is serving as Medical Officer at Civil Dispensary, Mandaran Kalan, Dera Ismail Khan.

(True copy of Degree & Service Card are annexed herewith as mark as "A-A1")

Exe-partee
18-9-18

Filed on day
18/1/18
Registrar

Re-submission to
Registrar 27/1/18

2. That the appellant after procuring his MBBS Degree applied for registration with **Pakistan Medical and Dental Council** and was duly registered on 12-01-2016.

(True copy of PMDC registration is attached, marked as "B")

3. That on 19-11-2016, the Respondents advertised 1,000 posts of Medical Officers on Adhoc basis, inviting applications from eligible candidates having domicile of Khyber Pakhtunkhawa & Fata.

(True copy of Advertisement is annexed as marked "C")

4. That the appellant along with other candidates applied for the posts within stipulated time. The appellant followed the requisite procedure envisaged in the advertisement and duly appeared in tests and interviews.
5. That the appellant successfully passed test & interview along with other candidates and was appointed as a Medical Officer (BS-17) on *Adhoc* basis through an Official Notification of Health Department Khyber Pakhtunkhawa dated: 12th January, 2017.

(True copy of the appointment notification is annexed as marked "D")

6. That after his appointment, the appellant has been working with sheer zeal and dedication and contributing his share in serving the community.
7. That in the meanwhile, the Provincial Government of Khyber Pakhtunkhawa passed an Act "**Khyber Pakhtunkhawa (Regularization of Services) Act, 2017**". Under the beneficial provision of the Act, the services of the appellant also got regularized on June 09, 2017 through official notification of the Health Department.

(True copy of the notification is annexed as marked "E")

8. That the appellant after regularization of his services, took charge on a regular basis as Medical Officer BPS (17) at CD Mandhran Kalan, on 09th June, 2017.

(True copy of charge report of arrival is annexed as marked "F")

9. That the appellant has been serving in district D.I. Khan since his regularization and is withdrawing his salary against the post he is holding, which is evident from his last salary statement.

(True copy of last Salary Statement is annexed as Marked "G")

10. That it is appropriate to state that some of the candidates who applied for the post of MO on *Adhoc* basis along with the appellant, filed a Writ Petition No: 1818-P/2017 titled "**Muhammad Sohail & Others Versus Government**

of Khyber Pakhtunkhawa & Others” wherein they challenged their ineligibility for *ad hoc* appointment and arrayed the present appellant as Respondent No.04/party in the said case.

In the said writ petition, the petitioner (Muhammad Sohail) sought relief regarding their appointment on *ad hoc* basis. Relevant portion is reproduced as under:

“It is therefore most humbly prayed that on acceptance of this writ petition, respondents be directed to issue application letter to the petitioner”.

11. That since the appellant was arrayed as Respondent No.04 in writ petition No.1818-P/2017, so he also made appearance before the Honourable Court through his counsel on 14.09.2017.

12. That the comments filed by the official Respondents in Writ Petition No 1818-P/2017 states that the appointment order of the present appellant has been withdrawn and his services were terminated vide impugned order dated 23.08.2017. It would be relevant to mention that inspite of passing of impugned order, the appellant received full salary for the month of November & December.

(True copies of the comments & termination order dated 23.08.2017 is annexed herewith as mark “H” & “I”)

13. That the appellant approached through departmental representation dated: 20-09-2017 to the competent authority for withdrawal of impugned order, but in vain. It would be relevant to mention that the appellant after getting knowledge of the said impugned order, also approached to the Hon’ble Peshawar High Court, Peshawar through writ petition and the Hon’ble Peshawar High Court, Peshawar was pleased to suspend the operation of impugned termination of service order dated: 23-08-2017 vide order dated: 13-10-2017. It would be also of axiomatic importance that the appellant is discharging his duties till date and getting his regular salary. Moreover, it is also pertinent to mention that even after the termination notification issued by Respondent No. 3, the appellant’s services were utilized by the Health department and was posted on special duty during Eid Ul-Azha which is evident from the office order of the District Health Officer, Dera Ismail Khan.

It would be of importance to state that appellant has moved an application for withdrawal of the writ petition as he has approached this Hon'ble Tribunal for setting aside the impugned order.

(True copy of Departmental appeal and Office Order is annexed as Marked "J" & "K")

14. That the illegal order has been passed by Respondent No.03 without giving any opportunity of hearing to the appellant nor has the same been communicated to him or to District Health Officer, Dera Ismail Khan.
15. That appellant feeling aggrieved and dissatisfied with the actions and inactions of the Respondents, and having no other alternate adequate remedy, seeks the indulgence of this Hon'ble Tribunal on the following among other grounds.

GROUNDS

- A. Because Respondents have no authority to issue the impugned order dated 23.08.2017 whereby the services of the appellant as Medical Officer has been cancelled. Indeed, the impugned order is beyond the authority of its maker.
- B. Because the actions and inactions of the Respondents proclaim their own mala fide.
- C. Because the impugn order offends the provision of **Article 4** of the Constitution to enjoy the protection of law and to be treated in accordance with law which is inalienable right of every citizen.
- D. Because the appellant has got the fundamental right of being treated in accordance with law but the treatment meted out to the appellant is on consideration other than legal and he has been deprived of his rights duly guaranteed to him by the constitution of Pakistan.
- E. Because the impugn order dated 23.08.2017 is against the law, arbitrary, discriminatory and violative of Article 2-A & 25 of the Constitution.
- F. Because the appellant has been deprived of his cardinal right of being heard; and the impugned order has been passed affecting the vested rights of the appellant. Thus, overlooking the **Principle of Natural Justice**.
- G. Because the act of Respondents by which the appellant has been terminated from service is inconsistent with the Fundamental Rights of appellant guaranteed under the Constitution of Pakistan, 1973 and service laws envisaged for the time being in Pakistan.

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- H. Because the appellant is appointed as Medical Officer BS-17 after due process of law and the Respondents acting illegally and without any reasonable justification terminated the services of the appellant.
- I. Because the services of the appellant has been terminated without any reason much less plausible. The reason of termination is given in vague terms shown in the comments filed by the Respondents in W.P No. 1818/2017 but the same is not countenanced by the Civil Servant Act, 1973 or Efficiency & Deficiency Rules, 2011.
- J. Because it is cardinal principle of natural justice and also statutory requirement that before proceeding against any civil servant, who has been appointed after due process of law, proper inquiry like issuing of charge sheet/statement of allegation & show cause notice shall be served upon him. In the present case, no such legal procedure has been followed by Respondents which makes the impugn order dated 23.08.2017 illegal & without any lawful authority.
- K. Because the Respondents cannot be allowed under the law to pass any illegal order just to cure irregularity whatsoever, committed by them and the appellant can't be condemned or penalized if it is subsequently dawn upon the Respondents/Department that irregularity has been committed by them qua appointment.
- L. Because illegal appointment cannot be cancelled under **Civil Servant Act, Efficiency & Discipline Rules or Appointment, Promotion & Transfer Rules** as these rules contemplate an action only when an employee is guilty of breach of good service order, indiscipline or misconduct etc but it do not contain any provision on the basis of which appointment of an employee can be cancelled on the account of some irregularity in the appointment process.
- M. Because the appointment order dated 12.01.2017 has been issued by Respondent No 3 & similarly the impugn order dated 23.08.2017 has also been issued by Respondent No.03 so it goes without saying that if any action for irregular appointment has to be initiated then it should be taken against the Appointing Authority instead of penalizing the appellant for no fault of his own.
- N. Because valuable rights have accrued to the appellant after regularization of his services under section 3(1)(iii) of **Khyber Pakhtunkhwa (Regularization of Services) Act, 2017** vide order dated 09.06.2017.

6

- O. Because valuable rights have been created in favour of the appellant after appointment as Medical Officer BS-17 on *ad hoc* basis and later on his regularization of service under beneficial provisions of Regularization of Service Act, 2017.
- P. Because the principle of locus Poententiae is applicable with full vigour to the case of appellant and valuable rights have been created in favour of appellantas he has discharged his duties against the post on regular basis and has also drawn his salaries against the post held by him.
- Q. Because the appellant crave for leave to add further grounds at the time of his oral arguments before this Hon'ble Tribunal highlighting further contraventions of the provisions of the Constitution & Service Laws which adversely affected the appellant.

P R A Y E R:

In view of the above, it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to:

1. Declare the impugn order dated 23.08.2017 whereby the services of the appellant has been terminated as illegal, arbitrary, without lawful authority and based on mala fide and the appellant should be deemed to be properly appointed.
2. Direct the Respondents to treat the appellant in accordance with the law.
3. Any other relief deemed appropriate in the circumstance of the case may also be granted.

Dated: 12-01-2018

Appellant

(Through)

Jahanzeb Mahsud

&

Tajdar Faisal Khan Mina Khel
Advocates High Court.

7

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No: _____ of 2018

Dr. Moiz Ahmad Shahkar _____ Petitioner

Versus

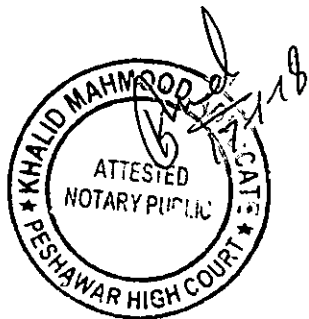
Govt. of Khyber Pakhtun Khwa and others _____ Respondents

AFFIDAVIT

I, MOIZ AHMAD SHAHKAR S/O Muhammad Aslam Baloch, R/O Usmania Street, Kashmir Chowk, North Circular Road, Tehsil and District Dera Ismail Khan do hereby solemnly affirm and declare upon oath that the contents of accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Honourable Tribunal.

Jahanzeb Mahsud
Identified By:
JAHANZEB MAHSUD,
Advocate High Court.

Deponent:
12101-6865590-9
[Signature]
31-012



[Faint, illegible text]

(8)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No: _____ of 2018

Dr. Moiz Ahmad Shahkar _____ Petitioner

Versus

Govt. of Khyber Pakhtun Khwa and others _____ Respondents

ADDRESSES OF THE PARTIES

Appellant:

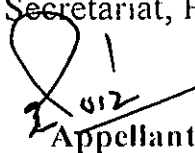
Dr. Moiz Ahmed Shahkar,
R/O Usmania Street, Kashmir Chowk, North Circular Road, D.I.Khan.

..... Appellant
Versus

Respondents:

1. Government of Khyber Pakhtun Khwa,
Through Chief Secretary, Civil Secretariat, Peshawar.
2. Chief Secretary,
Province of Khyber Pakhtun Khwa, Civil Secretariat, Peshawar.
3. Secretary Health,
Province of Khyber Pakhtun Khwa, Civil Secretariat, Peshawar.
4. Director General,
Province of Khyber Pakhtun Khwa, Civil Secretariat, Peshawar.

..... Respondents


Appellant

Through

Dated: 12-01-2018

JAHANZEB MAHSUD
Advocate, High Court,
Peshawar.

&

TAJDAR FAISAL KHAN
MINA KHEL
Advocate High Court.

..... Respondents

9

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No: _____ of 2018

Dr. Moiz Ahmad Shahkar _____

Petitioner

Versus

Govt. of Khyber Pakhtun Khwa and others _____

Respondents

**Application for and on behalf of appellant/applicant for
suspension of the operation of impugned order dated: 23-08-
2017 till final disposal of main appeal.**

Respectfully Sheweth:

1. That the appellant/applicant filed the captioned service appeal in which no date of hearing is fixed.
2. That at the time disposal of this application, the appeal and its supportive documents may be considered as integral part of this application.
3. That the impugned order dated: 23-08-2017 has been passed in blatant violation of service laws and rules, but surprisingly the appellant/applicant is still performing his duties and getting his salary as Medical Officer, so the propriety demands that the impugned order dated: 23-08-2017 may kindly be suspended and the appellant may kindly be allowed to perform his services till decision of main appeal. The applicant has a genuine prima facie case in his hand and he is sanguine in respect of his success.
4. That there is no legal cavil in passing of order of suspension of impugned order dated: 23-08-2017 and if the said order is not suspended and status quo is not ordered, the main appeal would become infructuous and meaningless.

It is, therefore, most respectfully prayed that the operation of the impugned order dated: 23-08-2017 may kindly be suspended and status quo be maintained till final disposal of main service appeal.

Appellant
Through


JAHANZEB MAHSUD,
Advocate High Court, Peshawar

Dated: 12/01/2018

10

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No: _____ of 2018

Dr. Moiz Ahmad Shahkar _____ Petitioner

Versus

Govt. of Khyber Pakhtun Khwa and others _____ Respondents

AFFIDAVIT

I, MOIZ AHMAD SHAHKAR S/O Muhammad Aslam Baloch, R/O Usmania Street, Kashmir Chowk, North Circular Road, Tehsil and District Dera Ismail Khan, do hereby solemnly affirm & declare that the contents of the attached application are true and correct to the best of my knowledge & belief & nothing has been concealed or withheld from this Honourable Court.

Identified by

Jahanzeb Mahsud
Advocate

Deponent

12101-68655909

[Handwritten signature]



Serial No.: 161410/9410



11

Reg. No: 2009/KMU/GMC/043
Session: Supplementary, 2014

KHYBER MEDICAL UNIVERSITY
PESHAWAR, PAKISTAN.

has conferred upon

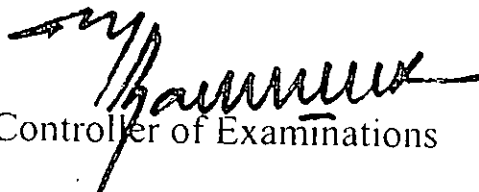
MOIZ AHMAD SHAHKAR s/o MUHAMMAD ASLAM BALOCH

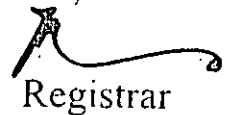
of Gomal Medical College, D.I.Khan

the degree of

BACHELOR OF MEDICINE & BACHELOR OF SURGERY

Given this first day of January two thousand and sixteen


Controller of Examinations


Registrar




Vice Chancellor

ms

HEALTH DEPARTMENT

DISTRICT HEALTH OFFICE

D.I. Khan (Ph#: 0966-9280199)



Dr. Moiz Ahmad Shahkar

Medical Officer

Dr. Muhammad Aslam Baloch



Service Card

Card # 182



F/Name: Dr. Muhammad Aslam Baloch

D.O.B: 6-6-1992

B.Group: O+ve

Contact: 0333-9988055

CNIC#: 12101-6865590-9

Address: Usmania Street, Kasur, Chokk

North Circular Road, D.I. Khan

②

1/1

HEALTH DEPARTMENT

DISTRICT HEALTH OFFICE

D.I. Khan (Ph # 0966-9280199)

CD Mandra Kalan Distt D.I. Khan



Exp: 01-12-2018

This card is the property of Health Department

If found return to above address

Card # 112

13

[Handwritten signature]

PAKISTAN MEDICAL & DENTAL COUNCIL

G-10/4, Mauve Area, Islamabad
 Website : www.pmdc.org.pk

Annex B



(14)

CERTIFICATE OF FULL MEDICAL REGISTRATION

License to Practice

Registration Number : 23341-N
Name : MOIZ AHMAD SHAHKAR
Father Name : MUHAMMAD ASLAM BALOCH
Present Address : USMANIA STREET, KASHMIR CHOWK,
 NORTH CIRCULAR ROAD, D.I. KHAN
Permanent Address : USMANIA STREET, KASHMIR CHOWK,
 NORTH CIRCULAR ROAD, D.I. KHAN



Registration Date : 12/01/2016 **Name Retained Upto** 31/12/2020

Qualification & Date

1 M.B., B.S.
 (BASIC MEDICAL QUALIFICATION)

Institute/University

[KHYBER MED. UNIV. PESHAWAR]
 [GOMAL MEDICAL COLLEGE, D.I. KHAN]

Year

2015

ju

It is hereby certified that the above is a true copy of the entries in the Register of Medical Practitioners (Part - D) in respect of the medical practitioner specified therein. He/she is authorized to practice Basic Medicine, Surgery, Obstetrics & Gynaecology, Ophthalmology and Otorhinolaryngology and will be considered a specialist of the level mentioned and in the field of which any additional postgraduate qualification is registered here.

IMPORTANT NOTICE:

- The Registered Medical Practitioner should apply for renewal of his/her registration of his/her name on the medical register every year before the date of retention expires.
- Every Registered Medical Practitioner should be careful to send to the Registrar physicians being within 30 days of any change of his/her address and also to advise authorities that may be sent to him/her by the Registrar in regard thereto in a letter that "Notice" correct address may be duly inserted otherwise such practitioner is liable to have his/her name removed from the Register.
- PMDAC shall maintain your name in the register of medical practitioners only till the date of retention mentioned on this Certificate. Further retention will only be possible on payment of prescribed fee.
- A copy of this certificate has to be displayed prominently in the place of practice.
- The Issuing Authority reserves the right to recall, correct or cancel this certificate.



For Jamil Bano
 REGISTRAR 25/1/16

ADHOC BASED APPOINTMENT OF MEDICAL OFFICERS BS-17 IN HEALTH DEPARTMENT, GOVT OF KHYBER PAKHTUNKHWA

Applications are invited from eligible candidates (both Male & Female) having domicile of Khyber Pakhtunkhwa/FATA for filling **one thousand (1000)** vacant posts of Medical Officers (BS-17) on Adhoc basis for a period of one year or till the availability of the selectees of Khyber Pakhtunkhwa Public Service Commission whichever is earlier.

A. QUALIFICATION / ELIGIBILITY

- MBBS or equivalent qualification from a recognized University.
- Completion certificate of House Job Training.
- Permanent/valid Pakistan Medical & Dental Council (PMDC) Registration

Annexure C 4
15

B. AGE LIMIT

Minimum 22 years and Maximum 35 years.

TERMS AND CONDITIONS:

- Appointment will be made purely on Adhoc basis for a period of one year or till the arrival of regular selectees from Khyber Pakhtunkhwa Public Service Commission whichever is earlier.
- On the expiry of one year period or on arrival of regular selectees from Khyber Pakhtunkhwa Public Service Commission whichever is earlier, the services of such Adhoc appointees shall stand automatically dispensed with.
- No extension will be granted on the expiry of Adhoc appointment.
- The appointees will execute an agreement deed on judicial stamp paper before taking over charge of post of Medical Officer and they will abide by the terms and conditions laid down in the offer of appointment after selection/appointment.
- The Adhoc appointment against the post of Medical Officers (BS-17) will be carried out in accordance with Zonal Allocation Quota and Policy of the Provincial Government.
- Applicants with prior experience from recognized institute would be required to produce experience certificates duly signed by the employers.
- Applicants may download the applications forms from the website of Health Department; www.healthsp.gov.pk
- The appointee's willful absence for a single day will be considered as misconduct and violation of the agreement. In that case the Health Department is competent to terminate the services without any notice.
- The employee shall not be required to contribute to CP/GP fund.
- The Adhoc appointment is non-pensionable.
- Applicants should attach attested copies of their relevant documents along with valid copy of PMDC registration, DMCs (including all Professionals) and 02 recent passport size photographs with the application forms.
- Incomplete applications or applications received after due date i.e. **05th December (Monday), 2016** will not be entertained.
- The Applications of TMOs/trainees on the date of submission of applications /interview date will not be considered for appointment.
- No TA/DA will be paid for the interview.
- Applications must reach in the office of Director General Health Services, Khyber Pakhtunkhwa

ABC
VCC

Khyber Road Peshawar upto 05th December (Monday), 2016 during office hours.

Interviews will be held in Provincial Health Services Academy, Peshawar, Duranpur, Near Peshawar Motorway Interchange, Peshawar (Phone No. 091-2614124 for confirmation of location of interviews only).

The Government may increase/decrease the vacancies at any time due to exigency beyond its control.

These posts will be facility specific i.e RHCs and BHUs. Once a selected candidate is posted at the said facility he will not be transferred/posted till the completion of Adhoc appointment.

Upon selection, doctors shall be posted in (BHUs, RHCs) Periphery throughout the Province. In case of non-availability of posts in the facilities mentioned, the selected candidates shall be posted to the adjacent districts.

