


19.12.2018

As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 19.12.2018 has been rescheduled and the case is re-fixed for 28.12.2018.

Reader

28.12.2018

Neither appellant nor his counsel present therefore, notice be issued to appellant and his counsel for attendance and preliminary hearing for 23.01.2019 before S.B at Camp Court D.I.Khan.


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


23.01.2019

Nemo for appellant.

On 28.12.2018 order for issuance of notice to appellant as well as his counsel was passed as none of them was available at the time of hearing. The requisite notices were issued, despite the appellant is un-represented even today. The case was called more than once.

Dismissed for want of prosecution. File be consigned to the record room.




Announced:
23.01.2019

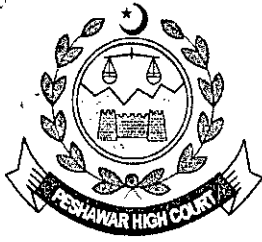

Chairman
Camp Court, D.I.Khan

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 1160/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/09/2018	<p>The present appellants initially went in Writ Petition before the Hon'ble Peshawar High Court D.I.Khan Bench and the Hon'ble High Court vide its order dated 10.09.2018 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR 18/9/18.</p>
2-	20.11.18	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on 29-11-18</p> <p style="text-align: right;"> CHAIRMAN</p>
	29.11.2018	<p>Neither appellant nor his counsel present therefore, notice be issued to appellant and his counsel for attendance and preliminary hearing for 19.12.2018 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan</p>



The
PESHAWAR HIGH COURT BENCH,
DERA ISMAIL KHAN

Ph No.0966-9280225
Fax No.0966-9280230
Email:phedikhanbench@yahoo.com

No. 5972 /Judl:/AR
Dt: 15/09 /2018

From: The **Additional Registrar,**
Peshawar High Court Bench,
Dera Ismail Khan.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1021


Dated 18-9-18

To: The **Registrar**
Service Tribunal, Khyber Pakhtunkhwa, Peshawar.

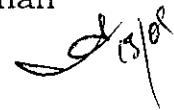
Subject: **WP No.733-D/2018 with CM No.827-D/2018**
Khalid Zaman **Vs.** Govt. of Khyber Pakhtunkhwa, etc

Memo;

I am directed to forward herewith the original case noted above alongwith Judgment dated 10-09-2018 passed by this Hon'ble Court DB that treat this case as Service Appeal as directed in Para-4 of aforesaid Judgment.


Additional Registrar
Peshawar High Court Bench,
Dera Ismail Khan

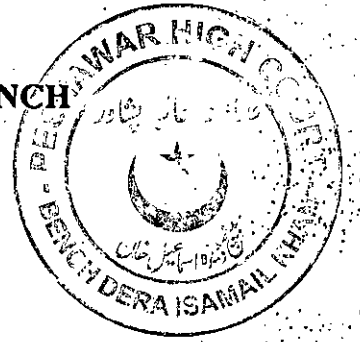
M.S.18



ANNEXURE:

- o Copy of Judgment dated 10.09.2018
- o Copy of Original Case WP No.732-D 2018

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)



W.P.No.733 with C.M.No.827-D of 2018

Khalid Zaman

Versus

Govt: of KPK through Secretary Health, Peshawar and 6 others

JUDGMENT

Date of hearing **10.9.2018**
For Petitioner: **Muhammad Anwar Awan Advocate**
For respondent No.1 & 2: **Mr. Adnan Ali Marwat, Asstt: A.G**
For respondent No.7: **Mr. Ahmad Ali Khan, Advocate**

IJAZ ANWAR, J.- Through the instant petition, the petitioner Khalid Zaman has impugned the office order dated 05.7.2018 issued by respondent No.7, whereby he was relieved from MTI DHQ Teaching Hospital, D.I.Khan and directed to report to Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

2. Arguments heard and record perused.
3. Admittedly the petitioner is a civil servant and posted in MTI DHQ Teaching Hospital, D.I.Khan, however, has not opted for absorption and his status as a civil servant remained unchanged. The question whether the relieving order issued by the Hospital Director regarding civil servant can be questioned before the High Court or Service Tribunal, has since been decided in the

10

EXAMINED
15-09-18
PESHAWAR HIGH COURT
D.I.KHAN

principal seat of this Court in W.P.No.3206-P/2016 decided on 14.3.2018 and it was held that such civil servant has his remedy before the Service Tribunal.

