

CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the forenoon of this day respectively made over and received charge of District Health Officer BPS-19 w.e.f 23-05-2018 (F.N), vide Notification No. SOH(E-V)1-910/2014 Dated: 18-05-2018

6

2. Particulars of cash and important secret and confidential documents handed over are noted in the reverses:

Signature of Relived

Govt: Servant: _____

Designation: _____

Station: Lakki Marwat.

Signature of the Relieving

Govt: Servant: Dr. Abdu Gul

Designation: District Health Officer BPS-19

Dated: 23-05-2018 (F.N)

ATTESTED





OFFICE OF THE DISTRICT HEALTH OFFICER LAKKI MARWAT

7

Email: dholakki@yahoo.com

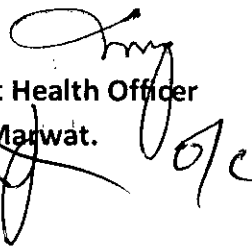
Ph#: 0969-510472

Fax#: 0969-510474

SPECIMEN SIGNATURE IN RESPECT OF DR. ABDU GUL DISTRICT HEALTH OFFICER

LAKKI MARWAT

A) _____
B) _____
C) _____

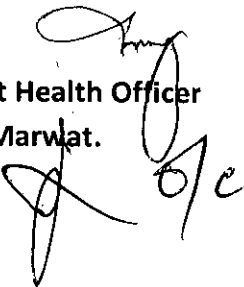

District Health Officer
Lakki Marwat.

No. 3723-25/PF

Dated: 23/5/2018.

C.C:

1. Deputy Commissioner Lakki Marwat
2. District Accounts Officer Lakki Marwat.
3. The Manager NBP / HBL / MCB & Khyber Bank District Lakki Marwat.
For information & necessary action.


District Health Officer
Lakki Marwat.

ATTESTED




GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

8

Dated Peshawar the 12th April, 2018

NOTIFICATION

NO.SOH(E-V)1-131/2016 The competent authority, is pleased to transfer Dr.Muhammad Taus Khan Management Cadre BS-19 District Health Officer Lakki Marwat and place his services at the disposal of Director General Health Services, Khyber Pakhtunkhwa with immediate effect in the public interest.

2. Consequent upon, the above Dr.Essa Khan Medical Superintendent BS-19 DHQ Hospital Lakki Marwat is hereby authorized to look after the post of District Health Officer Lakki Marwat till further orders.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date Even

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa
3. District Health Officer Lakki Marwat.
4. MS DHQ Hospital Lakki Marwat.
5. District Accounts Officer Lakki Marwat.
6. PS to Minister Health Khyber Pakhtunkhwa.
7. PS to Secretary Health Department.
8. PS to Special Secretary Health Department.
9. Computer Programmer Health Department
10. Doctor concerned.

SECTION OFFICER (E-V)

ATTESTED



OFFICE OF THE DISTRICT HEALTH OFFICER LAKKI MARWAT

Email: dholakki@yahoo.com

Ph#: 0969-510472

Fax#: 0969-510474

Dated: 13/4/2018

9

No. 2359/PF

To

The Director General Health
Services Khyber Pakhtunkhwa
Peshawar.

SUBJECT: CHARGE REPORT FORM (ARRIVAL)

Sir,

Reference Govt. of Khyber Pakhtunkhwa Health Department Notification No. SOH(E-V)1-131/2016 Dated: 12-04-2018.

I have the honor to enclose herewith the Charge Report form (Arrival Report) each in duplicate in respect of Dr. Essa Khan District Health Officer BPS-19 for your further necessary action please.

Encl: As above

No. 2360-64/PF

District Health Officer
Lakki Marwat

Copy along with a copy of charge report form is forwarded to the:

1. P.S to Secretary Health Govt: of Khyber Pakhtunkhwa Peshawar.
2. Section Officer E-V Healh Deptt: Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Lakki Marwat.
4. Accountant DHO Office Lakki Marwat.
5. Officer Concerned.

For information & necessary action.

District Health Officer
Lakki Marwat

ATTESTED

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the afternoon of this day respectively made over and received charge of District Health Officer Lakki Marwat w.e.f 13-04-2017 (A.N), vide Notification No. SOH(E-V)1-131/2016.Dated: 12-04-2018
2. Particulars of cash and important secret and confidential documents handed over are noted in the reverses:

(10)

Signature of Relived

Govt: Servant: _____

Designation: _____

Station: District Lakki Marwat.

~~Signature of Reliving~~
Signature of the Relieving

Govt: Servant: Dr. Essa Khan

Designation: District Health Officer BPS-19

Dated: 13-04-2018 (A.N)

ATTESTED





OFFICE OF THE DISTRICT HEALTH OFFICER LAKKI MARWAT

Email: dholakki@yahoo.com

Ph#: 0969-510472

Fax#: 0969-510474

(11)

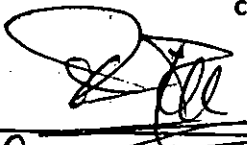
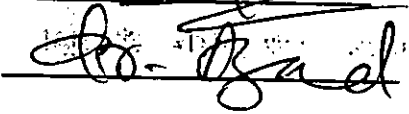
SPECIMAN SIGNATURE IN RESPECT OF DR. ESSA KHAN DISTRICT HEALTH OFFICER LAKKI MARWAT

a. _____

b. _____

c. _____

Attested:

District Health Officer
Lakki Marwat.

Dated: 13/4/2018.

No. 2368-71 / PF
C.C:

1. Nazim District Lakki Marwat.
 2. Deputy Commissioner Lakki Marwat.
 3. District Accounts Officer Lakki Marwat.
 4. Manager National Bank of Pakistan Lakki Marwat.
 5. Manager MCB Tajori Lakki Marwat.
 6. Manager Khyber Bank Lakki Marwat / Sarai Naurnag.
 7. Manager HBL Khawaidad Khel Branch Lakki Marwat.
- For information & necessary action.


District Health Officer
Lakki Marwat.

ATTESTED



12



NBP

National Bank of Pakistan
نیشنل بینک آف پاکستان

Branch: _____

F-65 (Revised 2016)

Date: تاریخ _____

SPECIMEN SIGNATURE CARD

Title of Account: _____
 Account No.: _____

TYPE OF ACCOUNT (Please Specify) _____
 OPERATIONAL INSTRUCTIONS
 Self Jointly (All Applicants) Either or Survivor Mandate Holder
 Any One of Us Any two of Us
 Other (Please Specify) _____

Paste Passport Size Photograph in case of illiterate person

خواندہ فرد کی صورت میں
پسپورٹ سائز فوٹو لگانا

Name: _____
 Mobile No.: _____

Name: _____
 Mobile No.: _____

Name: _____
 Mobile No.: _____

Specimen Signature

 District Health Officer
 Larkana

Specimen Signature

 District Health Officer
 Larkana

Specimen Signature
 For Business/Govt. Affix Rubber Stamp

Caution: 1. Unused boxes to be marked "VOID" 2. Business/Govt. Stamp shall not overlap Customer's Specimen Signature
 3. Customer's Specimen Signatures must be closed with Red Ink only and avoid any other marking & Bank's stamp

FOR BANK USE ONLY

Signed Before Me: _____ Date: _____
 Manager: _____ Name & Signature: _____

Scanned by CamScanner

ATTESTED

Lakki

548 1

P Sec:009 Month:July 2018
LK6066 -District Health Officer La
DISTRICT HEALTH OFFICER L

Form #: 00049718 Buckles: 0
Name: DR ABDU GUL
DISTRICT HEALTH OFFICER
CNIC No. 1730116308051
GPF Interest Applied
IS Active Permanent

NIN:
GPF #: JM 021060
Old #:

13

LK6066

PAYS AND ALLOWANCES:

0001-Basic Pay	86,650.00
1000-House Rent Allowance	8,856.00
1210-Cumy Allowance 2003	5,000.00
1539-Non - Practising Allowance	4,000.00
1647-Medical Allow 15% (16-22)	3,650.00
1933-Health Professional Allow	96,000.00
2142-15% Adhoc Relief All-2013	1,975.00
2150-Adhoc Relief Allow 0104	1,331.00
2211-Adhoc Relief All 2016 104	6,585.00
Gross Pay and Allowances	231,789.00

DEDUCTIONS:

LT Payable	89,987.79	Deducted	8,179.00	TAX: (3699)	8,179.00
GPF Balance	1034,016.00			Subtr:	7,180.00
3500-Samaratant Fund					800.00
4004-R. Benefits & Death Comp:					5,910.00

Lakki

548 2

P Sec:009 Month:July 2018
LK6066 -District Health Officer La
DISTRICT HEALTH OFFICER L