The candidates already selected on Adhoc basis shall not apply for these posts.

INTERVIEWS WILL ALSO BE CONDUCTED ON HOLIDAYS / SATURDAYS, SUNDAYS;

Date and time of the interviews are as under. The candidates are required to bring all original documents at the time of interviews.

S. No.	Name of Zone	Date and time of interviews
1.	Zone-I	12-13 December, 2016
2.	Zone-II	14-15-16 December, 2016
3.	Zone-III	17-18-19 December, 2016
4.	Zone-IV	20-21 December, 2016
5.	Zone-V	22-23 December, 2016

(Jibreel Raza)

Section Officer (E-II), Health Department

091-9210570-71

Daily Mashriq

16

11/11/16



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annexure D

17

Dated Peshawar the 12th January, 2017

NOTIFICATION.

No. SO(E)H-III/3-18/2016/1000: On the recommendations of Departmental Selection Committee, the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) is pleased to appoint the following doctors as Medical Officers (BS-17) on Adhoc basis for a period of one year or till the arrival of selectees of Public Service Commission whichever is earlier with immediate effect.

OPEN MERIT (213 Candidates)

S.No.	Name and Father Name	District of Domicile	Zone	D.O.B
1.	Hakim Khan S/O Muhammad Shah	Swat	III	01/03/1979
2.	Muhammad Jawad S/O Jan Nisar	Charsadda	II	24/04/1961
3.	Saadia Haleema D/O Muhtajir Ali Khan	Karak	IV	25/05/1966
4.	Asma Zahir D/O Muhammad Zahir Khan	Charsadda	II	15/09/1980
5.	Anwar Ali S/O Bahroz Khan	Swat	III	15/03/1981
6.	Muhammad Sediq S/O Abdulfah Khan	Mardan	II	17/04/1977
7.	Muhammad Iqbal S/O Faridun Khan CHINA	Swat	III	15/03/1984
8.	Muhammad Nauman Zafar S/O Zafar Bleg	FR Tank	I	31/10/1984
9.	Iftikhar Ahmad S/O Muhammad Israr Khan	Charsadda	II	10/04/1987
10.	Mir Alam Khan S/O Abdul Latif	Nowshera	II	07/11/1979
11.	Muhammad Safoor S/O Muhammad Rafiq	Peshawar	II	30/03/1973
12.	Ishfaq Ur Rahman S/O Hidayat Ur Rehman	Dir Lower	III	04/03/1987
13.	Sajjad Gul S/O Rahim Gul	Hangu	IV	13/04/1974
14.	Sheriza Shaheen D/O Muhammad Ishaq	Haripur	V	02/03/1985
15.	Aneesa Fatima D/O Malik Muhammad Nisar	Manshera	V	15/04/1969
16.	Abdul Wahab S/O Razaat Khan	Bajour Agency	I	15/02/1979
17.	Gul Badshah S/O Fazal Ur Rehman	Bajour Agency	I	01/12/1974
18.	Khial Jalal S/O Sohail Jalal	Bera Khyber Agency	I	29/12/1978
19.	Qasim Ali S/O Akbar Ali	Kurram Agency	I	25/02/1977
20.	Syeda Hina Zulfqar D/O Syed Zulfqar Hussain Shah	Kurram Agency	I	27/11/1984
21.	Arsalan Mufti S/O Taufiq Ahmad Mufti	Peshawar	II	14/08/1982
22.	Farman Ullah S/O Abdul Mustaan	Swat	III	01/02/1979
23.	Iftikhar Hussain S/O Inzar Gul	Swat	III	17/02/1982
24.	Muhammad Alam Khan S/O Muhammad Ali Khan	Swat	III	06/04/1978
25.	Nasir ul Muft Khan S/O Jalal ud Din	Swat	III	01/04/1984
26.	Shahid Muft S/O Muhammad Mukemal Khan	Shangla	III	02/05/1970
27.	Zakoullah S/O Abbas Khan	Dir Lower	III	15/04/1979
28.	Abdullah S/O Abdul Rashid	Swat	III	31/03/1979
29.	Wahid Waqas S/O Muhammad Muhtajir	Dir Lower	III	08/02/1987
30.	Arshad Ali s/o Ziarat Khan	Mohmand Agency	I	15/05/1972
31.	Farid Ullah s/o Azim Khan	Khyber Agency	I	18/01/1982
32.	Muhammad Asif Hussain S/O Hafiz Faqir Hussain	Bajour Agency	I	01/07/1977
33.	Muhammad Shah Jahan S/O Muhammad Gul	Khyber Agency	I	10/05/1976
34.	Raja Mir s/o Zameer Khan	FR Peshawar	I	12/03/1974
35.	Faisal Khan S/O Muhammad Safim	Peshawar	II	28/02/1985
36.	Gul Feraz Khan S/O Gul Khatab Khan	Mardan	II	20/09/1972
37.	Habib Ul Haq S/O Ikram Ud Din	Mardan	II	20/01/1985
38.	Hina D/O Attaullah Khan	Peshawar	II	13/05/1987
39.	Moona Zahid D/O Syed Zahid Hussain Shah	Nowshera	II	10/09/1983
40.	Muhammad Irfan S/O Muhammad Anif	Nowshera	II	10/04/1983
41.	Muhammad Jawad S/O Qasim Jan	Peshawar	II	01/04/1980

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Govt. of Khyber Pakhtunkhwa
Baitulla Department

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S. No.	NAME AND FATHER NAME OF CANDIDATE	Domicile	Zone	D.O.B
636	Imron Ullah S/O Badshah Ghani	Dir Lower	III	14.04.1983
637	Nisar Khan S/O Amir Bahadar	Buner	III	04.04.1980
638	Shujat Ali S/O Khurshid Ali	Swal	III	27.02.1985

ZONE-IV (106 CANDIDATES)

S. No.	NAME AND FATHER NAME OF CANDIDATE	Domicile	Zone	D.O.B
639	Aamir Khan S/O Gul Zari Khan	Karak	IV	10.04.1991
640	Abdul Wahab Khan S/O Gul Nawaz Khan	Lakki Marwat	IV	15.10.1988
641	Asraf Siddique S/O Muhammad Siddique	Karak	IV	01.04.1990
642	Hafsa Habib D/O Habibullah Khan	Dikhan	IV	23.03.1985
643	Hafsa Khalid D/O Khalid Mahmood	Kohat	IV	07.08.1981
644	Irfan Ullah S/O Nabil Ur Rehman	Karak	IV	28.06.1990
645	Javid Iqbal S/O Bahadar Khan	Bannu	IV	06.03.1980
646	Muhammad Fawad S/O Musarrat Khan Knattak	Karak	IV	11.03.1993
647	Muhammad Jawad S/O Muhammad Naqem Hamid	Karak	IV	11.04.1991
648	Muhammad Mazid Gul Kaka Khal D/O Main Imtiaz Gul	Karak	IV	03.03.1990
649	Muhammad Mohsin Ayyaz S/O Muhammad Ayyaz	Karak	IV	22.09.1989
650	Munir Khan S/O Haji Ghulam Nabi	Lakki Marwat	IV	12.12.1989
651	Najma Raza D/O Abid Raza	Hangu	IV	12.04.1990
652	Nooman Raza S/O Abdul Raziq Khan	Karak	IV	24.04.1990
653	Sumbat Akmal D/O Muhammad Akmal	Karak	IV	10.01.1992
654	Syeda Gulbehar D/O Syed Ghaffoor Shah	Kohat	IV	12.09.1991
655	Wajid Akhtar S/O Junaid Akhtar	Karak	IV	28.03.1990
656	Aamer Inayat S/O Inayat Ullah Khan	Lakki Marwat	IV	02.04.1991
657	Aamer Ullah Khan S/O Hameed Ullah Khan	Bannu	IV	03.04.1989
658	Andaleeb Raza D/O Muhammad Khalid Raza	Dikhan	IV	13.02.1990
659	Asad Zahoor S/O Zahoor Ullah Khan	Karak	IV	05.04.1992
660	Arewa Khan Khattak D/O Javed Anwar	Karak	IV	11.01.1992
661	Gul e Rana D/O Raftaar Khan	Bannu	IV	18.02.1992
662	Ibaqullah S/O Abdul Qadir	Karak	IV	10.02.1988
663	Larib Zahir D/O Main Zahir Gul	Karak	IV	18.01.1991
664	Muhammad Aamir S/O Aqsaam Khan	Karak	IV	01.04.1991
665	Muhammad Awais S/O Muhammad Yousof	Kohat	IV	23.11.1990
666	Muhammad Hamid S/O Naseem Gul	Kohat	IV	05.05.1978
667	Muhammad Tahir Farooq s/o Farooq Zaman	Bannu	IV	30.03.1991
668	Robina Bibi D/O Abdul Razaq	Lakki Marwat	IV	10.03.1990
669	Sadia Nawaz D/O Tariq Nawaz	Bannu	IV	24.09.1992
670	Safina Akhtar D/O Aris Khan	Lakki Marwat	IV	13.02.1991
671	Saira Nabil D/O Lal Nabil	Karak	IV	11.03.1990
672	Shahzadi Noyab D/O Hafizullah Jan	Kohat	IV	01.01.1990
673	Yazir Ullah S/O Aman Ullah	Lakki Marwat	IV	17.03.1990
674	Noshreen Akhtar D/O Yaqoob Khan	Karak	IV	15.02.1989
675	Sana Shah D/O Amir Zeenat Shah	Bannu	IV	16.02.1992
676	Shahzad Khan S/O Aslam Jan	Karak	IV	04.04.1989
677	Aaka-e-Mah Abbasi D/O Sohail Perver Abbasi	Bannu	IV	03.09.1992
678	Muhammad Haroon Khan s/o Muhammad Israil Shah	Bannu	IV	16.04.1980
679	Arshia D/O Imtiaz Ahmad	Kohat	IV	07.04.1986
680	Ayeshah Saleem D/O Muhammad Saleem Khan	Dikhan	IV	17.11.1991
681	Hadia Manzoor D/O Manzoor Ahmad Khan	Karak	IV	17.11.1989
682	Javeriya Yasmeen D/O Abqas Samad Malik	Dikhan	IV	09.10.1989
683	Laiq Gul Nasir S/O Nasir Ali Jan	Bannu	IV	03.08.1979
684	Parveenah Rahman D/O Mir Rehman	Karak	IV	10.03.1991
685	Sajid Shakoor S/O Muhammad Naseeb Khan	Bannu	IV	11.09.1985
686	Adalea Khanam D/O Dawood Khan	Karak	IV	25.08.1990
687	Arshad Khan S/O Bilal Rahman	Kohat	IV	17.03.1991
688	Aid Kamal s/o Sher Kamal	Karak	IV	23.05.1988
689	Bushra Mehreen D/O Riaz Ahmad	Karak	IV	06.10.1990
690	Mashmat Ullah Khan S/O Amal Khan	Kohat	IV	05.12.1973
691	Mira Shams D/O Shams Ur Rehman	Karak	IV	20.01.1991
692	Mizan Ullah Khan S/O Mir Haidar Khan	Bannu	IV	06.04.1982
693	Khan Muhammad Anil S/O Haji Sardar Khan	Bannu	IV	01.08.1983
694	Laila Asmat D/O Asmat Ullah Khan	Lakki Marwat	IV	07.09.1990
695	Mustaqeem Khan Durrani s/o Sherin Of Khan Durrani	Bannu	IV	18.11.1985
696	Nayn urah Shakirah S/O Intoshamul Haq	Kohat	IV	14.03.1992
697	Sadat D/O Dr. Hasham Khan	Karak	IV	19.03.1991
698	Shafiq Ur Rehman S/O Muhammad Mehmoood	Lakki Marwat	IV	23.03.1990
699	Saira Yul Munirah D/O Hafizullah Jan	Bannu	IV	14.04.1991
700	Alshab Ullah Shah S/O Hiamatullah Khan	Lakki Marwat	IV	11.03.1985
701	Muhammad Jehangir Khan S/O Abid Khan	Karak	IV	14.12.1988
702	Qamar Suphan S/O Nazir Khan	Karak	IV	10.04.1987
703	Asad Imran S/O Araf Gul	Karak	IV	10.04.1991
704	Arfa Sabahat D/O Abdul Sattar	Dikhan	IV	18.03.1988
705	Inam Ullah S/O Muhammad Nezhman	Karak	IV	01.01.1991
706	Alshab Ullah Khan S/O Ghayur Ullah	Hangu	IV	05.08.1987
707	Muhammad Shoab Khan S/O Qasym Nawaz Khan	Bannu	IV	05.01.1984
708	Rahman Ullah S/O Saif Badshah	Karak	IV	15.03.1990
709	Feroze Abbas S/O Muhammad Zaria Khan	Kohat	IV	12.06.1983

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S.No.	NAME AND FATHER NAME OF CANDIDATE	Domicile	Zone	D.O.B
710	Amal Babi D/O Isam Gul	Hangu	IV	17.08.1987
711	Modasser Reza S/O Mumtaz Khan	Karak	IV	08.02.1990
712	Sajid Ullah S/O Gul Manir	Karak	IV	15.06.1990
713	Asma Rahim D/O Rahimullah	Karak	IV	03.04.1982
714	Mehrab Ahmad S/O Ahmad Khan	Lakki Marwat	IV	21.07.1991
715	Faisal Ali s/o Khurshid Khan	Karak	IV	21.05.1984
716	Ebraz Ahsan Shah S/O Muhammad Ajmal Khan	Bannu	IV	08.05.1992
717	Mohsin Zaman S/O Meir Zaman	Bannu	IV	11.03.1990
718	Muhammad Abduttan s/o Abdur Rashid Khan	Dikhan	IV	13.03.1992
719	Muhammad Bilal s/o Muhammad Ismail	Bannu	IV	25.04.1990
720	Muhammad Seeman S/O Muhammad Aslam	Dikhan	IV	13.02.1984
721	Majida Khattak D/O Muhammad Kamran	Karak	IV	13.05.1991
722	Mutasim Rasheed S/O Muhammad Rasheed	Karak	IV	06.04.1990
723	Nazeef Ur Rehman S/O Saif Ur Rehman	Hangu	IV	17.08.1988
724	Samaitan S/O Ghaleb Gul	Karak	IV	20.12.1988
725	Sana Rahim Khan D/O Faisal Rahim Khan	Karak	IV	23.10.1989
726	Waqar Ahmad Khan S/O Saifullah	Karak	IV	13.04.1990
727	Ahmad Ullah S/O Rafiqul Khan	Bannu	IV	30.01.1990
728	Ahmad Ali Raza S/O Nizakat Hussain	Dikhan	IV	04.01.1989
729	Ashfaq Javed Khan S/O Sakir Jan	Bannu	IV	28.02.1991
730	Jamshid Ali S/O Haidar Ali	Bannu	IV	25.02.1990
731	Muhammad Omair S/O Zameer Gul	Kohat	IV	10.09.1989
732	Nasir Iqbal S/O Hayat Khan	Karak	IV	15.04.1991
733	Saqam Hussain S/O Noor Ahmad Shah	Karak	IV	18.01.1992
734	Sarah Rehman D/O Abdur Rehman	Karak	IV	19.05.1989
735	Seemab Waheed S/O Waheed Nwraz	Karak	IV	30.03.1992
736	Shabnam Babi D/O Gul Mar Jan	Karak	IV	08.08.1990
737	Zakir Ullah S/O Mir Poo Khan	Karak	IV	09.04.1991
738	Zonab Ahmad S/O Mohsin Khan	Karak	IV	26.06.1991
739	Motiz Ahmad Shukur S/O Muhammad Aslam Baloch	Dikhan	IV	06.04.1992
740	Muhammad Bilal Shah S/O Muhammad Dilbar Shah	Bannu	IV	01.12.1987
741	Muhammad Sajid S/O Hafiz Feroz Khan	Yank	IV	10.03.1991
742	Zubair Ur Rehman Khan S/O Dr. Sohail Ur Rehman Khan	Dikhan	IV	04.02.1990
743	Muhammad Kamran S/o Bayaz Khan	Karak	IV	07.04.1991
744	Tariq Hameed S/O Hameed Ullah Khan	Lakki Marwat	IV	03.05.1990

ZONE-V (106 CANDIDATES)

S.No.	NAME AND FATHER NAME OF CANDIDATE	Domicile	Zone	D.O.B
745	Anita Naik D/O Raja Naik Muhammad	Manshehra	V	31.12.1991
746	Arooj Kibriya D/O Ghulam Kibriya	Haripur	V	21.11.1991
747	Ayosha Aziz S/O Abdul Aziz Khan	Manshehra	V	14.08.1991
748	Bibi Bushra Khurshid D/O Khurshid Anwar	Manshehra	V	19.04.1990
749	Ibrar Mohibullah Wazir S/O Mohibullah Wazir	Abbottabad	V	09.04.1989
750	Kinza Munir Khan D/O Munir Khan	Manshehra	V	17.12.1991
751	Mohsin Khan Jadoon S/O Saif Khan	Abbottabad	V	03.07.1991
752	Sadaf Javed D/O Javed Iqbal	Haripur	V	04.01.1991
753	Sauda Bibi D/O Muhammad Pervez	Abbottabad	V	19.04.1991
754	Soneish D/O Muhammad Shafiq	Haripur	V	03.08.1988
755	Shoharyar Umar S/O Umar Yar	Manshehra	V	13.02.1991
756	Shoza Naeem Khan D/O Muhammad Naeem Khan	Manshehra	V	25.06.1988
757	Sikandar Azam Khan S/O Jahangir Azam	Haripur	V	07.08.1991
758	Sohail Anwar S/O Anwar Ul Haq	Haripur	V	27.09.1991
759	Sundas Gul D/O Sardar Gulistan Khan	Abbottabad	V	07.07.1988
760	Turb Bashir D/O Muhammad Bashir Khan	Abbottabad	V	21/12/1989
761	Zainab Zaid D/O Chan Zeb	Manshehra	V	08.01.1989
762	Uniar Afsar Shah S/O Khan Afsar	Haripur	V	18.11.1989
763	Anam Naz D/O Jahangir Ahmad	Abbottabad	V	13.04.1990
764	Bilal Ahmad S/O Mohammad Refaq	Abbottabad	V	10.03.1988
765	Iftikhar Ahmad S/O Kafa Khan	Abbottabad	V	16.04.1987
766	Muhammad Wasim S/O Abdur Rahim	Haripur	V	13.03.1990
767	Saira Khan D/O Abdul Wakeel	Manshehra	V	27.04.1987
768	Syeda Fatima Batool D/O Syed Mubarak Hussain	Abbottabad	V	23.02.1984
769	Nooram Razo D/O Muhammad Raza Khan	Manshehra	V	04.09.1988
770	Akya Javed D/O Javed Ur Rehman	Haripur	V	18.03.1991
771	Javeria Azeem D/O M. Azeem Khan	Manshehra	V	13.09.1990
772	Javeria Khan D/O Janis Khan	Manshehra	V	01.04.1991
773	Noorah Zahoor D/O Zahoor Ahmad	Manshehra	V	22.10.1988
774	Ahbab Ahmad S/O Muhammad Saeed	Abbottabad	V	23.02.1991
775	Maryam Riaz D/O Muhammad Riaz	Abbottabad	V	08.12.1989
776	Mavis Nazir D/O Hafiz Muhammad Nazir	Abbottabad	V	05.10.1990
777	Iqra Khan D/O Shakeel Manzoor	Abbottabad	V	23/04/1991
778	Sahish Khan D/O Sabir Zaman	Haripur	V	03.10.1988
779	Marta Zardad D/O Muhammad Zardad Khan	Abbottabad	V	20.03.1992
780	Afla Aamir Khan D/O Muhammad Ilyas	Abbottabad	V	14.07.1988