4. We find that against the impugned relieving order dated 05.7.2018, the petitioner has not filed any departmental appeal but surely it was due to some confusion. Similarly, pursuant to representation of the petitioner, the directive of the office of Director General Health Services for withdrawing the relieving order has also been declined by the Hospital Director vide his office order dated 13.8.2018. As such it would be appropriate to treat this writ petition as service appeal and send the same alongwith its annexures to Service Tribunal, Khyber Pakhtunkhwa, Peshawar for its decision in accordance with law. The writ petition stands disposed of accordingly.

Announced.
Dt: 10.9.2018.
Habib

JUDGE

JUDGE

(DB)
Hon'ble Mr. Justice Ijaz Anwar
Hon'ble Mr. Justice Shakeel Ahmad

off
11/19

Committed to HP Trial Court
15-09-18
EXAMINOR
Peshawar High Court Bench D I Khan
Authentic Under Section 114
Qanoon-e-Mahkama

بعدالت عالیہ پشاور ہائی کورٹ بیچ، ڈیرہ اسماعیل خان

حکومت کے نام سے

مقدمہ نمبر
WP-733-D/18 (M)

CM-827-D/18 (M)

حکومت پشاور

DHO, MIA
پشاور

مقدمہ مندرجہ بالا عنوان 10 ماہ ستمبر سال 2018ء

حکومت

خام اپنٹہ پیشی عدالت ہزارو برو

حکومت

بمقام ڈیرہ اسماعیل خان مقرر کی گئی ہے۔ لہذا حکم ہوا کہ

کو تارخ مذکور سے مطلع کر کے نوٹس مع رپورٹ خود قبل از تارخ عدالت ہذا میں ارسال کریں۔

مورخہ 04/09/18

حسب احکم
برائے ایڈیشنل رجسٹرار صاحب

مہر عدالت

نوٹ:

PESHAWAR HIGH COURT DERA ISMAIL KHAN BENCH

03 / 09 / 2018.

W.P No. 733/18

(M)

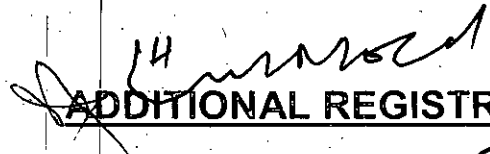

Fixed before Hon'ble Court

CM 827/18 (N)

D.B on 10-9-2018

Notice be issued to all

concerned.


ADDITIONAL REGISTRAR


____ / ____ / 20____

Fixed before Hon'ble Court

_____ on _____

Notice be issued to all

concerned.

ADDITIONAL REGISTRAR

____ / ____ / 20____

Fixed before Hon'ble Court

_____ on _____

Notice be issued to all

concerned.

ADDITIONAL REGISTRAR

____ / ____ / 20____

Fixed before Hon'ble Court

_____ on _____

Notice be issued to all

concerned.

ADDITIONAL REGISTRAR

____ / ____ / 20____

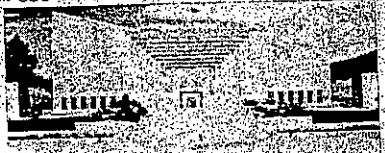
Fixed before Hon'ble Court

_____ on _____

Notice be issued to all

concerned.

ADDITIONAL REGISTRAR



وکالت نامہ



**SUPREME COURT
BAR ASSOCIATION
PAKISTAN**

Ahmad Ali
Advocate



Life Member

This Card is the property of SCBA Pakistan
If found, please mail to the above following address:
Supreme Court Bar Association, Pakistan
Constitution Avenue, Islamabad. Tel: 051/9215185, 042/9210970

President

Secretary

ایک روپیہ

کورت فیس

Before Honourable High Court Bench D.I. Khan. بعدالت جناب

Respondent No. منجانب

Khalid Tameer نام KTR and others

vs Petitioner دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام D.I. Khan کیلئے
Ahmad A.S. A.S.C.