Form #: 00049718 Buckles: 0
Name: DR ABDU GUL
DISTRICT HEALTH OFFICER
CNIC No. 1730116308051
GPF Interest Applied
IS Active Permanent

NIN:
GPF #: JM 021050
Old #:

LK6066

PAYS AND ALLOWANCES:

2224-Adhoc Relief All 2017 104	8,555.00
2247-Adhoc Relief All 2018 104	8,555.00

Gross Pay and Allowances

231,709.00

DEDUCTIONS:

LT Payable	89,987.79	Deducted	8,179.00	Subtr:	
GPF Balance	1034,016.00				

Total Deductions

19,959.00

211,820.00

D.O.B
16.01.1967

30 Years 09 Months 001 Days

ISP Quota:
ALLIED BANK LIMITED Khyber Bank Peshawa
PL300000001575-3

ATTESTED



Lakki

Page: 1

P Sec:009 Month:July 2018
LK5065 -District Health Officer La
DISTRICT HEALTH OFFICER L

Page #: 00049718 Buckle: 0
Name: DR. ABDO GUL
DISTRICT HEALTH OFFICER
CNIC No. 8730116308051
GPF Interest Applied
IS Active Permanent

MIN:
GPF #: JM 021050
Old #:

LK5065

14

PAYS AND ALLOWANCES:

0001-Basic Pay	86,560.00
1000-House Rent Allowance	8,556.00
1210-Convey Allowance 2005	5,000.00
1555-Non - Practicing Allowance	4,000.00
1647-Medical Allow 151 (16-22)	3,850.00
1965-Health Professional Allow	96,000.00
2045-151 Arhoc Relief All-2013	1,975.00
2199-Arhoc Relief Allow 2101	1,031.00
2211-Arhoc Relief All 2016 101	6,985.00
Gross Pay and Allowances	231,789.00

DEDUCTIONS:

11 Payable	89,967.79	Deducted	8,179.00	TAX: (3609)	8,179.00
GPF Balance	1034,046.00			Subtra:	7,190.00
2501-Generolent Fund					2,800.00
4004-R. Benefits & Death Comp:					3,810.00

Lakki

Page: 2

P Sec:009 Month:July 2018
LK5065 -District Health Officer La
DISTRICT HEALTH OFFICER L

Page #: 00049718 Buckle: 0
Name: DR. ABDO GUL
DISTRICT HEALTH OFFICER
CNIC No. 8730116308051
GPF Interest Applied
IS Active Permanent

MIN:
GPF #: JM 021050
Old #:

LK5065

PAYS AND ALLOWANCES:

2211-Arhoc Relief All 2017 101	8,666.00
2217-Arhoc Relief All 2018 101	8,666.00

Gross Pay and Allowances

11 Payable	89,967.79	Deducted	8,179.00		
GPF Balance	1034,046.00			Subtra:	
Total Deductions					12,660.00
					211,820.00

D.O.B
16.01.1957

GPF Quota:
ALLIED BANK LIMITED Khyber Bank Fardes
71500000001576-3

20 Years 09 Months 091 Days

ATTESTED



Dr. Abdo Gul
District Health Officer
Lakki

Dr. Abdo Gul
District Health Officer
Lakki

15

Lakki

S#: 1

P Sec:009 Month:July 2018
LK6066 -District Health Officer La
DISTRICT HEALTH OFFICER L

Pans #: 00049718 Buckle: 0

Name: DR. ABDU GUL
DISTRICT HEALTH OFFICER

CNIC No. 1730116306051

GPF Interest Applied

19 Active Permanent

NTN:
GPF #: JM 021060
Old #:

LK6066 -

PAYS AND ALLOWANCES:

0001-Basic Pay	86,650.00
1000-House Rent Allowance	8,856.00
1210-Convey Allowance 2003	5,000.00
1538-Non - Practicing Allowance	4,000.00
1947-Medical Allow 15% (16-22)	3,650.00
1985-Health Professional Allow	96,000.00
2145-15% Adhoc Relief All-2013	1,975.00
2199-Adhoc Relief Allow (10%)	1,331.00
2211-Adhoc Relief All 2016 10%	6,985.00
Gross Pay and Allowances	231,789.00

DEDUCTIONS:

IT Payable 89,967.79	Deducted 8,179.00	TAX: (3609)	8,179.00
GPF Balance 1034,045.00		Subrc:	7,180.00
3501-Benevolent Fund			800.00
4004-R. Benefits & Death Comp:			3,810.00

Lakki

S#: 2

P Sec:009 Month:July 2018
LK6066 -District Health Officer La
DISTRICT HEALTH OFFICER L

Pans #: 00049718 Buckle: 0

Name: DR. ABDU GUL
DISTRICT HEALTH OFFICER

CNIC No. 1730116306051

GPF Interest Applied

19 Active Permanent

NTN:
GPF #: JM 021060
Old #:

LK6066 -

PAYS AND ALLOWANCES:

2224-Adhoc Relief All 2017 10%	8,666.00
2247-Adhoc Relief All 2018 10%	8,666.00

Gross Pay and Allowances

231,789.00

DEDUCTIONS:

IT Payable 89,967.79	Deducted 8,179.00	Subrc:	
GPF Balance 1034,045.00			

Total Deductions

19,969.00

211,820.00

D.O.B

16.01.1967

20 Years 09 Months 001 Days

LFP Quota:

ALLIED BANK LIMITED Khyber Hazar Peshawa
PLS00000001576-3

ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.939/2018

Dr. Muhammad Taus Khan.....Appellant

Versus

1. Secretary to Govt of Khyber Pakhtunkhwa Health Department.
2. Chief Secretary Khyber Pakhtunkhwa.....Respondents.

PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1,2 and3

PRELIMINARY OBJECTIONS:

1. That the Appeal is incompetent and not maintainable in its present forum.
2. That the Appellant has neither cause of action nor locus standi
3. That the Appellant has filed the appeal in non proper form and may be dismissed.
4. That the Tribunal has no jurisdiction.
5. That the Appellant has not come to the Tribunal with clean hands.
6. That the Appeal is time barred.

FACTS.

1. Correct to the extent that the Appellant is a regular employee of the Health Department. He belongs to the Health Management Cadre in BS-19.
2. Pertains to record. However the appellant was posted and transferred in the public interest.
3. Correct to the extent that the Appellant was posted as District Health Officer Lakki Marwat on 10.03.2017. Thereafter due to various claims and counter claims, the Chief Secretary Khyber Pakhtunkhwa has approved proceedings through Anticorruption. It is also added here that the Deputy Commissioner Lakki Marwat intimated Health Department vide his letter dated 13.01.2018 that all employees Coordination Council in its meeting held on 12.01.2018 announced boycott of the upcoming Polio campaign in District Lakki and demanded the posting/transfer of the Appellant from the post of DHO Lakki Marwat upon which the Deputy Commissioner Lakki Marwat has requested that the Appellant may be transferred from the post of DHO Lakki Marwat (**Annex-I**). In response to the above situation Health Department conducted fact finding inquiry through Dr.Shad Ali Management Cadre BS-20 Additional Director General DGHS Office and Dr.Muhammad Saleem Director (Implementation) DGHS Office.

The inquiry officers/committee has also recommended the posting/transfer of the Appellant on administrative grounds (Annex-II).

Incorrect. The appellant did not file ~~the~~ any Departmental appeal/review appeal before the proper forum which is in the instant case Chief Minister Khyber Pakhtunkhwa according to the Rules of Business, 1985.

5. Correct to the extent that the appellant filed writ Petition No 2250-P/2018 in the Peshawar High Court, Peshawar in the subject case. The honorable Court in its order dated 14.06.2018 directed Health Department that the appeal of the Petitioner may be considered according to the posting/transfer policy 2009 within 14-days. Consequently Health Department submitted summary to the Chief Minister Khyber Pakhtunkhwa being the competent authority in the instant case, however approval is awaited while in the meanwhile the appellant filed the instant appeal before this honorable Court without waiting the ^{come} out of the said summary.
6. No comments.

GROUNDS.

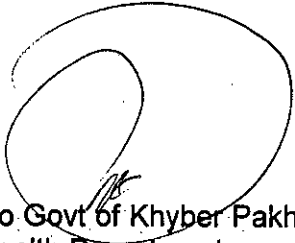
- i. Incorrect. The impugned order is according to the rules and law. Section 10 of the Civil Servant Act provides every civil servant shall be liable to serve anywhere within or outside the Provinces in any post under the Federal Government or any Provincial Government or local authority (Annex-II)
- ii. Incorrect. As mentioned in Para-3 above. The performance of the appellant while working against the post of DHO Lakki Marwat is not satisfactory due to this reasons Health Department issued posting/transfer order of the appellant as per direction of the then Chief Minister Khyber Pakhtunkhwa being competent authority.
- iii. Incorrect as mentioned in Para-B above. The performance of the Appellant is not satisfactory and there is no any other remedy to transfer the appellant immediately from the post of DHO Lakki Marwat.
- iv. Incorrect. The Peshawar High Court Peshawar in its judgment directed Health Department that the appeal of the Petitioner may be decided according to the posting/transfer policy.