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927	Ayasha Anwar D/O Amir Jan Khan	Nowshera	II	27.01.1982
928	Durshahwar D/O Muhammad Aslam Khan	Swabi	II	13.10.1972
929	Fa'iqe Khan D/O Mohibullah Khan	Peshawar	II	16.11.1989
930	Kashmala Humayun D/O Muhammad Humayun	Charsadda	II	25.08.1991
931	Lubna Masood D/O Masood Khan	Peshawar	II	13.04.1993
932	Noor Ul Sabeh Shah D/O Murad Ali Shah	Peshawar	II	27.11.1988
933	Shazla D/O Ajab Khan	Mardan	II	02.11.1977
934	Shumaila Raza D/O Anwar Shah	Peshawar	II	01.01.1984
935	Saba Gul D/O Fazali Naseer	Dir Lower	III	15-03-90
936	Rana Gul D/O Rizaz Ahmad	Karak	IV	28.03.1988
937	Zynab Naz Saleem D/O Malik Saleem Shah	Hangu	IV	12.02.1987
938	Sundas Khaliq D/O Dr. Abdul Khaliq	Peshawar	II	23.01.1991
939	Noelam D/O Muhammad Akbar	Buner	III	01.03.1989
940	Somina Saifullah D/O Saif Ullah	Charsadda	II	19.11.1984
941	Amna D/O Muhammad Saleh Jakhro	Dir Lower	III	25.03.1978
942	Nabila Zeb D/O Alam Zeb	Peshawar	II	28.08.1991
943	Sahar Fayaz D/O Fayaz Aslam	Peshawar	II	30.03.1990
944	Nabila Zeb D/O Alam Zeb	Peshawar	II	28.08.1991
945	Sahar Fayaz D/O Fayaz Aslam	Peshawar	II	30.03.1990
946	Mahwish Nowshad D/O Nowshad Khan	Swat	III	17.08.1985
947	Rifat Sediq D/O Sabar Sediq	Malakand	III	06.03.1988
948	Zorakhtia Yousaf D/O Muhammad Yousaf	Swat	III	06.11.1987
949	Nazla Shahbaz D/O Saeed Ur Rehman	Karak	IV	20.03.1989
950	Aysha Nabeeta D/O Hafiz Raza Khan	Dikhan	IV	29.03.1991

MINORITY QUOTA (30 CANDIDATES)

S.NO	NAME AND FATHER NAME OF CANDIDATE	Domicile	Zone	D.O.B
951	Anthony Alamzeb Feroz S/O Silander Feroz	Peshawar	II	05.03.1989
952	Samuel Pervaiz Ghouri S/O Pervaiz Ghouri	Charsadda	II	13.12.1987
953	Anket Kumar S/O Hari Ram	Buner	III	06.01.1991
954	Dev Anand S/O Jagatry Lal	Buner	III	16.03.1991

DISABLED QUOTA (20 CANDIDATES)

S.NO	NAME AND FATHER NAME OF CANDIDATE	Domicile	Zone	D.O.B
955	Iqbal-ur-Rahman S/O Sultan Muhammad	Dir Upper	III	18.04.1990
956	Liqat Rehman S/O Badshah Rehman	Malakand	III	25.03.1990
957	Muhammad Anas S/O Ahmad Noor	SW Agency	I	28.03.1990
958	Nouman Ahmad S/O Gohar Zaman	Peshawar	II	12.02.1992

[Signature]
Secy, District
Govt. of Khyber Pakhtunkhwa
Health

TERMS AND CONDITIONS:-

Their appointment is subject to the following terms and conditions:-

1. The appointment will be purely on Adhoc basis for a period of one year or till the arrival of the recommendees of Public Service Commission Khyber, Pakhtunkhwa whichever is earlier.
2. The employees will be entitled to receive salary equal to the minimum of BS-17 in addition to other allowances as admissible to Civil Servants of the same scale.
3. On the expiry of one year or on arrival of the selectees from Public Service Commission whichever is earlier, the employee shall stand automatically dispensed with.
4. No extension will be granted on the expiry of Adhoc period.
5. The employees shall be entitled to medical treatment as admissible under the Khyber Pakhtunkhwa Government Servants Medical Attendance Rules, 2016.
6. The employees shall be entitled to two days casual leave on full pay for every month on duty rendered.
7. The employee shall not be entitled to undergo any kind of training inside the country or abroad.

[Signature]

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8. Absence from duty, for a single day, shall be considered as misconduct and violation of the agreement. In that case the Health Department is competent to terminate the agreement without any notice.
9. The employee shall not be required to contribute CP/GP Fund.
10. The Adhoc appointment is non-pensionable and is without gratuity.
11. The employee is not permitted to do private practice, open any clinic, private dispensary or have any interest in any such private facility.
12. Adhoc appointment shall be subject to medical fitness and verification of antecedents as well as testimonials.
13. In case the employee is found undergoing training in any Institution sponsored by any Health Project of the government or private sector either provincial or federal and in that regard signed any agreement with the project, his/her appointment shall stand terminated. Further if he/she intends to join the Adhoc appointment all expenses incurred on such training shall be refunded to the concerned project by the employee.
14. The respective controlling Officers shall be personally responsible for verification of documents /certificates/Degrees of Adhoc appointee/Doctor and his/her salary shall not be released till the verification of the academic documents/certificates/Degrees from the concerned Boards/Universities within fifteen days positively.
15. They will serve and be posted only in RHCs, BHUs and/or CDs anywhere in the Province.
16. Posting transfer will be carried out on merit basis i.e. the candidates higher in merit will be adjusted in their district of domicile subject to the availability of vacant position. In case of non availability such candidates will be posted in the adjoining districts of their domiciles. Preference would be given to the candidates selected against the general seats (merit seats). Furthermore candidates lower in the merit of zonal quota shall be posted anywhere in the province in RHCs, BHUs and CDs.
17. In case of any fake information, testimonial or any other documents, the Adhoc employees shall be responsible. FIR will be lodged against the defaulters.
18. If this offer of appointment order with the above terms and conditions is acceptable, the appointee shall execute an agreement with the Department on Judicial stamp paper containing all the terms and conditions.
19. The doctors concerned are required to report for duty within Fifteen days from the date of issuance of this notification failing which the appointment will stand automatically cancelled, in case of non-compliance in the stipulated period stated above.

SECRETARY HEALTH

Endst. No. & date even.

Copy to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa.
3. Director, Health Services FATA Peshawar.
4. Deputy Director (IT), Health Department, Peshawar.
5. Coordinator, HSRU Health Department.
6. PS to Minister Health, Khyber Pakhtunkhwa.
7. PS to Chief Secretary Khyber Pakhtunkhwa.
8. PS to Special Secretary Health.
9. PA to Additional Secretary Health.
10. Doctors concerned.


(Jibreel Raza) 12 Jan 17
Section Officer (E-II)
Dept. of Khyber Pakhtunkhwa
Health Department





GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar June 09, 2017

NOTIFICATION

Annex E
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NO.SO(E)H-II/3-18/2017(4): In pursuance of clause (iii) of sub section 1 Section 3 of the Khyber Pakhtunkhwa (Regularization of Services) Act, 2017, (Khyber Pakhtunkhwa Act No. VII of 2017), the following Medical Officers BS-17, appointed on Adhoc basis, shall stand regularized with immediate effect against the posts which they are holding at the time of commencement of the Act ibid:

(2016 Batch)

S. #	Name and Father Name of Doctor	Place of Posting
Battagram		
1.	Darmindar Kumar S/O Anand Lal	DHQ Hospital, Battagram
2.	Bushra Fazal Wahab D/o Fazal Wahab	DHQ Hospital, Battagram
3.	Rizwanullah S/O Ayaz Mohammad	DHQ Hospital, Battagram
4.	Muhammad Afzal Khan s/o Said Faqir	DHQ Hospital, Battagram
5.	Rafiullah S/o Naeemullah	DHQ Hospital, Battagram
Buner		
6.	Amila Jehan D/o Muhammad Amin	Attached to DHO Buner
7.	Safdar Ali S/O Ashbar Khan	DHQ Hospital, Buner
Swabi		
8.	Sajid Akhtar s/o Khan Sher	BKMC Swabi
9.	Abid Mohammad Naeem S/O Mohammad Naeem	BKMC Swabi
10.	Madiha Sadr Uddin D/o Sadr Uddin	BKMC Swabi
11.	Amjad Iqbal s/o Hayat Khan	BKMC Swabi

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Health Department

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12.	Syed Ihtisham Kakakhel S/O Mian Iftikhar-ud-Din	BKMC Swabi
13.	Laila Khan D/O mir Akbar Khan	BKMC Swabi
14.	Safiya Ismail D/O Muhammad Ismail Khan	BKMC Swabi
15.	Salman Kamal S/O Hazrat Kamal	BKMC Swabi
Nowshera		
16.	Imdadullah S/O Muhammad Farooq	Attached to DHO Nowshera
Malakand		
17.	Fakhre Amin S/O Hazrat Amin	Attached to DHO Malakand
18.	Murad Ahmad S/O Muhammad Naeem	Attached to DHO Malakand
Kohat		
19.	Sarwat Sultan D/o Mushtaq Hussain	Attached to DHO Kohat
Chitral		
20.	Jawad s/o Mukhtar Hussain	Attached to DHO Chitral
Swat		
21.	Shahen Sha Ali S/o Sadaqat Ali	NSKH Swat

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(Batch 2017)

S. #	Name and Father Name of Doctor	Place of Posting
D.I.Khan		
1.	Adnan Rafiq S/O Muhammad Rafiq Anjum	Attached to DHO D.I.Khan
2.	Ahmad Ali Raza S/O Nizakat Hussain	Attached to DHO D.I.Khan
3.	Amber Fatima D/O Abdul Munir Khan	Attached to DHO D.I.Khan
4.	Sarah Rehman D/O Abdur Rehman	Attached to DHO D.I.Khan
5.	Andaleeb Raza D/O Muhammad Khalid Raza	Attached to DHO D.I.Khan
6.	Arifa Sabahat D/o Abdul Sattar	Attached to DHO D.I.Khan

Health Department
Fakhrul Islam
D.I.Khan

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7.	Asim Abdul Sami Shah S/O Kazim Shah	Attached to DHO D.I.Khan
8.	Ayesha Nabeela D/O Haji Raees Khan	Attached to DHO D.I.Khan
9.	Ayesha Saleem D/O Muhammad Saleem Khan	Attached to DHO D.I.Khan
10.	Hafsa Habib D/O Habilullah Khan	Attached to DHO D.I.Khan
11.	Hafiza Rabail All D/O Akhtar All	Attached to DHO D.I.Khan
12.	Irfanullah Mahsud S/O Ihsan Ullah	Attached to DHO D.I.Khan
13.	Javeriya Taskeen D/O Abdus Samad Malik	Attached to DHO D.I.Khan
14.	Khaliq Noor s/o Sher Jan	Attached to DHO D.I.Khan
15.	Komal Seemab D/O Patras Bhatti	Attached to DHO D.I.Khan
16.	Moiz Ahmad Shahkar S/o Muhammad Aslam Baloch	Attached to DHO D.I.Khan
17.	Muhammad Abdullah s/o Abdur Rashid Khan	Attached to DHO D.I.Khan
18.	Muhammad Durr-e-Aab S/O Ihsanullah Khan	Attached to DHO D.I.Khan
19.	Muhammmad Ihsan Ullah S/O Arab Khan	Attached to DHO D.I.Khan
20.	Muhammad Javed S/O Appeel Khan	Attached to DHO D.I.Khan
21.	Muhammad Mamoon S/O Abdur Rauf	Attached to DHO D.I.Khan
22.	Muhammad Seerwan S/O Muhammad Aslam	Attached to DHO D.I.Khan
23.	Muhammad Taimur Nadeem S/O Muhammad Bakhsh	Attached to DHO D.I.Khan
24.	Nizam Ud Din S/O Muhammad Rauf	Attached to DHO D.I.Khan
25.	Sadia Niaz D/O Niaz Muhammad	Attached to DHO D.I.Khan
26.	Shoaib Ahmad s/o Daraz Khan	Attached to DHO D.I.Khan
27.	Shoaib Khan S/O Adalat Khan	Attached to DHO D.I.Khan
28.	Muhammad Shoaib Khan S/O Muhammad Aslam Khan	Attached to DHO D.I.Khan

21

Section Officer-II
Comm. of Kayser Pakhunicheya
Health Department

10/11/19

158.	Muhammad Ali Qureshi s/o Zaheer ud Din Qureshi	Attached to DHO Abbottabad
Charsadda		
159.	Abdullah S/o Abdul Malik	Attached to DHO Charsadda
Karak		
160.	Zakir Ullah S/O Mir Pio Khan	Attached to DHO Karak
161.	Saddia Haleema D/O Muhktiar Ali Khan	Attached to DHO Karak
Swat		
162.	Aftab Ali Shah S/O Syed Karim Shah	Attached to DHO Swat

25

Note:

1. The inter-se seniority of the doctors will be determined and notified separately.
2. The above mentioned candidates will be on probation for initial period one year extendable upto another one year, if not terminated in writing as envisaged in Rule 15 on Appointment, Promotion and Transfer Rules, 1989.

SECRETARY HEALTH

Endt No of even and date.

1. Accountant General, Khyber Pakhtunkhwa.
2. All Commissioners in Khyber Pakhtunkhwa.
3. Director General, Health Services, Khyber Pakhtunkhwa.
4. Director Health Services, FATA.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. All Deputy Commissioners in Khyber Pakhtunkhwa.
7. All District Health Officers in Khyber Pakhtunkhwa.
8. All District Accounts Officers in Khyber Pakhtunkhwa.
9. All Medical Superintendent in Khyber Pakhtunkhwa.
10. Manager Printing Press, Khyber Pakhtunkhwa.
11. PS to Secretary Health, Khyber Pakhtunkhwa.

(Signature)
 9 June 2017
 (Jibreel Raza)
 Section Officer (E-II)
 Section Officer,
 Govt. of Khyber Pakhtunkhwa,
 Health Department.


(Signature)

CERTIFICATE OF TRANSFER OF CHARGE

Annex - F

1. Certified that we have on the fore Noon of this day respectively made over and received charge of the Medical Officer BPS-17 Civil Dispensary Mandra Kalan under the control of District Dera Ismail Khan vide Health Department, Khyber Pakhtunkhwa Peshawar Notification No. SO (E)H-II/3-18/2016/1000-8(A) dated 26-01-2017

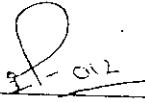
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse: -

Signature of relieved 

Government Servant: XXXXXXXXXXXXXXXXXX

Designation: _____

Station: CD Mandra Kalan

Signature of relieving 

Government Servant: Dr. Moiz Ahmad Shahkar

Designation: Medical Officer BPS-17

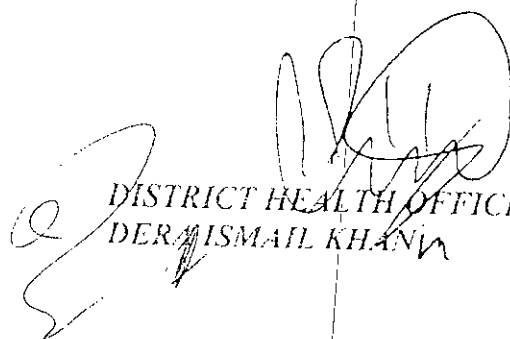
Dated: 27-01-2017 (A.N.)

OFFICE OF THE DISTRICT HEALTH OFFICER DERA ISMAIL KHAN

No. 1028-341/PF Dated _____ DIKhan the 27/01/2017

Copy is forwarded to the:-

- 1- Director General Health Services, Khyber Pakhtunkhwa Peshawar w/r to above
- 2- PS to Secretary Health Khyber Pakhtunkhwa Peshawar
- 3- District Accounts Officer DIKhan
- 4- Incharge Civil Dispensary Mandra Kalan
- 5- Incharge DHIMS of this office
- 6- Accounts Clerk of this office
- 7- Officer Concerned.


DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN





Office of the District Health Officer
Dera Ismail Khan.

No: 6093-99 /PF

Dated: 14 /06/2017

To

The Director General Health Services
Khyber Pakhtunkhawa Peshawar

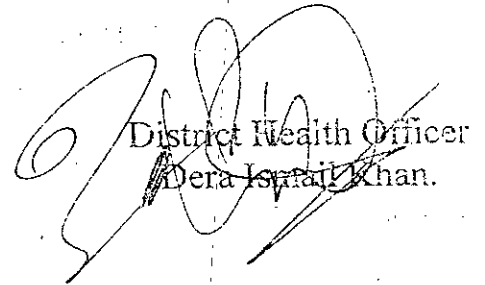
Answer "B"

27

Subject: **Charge Report of Arrival**

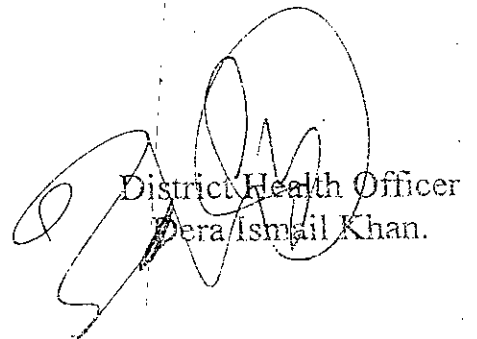
Reference Government of Khyber Pakhtunkhawa, Health Department
Peshawar Notification No: **SO (E) H-II/3-18/2017(4) dated: 09/06/2017.**

I have the honor to state that according to above notification that Dr. Moiz Ahmad Shahkar has taken over the charge on regular basis as Medical Officer in BPS-17 at CD Mandhran Kalan on 09/06/2017 (F.N). Necessary charge report enclosed for further necessary action please.


District Health Officer
Dera Ismail Khan.

Cc: -

1. Secretary to Government of Khyber Pakhtunkhawa Health Department Peshawar.
2. District Accounts Officer DIKhan.
3. Deputy DHO DIKhan.
4. Incharge CD Mandhran Kalan.
5. Doctor Concerned.
6. Accounts Clerk of this Office.
7. Establishment Clerk of this Office.


District Health Officer
Dera Ismail Khan.