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی 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 پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عتقاندہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مشل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراء کے ذریعہ نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر غاشی یا راضی نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ میں از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی، اپیل و نگرانی و برآمدگی مقدمہ یا سنوٹی ڈگری یکطرفہ یا درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از فیصلہ اجراء کے ذریعہ بھی صاحب موصوف کو بشرط ادائیگی علیحدہ عتقاندہ بیروی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مشل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائز انتہاء پر ہوگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی 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۔

2018 July 20 مورخہ

مضمون وکالت نامہ مندرجہ لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Respondent No.

KTR

Handwritten signature

بعدالت عالیہ پشاور ہائی کورٹ بیچ، ڈیرہ اسماعیل خان

WP- 753 - 2/18

CM 11
مقدمہ نمبر

RPR

حکومت

لہ کلاس

محمد انوار الحقوان ایڈووکیٹ

مقدمہ مندرجہ بالا عنوان 20 20 20 سال 20

خام اپنٹہ پیشی عدالت ہزارو برو

بمقام ڈیرہ اسماعیل خان مقرر کی گئی ہے۔ لہذا حکم ہوا کہ

کو تارخ مذکور سے مطلع کر کے نوٹس معہ رپورٹ خود قبل از تارخ عدالت ہذا میں ارسال کریں۔