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on. It
Marwat
018 that
held on
campaign in
the Appellant
ch the Deputy
he Appellant may
arwat (Annex-I).
tment conducted
gement Cadre
ice and Dr. My
, Office.

- v. Incorrect. The Petitioner was transferred from the post of Deputy DHO DIKhan at their own request. Health Department has also of the view at that time that the Petitioner will perform his duty efficiently during his posting as District Health Officer Lakki Marwat, however as mentioned in Para-3, the performance of the appellant during this period is not found satisfactory. Health Department has remained tumultuous during the past three months. The appellant has been treated according to the posting/transfer policy 2009.
- vi. Incorrect as mentioned in Para-3 the District Administration of District Lakki Marwat has repeatedly requested Health department that the Performance of the appellant is not satisfactory. As mentioned in the fact finding inquiry report conducted by Dr.Shad Ali Management Cadre BS-20 Additional Director General DGHS Office and Dr.Muhammad Saleem Director (Implementation) DGHS Office, the doctors and paramedics observed strike against the harsh attitude of the appellant. The inquiry officers have recommended the transfer out of the appellant on administrative grounds.
- vii. Incorrect. The impugned order has been passed in according to the Appointment, Promotion and Transfer Rules, 1989.
- viii. Incorrect. As mentioned in Para-3 above there is no violation in the impugned Notification, the appellant has been treated as per merit.
- ix. Incorrect. There is no political victimization in the instant case. The Petitioner has been transferred due to the reasons as mentioned in Para-3 above.
- x. Incorrect. The Petitioner is not at the verge of retirement. The Petitioner will retire from service on 02.02.2020. The Petitioner belongs to the Health Management Cadre in BS-19 while the post of District Health Officer Lakki Marwat falls to the share of Health Management Cadre in BS-20.
- xi. No comments

It is, therefore, requested that the appeal of the appellant may kindly be dismissed with cost.

Chief Secretary
Khyber Pakhtunkhwa
Department
(Respondent No.2)


Secretary to Govt of Khyber Pakhtunkhwa
Health Department
(Respondent No.1 & 2)



Director General
Health Services Khyber Pakhtunkhwa
(Respondent No.03.)

01.01.2019

Petitioner in person present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Reply on behalf of respondents not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for reply on behalf of respondents on 24.01.2019 before S.B.


Muhammad Amin Khan Kundi
Member

24.01.2019. Petitioner absent. Learned counsel for the petitioner absent. Hazrat Shah Superintendent representative of the respondents present, submitted copy of office orders dated 18.09.2018 and 02.01.2019 placed on file and stated that the appellant has been posted as DHO Bannu vide order dated 02.01.2019 and similarly his salaries have also been released. Case called but no one appeared on behalf of petitioner. In view of the above the present application be consigned to the record room being not pressed.


Member

ANNOUNCED.

24.1.2019

C.O.C No. 256/2018

24.09.2018

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG and respondent No. 4 in person present. Reply on behalf of respondents not submitted. Learned counsel for the petitioner requested that the main Service Appeal No. 939/2018 of the petitioner is fixed for 25.10.2018 therefore, the present appeal may also be clubbed with that appeal. Request is accepted. To come up for reply alongwith main Service Appeal No. 939/2018 on 25.10.2018.

MA
(Muhammad Amin Khan Kundi)
Member

25-10-18

*Due To Retirement of Honorable
Chairman the Tribunal is non
functional therefore the case is
adjourned to come up for the
same on 13/11/2018
Reader*

13-11-2018

*Due To Retirement of Honorable
Chairman The Tribunal is non
functional therefore the case is
adjourned to come up for the
same on 1-1-2019
Reader*

04.09.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG for respondents No. 1 to 3 and Mr. Noor Muhammad Khattak, Advocate for respondent No. 4 present and submitted Vakalat Nama. Reply on behalf of respondents not submitted. Learned Additional AG for respondents No. 1 to 3 and counsel for respondent No. 4 requested for further time for filing of reply. Adjourned. To come up for reply on behalf of respondents on 17.09.2018 before S.B.

MA
(Muhammad Amin Khan Kundi)

17.09.2018

Petitioner in person present. Dr. Azad, ^{Member} Litigation Officer alongwith Mr. Kabirullah Khattak, Addl. AG for respondents present. Case to come up for further proceedings on 19.09.2018 before S.B.

AS
(Ahmad Hassan)
Member

19.09.2018

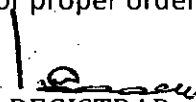

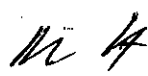
Petitioner with counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hazrat Shah, Superintendent for the respondents present. Representative of the department submitted reply. To come up for further proceedings on 24.09.2018 before S.B.

MA
(Muhammad Amin Khan Kundi)
Member

FORM OF ORDER SHEET

Court of _____

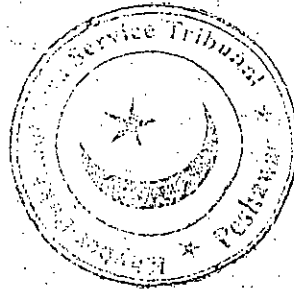
C.O.C Application No. 256/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/08/2018	<p>The C.O.C application of Dr. Muhammad Taus Khan submitted today through Muhammad Adnan Sher Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <p> REGISTRAR 17/8/18</p>
2-		<p>This C.O.C application be put up before S. Bench on <u>24-8-2018</u>.</p> <p> CHAIRMAN</p>
	24.08.2018	<p>Counsel for the appellant present. Notice be issued to the respondents for reply for 04.09.2018 before S.B.</p> <p> (Muhammad Amin Khan Kundi) Member</p>

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

10

Service Appeal No: 939/2018



1205
27/7/2018

Dr. Muhammad Taus Khan

Presently Posted as OSD Health Department (KP)

..... APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa

Through Chief Secretary KP
Civil Secretariat, Peshawar

2. Secretary Health (Khyber Pakhtunkhwa)

Civil Secretariat, Peshawar

3. Director General Health (KP)

Civil Secretariat, Peshawar

4. Dr. Abdul Gul

District Health Officer Lakki Marwat,
District Lakki Marwat

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHAWA
SERVICE TRIBUNAL ACT, 1974

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

27/7/18

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

COC No. 256, 2018

In Service Appeal No.939/ 2018

Dr. Muhammad Taus Khan

VERSUS

Muhammad Azam Khan & Others

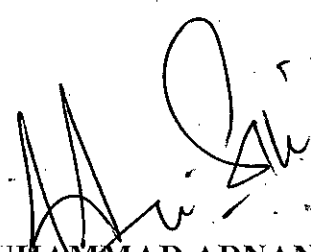
INDEX

S. No	Documents	Annexure	Page No.
1.	Contempt Petition	--	01-03
2.	Affidavit	--	04-
3.	Memo	--	05
4.	Copies of Order Sheets Dated 08.08.2018 & 13.08.2018	'A'	6-11
5.	<i>Wakalatnama</i>	--	--


APPLICANT

Dated: _____, 2018

Through


MUHAMMAD ADNAN SHER
Advocate High Court, Peshawar.