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (October-2017)

Annex G



Personal Information of Mr DR. MOIZ AHMAD SHHAHKAR d/w/s of DR. M. ASLAM

Personnel Number: 00834530 CNIC: 1210168655909 NTN:
 Date of Birth: 06.06.1992 Entry into Govt. Service: 27.01.2017 Length of Service: 00 Years 09 Months 006 Days

Employment Category: Active Permanent

Designation: MEDICAL OFFICER 80001647-DISTRICT GOVERNMENT KHYBE

DDO Code: DI6130-D.H.O D.I.K.(DISPINCIRIES)

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: No **GPF Balance: 0.00**

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 0

28

Wage type		Amount	Wage type		Amount
0001	Basic Pay	30,370.00	1000	House Rent Allowance	2,955.00
1210	Convey Allowance 2005	5,000.00	1538	Non - Practicing Allowanc	3,000.00
1974	Medical Allowance 2011	1,500.00	1985	Health Professional Allow	72,000.00
2148	15% Adhoc Relief All-2013	800.00	2199	Adhoc Relief Allow @10%	517.00
2211	Adhoc Relief All 2016 10%	2,544.00	2224	Adhoc Relief All 2017 10%	3,037.00

Deductions - General

Wage type		Amount	Wage type		Amount
3609	Income Tax	-7,394.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 88,209.38 Recovered till October-2017: 29,065.00 Exempted: 0.82- Recoverable: 59,145.20

Gross Pay (Rs.): 121,723.00 Deductions: (Rs.): -7,394.00 Net Pay: (Rs.): 114,329.00

Payee Name: DR. MOIZ AHMAD SHHAHKAR

Account Number: 00100089806700.11

Bank Details: ALLIED BANK LIMITED, 250071 CIRCULAR ROAD BRANCH CIRCULAR ROAD D I KHAN, D I KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: D.I.KHAN

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: sillentkiller1744@gmail.com

MSH
UC

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (November-2017)



Personal Information of Mr DR. MOIZ AHMAD SHHAHKAR d/w/s of DR. M. ASLAM
 Personnel Number: 00834530 CNIC: 1210168655909 NTN:
 Date of Birth: 06.06.1992 Entry into Govt. Service: 27.01.2017 Length of Service: 00 Years 10 Months 005 Days

Employment Category: Active Permanent

Designation: MEDICAL OFFICER 80001647-DISTRICT GOVERNMENT KHYBE
 DDO Code: DI6130-D.H.O D.I.K.(DISPINCIRIES)
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: No **GPF Balance:** 0.00
 Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 0

Wage type		Amount	Wage type		Amount
0001	Basic Pay	30,370.00	1000	House Rent Allowance	2,955.00
1210	Convey Allowance 2005	5,000.00	1538	Non - Practicing Allowanc	3,000.00
1974	Medical Allowance 2011	1,500.00	1985	Health Professional Allow	72,000.00
2148	15% Adhoc Relief All-2013	800.00	2199	Adhoc Relief Allow @10%	517.00
2211	Adhoc Relief All 2016 10%	2,544.00	2224	Adhoc Relief All 2017 10%	3,037.00

Deductions - General

Wage type		Amount	Wage type		Amount
3609	Income Tax	-7,394.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 88,209.38 Recovered till November-2017: 36,459.00 Exempted: 0.97- Recoverable: 51,751.35

Gross Pay (Rs.): 121,723.00 Deductions: (Rs.): -7,394.00 Net Pay: (Rs.): 114,329.00

Payee Name: DR. MOIZ AHMAD SHHAHKAR

Account Number: 0010008980670011

Bank Details: ALLIED BANK LIMITED, 250071 CIRCULAR ROAD BRANCH CIRCULAR ROAD D I KHAN, D I KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: D.I.KHAN

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: sillentkiller1744@gmail.com

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (December-2017)



Personal Information of Mr **DR. MOIZ AHMAD SHHAHKAR** d/w/s of **DR. M. ASLAM**
 Personnel Number: 00834530 CNIC: 1210168655909 NTN:
 Date of Birth: 06.06.1992 Entry into Govt. Service: 27.01.2017 Length of Service: 00 Years 11 Months 006 Days

Employment Category: Active Permanent

Designation: MEDICAL OFFICER 80001647-DISTRICT GOVERNMENT KHYBE

DDO Code: DI6130-D.H.O D.I.K.(DISPINCIRIES)

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: No **GPF Balance: 0.00**

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 1

Wage type	Amount	Wage type	Amount
0001 Basic Pay	32,670.00	1000 House Rent Allowance	2,955.00
1210 Convey Allowance 2005	5,000.00	1538 Non - Practicing Allowanc	3,000.00
1974 Medical Allowance 2011	1,500.00	1985 Health Professional Allow	72,000.00
2148 15% Adhoc Relief All-2013	800.00	2199 Adhoc Relief Allow @10%	517.00
2211 Adhoc Relief All 2016 10%	2,544.00	2224 Adhoc Relief All 2017 10%	3,267.00

Deductions - General

Wage type	Amount	Wage type	Amount
3609 Income Tax	-7,710.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 90,423.13 Recovered till December-2017: 44,169.00 Exempted: 0.83- Recoverable: 46,254.96

Gross Pay (Rs.): 124,253.00 Deductions: (Rs.): -7,710.00 Net Pay: (Rs.): 116,543.00

Payee Name: DR. MOIZ AHMAD SHHAHKAR

Account Number: 0010008980670011

Bank Details: ALLIED BANK LIMITED, 250071 CIRCULAR ROAD BRANCH CIRCULAR ROAD D I KHAN, D I KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: D.I.KHAN

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: sillentkiller1744@gmail.com

next date 14/9/17 H
BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR.

WRIT PETITION NO. 1818-P/2017.

Dr. Muhammad Sohail & others.....Petitioners

VERSUS

Government of Khyber Pakhtunkhwa Health Department & Others.....Respondents

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Parawise comments on behalf of Respondents No. 1 & 2		01-03
2.	Affidavit		04
3.	Authority Letter		05
4.	Advertisement dated 19-11-2016	I	06
5.	PM&DC Certificate	II	07
6.	Withdrawal of appointment order.	III	08

S. BAZ
(SHAH BAZ KHAN)
OFFICE ASSISTANT (LIT. I)
GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

(32)

①
②
③

BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR.

Writ Petition NO.1818-P/2017

Dr. Muhammad Sohail S/O Gul Matali Khan,
R/O House No. 51, Street No. 1, Sector P-2,
Phase-IV, Hayatabad, Peshawar and othersPetitioners.

VERSUS

1. Government of Khyber Pakhtunkhwa,
through Secretary Health, Civil Secretariat, Peshawar.
2. Director General Health Services, Peshawar.
3. Sami Ullah s/o Gulab Gul R/O P.O Tehsil and District, Karak.
4. Moeiz Ahmad Shahkar s/o Muhammad Aslam,
D.I.Khan.....Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 AND 2.

Preliminary objections.

- i. That the petitioners have neither cause of action nor locus standi.
- ii. That the petition is not maintainable in its present form.
- iii. That the petitioners have not come to the Court with clean hands.
- iv. That the petition is bad due to non-joinder and mis-joinder of necessary parties.
- v. That the Honorable Court has got no Jurisdiction.

Respectfully Sheweth:

1. Correct.
2. Not correct. A notification of appointment of 958 medical officers was issued on 12-01-2017.
3. Correct. They were not appointed because they have not completed their house jobs at the closing date of submission of application forms i.e., 05-12-2016. In other words, the petitioners were not eligible for appointment as Medical Officers. The advertisement published in daily News on 19.11.2016 narrates the criteria for appointment and closing dated of receipt of application (Annex: I). The date of completion of House Job of the petitioners is given below:-

S.No.	Name of Petitioner	Date of Completion of House Job.
1.	Muhammad Sohail S/O Gul Matali Khan	30.12.2017
2.	Shakirullah S/O Mazar Jan	19.01.2017
3.	Ahmad Alam S/O Dilawar Khan	01.01.2017
4.	Muhammad Ilyas S/O Gul Daraz Khan	01.01.2017
5.	Muhammad Riaz S/O Gul Didar	30.12.2016
6.	Waqas Ahmad S/O Syed ul Islam	15.01.2017
7.	Malik Ahmad Khan S/O Muhammad Hamayun Khan	11.02.2017
8.	Najeeb Ullah S/O Abdullah	13.01.2017
9.	Shafiq Ullah S/O Mutiullah	00.02.2017
10.	Zulqarnain S/O Dr. S.Muhammad Younas	09.12.2016
11.	Sadiq Ali S/O Syed Qabat Shah	00.03.2017
12.	Fayaz Ali S/O Gul Nawab	00.03.2017
13.	Gohar Zeb Khan S/O Anwar Zeb	House Job Officer. Exact date of completion of House Job has not been provided by the Candidate.
14.	Ihsanullah S/O Muhammad Haroon	House Job Officer. Exact date of completion of House Job has not been provided by the Candidate.
15	Sardar Khalil S/O Ghulam Younas.	01.01.2017.

4. As explained in answering para 3 above.
5. As explained in answering para 3 above.
6. As explained in answering para 3 above.

GROUNDS:

- A. As explained in answering para 3 of the above.
- B. As explained in answering para 3 of the above.
- C. As explained in answering para 3 of the above

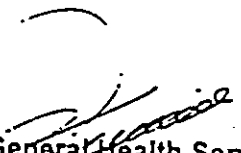
34

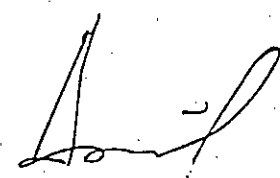
32

32

- D. Incorrect. As per PM&DC Certificate, the Respondent No.3 (Dr. Samiullah) was eligible for appointment. (PM&DC certificate is attached at Annexure-II) whereas the appointment order issued inadvertently in respect of Respondent No. 4 has been withdrawn (Annex: III).
- E. As explained in answering para 3 of the above
- F. Incorrect. Khyber Pakhtunkhwa Public Service Commission (PSC) has recommended 3266 medical officers which will left no vacancy with the Department.
- G. No comments.

It is therefore requested that the instant writ petition may be set aside due to reasons enunciated above please.


Director General Health Services,
Khyber Pakhtunkhwa
Respondent No.2


Secretary to Govt of
Khyber Pakhtunkhwa
Health Department
Respondent No.1

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35

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BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR.

WRIT PETITION NO. 1818-P/2017.

Dr. Muhammad Sohail & others.....Petitioners

VERSUS

Government of Khyber Pakhtunkhwa Health Department & Others.....Respondents

AFFIDAVIT

I, SHAH BAZ KHAN, Office Assistant (Litigation-I), Government of Khyber Pakhtunkhwa, Health Department do hereby solemnly affirm and declare that the contents of the parawise comments at Page 1-3 submitted on behalf of Respondents No. 1 & 2 is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.

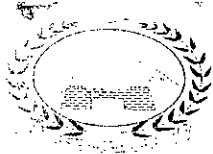
(SHAH BAZ KHAN)
OFFICE ASSISTANT (LIT. I)
GOVT: OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.
CNIC No 21407-3147523-3

Identified by

Advocate General
Khyber Pakhtunkhwa

No.....	5253
Certified that the above was verified on solemnly affirmation before me on this..... day of.....	
day of.....	17 Sep 17
at.....	Shah Baz Khan Peshawar
who was.....	A.G.
Who is personally.....	
 Commissioner of Administration Peshawar High Court, Peshawar	

Madra Verified



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Annals
I

Dated Peshawar, the 23rd August 2017

NOTIFICATION

No.SO-(H)E-II/3-18/2017/P: WHEREAS, Health Department, Khyber Pakhtunkhwa advertised the posts of Medical Officer BS-17 on adhoc basis for a period of one year or till the arrival of selectees from Public Service Commission whichever is earlier for which last date of receipt of applications was 05.12.2016;

35/11

AND WHEREAS, in the above referred to advertisement, eligibility criteria was mentioned as following:

- A. MBBS or equivalent qualification from recognized university;
- B. Completion certificate of House Job Training;
- C. Permanent/valid PM&DC registration;

AND WHEREAS, Dr. Moiz Ahmad Shahkar s/o Muhammad Aslam Baloach was appointed as Medical Officer, BS-17 on 12.01.2017 on adhoc basis for a period of one year or till the arrival of selectees from Public Service Commission whichever is earlier inadvertently;

AND WHEREAS, the above named doctor had not completed House Job Training till last date of receipt of applications rather the completion date of House Job of the doctor concerned is 17.01.2017;

AND WHEREAS, the posting notification of all the Medical Officers had, inter-alia, the following terms & Conditions:

- i. The concerned District Health Officers (DHOs) and Medical Superintendents (MSs) are directed to verify the credentials of the arrivals so as to ensure the exclusion of Trainee Medical Officers (TMOs) and House Officers (HOs).
- ii. In case of the above, the concerned DHO and MS should intimate such statuses to the undersigned for legal action.
- iii. Moreover, if the credentials of any Medical Officer are found fake and/or forged the Department will take legal action against such individuals.

NOW THEREFORE, the competent authority is pleased to terminate the service of Dr. Moiz Ahmad Shahkar s/o Muhammad Aslam Baloach, Medical Officer BS-17 and further directed the DHO D.I.Khan to recover the salaries if paid to him.

SECRETARY HEALTH
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. DHO D.I.Khan.
4. DAO D.I.Khan.
5. PS to Secretary Health, Khyber Pakhtunkhwa.
6. Doctor concerned.

Section Officer (E-II)

Answer ~~10/2/17~~

No _____ /

Dated D.I.Khan, the 20.09.2017

J

From; Dr. Moiz Ahmad Shahkar
D.I.Khan

DNO. SH. No. 671
Date 9.9.17
Secretary Health

To; The Secretary to Government
Health Department
Peshawar

21-9-17

(36)

Sub: Representation/ Appeal/ Review against the Notification Dated Peshawar the 23rd August 2017 that has Terminated the service of the Petitioner Dr. Moiz

Hon'ble Sir

The Petitioner respectfully submits as follow;

Facts

1. That the petitioner, in the wake of qualifying Medical Examination of MBBS from Khyber Medical University Peshawar in the year 2016 and had joined the House Job in DHQ D.I.Khan in January, 2016 that had to be completed on 24.01.2017
2. It was on 21.11.2016 that the Petitioner caught sight of an Advertisement in the "Daily Newspaper Mashriq" Peshawar bearing the caption "Adhoc Based Appointment of Medical Officers BPS-17 in Health Department, Govt of Khyber

Pakhtunkhwa". The Advertisement prescribed 3 qualification/eligibility criteria;

- a) **MBBS or equivalent qualification from a recognized University.**
- b) **Completion Certificate of House Job training.**
- c) **Permanent /valid Pakistan Medical & Dental council (PMDC) Registration.**

Likewise; Advertisement also provided that Applicant should also attach attested copies of their relevant documents along with valid copies of photographs with the application Forms. And the Forms had to be submitted by December, 05th, 2016.

3. The Applicant had submitted all the necessary Documents to the concerned section Officer of the Department. The Applicant didn't conceal the least of facts from the Department and did make it manifest in the Documents the time spent in the House Job. By the time of submission of the Document for the Job the applicant had a month or so to go with the House Job and the applicant had submitted the Documents under the impression if the date of Test& Interview by a chance of luck is postponed for few days, the House Job time/tenure of the Applicant will get completed.
4. The office concerned had scrutinized the Applicant's Documents thrice and the Applicant was called for Test& Interview and since Applicant had qualified both, therefore, he was selected in BPS-

17. Vide Notification No. SO (E) H-11/3-18/2016/1000 Dated Peshawar, the 12th January 2017. It was in view of this Notification the applicant had assumed the charge of Medical Officer on Adhoc basis in DHO office Dera Ismail Khan on 27th January 2017.

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5. The Govt of Khyber Pakhtunkhwa issued a Notification No. SO (E) H-11/3-18/2017(4) dated: 09/06/2017 that had regularized all the Medical Officers who were once appointed on Adhoc basis in view of Notification No. SO (E) H-11/3-18/2016/1000 Dated Peshawar, the 12th January 2017 and the Applicant in view of Notification No. SO (E) H-11/3-18/2017(4) dated: 09/06/2017 had assumed the charge of the post of Medical Officer BPS-17 at CD Mandhra Kalan on 09/06/2017 (F.N) on Regular Appointee.
6. Since Muhammad Suhail etc. almost fifteen candidates who too had appeared in test & inter at the time of selection on Adhoc basis were not selected and when they didn't find their names in the Notification No. SO (E) H-11/3-18/2016/1000 Dated Peshawar, the 12th January 2017, they filed a Writ Petition No. 1818 of 2017 bearing the title, "Muhammad Suhail & others Versus Govt of Khyber Pakhtun Khwa through Secretary Health Peshawar & others in the august Peshawar High Court on 29.04.2017 wherein the petitioner was placed as Respondent No. 4. It's worth quotable here that if these Writ Petitioners were

selected it was just because these 15 Writ Petitioners didn't have with them their RMP Certificate.

7. When the Writ petition was pending against selection of the Petitioner through Notification No. SO (E) H-11/3-18/2016/1000 Dated Peshawar, the 12th January 2017, the Govt of Health withdrew this Notification and Regularized petitioner through Notification No. SO (E) H-11/3-18/2017(4) dated: 09/06/2017.

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8. When the Petitioner Moiz Ahmad was regularized through Notification No. SO (E) H-11/3-18/2017(4) dated: 09/06/2017, the secretary Health issued a letter of Termination of the Petitioner Moiz Ahmad in back Date of 23rd August 2017. Which order Dated 23.08.2017 needs review on the following:-

Grounds.


- i. The Petitioners in writ Petition No. 1818 of 2017 and the Petitioner Moiz Ahmad have the identical qualification of MBBS. If Muhammad Suhail etc. the Petitioners in Writ Petition No. 1818 of 2017 were not selected on Adhoc basis through Notification No. SO (E) H-11/3-18/2016/1000 Dated Peshawar, the 12th January 2017 it was because of the reason best known to the selection Authority. The Petitioner Moiz Ahmad had nothing to do therewith.

- ii. *The Writ-petitioners didn't challenge the Notification No. SO (E) H-11/3-18/2017(4) dated: 09/06/2017 in the writ Petition No. 1818 of 2017. And the Notification that forms subject-matter of the Writ No. 1818 of 2017 is the Notification No. SO (E) H-11/3-18/2016/1000 Dated Peshawar, the 12th January 2017 which has been withdrawn by the Govt. Hence their Writ Petition is not competent and not maintainable and has the least chance to succeed in the court.*
- iii. *The Petitioner Moiz had begun the House Job on 12th January 2016 and the time or tenure of the House Job of the Petitioner Moiz Ahmad had to lapse or completed on 24th January 2017. The Petitioner Moiz Ahmad had given arrival report in the Director General Office on 26th January 2017 and had submitted arrival Report in DHO Office-D.I.Khan on 27th January 2017. This ensures that by the time the Petitioner had assumed the charge of Medical Officer, his House Job was already complete on 24th January 2017.*
- iv. *That the impugned "Termination Order" of the Petitioner amounts to injustice, for according to the Govt Servants Disciplinary rules 2011 it is imposed as a kind of Major Penalty for corruption, misuse or abuse of power or grave*

or an unpardonable heinous an offense on the part of the Govt Servant and it is imposed when it is proved through a fair inquiry and Inquiry Report by an Inquiry Officer which is non-existent.

- v. That the Secretary Health didn't take the pain to issue even the Notice to the Petitioner before issuing the Termination Order and in this respect ample law laid down by the August Supreme Court is there that tells that nobody should be condemned unheard. The petitioner has been condemned unheard in the termination order.
- vi. Termination order by itself is void ab initio against the Petitioner who has already been regularized through a **Notification No. SO (E) H-11/3-18/2017(4) dated: 09/06/2017** published in the Official Gazette, and the last mentioned Notification is not subject Matter of the Writ Petition No. 1818 of 2017 which lis-pendent in the August Peshawar High Court Peshawar and the secretary health was functus Officio to have reviewed the appointment order of the Petitioner Moiz Ahmad Suo Moto and this was absolutely arbitrary an act of the Secretary that has by-passed the constitutional provisions, Civil Servant Act, 1973, the Govt Servants Efficiency & Discipline Rules, 2011 as well as the norms, the precedents and the standard laid

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down in scores of case laws by the August Supreme Court of Pakistan.

- vii. That secretary Health passed the impugned Termination Order during pendency of the writ Petition and in case of pending Writ Petition it is for the Hon'ble High Court to decide the matter in the the writ Petition and the Secretary Health was *FUNCTUS OFFICIO* to have passed the order of termination against the Petitioner.
- viii. The Govt Servants (efficiency & Discipline) Rules, 2011 provide three (3) major penalties i.e. Dismissal from service, Termination of Service and Removal from service after Authorized officer submits an inquiry Report to the authority. Major Penalty is imposed only when the Authority concurs with the Report. But nothing like that is there with respect to the termination of the Petitioner.
- ix. The Petitioner hasn't been officially conveyed about his Termination of service to this day of writing of Representation. The Petitioner has just heard from un-authentic source of Health Department that the Petitioner Moiz Ahmad has been terminated from service on 23.08.2017, although the Petitioner has received the full pay of the month of August. This discloses that the order of Termination of the Petitioner Moiz Ahmad was issued in

September, but it was given a back date of 23rd August 2017. In this context, there is a Duty order bearing No. 10210-18/PF Dated 30.08.2017 of the Office of DHO D.I.Khan that reads;

"the following Doctors and Paramedics are placed at the disposal of the in-charge Health Facilities as mentioned against each for EID UL AZHA Duty from 01.09.2017 to 02.09.2017". In this Duty order the Petitioner Moiz Ahmad was placed at serial No. 1 and was directed to serve at Type-D Hospital Panyala on 2nd Day 09.00 to 06.00."