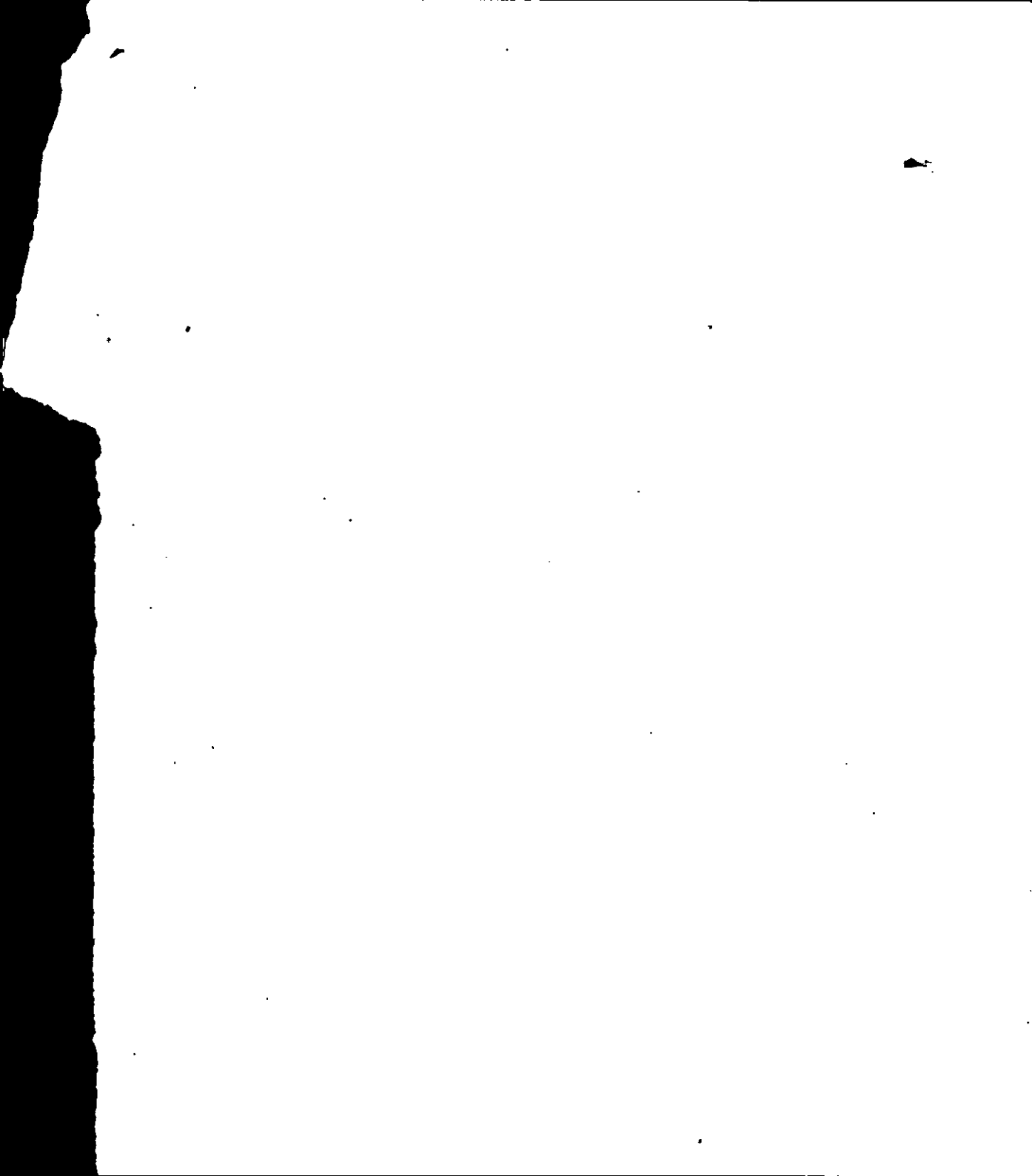
مورخہ 19/7/18

حسب احکام

برائے ایڈیشنل رجسٹرار صاحب

مہر عدالت

نوٹ:



**IN THE PESHAWAR HIGH COURT BENCH
DERA ISMAIL KHAN**


^{em}
MISCELLANEOUS NO. 828 ID of 20 18

Petition Presented by Mr. Muhammad Anwar Khan
on behalf of the petitioner (or the petitioner, personally). This petition is in
proper form and is accompanied by copies of all necessary documents.
Enter petition in register and place before a Judge (S.B. / D.B) for orders on
the 20th day of July 20 18


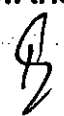
A. Slip showing the date of hearing has this day been delivered to the
petitioner.

Dated 17-7-18

FR


Reader to Addl. Registrar
19/7/18

COUNTER - SIGNED


Additional Registrar
Branch Registry, D.I.Khan.


URGENT FORM

BEFORE HON'BLE PESHAWAR HIGH COURT BENCH D.I.KHAN

Title WRIT PETITION NO. -----

Khadiid zaman

Petitioner.

VERSUS

Govt of KPK

Respondent.

WILL YOUR KINDLY TREAT THE ACCOMPANYING PETITION AN URGENT AND
IN ACCORDANCE WITH THE PROVISION OF RULES 9 CHAPTER 3-A RULES,
ORDERS OF THE HIGH COURT LAHORE VOLUME V.

2. The Grounds of Urgency are: *the respondent No-7 relieved
the petitioner from post which will causes great loss.*

Filed today *26/8/18*

Addl: Registrar.

17-7-18

Amwar ad

IN THE PESHAWAR HIGH COURT, DERA ISMAIL KHAN BENCH

CHECK LIST

		Yes	No
1	Case Title	✓	
2	Case is duly signed	✓	
3	The law under which the case preferred has been mentioned	✓	
4	Approved file cover is used	✓	
5	Affidavit is duly attested and	✓	
6	Case and Annexure are properly paged and numbered according to index	✓	
7	Copies of Annexure are legible and attested (If, not then better copies duly attested have been annexed)	✓	
8	Certified copies of all the requisite documents have been filed	✓	
9	Certificate specifying that no case on similar grounds was earlier submitted in this court/filed.	✓	
10	Case within time	✓	
11	The value for purpose of Court fee and jurisdiction has been mentioned in the relevant column	✓	
12	Court fee in shape of Stamp Paper is affixed, (For Writ Rs. 500/-) For other requirement	✓	
13	Power of attorney is in proper form	✓	
14	Memo of Address filed	✓	
15	List of Book mentioned in the Petition	✓	
16	The requisite number of spare copies attached, (Writ Petition-3, Nos. Civil Appeal (SB-1 , SB-2) Civil Revision (SB-1, SB-2)	✓	
17	Case (Revision/ Appeal/ petition etc) is filed on the prescribed form	✓	
18	Power of Attorney is attached by Jail Authority (For Jail Prisoners Only)		No