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC No. 256/2018
In Service Appeal No.939/ 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1303

Dated 17-8-2018

Dr. Muhammad Taus Khan

District Health Officer (DHO)
Lakki Marwat

..... **APPLICANT**

VERSUS

1. Naveed Kamran Baloch

Chief Secretary KP
Civil Secretariat, Peshawar

2. Abid majeed

Secretary Health (Khyber Pakhtunkhwa)
Civil Secretariat, Peshawar

3. Dr. Ayub Ros

Director General Health (KP)
Civil Secretariat, Peshawar

4. Dr. Abdul Gul

District Health Officer Lakki Marwat,
District Lakki Marwat

..... **RESPONDENTS**

Filed to-day

ew
Registrar

17/8/18

**APPLICATION FOR INITIATING CONTEMPT OF COURT
PROCEEDINGS AGAINST THE RESPONDENTS/ CONTEMNORS FOR
NON IMPLEMENTATION OF THE ORDER DATED 08.08.2018 IN
SERVICE APPEAL No. 939/ 2018**

Respectfully Sheweth;

1. That the applicant/ appellant has filed Service Appeal No. 939/ 2018 which is pending adjudication and fixed before this hon'ble Tribunal for 04.09.2018.
2. That the instant Service Appeal was admitted to full hearing on 02.08.2018 and *status quo* was granted on 08.08.2018 in favor of appellant till further order and the same was extended on 13.08.2018 by this hon'ble Tribunal. (Copies of the orders dated 08.08.2018 & 13.08.2018 is hereby annexed as Annexure 'A').
3. That in pursuance to orders of this hon'ble Tribunal, when the applicant/ appellant reached to his office, Respondent No. 4 in connivance with other respondents, refused to applicant to enter into his office i.e. DHO Lakki Marwat and this act of respondents is in absolute disregard to the directions of this hon'ble Tribunal in its order dated 08.08.2018 and 13.08.2018 and till date the appellant is suffering due to such conduct of the respondents concerned.
4. That the applicant/ appellant approached the respondents/ contemnors several times along with the copy of the orders dated 08.08.2018 and 13.08.2018 to implement the clear cut directions of this hon'ble Tribunal despite the fact that they had already the knowledge of grant of *Status Quo* in the said orders of this hon'ble Tribunal but the respondents/ contemnors paid no heed and showed no intentions whatsoever to implement the said orders till date.
5. That the respondents/ contemnors are willfully and deliberately showing disregard to the orders of this hon'ble Tribunal and flouting the directions therein which act of the respondents clearly amounts to contempt of court and therefore liable to be proceeded in the contempt of court proceedings.
6. That the respondents/ contemnors are to be punished strictly as it would otherwise defeat the very purpose of law of contempt to maintain faith of the people in the dignity and uprightness of the Courts/ Tribunals.

It is, therefore, respectfully prayed that on acceptance of this contempt application, this hon'ble Tribunal may kindly be pleased to initiate contempt proceedings against the respondents/ contemnors for willful disobedience and disregard to the its orders dated 08.08.2018 and 13.08.2018 with the directions to implement the same forthwith in its letter and spirit.

Dated: _____, 2018

APPLICANT/ APPELLANT

Through

MUHAMMAD ADNAN SHER
Advocate High Court, Peshawar

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

COC No. _____, 2018

In Service Appeal No.939/ 2018

Dr. Muhammad Taus Khan



VERSUS

Muhammad Azam Khan & Others

AFFIDAVIT

I, **Muhammad Taus Khan** District Health Officer, Lakki Marwat do hereby declare and affirm on oath;

1. That the contents of this Contempt Application are true and correct to the best of my knowledge and belief &
2. That nothing has been concealed from the august court, which it is necessary to disclose.


DEPONENT


5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Dr. Muhammad Taus Khan

VERSUS

Muhammad Azam Khan & Others

MEMO

APPLICANT

Dr. Muhammad Taus Khan

District Health Officer (DHO)
Lakki Marwat

VERSUS

RESPONDENTS

1. Government of Khyber Pakhtunkhwa

Through Chief Secretary KP
Civil Secretariat, Peshawar

2. Secretary Health (Khyber Pakhtunkhwa)

Civil Secretariat, Peshawar

3. Director General Health (KP)

Civil Secretariat, Peshawar

4. Dr. Abdul Gul

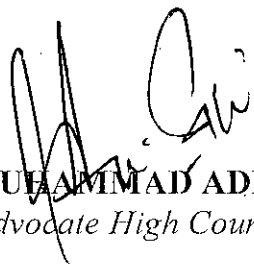
District Health Officer Lakki Marwat,
District Lakki Marwat



APPLICANT

Dated: _____, 2018

Through

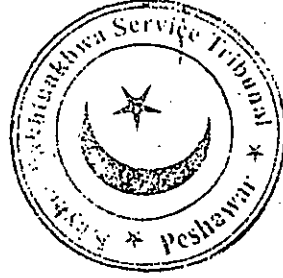


MUHAMMAD ADNAN SHER
Advocate High Court, Peshawar

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

ANNEX (A) 11
6

Service Appeal No: 939/2018



1205
27/7/2018

Dr: Muhammad Taus Khan

Presently Posted as OSD Health Department (KP)

..... APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa

Through Chief Secretary KP
Civil Secretariat, Peshawar

2. Secretary Health (Khyber Pakhtunkhwa)

Civil Secretariat, Peshawar

3. Director General Health (KP)

Civil Secretariat, Peshawar

4. Dr. Abdul Gul

District Health Officer Lakki Marwat,
District Lakki Marwat

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHAWA

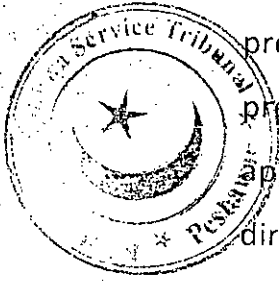
SERVICE TRIBUNAL ACT, 1974

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

8/8/2018

7



Appellant with counsel and Mr. Kabirullah, Khattak, AAG for official respondents No. 1 to 3 present. Counsel for private respondent No. 4 also present. On the previous date notice of interim application was issued to the respondent and was directed to submit reply and arguments on the said application. Today private respondent No. 4 submitted replication of the application of interim relief. Arguments heard and record perused.

M. Anwar
8/8/2018

Brief fact of the present service appeal is that the appellant was serving in health department as District Health Officer Lakki Marwat. He was transferred from Lakki Marwat and placed his services at the disposal of Director General Health Service Khyber Pakhtunkhwa vide order dated 12/4/2018. Later on private respondent Dr. Abdul Gul Management Cadre BPS-19 was transferred against the post of District Health Officer Lakki Marwat vide order dated 18/5/2018. The appellant filed departmental appeal against the order dated 12/4/2018 on 17/4/2018, which was not responded, hence present service appeal. The appellant also submitted application for suspension of impugned notification and notification dated 18/5/2018 on the ground mentioned in the application and prayed for acceptance of the said application. Reply of the said application submitted by private respondent No. 4 today.

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

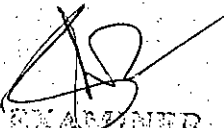
Learned counsel for the appellant contended that appellant was serving in health department and he was transferred to the post of

District Health Officer Lakki Marwat vide order dated 10/3/2017. It was further contended that normal tenure as per transfer posting policy is 2 years. But appellant has been malifidely transferred before his normal tenure. It was further contended that the appellant was transferred on political influence and in this respect he stated that copy of impugned order has also been forwarded to Private Secretary to Minister Health Khyber Pakhtunkhwa. It was further contended that appellant has not relinquished the charge so for and in case the impugned order is not suspended and the appellant relinquish the charge. The present service appeal will be become infructuous. Therefore, prayed for acceptance of interim application.

M. Amin
8.5.2018

On the other hand Additional Advocate General assisted by learned counsel for private respondent No. 4 opposed the contention of learned counsel for appellant and contended that the appellant was transferred from the post of District Health Officer Lakki Marwat and his service was placed at the disposal of Director General Health Service Khyber Pakhtunkhwa vide order dated 12/4/2018. It was further contended that lateron private respondent was transferred from Management Cadre and was posted as District Health Officer Lakki Marwat vide order dated 18/5/2018. It was further contended that the appellant has not filed any departmental appeal against the transferred order dated 18/5/2018, therefore, the present appeal is not maintainable. It was further contended that the private respondent has assumed the charge. It was further contended that there was complain against the present

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

appellant. Therefore the appellant has rightly been transferred and prayed for dismissal of interim application.

Perusal of the record reveals that the appellant was transferred against the District Health Officer Lakki Marwat vide order dated 10/3/2017. According to Transfer Posting Policy the normal tenure is 2 years, but the appellant has been transferred after one year, therefore the appellant has been transferred before his normal tenure. It is also the claim of the appellant that he has not relinquished the charge so far. There is also nothing on the record in shape of documentary proof about the relinquish of the charge of post of appellant. Moreover, transfer should not be made as punishment on the ground of complaint. Therefore, status-quo be maintained till further order. To come up for written reply of respondents on 13/8/2018.