Prayer

Since Writ Petition No.1818 of 2017 is still pending in the august Peshawar High Court Peshawar wherein the Petitioner has been made party as Respondent No. 4; the Notification No. SO (E) H-11/3-18/2016/1000 Dated Peshawar, the 12th January 2017, that the Writ-Petitioners have challenged in their Writ Petition No. 1818 of 2017, has been withdrawn and is no longer existent and in the pending Writ Petition, the writ-Petitioners hadn't challenge the Notification No. SO (E) H-11/3-18/2017(4) dated: 09/06/2017 that has regularized the appointment of the

Petitioner; the august Peshawar High Court, Peshawar has already assumed the Jurisdiction and now it is for the Hon'ble High court to see if the Petitioner's appointment was validly made or not. When Writ-Petition is lis-pendent the Secretary health was not supposed to make any order with respect to the service of the Petitioner, for that may amount to contempt of court; the Petitioner didn't make any misrepresentation in his documents submitted by the time of his application for his appointment on Adhoc basis and the Documents of the Petitioner were scrutinized thrice by the office; that by the time of his arrival report on 26.01.2017 in the office of Director General Health and his arrival report On 27.01.2017 in the office of DHO, petitioner had already completed his House-Job Tenure of one year on 24.01.2017; that since the secretary health has "Terminated" the Petitioner from service without any allegation/ inquiry or Report and without according the Petitioner chance of hearing this makes the order illegal. What is more fatal and deadly dreadful for the Petitioner is that if the impugned order of Termination of Petitioner from service Dated 23.08.2017 is not withdrawn it may ruin the life of the Petitioner, for a Govt Servant if terminated from service is legally debarred from joining

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any Govt service. Since the Petitioner who had burnt his life-blood and spent the energy in study for MBBS may not please be treated the way he has been through Termination Order Dated 23.08.2017. Being a Decree holder in MBBS he has got the right of service. It is requested that apart from factual and legal grounds, his matter may please be reconsidered on humanitarian grounds and his fate may please be left at the mercy of the august Peshawar high Court Peshawar to be determined in the pending Writ-Petition No.1818 of 2017.

Dated :20th November 2017

Sincerely yours/Appellant

Dr Moiz Ahmad Shahkar
Medical Officer Incharge at
CD Mandhra Kalan
D.I.Khan

Mob No :03339988055

Address :- Usmania Street
Kashmir Chowk North
Circular Road Dera Ismail
khan

OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN

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No. 10210/18

1/5

Dated: 30/08/2017

Annex -
"K"

ORDER

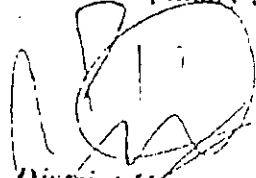
The following Doctors and Paramedics are placed at the disposal of Incharge Health Facilities as mentioned against each for Eid Ul Adha duty with effect from 01-09-2017 to 04-09-2017.

S. No.	Name & Designation	Place of Duty during Eid
1	Dr. Molk Ahmed Medical Officer CD Mandhran (03339988033) along with driver Mr. Bashir Ahmed with ambulance No: X-68-5148 (03339984476)	Type-D Hospital Panyala on 2 nd Day 9.00 AM to 6.00 PM
2	Dr. Muhammad Umair Police Hospital DIKhan along with driver Mr. Abdullah with ambulance No: X-68-5148 (03459889139)	Type-D Hospital Panyala on 3 rd Day 9.00 AM to 6.00 PM
3	Mrs. Sardaran LHV MCH Center Panyala	At the disposal of Incharge Type-D Hospital Panyala for further duty
4	Mrs. Qurat Ul Ain LHV BHU Gilloti	At the disposal of Incharge Type-D Hospital Panyala for further duty
	Mr. Far Muhammad CT Pharmacy CD Rehmani Khel	At the disposal of Incharge Type-D Hospital Panyala for further duty


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cc:-

1. DHO, Deputy DHO and Coordinators to supervise/monitor the duties of all staff.
2. Incharge of Health Facilities is directed to include the above staff in Eid duty Rota.
3. All staff should be present in place of duty with proper uniform.
4. In case of any negligence, no excuse will be considered and strict disciplinary action will be taken against the defaulters.


District Health Officer
Dera Ismail Khan

- Deputy Commissioner Dera Ismail Khan.
- Deputy DHO DIKhan.
- Divisional IMU Officer DIKhan.
- Medical Superintendent Type-D Hospital Panyala.
- Incharge CD Mandhran.
- Incharge Police Hospital DIKhan.
- Incharge CD Rehmani Khel.
- Officers / officials Concerned for strict compliance.
- Dispatchment Clerk of this office.


District Health Officer
Dera Ismail Khan

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (February-2018)



Personal Information of Mr DR. MOIZ AHMAD SHHAHKAR d/w/s of DR. M. ASLAM

Personnel Number: 00834530 CNIC: 1210168655909 NTN:
Date of Birth: 06.06.1992 Entry into Govt. Service: 27.01.2017 Length of Service: 01 Years 01 Months 003 Days

Employment Category: Active Permanent

Designation: MEDICAL OFFICER 80001647-DISTRICT GOVERNMENT KHYBE

DDO Code: DI6130-D.H.O D.I.K.(DISPINCIRIES)

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: No

GPF Balance:

0.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 17

Pay Stage: 1

Wage type		Amount	Wage type		Amount
0001	Basic Pay	32,670.00	1000	House Rent Allowance	2,955.00
1210	Convey Allowance 2005	5,000.00	1538	Non - Practicing Allowanc	3,000.00
1974	Medical Allowance 2011	1,500.00	1985	Health Professional Allow	72,000.00
2148	15% Adhoc Relief All-2013	800.00	2199	Adhoc Relief Allow @10%	517.00
2211	Adhoc Relief All 2016 10%	2,544.00	2224	Adhoc Relief All 2017 10%	3,267.00

Deductions - General

Wage type		Amount	Wage type		Amount
3609	Income Tax	-7,709.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 90,423.13 Recovered till February-2018: 59,588.00 Exempted: 0.15- Recoverable: 30,835.28

Gross Pay (Rs.): 124,253.00 Deductions: (Rs.): -7,709.00 Net Pay: (Rs.): 116,544.00

Payee Name: DR. MOIZ AHMAD SHHAHKAR

Account Number: 0010008980670011

Bank Details: ALLIED BANK LIMITED, 250071 CIRCULAR ROAD BRANCH CIRCULAR ROAD D I KHAN, D I KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: D.I.KHAN

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: sillentkiller1744@gmail.com

DB

17/12/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

2062 Mr. Moiz Ahmad Shahkar Versus Secretary Health etc:


29-10-18

Application on behalf of respondent No.03 for setting aside Ex-Parte proceeding.

Respectfully shewith :

1. That the above titled case is pending adjudication before this Hon'ble Court which is fixed for today on dated 29/10/2018. *Next date for hearing 17/12/18*
2. That the absence of the defendant is neither deliberately nor intentionally. But due to non aware about the instante case.
3. That all the proceeding was taken without the in knowledgte of the defendent.
4. That now the defendant has in knowledge the above instant case and neither absent from the court and will be present on each and every date.
5. That the superior courts always appreciate the decision on merits, nor the decision on technically.

It is therefore, requested that the application for setting aside the ex-party proceeding may please be allowed.

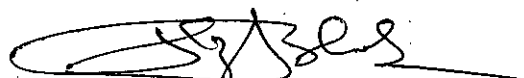

Appellant/defendant

Through

Govt. Pleader.

Affidavit:

That the contents of this application is true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble court


Appellant/defendant

Through

Govt. Pleader.

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (September-2017)



Personal Information of Mr DR. MOIZ AHMAD SHHAHKAR d/w/s of DR. M. ASLAM

Personnel Number: 00834530 CNIC: 1210168655909 NTN:
 Date of Birth: 06.06.1992 Entry into Govt. Service: 27.01.2017 Length of Service: 00 Years 08 Months 005 Days

Employment Category: Active Permanent

Designation: MEDICAL OFFICER 80001647-DISTRICT GOVERNMENT KHYBE

DDO Code: D16130-D.H.O D.I.K.(DISPINCIRIES)

Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: No **GPF Balance:** 0.00

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 0

Wage type		Amount	Wage type		Amount
0001	Basic Pay	30,370.00	1000	House Rent Allowance	2,955.00
1210	Convey Allowance 2005	5,000.00	1538	Non - Practicing Allowanc	3,000.00
1974	Medical Allowance 2011	1,500.00	1985	Health Professional Allow	72,000.00
2148	15% Adhoc Relief All-2013	800.00	2199	Adhoc Relief Allow @10%	517.00
2211	Adhoc Relief All 2016 10%	2,544.00	2224	Adhoc Relief All 2017 10%	3,037.00

Deductions - General

Wage type		Amount	Wage type		Amount
3609	Income Tax	-7,394.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 88,209.38 Recovered till September-2017: 21,671.00 Exempted: 0.78- Recoverable: 66,539.16

Gross Pay (Rs.): 121,723.00 Deductions: (Rs.): -7,394.00 Net Pay: (Rs.): 114,329.00

Payee Name: DR. MOIZ AHMAD SHHAHKAR
 Account Number: 0010008980670011
 Bank Details: ALLIED BANK LIMITED, 250071 CIRCULAR ROAD BRANCH CIRCULAR ROAD D I KHAN, D I KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: Domicile: - Housing Status: No Official
 City: D.I.KHAN
 Temp. Address: Email: sillentkiller1744@gmail.com
 City:

وکالت نامہ

تہمتی ایک روپیہ		کورٹ فیس
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صبر لکھنوی خواہ / دس / اسپرنل / لٹا

مخاطب Dr. Miriz Akmal Shakilien

نام Grou

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف دانے پوری وجہ دہی برائے پیشی یا تصفیہ مقدمہ بنام
 جہاز سب محسوس، لوگنڈ، ہسٹل، اولاد، قائل اور لکھنوی

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور ہیرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے مذکورہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تہذیب ہجرت کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے ساتھ اور جگہ سماعت ہونے یا بروز تہذیب یا کچہری کے اوقات سے آگے یا پیچھے پیشی سماعت پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے اور کوئل سماعت پر ماخذ صاحب موصوف میں کردہ ذات خود منظور توکل ہو گی اور صاحب موصوف کو عرض و قول یا جواب دہی یا درخواست ابراہام صاحب انصاف کی اپیل گمرانی و ہر قسم درخواست بر قسم کے بیان دینے اور پر پیشی یا راضی نامہ و فیصلہ بر حاکم کرنے اقول دہی کو ہی ملیر ہو گا اور سماعت ابراہام صاحب کی پیشی مقدمہ مؤثر بیرون کو کچہری صدر بیرون مقدمہ مؤثر گمرانی اپیل و گمرانی و آگے مقدمہ یا مشورہ نامہ یہ سماعت یہ سماعت میں اپنی برائے توکل میں از فیصلہ جرنے ذمہ داری صاحب موصوف کو شہادہ اور اپنی فیصلہ کا اختیار اور ہر قسم سماعت پر اوقات صاحب موصوف کو خود منظور و قوں ہو گا اور بصورت ضرورت صاحب موصوف و یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی ہزام کی گمرانی یا بصورت درخواست کے نامہ اپیل گمرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا ہیر منہ و اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دہی اور اپنے اختیارات حاصل ہیں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر بہانہ اثناء ہنگامہ کا وہ صاحب موصوف کو حق ہو گا اور صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کریں گے تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پوری نہ کریں اور اپنی سماعت میں ہیر کوئی مقابلہ کسی قسم کا صاحب موصوف کے برضاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

2018 18 مئی 1 ماہ

مضمون وکالت نامہ سن مایا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Advocate
 Jalil Ma
 Adil

Advocate
 Wajid
 Akbar

012

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Dr. Muhammad Moiz Ahmad Shahkar,
R/o Usmania Street, Kashmir Chowk, North Circular Road, D.I.Khan.

- Subject: 1. **SERVICE APPEAL NO. 80/2018 -DR.MOIZ AHMAD SHAHKAR VERSUS GOVT: OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT.**
2. **CHIEF SECRETARY, KHYBER PAKHTUNKHWA.**
3. **SECRETARY HEALTH, GOVERNMENT OF KHYBER PAKHTUNKHWA.**
4. **DIRECTOR GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA.**
-

Respectfully shewth,

PRELIMINARY OBJECTIONS:

1. That the appellant has no locas standi.
2. That the appellant has not come to court with clean hands.
3. That the appellant has get nocouse of action.
4. That the instant appeal is meritless, unjustified and non maintainable.
5. That the instant appeal is barred by law.

RESPECTFULLY SHEWETH,

Para-wise comments on behalf of Respondent No. 02,03&04.

1. No Comments, Personal credential.
2. Incorrect and misleading. The PMDC initially issues Provisional Registration which is for only one year and is issued to the House Jobbers. Whereas eligibility for the post of Medical Officer, BS-17 require permanent registration in PMDC on the part of a candidate which is issued after completion of House Job. The appellant had not completed his house job till the last date of submission of application. Hence his registration was purely provisional which makes him ineligible for the post.
3. Correct.
4. Correct.
5. Correct.
6. No Comment as zeal dedication and contribution of a person so claiming cannot be measured objectively.
7. Correct.
8. Correct.
9. No Comments.
10. Correct
11. No Comments
12. Correct to the extent of withdrawal of appointment Notification of the appellant. The rest as explained vide Para-09 ante.
13. No Comments as a reference to writ petition lodged by the appllant in Peshawar High Court Peshawar and subsequent suspension of order dated 23.08.2017 has been given but writ petition not mentioned. Similarly duty Rota is notified as per practice in vogue.

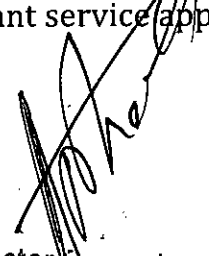
14. Not correct as it has been duly communicated hence the instant appeal. Similarly in light of his appointment notification dated 12.01.2017 S# 17 a FIR will be lodged separately on providing fake information and documents.
15. The appellant has got no cause of action to file instant appeal.

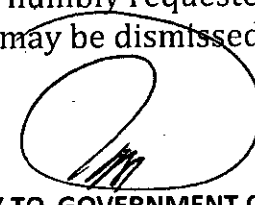
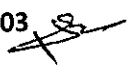
Grounds:

- A. Not Correct, the order dated 23.08.2017 was issued on the following grounds, the last date of submission of form was 05.12.2017:-
- i. as mentioned in advertisement, wherein the eligibility criteria was mentioned as inter alia, at (B) "completion certificate of House Job, Training" and the doctor concerned has not completed his House Job till the above mentioned date. He completed his House Job on 17.01.2017.
- ii) The verification of credentials was the responsibility of MS and DHO concerned so as to ensure the exclusion of Trainee Medical Officers and House Officers as the terms and conditions of Adhoc Job clearly states that Health Department will be the competent authority to terminate the services in case of absence or if the doctor hence appointed were to be found as a result of verification as TMO and House Officer. (The purpose of Adhoc appointment to ensure continuous service delivery).
- iii) the doctor concerned was thus appointed in light of WRONG information provided by him in his application form and during interview and hence was liable to be terminated.
- iv) Moreover, he had certified on the appointment form that the information he provided was correct, which was found incorrect/false upon verification. Moreover, this Department reserved the right of lodging FIR and legal proceedings for provision of wrong and false information.
- B. Not correct As above.
- C. Not correct, as explained in Para-A of Grounds.
- D. Incorrect the appellant was treated as per law.
- E. Not correct, the order is strictly in accordance with the law .
- F. Incorrect As above..
- G. Not correct, the appellant was duly terminated. The reason has been explained in Para-A of Grounds.
- H. Not correct, as explained in Para-A ante.
- I. Not Correct, in terms of Section-11 (1) (i) of Khyber Pakhtunkhwa Civil Servant Act 1973, the services of a civil servant may be terminated without any notice during the initial or extended period of probation.
- J. Not correct as explained in Para-A of grounds.
- K. As explained vide Para-A of Grounds.
- L. Not correct. Under General Clauses Act (X of 1897) --- ----S. 21--- Authority which could pass an order, was entitled to vary, amend, add to or rescind such order.
- M. Not correct. The responsibility lies upon the shoulders of the appellant by providing false information during the recruitment process as explained in Para-A above.
- N. Incorrect. As above..
- O. Incorrect as elaborated in Para-A above.
- P. Not correct as explained in Para-A & I above.

Q. The respondents seek leave to raise additional grounds at the time of arguments.

In light of the above, it is therefore, humbly requested that the instant service appeal being devoid of merit may be dismissed.


Director General
Health Services
Khyber Pakhtunkhwa Peshawar
Resp. No. 4


SECRETARY TO GOVERNMENT OF KP,
HEALTH DEPARTMENT, PESHAWAR
RESPONDENT NO. 03 

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2018

Dr. Moiz Ahmad Shahkar VS Government of Khyber Pakhtunkhwa etc

RE-JOINDER FOR AND ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

The petitioner most humbly submits as under:-

REPLY TO PRILIMINARY OBJECTIONS:-

1. **That** the petitioner has got a locus standi and has a genuine case in his hand. All the preliminary objections raised by the respondents No. 2 to 4 in their comments are unfounded and without any substance and specifically denied.

ON FACTS:

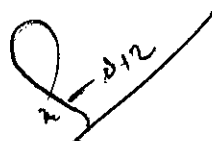
1. **That** Para No. 1 of the Petition is not responded by the Petitioner hence admitted correct by the Petitioner.
2. **That** the reply of the Respondents No. 2-4 in respect of para No. 2 is incorrect while that of the Petition is correct. The Petitioner was duly registered with Pakistan Medical and Dental Council after his MBBS Degree. Any irregularity, in appointment, if committed by the department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment.
3. **That** Para No. 3-5 are admitted correct by the Respondents No. 2-4.
4. **That** Para No. 6-12 are also admitted correct by the Respondents No. 2-4 hence need no further explanation.
5. **That** Para No. 13 of the Appeal is correct while that of the comments filed by the Respondents No. 2-4 is incorrect.
6. **That** Para No. 14 of the Appeal is correct while that of the comments filed by the Respondents No. 2-4 is incorrect.
7. **That** Para No. 15 of the comments is incorrect. The Appellant has got a locus standi to file the present appeal.

2

REPLY TO GROUNDS OF COMMENTS FILED BY RESPONDENTS:

A-Q. Reply filed in response to the grounds of the writ petition is vague and baseless. The respondents have failed to provide any cogent and reliable reply. All the relevant record was placed before the appointing authority. No proper inquiry such as charge sheet/ statement of allegations, show-cause notice, had been issued to the Appellant while terminating his service. As stated in the preceding paragraphs any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment.


In view of the above, and in addition to the main Appeal, it is humbly prayed that this Hon'ble Court may graciously be pleased to pass an appropriate order in accordance with law in light of the prayers made in the main Appeal.



Appellant

Through

Dated: 16-12-2016



Jahanzeb Mahsud
Advocate, High Court,
Peshawar

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2018

Dr. Moiz Ahmad Shahkar VS Government of Khyber Pakhtunkhwa etc

AFFIDAVIT

I, **Dr. Moiz Ahmad Shahkar** do hereby solemnly affirm and declare upon oath that the contents of accompanied rejoinder are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Honorable Court.

Identified By:


Jahanzeb Mahsud

Advocate High Court



Deponent


ATTESTED
Anwar Zeb Advocate
Oath Commissioner
Peshawar

30-1-19

Before The Khyber Pakhtunkhwa Service Tribunal Peshawar

Dr. Moiz Ahmad Shahkar vs Govt. of KPK etc.

Application for withdrawal of Vakalatnama

27/11/2019

Respectfully Sheweth:

1. That the above captioned appeal is pending adjudication before this Hon'ble Court and is fixed for today i.e. 27th 11/19.
2. That the undersign wants to withdraw his Vakalatnama submitted on behalf of Appellant.
3. That propriety, fairplay and justice demands that the Vakalatnama on behalf of appellant may kindly be withdrawn.

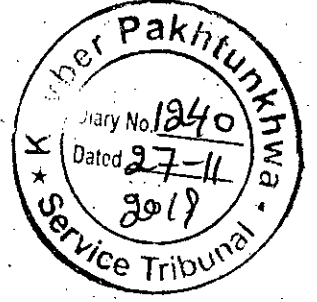
It is, therefore, most humbly requested that on acceptance of the instant application the Vakalatnama of the undersign may kindly be withdrawn.

Dated 27/11/19.

Jalal Mulla
Jahanzeb Mahmud
Advocate

بعدالت جناب سروس ٹریبونل خیبر پختونخواہ پشاور

معز احمد شاہکار بنام KPK



put up to the court with relevant appeal.