It is certified that formalities/ documentation as required in column No.2, to 18 above, have been fulfilled

Advocate *Amir-adv*

FOR OFFICE USE ONLY

Case No _____

Case received _____

Complete in all respect (Yes/No) (if No, the ground _____)

Dated in Court 17-7-18

Signature _____
(Reader) 17-7-18

Dated _____

Countersigned _____
(Additional Registrar)

**IN THE PESHAWAR HIGH COURT, PESHAWAR
OPENING SHEET FOR WRIT BRANCH**

Date of Filing: _____

District: Dera Ismail Khan

Case Type: Writ Petition Nature of Original Proceeding: _____

Category Code:

	5	0	7	1	1
--	---	---	---	---	---

(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of: _____

Writ of:

Heabus Corpus		Prohibition		Mandamus		Quo Warranto		Certiorari	
------------------	--	-------------	--	----------	--	-----------------	--	------------	--

If Certiorari:

Forum	Date	(I)nterlocutory/ (F)inal Order

Case Pertains to
 SB
 DB

Petitioner Name	Khalid zaman
Mobile No.	0333 9950519
Address	store keeper MTI D.H.Q Hospital D.I.K
CNIC No.	12101-0953710-7
Email Address	

Counsel for Petitioner (s)	MUHAMMAD ANWAR AWAN
Mobile No.	0333-996-2231
Address	MOHALLAH HAYAT ULLAH CITY DERA ISMAIL KHAN
CNIC No.	12101-1780407-3
Email Address	anwarawan69@yahoo.com

Respondents	Govt of KPK etc
Address	

Original Order/Action/Inaction Complained of: _____

Prayer:
Filed today 26/3/18
Auct: Registrar
17-7-18

Law/Rules/governing the original proceedings/action/Inaction _____

Anwar ad
Signature

Note: Any suggestion to improve the proforma will be appreciated.

BEFORE PESHAWAR HIGH COURT BENCH AT D.I.KHAN.

Writ no.....of 2018.

Appeal No. 1160/2018

Khalid Zaman

VS

Govt: of KPK & Others

INDEX

No.	Particulars	Annexure	Pages
1	Writ		1 - 7
2	Copy Of Appointment Order	A	8
3	Copy of Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act, 2015	B	9 - 20
4	Copy of Impugned Order dated; 05-07-2018.	C	21
5	Copy of letter dated;06-10-2017	D	22
6	Court Fee	E	23 - 25
7	Wakalat Nama	F	26

Filed today - 2636
Main Register
17-7-18

Dated; 17-07-2018.

Your Sincerely



Khalid Zaman

THROUGH COUNSEL



Muhammad Anwar Awan

Advocate Supreme Court.



BEFORE PESHAWAR HIGH COURT BENCH AT D.I.KHAN.

Writ No. 733 Of 2018.

Appeal no. 1160/2018

Khalid Zaman Store Keeper MTI DHQ Teaching Hospital D.I.Khan.

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary Health Peshawar.
2. Director General Health Khyber Pakhtunkhwa Peshawar.
3. Board of Governors Medical Teaching Institution D.I.Khan.
4. Secretary to Board of Governors Medical Teaching Institution D.I.Khan
5. Medical director Medical Teaching Institution DHQ Teaching Hospital D.I.Khan.
6. Finance Director Medical Teaching Institution D.I.Khan.
7. Hospital Director Medical Teaching Institution DHQ Teaching Hospital D.I.Khan.

Filed today 26/36

Add: Registrar.

17-7-18

Amir

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

Respectfully Sheweth

The facts leading rise to present writ petition in brief are: -

1. That the petitioner was appointed as Store Keeper in DHQ Teaching Hospital D.I.Khan on 01-07-1996. Copy of Appointment Order is Annexure A.