LA Amin
MEMBER

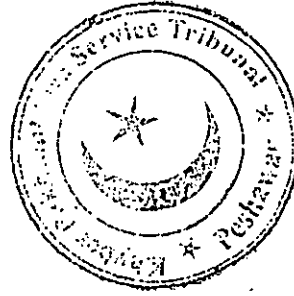
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[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 08-08-18
 Number of Words 1600
 Copying Fee 10.00
 Urgent 2.00
 Total 12.00
 Name of Copyist *[Signature]*
 Date of Completion of Copy 08-08-18
 Date of Delivery of Copy 08-08-18

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

10/10

Service Appeal No: 939/2018



1205
27/7/2018

Dr. Muhammad Taus Khan

Presently Posted as OSD Health Department (KP)

..... APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa

Through Chief Secretary KP
Civil Secretariat, Peshawar

2. Secretary Health (Khyber Pakhtunkhwa)

Civil Secretariat, Peshawar

3. Director General Health (KP)

Civil Secretariat, Peshawar

4. Dr. Abdul Gul

District Health Officer Lakki Marwat,
District Lakki Marwat

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHAWA
SERVICE TRIBUNAL ACT, 1974

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 939/2018
Dr. M. Taus Khan vs Govt



13/8/2018

Counsel for the appellant and Mr. Pinda Khel, Assistant Advocate General for official respondents No. 1 to 3 present. Counsel for private respondent No. 4 also present. Written reply by the respondents not submitted and Assistant AG requested for adjournment. Adjourned. To come up for written reply/comments on 4/9/2018 before SB. Status-quo be maintained till further order.

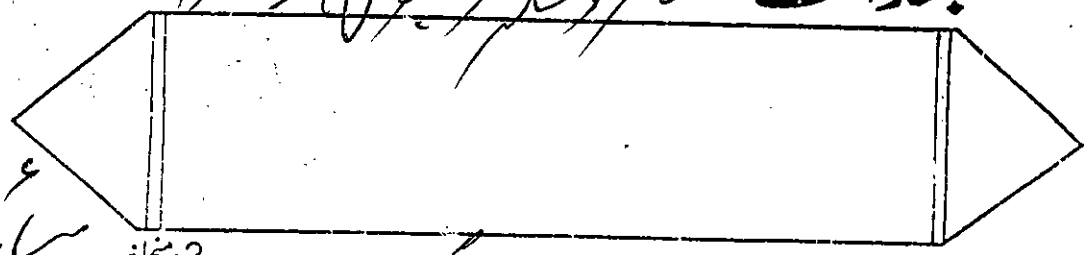
M.A.
(Muhammad Amin Khan Kundi)
Member

Certified to be true copy

M.A.
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 13-8-18
Number of Words 800
Copying Fee 6.00
Urgent 2.00
Total 8.00
Name of Copyist *[Signature]*
Date of Completion of Copy 13-8-18
Date of Delivery of Copy 13-8-18

بعدالت سندھ ہائی کورٹ



2ء پنجاب سائیکل
ڈاکٹر طاہر حسین بنام اعظم خان و دیگر

موزعہ
مقدمہ
دعویٰ
مزم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے لئے اور کیلئے محمد عزیز اللہ صاحب کے لئے
مقرر کر کے افزا کر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
ویبل صاحب کو راضی نامہ کرنے سے قبل و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے کے اجراء اور وصولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے کے اپیل نمائندگی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
بواختیار منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دہرہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا اوقات نامہ لکھ دیا کہ سند ہے۔

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المترجم _____ ماہ _____ 20

واہ العی

بمقام لیسٹ

VAKALATNAMA

IN THE COURT OF KP Service Tribunal

Peshawar. COC-256 OF 2018

Mohammad Taus Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KPK and others

(RESPONDENT)
(DEFENDANT)

I/we Dr. Abdul Gul, Respondent No. 4,
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 3 / 9 / 2018

Dr. Abdul Gul
CLIENT

Noor Mohammad Khattak
ACCEPTED
NOOR MOHAMMAD KHATTAK
ADVOCATES

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9090737, 03339-9313113

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

COC No.256/2018
in Service Appeal No.939/2018

Dr. Muhammad Taus Khan.....Appellant

Versus

1. Chief Secretary to Govt of Khyber Pakhtunkhwa
2. Secretary Health Department
3. Director General Health Services Khyber Pakhtunkhwa.....Respondents.

REPLY TO THE COC ON BEHALF OF RESPONDENT NO.1,2 and 3.

Dr.Muhamamd Taus Khan Management Cadre BS-19 while working against the post of District Health Officer Lakki Marwat BS-20) in his own pay and scale, was transferred and his services were placed at the disposal of Director General Health Services Khyber Pakhtunkhwa. The post of District Health Officer Lakki Marwat falls to the share of Health Management Cadre in (BS-20) and presently occupied by Dr.Abdu Gul Management Cadre BS-19.

2. Dr.Muhammad Taus Khan Management Cadre BS-19 filed Service Appeal No.939/2018 in the Khyber Pakhtunkhwa Service Tribunal. The Honorable Tribunal in its judgment dated 13.08.2018 directed Health Department that the Departmental appeal of the appellant may be considered according to the posting/transfer policy. The normal tenure is two years but the appellant has been transferred after one year, therefore, the appellant has been transferred before the normal tenure. It is to be mentioned here that while working against the post of DHO Lakki MARwat the performance of the doctor concerned was poor and the local Administration has requested again and again Health Department that the doctor concerned may be transferred as mentioned in Para-wise comments in Service Appeal No.939/2018 in respect of the appellant.


3. It is further added here that due to the various claims and counter claims the Chief Secretary Khyber Pakhtunkhwa has approved proceedings through Anticorruption Department. The Deputy Commission Lakki Marwat also intimated Health Department that all employees Coordination Council in District Lakki Marwat announced boycott of the upcoming polio campaign during the tenure of the appellant Dr.Muhammad Taus Khan as District Health Officer Lakki Marwat.

4. It is also added here that subsequently the Health Department nominated Dr.Shad Ali Management Cadre BS-20 Additional Director General DGHS Office and Dr. Muhammad Saleem Director (Implementation) (BS-19) to conduct fact finding inquiry in the subject case in respect of Dr.Muhammad Taus Khan (Appellant). The inquiry officer submitted the inquiry report and recommended the transfer of Dr.Muhammad Taus Khan on administrative grounds alongwith others recommendations (**Annex-1**).

5. However, upon the direction of the Peshawar High Court Peshawar in its judgment dated 14.06.2018, the Health Department submitted summary to the Chief Minister Khyber Pakhtunkhwa being the competent authority according to Rules of Business, 1985 in respect of Dr.Muhamamd Taus Khan Management Cadre BS-19 Ex-DHO Lakki Marwat mentioning therein the above facts and for appropriate orders. The honorable Chief Minister Khyber Pakhtunkhwa regretted the proposal of Health Department and agreed with the recommendations of the Inquiry report (**Annex-II**).

6. We, being a Government Department, obey all the orders of the honorable Tribunal and we can never even think of violating the honorable Khyber Pakhtunkhwa Service Tribunal orders. All the action taken so far were in the public interest.

7. It is therefore, prayed that the COC No.256/2018 in Service Appeal No.939/2018 of the appellant may kindly be dismissed with cost.



Secretary to Govt. of Khyber Pakhtunkhwa
Health Department (Respondent No. ~~1~~ II)

Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1).



Director General
Health Services Khyber Pakhtunkhwa
(Respondent No.03)

abid majeed

635
Date 26.1.18

Secretary health 7:32 PM (39 minutes ago)

to me

shamim print out attachment as well as email

From: Ayub Rose <drayubrose@yahoo.com>
Sent: Thursday, January 25, 2018 10:49 PM
To: Abid Majeed
Subject: Fw: Enquiry Report DHO Lakki Marwat 02.01.2018

Sir. FYI & further n/a please.

Best. Ayub

Sent from Yahoo Mail on Android

----- Forwarded message -----

From: "muhammad saleem" <saarcuk@yahoo.co.uk>
To: "M. Ayub Rose" <drayubrose@yahoo.com>
Cc:
Sent: Thu, 25 Jan 2018 at 10:24 pm
Subject: Fw: Enquiry Report DHO Lakki Marwat 02.01.2018
Dear Sir,

ASE
Diem pl
g intemp of
Call weekly of
DHO & both IOS
for your memo
Dg

Please find with the forwarded mail the Inquiry Report about DHO Lakki Marwat, this is a detailed report, in response to this report the Department has sent some observations which have been addressed in the 2nd report which is enclosed in the follow-up email, thanks

Regards,
Dr. Muhammad Saleem
Director Implementation,
DG Health Office, Khyber Pakhtunkhwa, Peshawar
Cell # 0333-9119385

E - 1/2
Indi

On Wednesday, 10 January 2018, 10:58, Kamran Nasir <kamran_dghs@yahoo.com> wrote:

**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**



All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
DG Office Ph (091) - 9210269 Exchange Ph (091) - 9210187 Fax Ph (091) - 9210230

No. 01 /Admn

Dated: 02.01.2018

To

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

Attention: - **Section Officer (General)**

Subject: - **ENQUIRY REGARDING DHO LAKKI MARWAT & OTHERS
EMPLOYEES.**

Dear Sir,

Reference your Notification No. E&A/HD/1-1/2016 dated:
27.12.2017 on the subject noted above, enclosed please find here with a
copy of the inquiry report for favor of further necessary action please.