اپیل

درخواست بمراثرانسفر فرمائی جانے اپیل عنوان بالا

اپیلانٹ حسب ذیل عرض رساں ہے۔

جناب عالی:-

۱۔ یہ کہ اپیل عنوان بالا عدالت معزز میں زیر سماعت ہے۔ جسکی امر و تاریخ پیشی مقرر ہے۔

۲۔ یہ کہ من سائل / اپیلانٹ / FCPS اسپیشلائزیشن کا پارٹ First دو سال قبل مکمل کر چکا ہے جبکہ اب Part 2nd کی تیاری میں مصروفیات کی وجہ سے اپیل بالا کی اصالتاً پیروی کرنے سے قاصر ہے۔ اور بدیں طور من اپیلانٹ کا والد پیروی کر رہا ہے۔ اور اسی طرح والد ام ایک صغیف العمر / ریٹائرڈ ہیں۔ اور پشاور میں آنے جانے پر انتہائی تکلیف ہوتی ہے۔ اور پشاور میں اپیل ہذا میں ایک وکیل مقرر کیا تھا۔ جس نے اپنا وکالت نامہ Withdraw کر لیا ہے۔ اور اپیلانٹ ڈیرہ اسماعیل خان کارہائشی ہے۔ بدیں طور بھی اپیل بالا کو ڈیرہ اسماعیل خان میں ٹرانسفر کیا جانا مطلوب ہے۔ تاکہ من اپیلانٹ ڈیرہ اسماعیل خان میں وکیل مقرر کر کے اپیل ہذا کی پیروی کرے۔ اور والد ام ڈیرہ اسماعیل خان سے پشاور ایک طویل اور تکلیف دہ سفر سے بچ سکیں۔

۳۔ یہ کہ اپیل بالا میں کمیٹنس ازاں رسپانڈنٹس داخل ہو چکے ہیں۔ بدیں وجہ اپیل بالا کو ڈیرہ کمپ میں ٹرانسفر کیا جانا عین قرین انصاف ہے۔

لہذا استدعا ہے کہ درخواست ہذا منظور فرمائے جانے کے احکامات جاری فرمائے جاویں۔ اور اپیل عنوان بالا کو سروس ٹریبونل کمپ کورٹ ڈیرہ اسماعیل خان برائے سماعت ٹرانسفر فرمایا جاوے۔

معز احمد شاہکار اپیلانٹ

بزرگہ گلزور
شاہکار

The appeal be transferred to Dikhan Bench and fixed for hearing in next tour. Necessary notices be also issued.

27/11

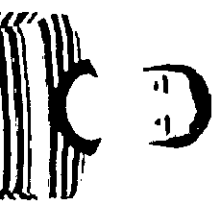
Sr. No. 447

Dated: 24-01-2017

MEDICAL TEACHING INSTITUTE DISTRICT HEAD QUARTER HOSPITAL



DERA ISMAIL KHAN





HOUSE JOB CERTIFICATE

Certified that DR. MOZAHMAD SHAHKAR S/O DR. M. Aslam Baloch having PMDC Registration No. B-23341-N has worked as House Officer in this hospital as under:-

Medicine and Allied	From 25-01-2016	to	24-07-2016
Surgery and Allied	From 25-07-2016	to	24-01-2017

This appointment was whole time, paid and residential, his/her conduct and character during this period was EXCELLENT


 HOSPITAL DIRECTOR
 MTI DHQ TEACHING HOSPITAL
 D.I.KHAN


 DEAN/ ~~Principal~~ Surgeon Akhtar Masir
 GOMAL MEDICAL COLLEGE
 DERA ISMAIL KHAN



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 5th August, 2019

NOTIFICATION


No.SO(H)E-II/4-1/EOL/2019: Sanction is hereby accorded to the grant of 1825-days Extra Ordinary Leave w.e.f 07.08.2018 in respect of Dr. Moiz Ahmad Shahkar, MO (BS-17) attached to Civil Dispensary Mandhran Kalan District D.I Khan for the purpose of TMO ship.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. C.E.O, PGMI, Peshawar.
4. DHO, D.I.Khan .
5. DAO, D.I.Khan.
6. Section Officer Litigation-II, Health Department, KPK.
7. Deputy Director (IT) Health Department.
8. PS to Secretary Health, Khyber Pakhtunkhwa, Peshawar.
9. Doctor concerned.


(Hamid Iqbal)
Section Officer (E-II)

DISTRICT HEALTH OFFICE
DERA ISMAIL KHAN

Date: 30/08/2017

EID DUTY

The following Doctors and Paramedics are placed at the disposal of Incharge Health Facilities as mentioned against each for Eid Ul Adha duty with effect from 01-09-2017 to 04-09-2017.

S.No.	Name & Designation	Place of Duty during Eid
1.	Dr. Mubz Ahmed Medical Officer CD Mandhran (03339988053) along with driver Mr. Bashir Ahmed with ambulance No: X-68-5148 (03339984476)	Type-D Hospital Panyala on 2 nd Day 9.00 AM to 6.00 PM
2.	Dr. Muhammad Umair Police Hospital DIKhan along with driver Mr. Abdullah with ambulance No: X-68-5148 (03459889139)	Type-D Hospital Panyala on 3 rd Day 9.00 AM to 6.00 PM
3.	Mrs. Sardaram LHM MCH Center Panyala	At the disposal of Incharge Type-D Hospital Panyala for further duty
4.	Mr. Qura Ul Ain LHM DHO Gilboa	At the disposal of Incharge Type-D Hospital Panyala for further duty
	Mr. Far Muhammad CT Pharmacy CD Rehman Khel	At the disposal of Incharge Type-D Hospital Panyala for further duty

(Handwritten signatures and scribbles)

ANX:K
47

1. DHO Deputy DHO and Coordinators to supervise/monitor the duties of all staff.
2. Incharge of Health Facilities is directed to include the above staff in Eid duty Rota.
3. All staff should be present in place of duty with proper uniform.
4. In case of any negligence, no excuse will be considered and strict disciplinary action will be taken against the defaulters.

(Signature)
District Health Officer,
Dera Ismail Khan

- Deputy Commissioner Dera Ismail Khan.
- Deputy DHO DIKhan.
- Divisional IMU Officer DIKhan.
- Medical Superintendent Type-D Hospital Panyala.
- Incharge CD Mandhran.
- Incharge Police Hospital DIKhan.
- Incharge CD Rehmani Khel.
- Officers / officials Concerned for strict compliance.
- Dispatchment Clerk of this office.

(Signature)
District Health Officer
Dera Ismail Khan

Dr. Muhammad Moiz Ahmad Shahkar,
R/o Usmania Street, Kashmir Chowk, North Circular Road, D.I.Khan.

- Subject: 1. SERVICE APPEAL NO. 80/2018 -DR.MOIZ AHMAD SHAHKAR VERSUS GOVT: OF KHYBER PAKHTUNKHWA, HEALTH DEPARTMENT.
2. CHIEF SECRETARY, KHYBER PAKHTUNKHWA.
3. SECRETARY HEALTH, GOVERNMENT OF KHYBER PAKHTUNKHWA.
4. DIRECTOR GENERAL HEALTH SERVICES, KHYBER PAKHTUNKHWA.

Respectfully shewth,

PRELIMINARY OBJECTIONS:

1. That the appellant has no locus standi.
2. That the appellant has not come to court with clean hands.
3. That the appellant has get nocouse of action.
4. That the instant appeal is meritless, unjustified and non maintainable.
5. That the instant appeal is barred by law.

RESPECTFULLY SHEWETH,

Para-wise comments on behalf of Respondent No. 02,03&04.

1. No Comments, Personal credential.
- ② Incorrect and misleading. The PMDC initially issues Provisional Registration which is for only one year and is issued to the House Jobbers. Whereas eligibility for the post of Medical Officer, BS-17 require permanent registration in PMDC on the part of a candidate which is issued after completion of House Job. The appellant had not completed his house job till the last date of submission of application. Hence his registration was purely provisional which makes him ineligible for the post.
3. Correct.
4. Correct.
5. Correct.
6. No Comment as zeal dedication and contribution of a person so claiming cannot be measured objectively.
7. Correct.
8. Correct.
9. No Comments.
10. Correct
11. No Comments
12. Correct to the extent of withdrawal of appointment Notification of the appellant. The rest as explained vide Para-09 ante.
13. No Comments as a reference to writ petition lodged by the appellant in Peshawar High Court Peshawar and subsequent suspension of order dated 23.08.2017 has been given but writ petition not mentioned. Similarly duty Rota is notified as per practice in vogue.

4 - Scrutiny
conducted

14. Not correct as it has been duly communicated hence the instant appeal. Similarly in light of his appointment notification dated 12.01.2017 S# 17 a FIR will be lodged separately on providing fake information and documents.
15. The appellant has got no cause of action to file instant appeal.

Grounds:

- A. Not Correct, the order dated 23.08.2017 was issued on the following grounds, the last date of submission of form was 05.12.2017:-
 - i. as mentioned in advertisement, wherein the eligibility criteria was mentioned as inter alia, at (B) "completion certificate of House Job, Training" and the doctor concerned has not completed his House Job till the above mentioned date. He completed his House Job on 17.01.2017.
 - ii) The verification of credentials was the responsibility of MS and DHO concerned so as to ensure the exclusion of Trainee Medical Officers and House Officers as the terms and conditions of Adhoc Job clearly states that Health Department will be the competent authority to terminate the services in case of absence or if the doctor hence appointed were to be found as a result of verification as TMO and House Officer. (The purpose of Adhoc appointment to ensure continuous service delivery).
 - iii) the doctor concerned was thus appointed in light of WRONG information provided by him in his application form and during interview and hence was liable to be terminated.
 - iv) Moreover, he had certified on the appointment form that the information he provided was correct, which was found incorrect/false upon verification. Moreover, this Department reserved the right of lodging FIR and legal proceedings for provision of wrong and false information.
- B. Not correct As above.
- C. Not correct, as explained in Para-A of Grounds.
- D. Incorrect the appellant was treated as per law.
- E. Not correct, the order is strictly in accordance with the law.
- F. Incorrect As above..
- G. Not correct, the appellant was duly terminated. The reason has been explained in Para-A of Grounds.
- H. Not correct, as explained in Para-A ante.
- I. Not Correct, in terms of Section-11 (1) (i) of Khyber Pakhtunkhwa Civil Servant Act 1973, the services of a civil servant may be terminated without any notice during the initial or extended period of probation.
- J. Not correct as explained in Para-A of grounds.
- K. As explained vide Para-A of Grounds.
- L. Not correct. Under General Clauses Act (X of 1897) ---S. 21--- Authority which could pass an order, was entitled to vary, amend, add to or rescind such order.
- M. Not correct. The responsibility lies upon the shoulders of the appellant by providing false information during the recruitment process as explained in Para-A above.
- N. Incorrect. As above..
- O. Incorrect as elaborated in Para-A above.
- P. Not correct as explained in Para-A & I above.

Q. The respondents seek leave to raise additional grounds at the time of arguments.

In light of the above, it is therefore, humbly requested that the instant service appeal being devoid of merit may be dismissed.



SECRETARY TO GOVERNMENT OF KP,
HEALTH DEPARTMENT, PESHAWAR
RESPONDENT NO. 03

1

AC

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2018

Dr. Moiz Ahmad Shahkar VS Government of Khyber Pakhtunkhwa etc

RE-JOINDER FOR AND ON BEHALF OF APPELLANT

RESPECTFULLY SHEWETH:

The petitioner most humbly submits as under:-

REPLY TO PRILIMINARY OBJECTIONS:-

1. That the petitioner has got a locus standi and has a genuine case in his hand. All the preliminary objections raised by the respondents No. 2 to 4 in their comments are unfounded and without any substance and specifically denied.

ON FACTS:

1. That Para No. 1 of the Petition is not responded by the Petitioner hence admitted correct by the Petitioner.
2. That the reply of the Respondents No. 2-4 in respect of para No. 2 is incorrect while that of the Petition is correct. The Petitioner was duly registered with Pakistan Medical and Dental Council after his MBBS Degree. Any irregularity in appointment, if committed by the department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment.
3. That Para No. 3-5 are admitted correct by the Respondents No. 2-4.
4. That Para No. 6-12 are also admitted correct by the Respondents No. 2-4 hence need no further explanation.
5. That Para No. 13 of the Appeal is correct while that of the comments filed by the Respondents No. 2-4 is incorrect.
6. That Para No. 14 of the Appeal is correct while that of the comments filed by the Respondents No. 2-4 is incorrect.
7. That Para No. 15 of the comments is incorrect. The Appellant has got a locus standi to file the present appeal.

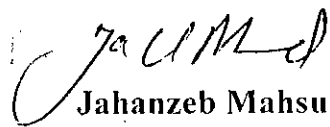
REPLY TO GROUNDS OF COMMENTS FILED BY RESPONDENTS:

A-Q. Reply filed in response to the grounds of the writ petition is vague and baseless. The respondents have failed to provide any cogent and reliable reply. All the relevant record was placed before the appointing authority. No proper inquiry such as charge sheet/ statement of allegations, show-cause notice, had been issued to the Appellant while terminating his service. As stated in the preceding paragraphs any irregularity, whatsoever, if committed by the appointing department itself, the appointee could not be harmed, damaged or condemned subsequently when it occurred to the department that it had itself committed some irregularities qua any appointment.

In view of the above, and in addition to the main Appeal, it is humbly prayed that this Hon'ble Court may graciously be pleased to pass an appropriate order in accordance with law in light of the prayers made in the main Appeal.

Appellant

Through



Jahanzeb Mahsud
Advocate, High Court,
Peshawar

Dated: 16-12-2016

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

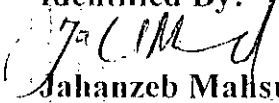
Service Appeal No. _____/2018

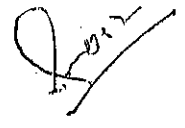
Dr. Moiz Ahmad Shahkar VS Government of Khyber Pakhtunkhwa etc

AFFIDAVIT


I, **Dr. Moiz Ahmad Shahkar** do hereby solemnly affirm and declare upon oath that the contents of accompanied rejoinder are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Honorable Court.

Identified By:


Jahanzeb Mahsud
Advocate High Court



Deponent


ATTESTED
Anwar Zeb
Oath/Committee
Peshawar
31-1-18



DIRECTORATE GEN.
KHYBER PAKHTU

HEALTH SERVICES
IAWAR

All communications should be addressed to The Director General Health Services
Peshawar And not to any official by name.

Office Ph. # 091 - 9210269 Exchange # 091 - 9210187, Fax # 091 - 9210230

No. 11701-8/E-I

Dated 30/08/2018

Sec
Dirmy
NO

11576

30/8/18

To,

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

Subject: - RELIEVING/EOL LEAVE FOR FCPS.

Dear Sir,

I am forwarding herewith a copy of DHO D.I.Khan letter No. 10679-83/PF dated 07-08-2018, along with its enclosures in respect of Dr. Moiz Ahmad Shahkar MO (BPS-17), attached to Civil Dispensary Mandhran Kalan District D.I.Khan, wherein he has requested for the grant of 1825-days EOL without pay, with the following details, for favour of further necessary action.

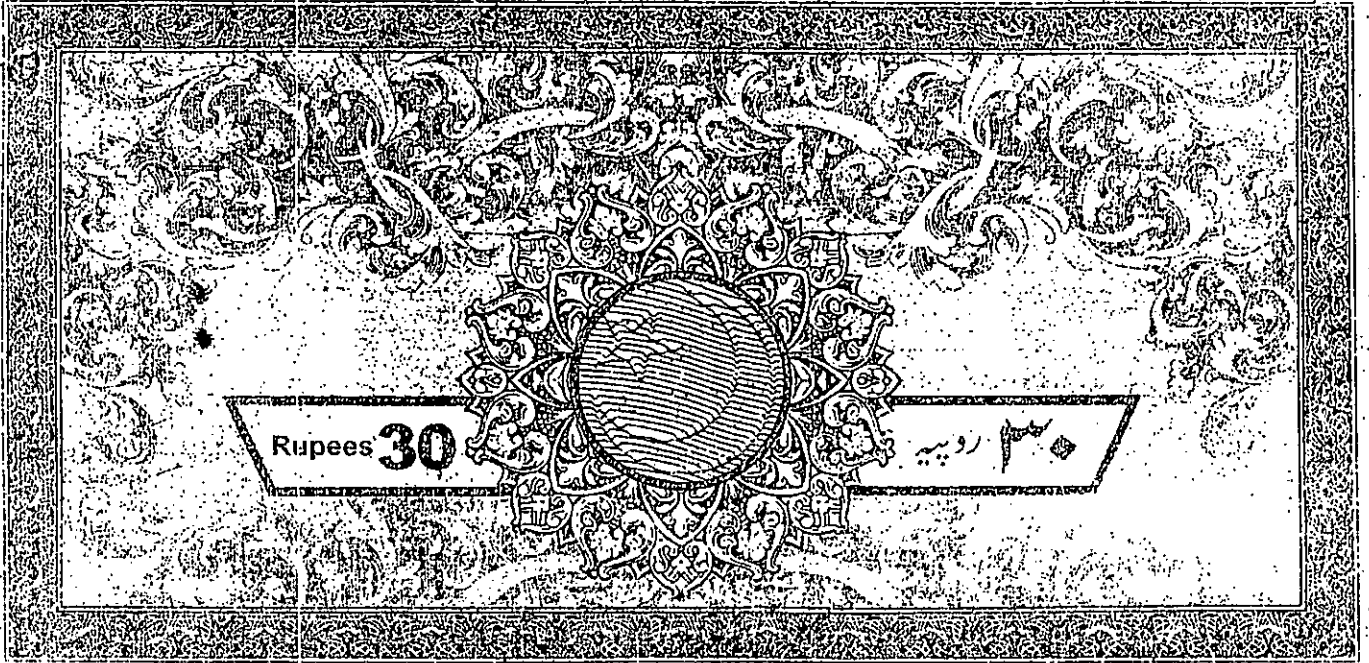
S.No	Details		
i	Name: Dr. Moiz Ahmad Shahkar	CNIC No.	12101-6865590-9
ii	Substantive Basic Scale		BPS-17
iii	Leave applied for (days)		1825-days
iv	Type of leave i.e. EOL, Earned leave etc		EOL without pay
v	Will the applicant be in Pakistan or leaving for abroad		Pakistan
vi	Exact date of availing		07-08-2018
vii	Reason for leave		FCPS-II Training
viii	Personnel number		00834530
ix	Previous leave record		Nil
x	Length of service		01-year 02- Months

The Officer Concerned is serving in the Provincial Health Department since 09-06-2017 on regular basis.


DIRECTOR GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR

Cc to:

District Health Officer D.I.Khan for information.



SUREITY BOND

I, Dr. _____ S/o _____ has been appointed as _____ in Health Department vide Notification No. _____ dated / / is hereby declared that:-

- i. I shall serve that Govt. of Khyber Pakhtunkhwa Health Department _____ N/C _____ for at least _____ years after my TMO training as per section -7 sub section -3 of "The Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011".
- ii. I shall conduct myself at all time in a manner capable with my status.
- iii. I shall refrain from engaging in any political, commercial or any other activity incompatible with my work program.

Dated:

Signature _____
Name of Doctor: _____
CNIC# _____

1: WITNESS

2: WITNESS

Signature _____

Signature _____

Name: Dr. M. Adnan

Name: M. Shoaib

F/Name: Atta Mohammad

F/Name: Haji Atta Mohammad

Permanent Address: Circular Road, Kashmiri Chowk, Peshawar

Permanent Address: Subul-ul-Ilam, Di. Khair

CNIC No. 1210136471729

CNIC No. 1210136471729



OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN

No. 10679-83 /PF

Dated: 07 /08/2018

To

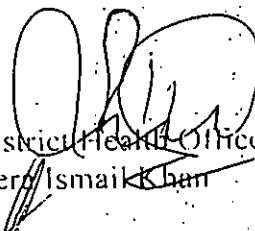
The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: RELIEVING/EOL LEAVE FOR FCPS

I have the honor to submit herewith self explanatory application along with its enclosures in respect of Dr. Moiz Ahmed Shahkar Medical Officer CD Mandhran Kalan under the control of this office for further necessary action. Moreover it is further stated that above Doctor has join PGMI for his FCPS training.