2. That the government of Khyber Pakhtunkhwa promulgated an Act called "The Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act, 2015" and under the provision of ibid Act, employees were given an option either to continue their services as civil servant or may opt for the employment of Medical Teaching Institution. The petitioner has not opted Medical Teaching Institution hence he is serving on his previous terms and conditions as civil servant. Copy of Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act, 2015 are Annexure B.

3. That respondent No.7 issued the impugned order dated; 05-06-2018 and relieved the petitioner from Medical Teaching Institution DHQ Teaching Hospital on administrative ground and directed to report to Director General Health Services Khyber Pakhtunkhwa Peshawar, respondent No.2, for further posting. Copy of impugned order is Annexure C.

4. That feeling aggrieved by the action of respondents, the petitioner has left with no other option but to invoke the constitutional Jurisdiction of this Honorable Court, inter alia, on the following grounds.

Filed today 20.3.6

Addl: Registrar.

17-7-18

GROUND:-

- 1- That the action of respondent No.7 is against facts and law, ultra virus and without any authority.
- 2- That the petitioner is a civil servant and respondent No.7 has no authority

to issue an impugned order. Rather it was clear in the Khyber Pakhtunkhwa Medical Teaching Institution Reforms Act, 2015 that hospital director have authority only to extent of non-clinical function. It is further explained in letter dated; 06-10-2017 that hospital director has no power regarding management site which include transfer, posting of clinical faculty and other staff related with clinical functions/health care activities of the hospital. The respondent No.7 is responsible only for maintenance and development of human resources but not management of such staff. Copy of letter is Annexure D.

3- That the petitioner performed his duty with full of hard work and honestly and no inquiry initiated or pending against the petitioner regarding the performance. The allegation made in the impugned office order regarding performance of petitioner is also not based on true facts.

Answer 4- That the petitioner is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents and it has caused an immense mental torture and agony to the petitioner.

Filed today

2636

Add: Registrar

17-7-18

In wake of above submission it is respectfully prayed that on acceptance of this writ Petition, may kindly declare the impugned office order No.6223-27 dated; 05-07-2018 issued by respondent

No.7 as illegal, without lawful authority, ulterior motives and based on malafide and also ineffective upon the right of petitioner. It is also prayed that any other relief which there honorable court deem fit in the circumstances of the case may kindly be granted.

today 2630
not: Registrar
17-7-18

Dated; 17-07-2018.

CERTIFICATE;

Certified that petitioner in this honorable court has earlier filled no other writ petition on the subject.

REFERENCE BOOK;

- THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN.
- KHYBER PAKHTUNKHWA MEDICAL TEACHING INSTITUTION REFORMS ACT, 2015

Your Sincerely

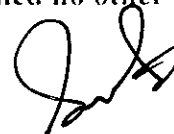


Khalid Zaman

THROUGH COUNSEL



Muhammad Anwar Awan
Advocate Supreme Court.



Petitioner

BEFORE PESHAWAR HIGH COURT BENCH AT D.I.KHAN.

Writ no.....of 2018.

Khalid Zaman

VS

Govt: of KPK & Others

AFFIDAVIT

Khalid Zaman Store Keeper MTI DHQ Teaching Hospital D.I.Khan, do hereby solemnly affirms and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.



12101-0953710-7
Deponent

Dated; 17-07-2018.

Name Khalid Zaman
S/O Aurangzeb
R/O Store Keeper
On the Identification of

Aurangzeb Khan

On this 17th day of July 2018
Verified the contents of the above
affirmation before me on oath

No 2569 dated 12-7-18

Additional Registrar
Oath Commissioner
Peshawar High Court
D.I.Khan Bench.



BEFORE PESHAWAR HIGH COURT BENCH AT D.I.KHAN

WP.NO. -D/2018

CM No. *827* /2018

Khalid Zaman

VERSUS

Govt of KPK & others

WRIT PETITION

APPLICATION FOR SUSPENSION OF OFFICE ORDER DATED 05-07-2018

Respectfully Sheweth,

- 1- That the writ petition is pending before this Hon'ble court.
- 2- That the Respondent no. 7 vide impugned notification dated 05-07-2018 relieved the petitioner from MTI DHQ Teaching Hospital D.I.Khan and directed him to report to Director General Health Service without any law full authority which will causes great inconvenience and loss.
- 3- That Hon'ble court has abundant power to accept the application.