Yours faithfully,

Shodali
2.1.18
Additional Director General (Admn)
DIRECTORATE GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA PESHAWAR

Enquiry against DHO Lakki Marwat, Dr Taus Khan

Authority: Authorized by Notification No: **E&A/HD/1-1/2016**, Secretary Health Govt of Khyber Pakhtunkhwa.(Annexure-1).

Background:

1. Doctors and Paramedics observed strike in **Government City Hospital Lakki** on Saturday dated 23-12-2017 against the harsh attitude of the DHO Lakki Marwat.
2. The protesting employees wore black bands while the doctors did not examine the patient up to 1000 hours which confronted the ailing people with great problem.
3. The paramedics and other hospital employees stayed away from duty causing problems to the patients and their attendants.
4. The strike call was given by local chapter of Paramedics, Young Doctors Association, Clerks and other employees of the Health department district Lakki Marwat.
5. The President of Young Doctors Association, The President Paramedics and others held a meeting in the hospital premises and announced to observe strike for three days against DHO Dr Taus Khan for treating Doctors and paramedics inhumanly.
6. The DHO Lakki Marwat Dr Taus Khan in his statement to the "Daily Express Peshawar", "Daily 92 Peshawar", "Daily Jang Rawalpindi", "Daily Ausaf Peshawar" termed the Strike unreasonable and warned that the employees have no right to interfere in the Management matters. He stated that neither he will bow down to any pressure nor he will accept dictation from any one. He further added that the recruitment of class IV employees is according to rules and regulations and he is ready to defend himself at every forum. He warned that those employees who have locked the offices or has taken away the office equipment / furniture shall face the disciplinary action. (Annexure-2)

Procedure:

The DHO Lakki Marwat Dr Taus Khan was informed vide Letter No: 6810-14/ coord/enquiry Lakki Marwat Dated 27-12-2017, then letter No: 6818-24/coord/enquiry/Lakki Marwat Dated 28-12-2017. The letters were faxed to the DHO and the DHO and Office Clerk were also informed on telephone. (Annexure-3)

We, Dr. (Capt) Shad Ali ADG (Admin and Dev) and Dr. Muhammad Saleem, Director (Implementation) have visited DHO Office Lakki Marwat, have called the aggrieved group and recorded their statements as follow:

Statements:

(1) Statement of Saffi ur Rehman Incharge Assistant DHO Office: (Annexure -4)

I solemnly state that I am working as Incharge Assistant (BPS 16) in DHO Office Lakki. After the arrival of DHO Lakki I became a psychic case. Whenever I give him legal advice, his reply is

Shad Ali 2.1.18
Saleem 02/01/18

Marwat is recommended

that you are part of the anti-group and refuses ~~my~~ ~~advice~~. The DHO is using delaying tactic in office work and the people are forced to visit the office time and again for their routine work. The DHO has stopped the pay of the absent employees which is illegal.

Cross Examination:

Full Name Saffi Ur Rehman Designation: Office Assistant Incharge BPS -16

Tenure in DHO Office Lakki: 8 year and 8 Month.

Resident of Dallo Khel at a Distance of 5 Km from Lakki City.

Q. What do you mean by mental patient and how you became mental?

Answer: I am always in tension. Having no documentary proof i.e had never consulted Psychiatrist nor had taken any medicines.

Q. You say that cutting of pay for absence is illegal, how?

Answer: Not having solid answer while the finance rules are that salary is paid for duty and the employee that is absent shall not be paid. (Annexure-5)

Q. Do you agree with the rule?

Answer. Yes.

(2) Statement of Dr Ibrahim Iqbal SMO City Hospital (Annexure-6)

The DHO Dr Taus Khan is doing illegal action and is teasing the employees. He has declared city hospital Lakki Marwat as category C which is illegal. He has appointed MS BPS 19 and DMS BPS 18 on his own orders. When asked about this action from DHO, he replied that Secretary Health has given him powers verbally. He is rude with classified senior doctors. He is interfering in city hospital affairs. He is always doing general transfers. He is demanding huge money from candidate for employment. There are so many other complaints.

Cross Examination:

Full Name; Dr Ibrahim Iqbal
Marwat

Designation: SMO BPS 18 City Hospital Lakki

Tenure: 9-10 year in city Hospital Lakki Marwat

Q. what are Illegal Actions?

- Delaying tactics- not doing official work in time

Ibrahim Iqbal
2-1-18
Saffi Ur Rehman
07/01/18

Section Officer (E-V)

Marwat is recommended

- The City Hospital Lakki is renamed as ~~Category C~~ Hospital
- Appointed / nominated MS and DMS with ~~Secretary~~ health orders / consent
- Taking share in city hospital (There is no documentary proof)

(3) Joint Statement of LHS (LHS Fatima, LHS Gul Shana, LHS Minhass Jabeen)
(Annexure-7)

The LHS's stated the following in a joint statement.

- PPIU Peshawar had allotted posts for LHW's in all Districts of Kp but due to no micro plan from DHO Lakki Marwat we have lost these posts.
- The LHWs posted in October 2016, seven out of them are not paid their salary till date and 2 of them are terminated without any reason.
- The pay is lying in the bank but the DHO is not paying them.
- The LHWs are not paid their polio Campaign payment and money is deducted from them on the recommendation of WHO monitors.
- The LHWs are compelled to perform their duties in other union councils.
- There is no budget for proper/ in time repair of LHWs vehicles.

(4) Statement of Dr Kifayat Ullah EPI Coordinator Lakki Marwat. (Annexure-8)

It is stated that DHO Dr Taus Khan has spent approximately 10 months in Lakki. On, his arrival he was totally unaware of the district health services. I have given him full support. I have prepared whatsapp group for him. I have found him inexperienced, having harsh attitude with staff and community. He has low knowledge in EPI /PEI programs and did not hear others expert opinion. He is delaying office work / files, even doctor's arrival etc. He is taking incharge / OPD share from all health centers. He stopped TMO Trained surgery experts' doctors from surgeries in City Hospital. As a result surgical ward admissions and surgeries decreased.

I am EPI Coordinator according to Secretary Health order No; SO (E) H-11/4-1/2016 but the DHO adjusted other doctors by his own orders on 23-11-2017. He mentioned in his general orders that Dr Kifayat Ullah is DHIS Coordinator along with extra duty of EPI Coordinator. Although, Dr. Yousaf is DHIS Coordinator.

In my opinion DHO Dr. Taus Khan is inexperienced, having harsh attitude with the staff, lack of supportive behavior, misusing his authority and lacking managerial skills.

(5) Statement of Abdul Majeed S/o Abdul Hameed (Annexure-9)

I Mr. Abdul Majeed S/o Abdul Hameed was serving as Dhobi in health department. In September 2017 the posts of Multipurpose were advertised in District Lakki. I applied through proper channel. The selection order was issued to me. I was called by DHO Taus Khan in his office and demanded for bribe within 2 days. I paid rupees 400,000/- to Dr Taus Khan, in the

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Jabeen
04/01/18

(C-V)

Marwat is recommended particularly:-

presence of Ihsan Ullah Accountant and Zafar Clerk Junior clerk. I was given my selection order No: 09-14/E-5/EPI dated 24-10-2017 (copy attached). I submitted my arrival on the same day and date and started my duty. On 4-12-2017 my selection order was withdrawn/cancelled, vide letter No;15-20/E-5/ EPI dated the 10-11-2017 (copy Attached) reason being that I was overage. My complete record was scrutinized before the selection process. Therefore it is requested that I may be reinstated and the amount given to DHO may be recovered.

(6) Statement of Zafar Iqbal Junior Clerk (Annexure-10)

From the date, Dr. Taus Khan is appointed as DHO we are in problem. He is inexperienced and is delaying official work intentionally. For monthly salary and other legal work, he is demanding money and if it is not paid then he delays the work. Recently 3 employees who were appointed, one of them Mr. Abdul Majeed s/o Abdul Hameed had paid an amount of Rs=400000/- in my presence and later on he was dismissed. He is demanding from everyone who is legally eligible for appointment. Those who have retired long ago their pension cases are not yet decided. He has maintained his own dispatch register (Copy attached). He is always abusing us.