Therefore case is submitted for further necessary proceeding.

Encl: EOL application
by DAO Dera
report


District Health Officer
Dera Ismail Khan

Cc:

1. The District Accounts Officer DIKhan for necessary action and stop the pay of above Doctor.
2. Incharge CD Mandhran Kalan.
3. Doctor Concerned.
4. Accounts Clerk of this Office.


District Health Officer
Dera Ismail Khan

Signature -----

Designation -----

Dated -----

The District Health Officer

Dera Ismail Khan

Subject: Relieving order / EOL for Syr.

Sir,
With due respect it is stated that I am inducted through PGMI Peshawar for Post Graduation training with the office order No:- 5373 dated 23/7/2018.

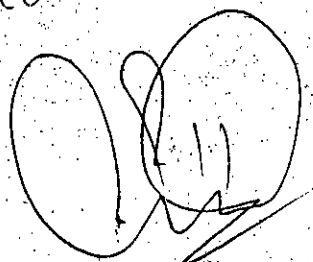
Copy of Ref No attached and my name is highlighted in the list

kindly allow me for FCPS training under PGMI Peshawar with effect from 7/8/2018. I shall be highly obliged.

Dated: 6/8/2018

Your Sincerely,
Dr. Moiz Ahmad
(Incharge CD-Mandla)

From Director General
for Health Services

31-012


Signature -----

Designation -----

Dated -----



Postgraduate Medical Institute

Ref. No. / PGMI/TMO Dated 23/07/18

OFFICE ORDER

On the recommendation of selection committee for induction PCPS-II training the following doctors are hereby included for the session July 2018. As per the discipline/hospital mentioned against their name subject to fulfillment of the following terms and condition.

1. PCRs who have been enrolled in Public Sector Hospitals (MTIs) should submit arrival report duly forwarded by supervisor along with affidavit on official stamp paper duly signed by two witnesses (Cazetted Officers) and attested by Oath Commissioner, positively to the Associate Dean of respective Medical Teaching Institution (MTI) before 31-07-2018, for further documentation with PGMI and registration with CPSP.
 2. PCRs who have been enrolled in Private Sector Hospitals/CMTs/SPH should submit arrival report duly forwarded by supervisor along with affidavit on official stamp paper duly signed by two witnesses (Cazetted Officers) and attested by Oath Commissioner, positively to this office before 31-07-2018, for documentation in PGMI and registration with CPSP.
 3. Stipend shall be released after issuance of RTMC by CPSP. From serial No. 01 to 250 are inducted against the vacant stipendiary slots and the rest shall be subject to the sanction of the stipendiary slots by the Govt of Khyber Pakhtunkhwa.
 4. Arrival and Affidavit must be submitted on prescribed format. Specimen available on PGMI website www.pgmi.edu.pk
- Deadline for registration with CPSP is 31-07-2018, therefore, selected PCRs are directed to apply for registration with CPSP within stipulated time mentioned above and provide a copy of the Registration Certificate (RTMC) to TMO Section of MTI with copy to PGMI for records within 90 days.
- All the Government Employees as per Act of 2011 passed by Provincial Assembly of Khyber Pakhtunkhwa have to apply for getting Extra Ordinary Leave (EOL) for the duration of training. In case of resignation a notified copy of resignation by the respective appointing authority shall be provided along with arrivals to PGMI Peshawar.

Errors & Omissions are acceptable.

Sl. No.	Name of Doctor	Father Name	Specialty	Group	Opted
01	Dr. Muhammad Tufail Janjua	Masood Gillani	Medicine Allied	B	Medical "C" HMC
02	Dr. Faisal Qayyum	Fazal Qayyum	Medicine Allied	B	Medical "C" HMC
03	Dr. Muhammad Zahid Hussain	Muhammad Daud Khan	Medicine Allied	B	Medical "C" HMC
04	Dr. Roshna Noor	Muhammad Yaqub	Paediatrics	B	Paediatrics "B" KTH
05	Dr. Muhammad Imran Khan Worked in Radiology DRI from 29.07.2018 to 18.07.2018 Resigned (In case of selection stipend will be granted)	Muhammad Yaqub	Psychology		Psychiatry KTH
06	Dr. Hira Nadeem Army Spouse	Muhammad Nadeem	Medicine Allied	B	Medical CMH Peshawar
07	Dr. Warda Sohail RTMC from 01.07.2018 & Resigned on 17.07.2018	Muhammad Sohail Farooq	Medicine Allied		Medical NWGH
08	Dr. Saifuraz Khan Zia Fellowship	Muhammad Shah	Endocrinology		Endocrinology HMC
09	Dr. Maira Khan	Ali Khan	Gynaecology & Obstetrics		Gynaecology & Obstetrics "A" BRH
10	Dr. Afheen Naveed	Umar Muhammad	Diagnostic Radiology		Radiology HMC
11	Dr. Mafaza Ahsan	Shahid Muhammad	Operative Dentistry		Operative Dentistry ARID
12	Dr. Shalana Khatun	Muhammad Imran Khan	Gynaecology & Obstetrics		Gynaecology & Obstetrics "A" MMC
13	Dr. Sidra Faiz	Ajmal Muhammad	Gynaecology & Obstetrics		Gynaecology & Obstetrics "C" HMC
14	Dr. Ayasha Sun	Abdul Qayyum	Medicine Allied	A	Medical "D" KTH
15	Dr. Hamna Khan Worked in Community Medicine Hospital Multan from 07.07.2018 to 07.07.2018 Army Spouse	Saidur Hamid Khan	Community Medicine		Community Medicine KMC
16	Dr. Bilal Ali RTMC from 07.07.2018 to 07.07.2018	Muhammad Bilal Ali	General Medicine		Medical "A" KTH
17	Dr. Khudija Fatima	Muhammad Usama Nadeem	Ophthalmology	B	Ophthalmology "B" KTH
18	Dr. Sadaf Ali RTMC from 07.07.2018 to 07.07.2018 SPH Shoukat Khan	Imam Ali	Gynaecology & Obstetrics		Gynaecology & Obstetrics "C" HMC
19	Dr. Saman Zaidi	Muhammad Zaidi Khan	Gynaecology & Obstetrics		Gynaecology & Obstetrics "C" HMC
20	Dr. Sultan Ahmad	Muhammad Sultan Ahmad	Surgical Pathology		Surgical Pathology SPH
21	Dr. Raja Mohammd Khan	Muhammad Raja Khan	Medicine Allied		Medical "C" HMC
22	Dr. Laila Wajid	Muhammad Laila Wajid	Gynaecology & Obstetrics		Gynaecology & Obstetrics "C" HMC
23	Dr. Hasina Tariq	Muhammad Tariq	Medicine Allied	B	Medical "D" KTH
24	Dr. Hira Nawaz	Muhammad Hira Nawaz	Radiology		Radiology GMH Peshawar
25	Dr. Khalid Iqbal	Muhammad Khalid Iqbal	Medicine Allied	B	Medical "D" KTH

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Postgraduate Medical Institute

Ref. No.

(PGMI/TMO) Dated

569	Dr. Muhammad Nisair Khan	Nisair Khan	Gen. Surgery	I	Surgical "D" ERH
570	Dr. Farrah Aalia Akhtar	Rahim Ull Akhtar	Gynae & Obst.		Gynae & Obst. CMH Abbottabad
571	Dr. Sikandar Azam Khan	Sikandar Azam Khan	Med. & Allied	II	Medical CMH Abbottabad
572	Dr. Jehan Afsar	Hakim Afsar	Gen. Medicine		Medical CMH Abbottabad
573	Dr. Noor Ahmad Shaheer	M. Akram Baleshi	Surg. & Allied	A	Surgical "B" GMC
574	Dr. Muhammad Hamza Azam	Muhammad Azam Khan	Med. & Allied	A	Medical PMC
575	Dr. Muhammad Adnan	Dr. Muhammad	Surg. & Allied	II	Surgical "A" MMC
576	Dr. Muhammad Shoaib	M. Ishaq Rasool	Surg. & Allied	A	Surgical "A" MMC
577	Dr. Sher Alam Khan	Sher Abdul Khan	Paediatrics		Paediatrics CMH Abbottabad
578	Dr. Naseem Ullah	Sardar Muhammad	Med. & Allied	II	Medical PMC
579	Dr. Uzma Noor	Dr. Uskhat Khan	Gynae & Obst.		Gynae & Obst. GMC
580	Dr. Zeeshan Mustafa	Ushayan Mustafa	Gen. Surgery		Surgical "B" ATH
581	Dr. Rafique Hussain	Muhammad Muneed	Gen. Medicine		Medical CMH Abbottabad
582	Dr. Kamran Ahmad Khan	Milkhia Ahmad	Gen. Medicine		Medical "A" MMC
583	Dr. Asfandiyar	Sardar Ali	Surg. & Allied	A	Surgical "A" MMC
584	Dr. Muhammad Ilyas	Gul Dargaz Khan	Paediatrics		Paediatrics RMI
585	Dr. Nizam Ullah	Jamal Khan	Med. & Allied	A	Medical "A" GMC
586	Dr. Touseef Qanbar	Qanbar ul Haq	Gen. Surgery		Surgical "B" ATH
587	Dr. Khan Zeb	Umar Bakhsh	Gen. Medicine		Medical RMI
588	Dr. Roseemina	Mir Abbas Khan	Gynae & Obst.		Gynae & Obst. "A" STH
589	Dr. Aziz Ullah	Muhammad Khan	Gen. Medicine		Medical CMH Abbottabad
590	Dr. Abdul Basit	Khalid ur Rehman	Med. & Allied	A	Medical "B" GMC
591	Dr. Syed Hanis Ali Shah	Syed Hanis Ali Shah	Med. & Allied	A	Medical "A" GMC
592	Dr. Asad Ullah Jafar	Zahir Shah Jafar	Gen. Surgery		Surgical "D" LRH
593	Dr. Urooj Ali	Zard Ali Khan	Gynae & Obst.		Gynae & Obst. "A" STH
594	Dr. Farman Ullah	Sharif Ullah	Gen. Medicine		Medical PMC
595	Dr. Naila	Faizul Bari	Gen. Medicine		Medical CMH Peshawar
596	Dr. Jany Alanj	Muhammad Jany	Paediatrics		Paediatrics RMI
597	Dr. Seema Qadir	Qadir Qadir	Gynae & Obst.		Gynae & Obst. "A" STH
598	Dr. Sultan Bahadar	Muhammad Bahadar	Paediatrics		Paediatrics CMH Abbottabad
599	Dr. Haqim Ullah	Khalid ur Rehman	Gen. Medicine		Paediatrics CMH Peshawar
600	Dr. Farwa Ullah	Farooq ur Rehman	Gen. Medicine		Medical "A" GMC
601	Dr. Umar Ali	Umar Ali	Gynae & Obst.		Surgical PMC
602	Dr. Sanat Ehsan	Sanat Ehsan	Gynae & Obst.		Gynae & Obst. "A" STH
603	Dr. Hidayat Ullah	Hidayat Ullah	Gen. Medicine		Medical CMH Peshawar
604	Dr. Zainab Qazi	Zainab Qazi	Diagnostic Radiology		Radiology ATH
605	Dr. Zupash	Zupash	Gen. Medicine		Medical CMH Abbottabad
606	Dr. Zaid Din	Zaid Din	Rheumatology		Rheumatology RMI Lhr
607	Dr. Muhammad Saeed	Muhammad Saeed	Gen. Medicine		Medical CMH Abbottabad
608	Dr. Mehboob Jinn	Mehboob Jinn	Gen. Surgery		Surgical "D" LRH
609	Dr. Muhammad Khalid	Muhammad Khalid	Surg. & Allied		Surgical CMH Peshawar
610	Dr. Muhammad Naeem	Muhammad Naeem	Gen. Surgery		Surgical "A" LRH
611	Dr. Saifuddin	Saifuddin	Medical Oncology		Medical Oncology HMC
612	Dr. Asif Aamir	Asif Aamir	Ophthalmology		Ophthalmology "B" HMC
613	Dr. Hamid Ullah	Hamid Ullah	Emergency Medicine		Emergency Medicine ERH
614	Dr. Muhammad Idris	Muhammad Idris	Gen. Medicine		Emergency Medicine Risk
615	Dr. Ayesha	Ayesha	Gen. Medicine		Medical CMH Peshawar
616	Dr. Sabir Ishaq	Sabir Ishaq	Gynae & Obst.		Gynae & Obst. RMI
617	Dr. Khalid Ullah	Khalid Ullah	Gynae & Obst.		Gynae & Obst. "B" STH
618	Dr. Afia Anjum	Afia Anjum	Diagnostic Radiology		ENT "B" HMC
619	Dr. Sanat Lal	Sanat Lal	Diagnostic Radiology		Radiology ERH
620	Dr. Akbar	Akbar	Gynae & Obst.		Gynae & Obst. RMI
621	Dr. Adnan	Adnan	Surg. & Allied		Medical Surgical PMC
622	Dr. Saif Abbasi	Saif Abbasi	Paediatrics		Paediatrics RMI
623	Dr. Sohail	Sohail	Paediatrics		Paediatrics CMH Peshawar
624	Dr. Sajid A	Sajid A	Gen. Surgery		Surgical "C" ATH
625	Dr. Urooh	Urooh	Gen. Medicine		Medical "B" GMC
626	Dr. Mudassar Saddique	Mudassar Saddique	Gynae & Obst.		Gynae & Obst. RMI
627	Dr. Shanda	Shanda	Gen. Medicine		Medical CMH Abbottabad
628	Dr. Tahira	Tahira	Gynae & Obst.		Gynae & Obst. CMH Abbottabad
629	Dr. Madani	Madani	Gen. Surgery		Surgical "C" ATH
630	Dr. Waqar	Waqar	Surg. & Allied	A	Surgical "B" GMC

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Postgraduate Medical Institute

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PGMI/TMO Dated

Sl. No.	Name of Candidate	Specialty	Grade	Training Hospital
691	Dr. Safia Safa	Gen. Surgery		Surgical "C" ATH
692	Dr. Tanzeela Iram	Gynae & Obst.		Gynae & Obst. CMH Abbottabad
693	Dr. Sonia Khalid	Gynae & Obst.		Gynae & Obst. CMH Abbottabad
694	Dr. Malak Ahmad Khan	Paediatrics		Paediatrics CMH Abbottabad
695	Dr. Raja Asim Shafique	Surg. & Allied	A	Surgical CMH Abbottabad
696	Dr. Ali Aseghar Sahib	Diagnostic Radiology		Radiology RMI
697	Dr. Khalid Habib	Gen. Surgery		Surgical "A" LRH
698	Dr. Neelan Khalid	Gynae & Obst.		Gynae & Obst. CMH Abbottabad
699	Dr. Nigar Mohi-ud-Din	ENT		ENT "A" RTH
700	Dr. Anna Saleh	Paediatrics		Paediatrics CMH Abbottabad
701	Dr. Saima Jan	Paediatrics		Paediatrics CMH Abbottabad
702	Dr. Malik Rizwan Noor	Gen. Surgery		Surgical "A" LRH
703	Dr. Sufyan Khalil	Gen. Surgery		Surgical "B" HMC
704	Dr. Lubna Tabassum	Gen. Surgery		Surgical "A" ATH
705	Dr. Ubaidullah Khan	Surg. & Allied	A	Surgical CMH Peshawar
706	Dr. Sayed Musarrat Hussain	Surg. & Allied	A	Surgical CMH Peshawar
707	Javaidullah Khan	Cardiology		Cardiac Electrophysiology HMC

The relevant documents provided by candidates can be verified by PGMI at any stage of the training. In case of submission of fake/forged documents or any false information given by the candidate will result in cancellation of the training, refunding of the received stipend and this will be notified to both CPSP and PMDC.

CHIEF EXECUTIVE OFFICER
Postgraduate Medical Institute
Hayatabad, Peshawar

No. PGMI/TMO Section Dated: 23/07/2018

Copy forwarded to the following for information and necessary action:

- The Secretary to Government of Khyber Pakhtunkhwa Health Department, Peshawar
- The Director, General Health Services Health Dept. KPK, Peshawar
- The Director General, AHA, Peshawar
- The Regional Director, CPSP, Peshawar
- All Associate Deans of respective MHs, Khyber Pakhtunkhwa, with the direction to submit the copies of all the arrival reports in PGMI, Peshawar.
- The Commandant, AFD, Rawalpindi
- The Commandant, CMH, Peshawar
- The Commandant, Dental Corp, CMH, Peshawar
- The Commandant, CMH, Abbottabad
- The Commandant, CMH, Nowshera
- The Dean, RMI, Hayatabad, Peshawar
- The Dean, NWGH, Hayatabad, Peshawar
- The Dean, PMC/PDG, Peshawar
- All other hospitals outside KP
- The HQ of Units concerned
- The Director, Finance, Audit Officer, PGMI, Peshawar
- The Admin. Officer, PGMI, Peshawar
- The Accounts Officer, PGMI, Peshawar
- The BS to GEO, PGMI, Peshawar
- All Doctors concerned, with the direction to download office order from PGMI website
- The Network Administrator, PGMI, Peshawar, with the remarks to upload on PGMI website.
- Computer Operator, TMO Section, PGMI, Peshawar

CHIEF EXECUTIVE OFFICER
Postgraduate Medical Institute
Hayatabad, Peshawar

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Signature

Designation

Dated

The District Health Officer
Dera Ismail Khan

Subject: Departure Report to Join TMOship
under PGMI Peshawar

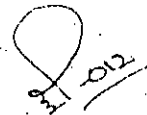
Sir,

With due respect it is stated that I am
going to join my FCPS training under PGMI
Peshawar with Ref order No :- 5373 dated
on 23rd July 2018

Kindly allow me for this and accept
my departure report to join my FCPS training.
I shall be highly obliged.

Dated: 7/8/2018

Yours Sincerely,
Dr. Moiz Ahmad
(Incharge
CD-Mandir)



Signature -----

Designation -----

Dated -----

Phone No. (0966-9280199) Fax No. 0966-9280199

OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN

No. 10727-18F

Dated DIKhan the 08/8/2018

PAY STOPPAGE CERTIFICATE

It is certified that the salary has been paid to Dr. Moiz Ahmad Shahkar attached to CD Mandaran Kalan under the control of this office till 06-08-2018 and salary is stopped w.e.f 07-08-2018.

Signature
Pay stopped w.e.f 7-8-18

Signature
District Accounts Officer
Dera Ismail Khan
9/8/18
818

Signature
District Health Officer
Dera Ismail Khan

Signature -----

Dated -----

Designation -----

LONG LEAVE APPLICATION

Note: -Item No.1 to 9 must be filled in by all the applicant.
Item No. 12 applies in the case of Government servants of grade 16 and above.

1. Name of Applicant Dr. Moiz Ahmad Shahkar S/O Dr. Muhammad Aslam Baloch
2. Leave rules applicable Revised Leave Rules 1981
3. Post held Medical Officer (Regular)
4. Department or Office District Health Officer, DIKhan (Health)
5. Pay BPS-17
6. Allowance House Rent /Conveyance Allowance or other than compensatory Allowance in the present post As admissible under the Rules
7. (A) Nature of leave applied for Extra Ordinary Leave (For FCPS)
(B) Period of leave in days 1825 Days (05 Years)
(C) Date of Commencement 07-08-2018
8. Particulars of Rule/Rules under which leave admissible _____
9. (A) Date of return from last leave _____
(B) Nature of leave _____
(C) Period of leave in days _____

Dated _____ Signature of applicant *[Signature]*

10. Remarks and recommendation of the controlling officer
Forwarded to D.A.O Dera Ismail Khan for necessary action please

11. Certified that leave applied for is admissible under rule _____ and necessary

No. 10784 IPF Signature _____
Dated: 10/08/2018 Designation _____
Dist. Health Officer
Dera Ismail Khan

12. Report of Audit Officer Certified that (1825) days EOL (with out pay) at the discretionary powers of Administrative Deptt. to accord the same under the Revised Leave Rules 1981.

Signature _____
Designation District Accounts Officer
Dera Ismail Khan
10/8

13. Orders of sanctioning authority certifying that on the expiry of leave the applicant is likely to return to the same or another post carrying the compensatory allowance being drawn by him.