(7) Statement of Ihsan Ullah Khan Accountant DHO Office Lakki (Annexure-11)

I am working as Accountant BPS 9 in DHO office Lakki Marwat. I have always worked for integrity and honor of the office. I have always guided DHO in account matters. The DHO never weighted my advice rather doubted my intentions. He appointed Class IV and technician without our consent / advice. He never appointed deceased son and never followed the court decisions. He appointed Abdul Majeed who was working as Dhobi in the department and is a qualified technician through proper channel. Later on his appointment order was withdrawn as he was overage. He accepted Rs=400,000/- in my presence from Abdul Majeed / Abdul Hameed for the appointment and later on he was terminated. He did not return the money to Abdul Majeed. (Annexure-9)

(10) Statement of Kaleem Ullah Marwat President Paramedical Association Lakki Marwat. (Annexure-12)

- 9 months back on the arrival of DHO Taus Khan, I have invited him for dinner which he neither accepted nor rejected.
- With the passage of time the paramedics started coming to me with their problems. They used to complain that on 30 minute late on duty, the amount for 7-10 days is deducted from our pay and also our pay is stopped.
- We discussed these with DHO but in vain.
- We staged a protest/ strike against DHO demanding; (a) Stop deduction from pay (b) Stop illegal transfers (c) do not stop the pay of the employees.

Ihsan Ullah
2-1-18
Kaleem Ullah
02/01/2018

(E-V)

Marwat is recommended particularly

- On the strike call the DHO and the DC ~~heard~~ us. We demanded that one day salary be deduction for one day absentee. Both DC ~~and~~ DHO agreed on our proposal of one day deduction and the DHO also promised to ~~return~~ their salary.
- Upon the occurrence of Polio case reported from UC Tajori, the paramedic staff Mr. Khair Ullah was transferred while the UNICEF & WHO workers were not punished.
- I applied for GP fund advance but after month my case is not processed.
- Then my pay was stopped for no offence.
- He started torturing us. Next month the pay of many of the class IV, paramedics and LHWs was stopped.
- Again we went to DHO and requested to solve our problems but all in vain.

Our demands from DHO:

- The amount of IPV campaign is Rs=36800/- per UC while we are paid Rs=25000/- per UC.
- The amount for Pick and drop in each polio campaign is Rs=2400/- per day and for 4 days is $2400 \times 4 = 9600$ and for 26 union councils it is $9600 \times 16 = 153600$, is not paid to workers.
- Unbefitting behavior of the DHO
- Delay in official procedures
- Illegal deduction from pay/ illegal transfers and stoppage of pay

(11) Similar demand are forwarded by President All Government Employees Coordination Council District Lakki Mr Saeed Khan (Annexure-13) and Tariq Sardar President Paramedic Lakki Marwat. (Annexure-14)

(12) Statement of Muhammad Daulat Khan S/O Khan Zaman Union Council Polio Office and Ex- President Marwat student Federation University Campus Peshawar.

(Annexure-15)

- There is a powerful Mafia in DHO office that is always against fair and honest DHO.
- All the doctors are busy in their private clinics and no one is coming for duty due to this Mafia.
- If some officer incharge warns them and take action against them, then they start black mailing them.
- The DHO is honest and fair person.

Statement of Dr. Azad Khan EPI Coordinator (Annexure 16) Statement of Dr Mehtab Ahmad M/o Litigation (Annexure-17), statement of Dr Muhammad Nisar Khan President YDA , Dr

Signature
2.11.12

Signature
02/11/12

Section Officer (E-V)

Marwat is recommended particularly:-

Ishtiaq Ahmad GS YDA and Dr Atta Ur Rehman Vice president YDA (annexure-18) are also attached.

(12) Statement of Dr Taus Khan DHO Lakki Marwat. (Annexure-19)

In his statement Dr Taus Khan DHO Lakki Marwat pointed out the following;

- I took over the charge on 10-3-2017 and these people were not known to me.
- They tried to catch/ involve me in their group.
- They with the help of political pressure forwarded my transfer summary which was not approved.
- I have reported the matter to police and the names of Mr Ihsan Ullah Senior accountant, Mr Zafar Clerk, Mr Saif Ullah Superintendent and Driver Abdullah are nominated in the FIR,
- I am very polite and open. The situation erupted because funds are coming to this district and these people want DHO of their interest.

Cross examination:

Q: Are you from Management cadre?

Ans: Yes

Q: Do you abuse staff?

Ans: it is wrong, may be in some tense situation or in very reactionary circumstances I may have used some abusive language for which I am sorry.

Q: Are you delaying the routine file work?

Ans: the delay usually from the clerical staff because they are not cooperating with me.

Q: Have you appointed MS and DMS of City Hospital Lakki by your own order?

Ans: The matter was discussed with Secretary Health and I was permitted to do so.

Q: Do you demand money from employees for routine office matters?

Ans: It is wrong

Q: Do you take share in Lab / Other hospital income?

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Saleem
02/01/2018

Section Officer (E-V)

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Ans; For 4-5 months after my appointment I was unaware of the share and these peoples used to take the share then I was told that where there is no specialist the DDO can take the share and I am taking it.

Q: There is no pay for the LHWs posted in October 2016?

Ans; These LHWs were posted before my tenure. The actual situation is that there vacancies for 93 LHWs while they recruited 98. Five of them were surplus. They were terminated after proper enquiry from provincial coordinator. Now the LHWs are taking their pay regularly.

Q: Are the LHWs are forced to perform duty away from their catchment area?

Ans: This happens only in the polio campaigns and the decisions of this deployment are always taken in the DPEC meeting.

Q: Have you stopped the TMOs from doing surgeries in City Hospital?

Ans: Yes. Legally they are not authorized. If the department permits them then I will allow them.

Q: Have you appointed Dr Azad as EPI coordinator by your own orders?

Ans: Dr. Kifayat Ullah was working as EPI coordinator before my arrival. When one polio case was reported from District Lakki, Dr Kifayat Ullah refused to work as EPI coordinator. When I checked his personal file there was no order of Dr Kifayat Ullah as EPI Coordinator from Secretary Health or DGHS. I discussed this with Dr. Akram Shah Provincial EPI Coordinator and he advised me to depute some willing person as EPI coordinator and I did accordingly.

Q: You have appointed Abdul Majeed / Abdul Hameed Dhobi as MT and then you terminated him why?

Ans: Mr Abdul Majeed S/o Abdul Hameed was working in the department as Dhobi. He applied for the post of MT (Multipurpose) through proper channel. He was above 40 year in and was top on merit. The clerical staff told me that DHO can give age relaxation for two year apart from the 10 years' service which he has done in health department. Latte I came to know that I cannot do like this. That is why his order was withdrawn.

Q: Mr Abdul Majeed / Abdul Hameed says that you have taken Rs=400000/- for the appointment and Mr. Ghafoor Shah says that you have taken Rs=300000/- for appointment?

Ans: It just allegation and not true.

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Director (E-V)

2) Transfer of all the ministerial staff
Marwat is recommended

(13) Mr Ghafoor Shah S/o Gul Faraz in his statement says that he has paid Rs=300000/- Via Waheed Ullah Driver to DHO for the appointment of his wife as LHV who was PPHI employee. I also withdrew my case from Bannu High Court on the surety of DHO that he will appoint my wife but appointment order is still awaited. (Annexure-20)

(14) Mr Juma Khan S/o Khan Gul in his statement said that he was declared unfit by SMB but pension case still pending. The DHO was demanding Rs=100,000/- for my pension and appointment of my son. I have paid Rs=50000/- and will pay Rs=50000 in the next 5. days. (Annexure -21)

(15) Shafi Ullah S/O Rustam khan (Annexure-22) , Mr Haroon U Rahseed S/O Habib U Rehman (Annexure -23) and Mr Nafees U Din S/o Ali Sher (Annexure -24) has also complained of delaying tactics by the DHO in employment.

(16) Mr Habib U Rehman S/O Abdur Raheem (Annexure-25), Mr Muhammad Ayub (annexure-26), Mr Fakhar ud Din (annexure-27), Rehan Ullah S/O Muhammad Ilyas (Annexure-28) are also attached herewith in which they complained about the delay in appointments.

Conclusion:

1. The environment for the DHO Dr Taus Khan is hostile. Everyone whether they are from the general public or from the Health Department is against him.
2. The ministerial staff of the DHO office and some of the employees of the city hospital are behind all this agitation and press releases.
3. There are some serious allegations against DHO like taking bribe for employment or other routine office work for which there are no documentary proofs. If the aggrieved party has proofs / evidences then they should register the case with the police / Anti-Corruption Department.

Recommendations:

- 1) Transfer of the DHO Lakki Marwat Dr Taus Khan is recommended on administrative grounds for mishandling the situation and not taking sufficient steps to resolve the issues.
- 2) Transfer of all the ministerial staff of the DHO office Lakki Marwat is recommended particularly;
 - (a) Mr. Safi Ullah Head Clerk / Office Assistant BPS 16.
 - (b) Mr. Bismillah Jan Junior Clerk.
 - (c) Mr. Zafar Junior Clerk
 - (d) Mr. Sana Ullah Junior Clerk
 - (e) Mr. Abdullah Driver
 - (f) Mr. Muhammad Asif BPS 9

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Saleem
02/01/18

Chief Officer (E-V)

2. Transfer of all the ministerial
Marwat is recommended

3) The Following Doctors are also recommended to be transferred to some other Districts /Divisions;

- (a) Dr Azad EPI Coordinator Lakki Marwat
- (b) Dr. Ibrahim Iqbal SMO City Hospital Lakki Marwat
- (c) Dr Atta U Rehman MO City Hospital Lakki Marwat
- (d) Dr Tariq Saleem Coordinator LHWs Program Lakki Marwat
- (e) Dr Kifayat Ullah DHIS Coordinator Lakki Marwat.

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Dr. (Capt) Shad Ali
Add: Director General (Admin & Dev)
Directorate General Health Services
Khyber Pakhtunkhwa

Saleem
02/01/2018

Dr. Muhammad Saleem
Director (Implementation)
Directorate General Health Services
Khyber Pakhtunkhwa

Section Officer (E-V)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA

SUBJECT: **WRIT PETITION NO.2250-P/2018 DR.TAWAS KHAN VS GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT.**

The Peshawar High Court Peshawar in its judgment dated 14.06.2018 in Writ Petition No.2250-P/2018 has directed Health Department that the Departmental Appeal of Dr.Tawas Khan, Ex-District Health Officer Lakki Marwat (now attached to Director General Health Services Khyber Pakhtunkhwa) may be decided within fourteen days positively as per posting/transfer policy (**Annex-I**)

2. Dr. Tawas Khan, Management Cadre, BS-19 was posted as District Health Officer Lakki Marwat vide Health Department Notification dated 10.03.2017 (**Annex-II**). On 12.01.2018 District Administration of Lakki Marwat has intimated the Health Department that Coordination Council announced boycott of the then upcoming Polio Campaign in District Lakki Marwat and has demanded that Dr.Tawas Khan, the then District Health Officer Lakki Marwat may be transferred out (**Annex-III**). The issue got impetus due to the allegations and counter allegations by the parties involved. Moreover, as and when the status quo gets disturbed to any side such issues happens as a byproduct.

3. In order to properly probe into the matter keeping in view the complexity of the issue, Health Department has notified an inquiry committee comprising of Dr.Shad Ali, Management Cadre, BS-20 working as Additional Director General DGHS Office, Peshawar and Dr.Muhammad Saleem, Management Cadre, BS-19 working as Director Implementation, DGHS Office, Peshawar with the following Terms of Reference (**Annex-IV**):

4. Consequently, the inquiry committee submitted the requisite inquiry report to Health Department wherein it has been recommended, *inter alia*, that Dr.Tawas Khan, the then District Health Officer, Lakki Marwat along with other officials of District Health Office, Lakki Marwat may be transferred out on administrative grounds immediately (**Annex-V**). However, the Health Department has referred back the case to the inquiry committee vide this Department letter placed at **Annex-VI** reasoning therein that some facets of the ToRs have not been covered properly and therefore they may be addressed before submission of the case to the competent authority for a final decision.

5. On the other hand, the issue acquired an unmanageable magnitude and therefore a separate Note to Chief Secretary was moved to involve Anti Corruption Directorate in the matter. Copy of the Note is placed at **Annex-VII**.

6. However, the E-Chief Minister, Khyber Pakhtunkhwa has verbally directed Health Department that the doctor concerned may be transferred out immediately. So, Health Department complied with the orders of the Chief Minister, Khyber Pakhtunkhwa and ex-post facto approval was obtained consequently. Copy of the approved summary and Notification may be seen at **Annex-VIII and IX**. It is apt to mention here that the Dr Tawas Khan was not transferred out of District Lakki Marwat as result of the above two inquires so conducted, but on the orders of Chief Minister Khyber Pakhtunkhwa.

7. In the light of above, Chief Minister, Khyber Pakhtunkhwa may pass orders on the appeal of the said doctor on the grounds mentioned hereinabove and in the documents attached herewith please.

M. Abid Majeed
(Muhamamd Abid Majeed)
Secretary Health

Minister for Health
Khyber Pakhtunkhwa.

Akbar Jan Marwat
5/7/18

Secretary Establishment
Govt of Khyber Pakhtunkhwa.

MR. AKBAR JAN MARWAT
Minister for Health & Population Welfare
Khyber Pakhtunkhwa

Chief Secretary
Khyber Pakhtunkhwa.

Chief Minister
Khyber Pakhtunkhwa.

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08. Summary for the Chief Minister Khyber Pakhtunkhwa submitted by Health Department regarding writ petition No.2250-P/2018 Dr. Tawas Khan vs Govt. of Khyber Pakhtunkhwa Health Department has been examined.

09. Dr. Tawas Khan (Management Cadre BS-19) was posted as DHO Lakki Marwat on 10.03.2017 (**Annex-II**), however, upon the verbal direction of Ex-Chief Minister Khyber Pakhtunkhwa he was transferred out from Lakki Marwat on 12.4.2018 (**Annex-VIII**). Aggrieved from order dated 12.4.2018, Dr. Tawas Khan submitted writ petition in the Peshawar High Court and the Court in its judgment dated 14.6.2018 has directed to decide departmental appeal of the petitioner within 14 days positively as per Posting/Transfer Policy (**Annex-I**).

10. Dr. Tawas Khan has submitted departmental appeal against the transfer order dated 12.4.2018 stating therein that he has not completed normal tenure on the post and transfer before completion of tenure is a deviation of Supreme Court of Pakistan Judgment and policy of Provincial Government. He is at the verge of retirement and as per policy he should not be disturbed/transferred (**Annex-X**).

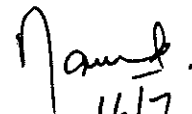
11. Health Department has forwarded the appeal of the doctor concerned and submitted the case for orders of the competent authority. As per Posting/Transfer Policy normal tenure for posting/transfer is 02 years (**Annex-XI**).

12. Para-7 read with Para-11 ante may be submitted for orders of the Chief Minister Khyber Pakhtunkhwa for his orders as deemed appropriate.



(ARSHAD MAJEED)
Secretary Establishment
July 13, 2018

13. ~~Chief Secretary Khyber Pakhtunkhwa~~

14. ~~CHIEF MINISTER~~


16/7
CHIEF SECRETARY
Govt. Of Khyber Pakhtunkhwa

14 - Recommendation of the enquiry committee at Annex-V is approved.


Nand. 4/9
Chief Minister
Khyber Pakhtunkhwa
Chief Secretary

3.9.2018

Secy Health



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Dated Peshawar the 2nd January, 2019

NOTIFICATION

NO.SOH(E-V)1-131/2007 The Competent Authority is pleased to order posting/transfer of the following doctors with immediate effect in the public interest:-

S#	Name of Doctor	From	To
1.	Dr.Muhammad Taus Khan Management Cadre BS-20	Waiting for posting	District Health Officer Bannu
2.	Dr.Muhammad Daraz Management Cadre BS-20	District Health Officer Bannu	Report to the Director General Health Services Khyber Pakhtunkhwa

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. No. & Date Even

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. District Health Officer Bannu.
4. District Accounts Officer Bannu
5. PS to Minister for Health Khyber Pakhtunkhwa.
6. PS to Secretary Health Department.
7. Computer Programmer Health Department
8. DHIS Cell DGHS Office, Peshawar.
9. Doctor concerned.

Hamid Iqbal 02/01/2019
(HAMID IQBAL)
SECTION OFFICER (E-V)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 18th September, 2018

NOTIFICATION


NO.SOH(E-V)1-131/2016 The competent authority is pleased to adjust the pay of Dr.Muhammad Taus Khan Management Cadre BS-19 (waiting for posting) against the vacant post of Principal Medical Officer BS-19 DHO Office Lakki Marwat with effect from 01.05.2018 and onward for the purpose of pay.

SECRETARY HEALTH
Govt. of Khyber Pakhtunkhwa

Endst. of even No. & Date

Copy to:-

1. Director General, Health Services Peshawar.
2. District Health Officer Lakki Marwat.
3. District Accounts Officer Lakki Marwat.
4. Computer Programmer Health Department.
5. PS to Secretary Health Department.
6. PS to Special Secretary Health Department.
7. Doctor concerned.


SECTION OFFICER (E-V)