Signature _____
Designation _____
Dated _____

The Director General Health Services
Khyber Pakhtunkhwa Peshawar

Subject: EOL for 5 years

Sir,


With due respect it is stated that I am inducted through PGMI Peshawar for Post Graduate training vide office order No: 5373 dated on 23/7/2018.

I am working as a Medical Officer in District Dera Ismail Khan under District Officer Health Dera Ismail Khan on regular (permanent) basis. Initially the order was on adhoc dated on 12th Jan 2017 with Notification No.: No SO(E)H-11/3-18/2016/ Later on this order was regularized on 9th Jan 2017 with Notification No.: No. SO(E)H-11/3-18/2017

Kindly allow me for FCPS training with effect from 7/8/2018. & provide me EOL for 5 years. I shall be highly obliged.

Dated:- 06/08/2018

Yours Sincerely
Dr. Moiz Ahmad
Shahkar.


31-012

Signature -----

Designation -----

Dated -----

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (September-2017)



Personal Information of Mr DR. MOIZ AHMAD SHHAHKAR d/w/s of DR. M. ASLAM

Personnel Number: 00834530 CNIC: 1210168655909 NTN:
 Date of Birth: 06.06.1992 Entry into Govt. Service: 27.01.2017 Length of Service: 00 Years 08 Months 005 Days

Employment Category: Active Permanent

Designation: MEDICAL OFFICER 80001647-DISTRICT GOVERNMENT KHYBE

DDO Code: DI6130-D.H.O D.I.K.(DISPINCIRIES)

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: No GPF Balance: 0.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 0

Wage type	Amount	Wage type	Amount
0001 Basic Pay	30,370.00	1000 House Rent Allowance	2,955.00
1210 Convey Allowance 2005	5,000.00	1538 Non - Practicing Allowanc	3,000.00
1974 Medical Allowance 2011	1,500.00	1985 Health Professional Allow	72,000.00
2148 15% Adhoc Relief All-2013	800.00	2199 Adhoc Relief Allow @ 10%	517.00
2211 Adhoc Relief All 2016 10%	2,544.00	2224 Adhoc Relief All 2017 10%	3,037.00

Deductions - General

Wage type	Amount	Wage type	Amount
3609 Income Tax	-7,394.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 88,209.38 Recovered till September-2017: 21,671.00 Exempted: 0.78 Recoverable 66,539.16

Gross Pay (Rs.): 121,723.00 Deductions: (Rs.): -7,394.00 Net Pay: (Rs.): 114,329.00

Payee Name: DR. MOIZ AHMAD SHHAHKAR

Account Number: 0010008980670011

Bank Details: ALLIED BANK LIMITED, 250071 CIRCULAR ROAD BRANCH CIRCULAR ROAD D I KHAN, D I KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: D.I.KHAN

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: silentkiller1744@gmail.com

Dist. Govt. NWFP-Provincial
District Accounts Office D.I.Khan
Monthly Salary Statement (January-2018)



Personal Information of Mr DR. MOIZ AHMAD SHHAHKAR d/w/s of DR. M. ASLAM

Personnel Number: 00834530 CNIC: 1210168655909 NTN:
 Date of Birth: 06.06.1992 Entry into Govt. Service: 27.01.2017 Length of Service: 01 Years 00 Months 006 Days

Employment Category: Active Permanent

Designation: MEDICAL OFFICER 80001647-DISTRICT GOVERNMENT KHYBE
 DDO Code: D16130-D.H.O D.I.K.(DISPINCIRIES)
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: No **GPF Balance:** 0.00
 Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 17 Pay Stage: 1

Wage type	Amount	Wage type	Amount
0001: Basic Pay	32,670.00	1000 House Rent Allowance	2,955.00
1210: Convey Allowance 2005	5,000.00	1538 Non - Practicing Allowance	3,000.00
1974: Medical Allowance 2011	1,500.00	1985 Health Professional Allow	72,000.00
2148: 15% Adhoc Relief All-2013	800.00	2199 Adhoc Relief Allow @10%	517.00
2211 Adhoc Relief All 2016 10%	2,544.00	2224 Adhoc Relief All 2017 10%	3,267.00

Deductions - General

Wage type	Amount	Wage type	Amount
3609 Income Tax	-7,710.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 90,423.13 Recovered till January-2018: 51,879.00 Exempted: 0.97 Recoverable: 38,545.10

Gross Pay (Rs.): 124,253.00 Deductions: (Rs.): -7,710.00 Net Pay: (Rs.): 116,543.00

Payee Name: DR. MOIZ AHMAD SHHAHKAR
 Account Number: 0010008980670011
 Bank Details: ALLIED BANK LIMITED, 250071 CIRCULAR ROAD BRANCH CIRCULAR ROAD D I KHAN, D I KHAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: D.I.KHAN Domicile: - Housing Status: No Official
 Temp. Address: City: Email: silentkiller1744@gmail.com

*System generated document in accordance with APPM 4.6.12.9 (SERVICES/01.02.2018/10:56:41/v1.1)
 * All amounts are in Pak Rupees
 * Errors & omissions excepted*

موقوفہ

D

IN THE PESHAWAR HIGH COURT, PESHAWAR



W.P. No. 1818/2017

1. Muhammad Sohail S/O Gul Matali Khan,
R/O House No.51, Street No.1, Sector P-2,
Phase-IV, Hayatabad, Peshawar
2. Shakir Ullah S/o Mazar Jan
3. Ahmad Alam S/o Dilawar Khan
R/o Collage town Pindi Road, Kohat
4. Muhammad Ilyas S/o Gul Daraz Khan
5. Muhammad Raiz S/o Gul Didar
6. Waqas Ahmad S/o Syed Ul Islam
R/o Mohallah Nimakai, Village & P.O Ala DhandDerti
Tehsil Batkhela Malakand Agency
7. Malik Ahmad Khan S/o Muhammad Hamayun Khan
R/o Mingora Tehsli Babozai District Swat.
8. Najeeb Ullah S/o Abdullah
R/o Village Baidera Tehsil Matta, District Swat
9. Safiq Ullah S/o Matiullah
R/o Village Elai, P.O and Tehsil Daggar District Bunar
10. Zulqamin S/o Dr. S Muhammad Younas
R/o Village Kotka Tabibar near Bam Wollan Mills
Bannu
11. Sadiq Ali S/o Syed Qabat Shahi
R/o Village & PO Nawagar Tehsil Mandaur District
Bunier

FILED TODAY

Deputy Registrar

ATTESTED

EXAMINER
Peshawar High Court

29 APR 2017

WP1818-2017-M-Sohail-Vs-Govi-KPK-Full

2

12. Fayaz Ali S/o Gul Nawab
R/o House No.279, street No.8, K-6, Phase-III,
Hayatabad, Peshawar
13. Gohar Zeb S/o Anwar Zeb
14. Ihsanullah S/o Muhammad Haroon
R/o Sahibzadagan House, Street No.1, Sector 3
Momin Town, Dalazak Road, Peshawar
15. Sardar Khalil S/o Ghulam Younas
R/o Village & P.o Kalan Tehsil & District Lakki Mawat
.....Petitioners

V E R S U S

1. Government of Khyber Pakhtunkhwa through
Secretary Health, Civil Secretariat, Peshawar
2. Director General Health Service, Peshawar
3. Sami Ullah S/o Gulab Gul
R/o P.O tehsil & District Karak.
4. Moeiz Ahmad Shahkar S/o Muhammad Aslam
D.I.khanRespondents

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973,**

Respectfully Sheweth:

1. That in response to the advertisement by the respondent No.2, petitioners submitted their testimonial and participated in the test/interview alongwith other candidate. (Copy of the advertisement is attached as annexure "A").

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Deputy Registrar

WP1818-2017-M-Sohail-Vs-Govt-KPK-Full
29 APR 2017

ATTESTED
EXAMINER
Peshawar High Court

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2. That after the interview, Respondent on 12th January 2017 issued a joint appointment notification of 213 Medical Officer. (Copy of Notification is attached as annexure "B").
3. That in the said joint appointments order/notification, the names of the petitioners are no where mentioned and on inquiry from concerned official, they were told that due to non-production of RMP's certificate, they could not be considered for the Medical Officers Appointment.
4. That all the petitioners received their RMP's certificates from the PMD's on 30.12.2016.
5. That despite the RMP's condition and non-considering the petitioner by the respondent on the ground of non-availability of RMP's respondents.
6. That the petitioner having no other adequate and efficacious remedy is constrained to move this Hon'ble Court for the following amongst other grounds

GROUNDS:

- A. That the non-consideration of the candidate of the petitioner to the post of medical officer is against the facts and procedure.

FILED TODAY

29 APR 2017

29 APR 2017

WP1818-2017-M-Sohail-Vs-Govt-KPK-Full

ATTESTED

EXAMINER
Peshawar High Court

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- B. That despite the RMP'S condition respondents have issued appointment, letter to respondent No.3 & 4 who were also not in possession of RMP's certificate at the time of interview.
- C. That all the petitioners have not been treated according to law and natural justice rather discrimination.
- D. That the respondent No.3 issued the appetent letters of respondent No.3 & 4 with malafide intention and the pick and choose policy has ben adopted which is not warranted by any law of the land.
- E. That all the petitioners have not treated in according article-4 and 25 of the Constitution of Islamic republic of Pakistan.
- F. That still 91 posts of medical officer are lying vacant and the respondent No.2 are not considering petitioners for these vacant post clearly indicants therein malafide intention and discrimination.
- G. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

FILED TODAY
Deputy Registrar
29 APR 2017

It is, therefore most humbly prayed that on acceptance of this Writ petition, respondents be

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directed to issued application letter to the petitioner.

Any other remedy deems fit and proper in the circumstance of the case may also be granted in favour of the petitioner.

INTERIM RELIEF

By way of interim relief the respondents may be directed to restrain to respondent not to file vacant post of medical officer, till the final decision of the Writ petition.

Petitioner

Through



Hidayatullah Khattak
Advocate

Dated ___/04/2017

High Court, Peshawar.

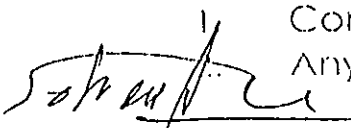
CERTIFICATE:

Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter, thus the case may kindly be fixed before the worthy D.B of this Hon'ble Court.



ADVOCATE

LIST OF BOOKS:

1 Constitution of Islamic Republic of Pakistan, 1973
Any other law books according to need


CERTIFIED TO BE TRUE COPY

FILED TODAY
Depu


ADVOCATE

Examiner
Peshawar High Court, Peshawar
Authorised Under Article 8.7 01
The Qanun-e-Shahadat Order 1984

29 APR 2017

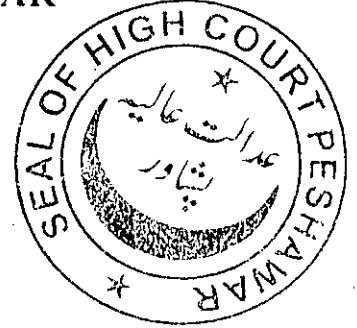
WP1818-2017-M-Sohail-Vs-Govt-KPK-Full

ATTESTED
EXAMINER
Peshawar High Court

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.1818-P/2017.

JUDGMENT



Date of hearing.....08.05.2018.....

Petitioner: (s) By M/S Hidayatullah Khattak and
Saadatullah Khan Marwat, Advocates.

Respondents: (s) By Mr. Rab Nawaz Khan, AAG.

QALANDAR ALI KHAN, J.- Muhammad Sohail

and 15 others, petitioners, invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, for issuance of direction to respondents i.e. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat, Peshawar (respondent No.1) and the Director General, Health Services, Peshawar (respondent No.2) to appoint them as Medical Officers (BS-17), like other candidates who had applied for the vacant posts in response to the advertisement published in the Newspaper dated 21.11.2016.

2. The case of the petitioners is that they had applied for and had also participated in the test/interview alongwith other candidates, but they were not appointed on the ground of non production of

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Peshawar High Court

registration from PMDC, whereas scores of other candidates, including respondents No.3 (Sami Ullah) and No.4 (Moeiz Ahmad Shahkar) were appointed as Medical Officers on ad-hoc basis, although respondents No.3 and 4 were also not in possession of registered medical practitioner (RMP) certificates at the time of interview, therefore, discrimination and pick and choose was involved in the matter of appointment.

3. In their comments, respondents No.1 & 2 claimed that the petitioners were not appointed because they had not completed their house job by the closing date for submission of application forms i.e. 05.12.2016, therefore, they were not eligible for appointment as Medical Officers. The respondents further pointed out in their comments that as per PMDC certificate, respondent No.3 was eligible for appointment, whereas appointment order issued inadvertently in respect of respondent No.4 was withdrawn subsequently.

4. Arguments of learned counsel for the petitioners, learned AAG and learned counsel for private respondent No.4 heard; and record perused.

5. In the writ petition, the petitioners did not claim their eligibility for appointment as Medical Officers (BS-17) on the ground of their fulfilling the criteria of having PMDC registration certificate before the


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Peshawar High Court

closing date for submission of applications for the vacant posts i.e. 05.12.2016, rather admitted this fact even in their writ petition that they had obtained the RMP certificate after the specified date; but their main grievance was that although respondents No.3 & 4 were also not having the requisite PMDC registration certificate, yet they were appointed as Medical Officers. Respondents No.1 & 2, in response to this objection of the petitioners, admitted this fact that appointment order in respect of respondent No.4 was issued inadvertently, which was withdrawn, whereas respondent No.3 was eligible for appointment in the light of PMDC registration certificate, showing registration date as 21.08.2015.

6. As such, the petitioners were unable to show that they were wrongly deprived of appointment on the ground of not having PMDC registration before the last date for submission of applications for appointment i.e. 05.12.2016. Therefore, finding no substance, the writ petition is dismissed.

Announced
08.05.2018


JUDGE


JUDGE

(M. Iqbal)

(D.B)

Hon'ble Mr. Justice Waqar Ahmad Seth.
Hon'ble Mr. Justice Qalandar Ali Khan.


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Examiner
Peshawar High Court, Peshawar
Authorised Under Article 8.7 01
The Qanun-o-Shahadat Order 1984

وکالت نامہ

ایک روپیہ قیمتی	کورٹ فیس
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Before the Honourable KPIC Service Tribunal
 Appellant
 Mr. Moiz Ahmad vs Health
 Comp Dikran

دعویٰ یا جرم
 تفصیل دعویٰ یا جرم
 Service Appeal # 80/2018

باعث تحریر آنکہ

دیکران

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیردی و جواب دی برائے پیشی یا تفریح مقدمہ بتا کہ
 Muhammad Abdullah Baloch AMC

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بذریعہ دو برو عدالت حاضر ہونا ہوں گا اور ہر وقت بیکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیردی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واجب کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر واخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اس لئے ڈگری نظر ثانی اپیل نگرانی و ہرجم درخواست ہر قسم کے بیان دینے اور پر چاشی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکورہ پروانہ از پکھری صدر پیردی مقدمہ مزکورہ نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ یا درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از فیصلہ اجراء سے ڈگری بھی صاحب موصوف کو بشرط ادا ایسی علیحدہ حق بصورتی کا اختیار ہو گا اور تمام ساختہ پرواختہ صاحب موصوف میں کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بھر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے شیر قانون کو بھی ہر امر میں وہی اور دینے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
 28 مارچ 2020

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
 [Signature]

Appellant
 [Signature]

Just
W/Case

23/2/2021. DB Madam A

Moiz Ahmad :- Appointed 12/1/2017.

P/21 - Para 14-12

P/22 - regularize. 9/6/2017.

Salary upto Dec 2017.

23/8/2017 - surparged order - P/31.

Depth appeal. 20/9/2017.

Still on EOL.
5 years.

P/46 - 30/8/17.

Stoppage of salary 7/8/2018.

Grounds locus potentia - No regular inquiry
Personal Hearing etc
No reason -

withdrew. Adhoc but regular is still intact.

Not Act upon termination:

2004 SEM R 303 - Appellant shall not suffer at the
cost of respondents.

H.C 2014

2009 SEM R 663 (pro respondentis)

1996 SEM R 8413.

BDA/ para 13 of appeal -
order sheet 20/10/2019.

2011 P L C (C.S.) 1296

[Supreme Court of Pakistan]

Present: Tassaduq Hussain Jillani and Amir Hani Muslim, JJ

EXECUTIVE DISTRICT OFFICER (EDU.), RAWALPINDI and others

Versus

Mst. RIZWANA KAUSAR and 4 others

Civil Petitions Nos.1701-L, 1702-L, 1722-L, 1732-L and 1733-L of 2010, decided on 26th May, 2011.

(On appeal against the judgment, dated 22-6-2010 passed by the Punjab Service Tribunal, Lahore, in Appeals Nos.2123, 2606, 2602, 2607 and 2214 of 2009).

(a) Locus poenitentiae, principle of---

----Principle of locus poenitentiae would not arise in a situation when some benefit, was awarded to a person against declared law.

Muhammad Nadeem Arif v. IGP Punjab, Lahore 2011 SCMR 408 **rel.**

(b) Civil service---

----Termination of service after few years of appointment---Appointment order found to be bogus/fake/irregular---Validity---Such charge was vague, non-specific and did not show any lapse on part of employee or commission of any fraud by him or non-possession of requisite qualification by him or his appointment to be made by an incompetent officer---Department had not found performance of employee to be unsatisfactory---Impugned order was set aside in circumstances.

Muhammad Nadeem Arif v. IGP Punjab, Lahore 2011 SCMR 408; Nazir Ahmad Panhwar v. Government of Sindh through Chief Secretary, Sindh and others 2009 PLC (C.S.) 161 and Executive District Officer (Education) Rawalpindi v. Muhammad Younas 2007 SCMR 1835 **ref.**

Secretary, M/o Finance and another v. Kazim Raza 2008 PLC (C.S.) 877; Province of Punjab through Secretary Agriculture Government of Punjab and others v. Zulfiqar Ali 2006 SCMR 678 and Secretary to Government of N.-W.F.P. v. Sadullah Khan 1996 SCMR 413 **ref.**

Faisal Zaman Khan, Additional Advocate-General and Nizar Ahmed Abbasi, Deptt. Representative, Rawalpindi for Petitioners.

Nemo for Respondents.

Date of hearing: 26th May, 2011.

ORDER

TASSADUQ HUSSAIN JILLANI, J.--- This order shall dispose of Civil Petitions Nos.1701-L, 1702-L, 1722-L, 1732-L, 1733-L of 2010 as they have nexus and the issue raised is similar.

2. Facts briefly stated are that in Civil Petition No.1701-L/10 Mst. Rizwana Kausar was appointed as Oriental Teacher vide order dated 28-11-1995 and in the year 2006 he

points in question or there was any lapse on the part of the respondent. The Tribunal also took note of the fact that their performance during service was never found by the Department to be unsatisfactory. Relying on some judgments of this Court, the Tribunal found that the action taken was well-founded and not unsustainable in law. The learned law Officer relied on a judgment of this court reported at Executive District Officer (Education) Rawalpindi v. Muhammad Yousaf (2007 SCMR 1832) wherein the court observed that when the basic order is without lawful authority then the superstructure shall have to fall on its own and automatically, but the said ratio was laid down in a distinct context and the context was that in the said case the appellant was a PTC Teacher and procured the appointment order by concealing his dismissal from Pakistan Army. In the instant case, there is no such concealment or misrepresentation and there was no allegation that they entered into any disqualification.

In the above-referred circumstances, we are of the view that the impugned judgment is in line with the law laid down by this Court in Secretary, Mo Finance and another v. Kadir Khan (2008 PLC (C.S.) 877), Province of Punjab through Secretary Agriculture Government of Punjab and others v. Nafiqur Ali (2006 SCMR 678) and Secretary to Government of N.W.F.P. v. Saadullah Khan (1996 SCMR 413) and therefore, is unexceptionable. No question of law of public importance within the meaning of Article 212(B) of the Constitution has been raised either to warrant interference. The petitions lacking in merit are accordingly dismissed and leave refused.

Leave refused.

S.A.K.B-32C