It is therefore requested that application may kindly be allowed.

Filed today *26/37*

Add: Registrar

17-7-18

Your Humble Petitioner.

[Signature]
Khalid Zaman

Through Counsel

[Signature]
Mohammad Anwar Awan
Advocate Supreme Court.

BEFORE PESHAWAR HIGH COURT BENCH AT D.I.KHAN

WP.NO.

-D/2018

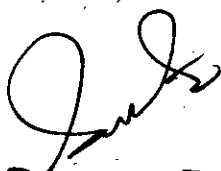
Khalid Zaman

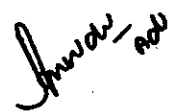
VERSUS

Govt of KPK & others

AFFIDAVIT

I Khalid Zaman Store Keeper MTI DHQ Teaching Hospital D.I.Khan, do hereby solemnly affirms and declare on OATH That the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.


12101-0953710-7
DEPONENT



Dated: 17-07-2018

Name Khalid Zaman

SO Store Keeper

W/O MTI DHQ

On the Identification of


Muhammad Akbar

On this 17th day of July 2018

Verified the contents of the above

affirmation before me on oath

No. 2570 Dated 17-7-18


Additional Registrar
Oath Commissioner
Peshawar High Court
D.I.Khan

A-8

OFFICE OF THE MEDICAL SUPERINTENDENT DHQR, HOSPITAL DIKHAN

OFFICE ORDER

As recommended by Minister for Revenue, Excise and Taxation, NWFP, Peshwar, Mr. Khalid Zaman s/o Sheikh Aurangzeb r/o Moh:Malvi Ahmed Sahib Teh:am Dist: DIKhan is hereby appointed as Store Keeper in BFS-5(1400-56-2390) Plus usual allowances at DHqr. Hospital, DIKhan (in place of Mr. Ishtiaq Ahmed S.K. who has resigned from Service) with effect from 1-07-1996-forenoon on the following terms and conditions:-

- 1- He is domiciled in NWFP/District D.I. Khan
- 2- He is declared medically Fit for Govt. Service.
- 3- He will not be entitled to any TA/DA for Medical Examination and joining the first appointment.
- 4- He is liable to serve any-where in NWFP.
- 5- He will be governed by such rules and orders as may be issued by the Government for the category of Govt. Servant to which he belongs.
- 6- If he wish to resign at any time, he will resign in writing by giving a propre notice of One Month and will continue to serve the Govt. till the acceptance of his resignation by the competent authority and communicated to him in writing.
- 7- His appointment in the Health Deptt: is purely on temporary basis and his ~~services~~ can be terminated at any time without assigning any reason irrespective of the fact that he is holding post other than one to which he is originally recruited.

If he accept the offer on the above terms and condition, he should report to the undersigned for duty S. Keeper DHqr. hospital, DIKhan from 1-07-96.FN.

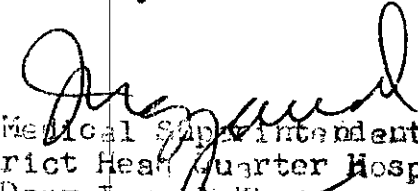
Medical Superintendent,
District Head Quarter Hospital
Dera Ismail Khan.

No. 6782-90 /FF Dated at DIKhan the 30 /06/96.

Copy to:-

- 1-PS to Minister for Revenue, Excise & Taxation NWFP Peshawar for information with ref; to above.
- 2-Pharmacist DHqr. Hospital, DIKhan
- 3-Mr. ~~XXXXXXXXXX~~ Khalid Zaman s/o Sh: Aurangzeb r/o Moh: Malvi Ahmed Sahib Dikhan for N/action.
- 4-Account Clerk Ms Office DIKhan

for information and necessary action with ref: to above.


Medical Superintendent,
District Head Quarter Hospital
Dera Ismail Khan.

EXTRAORDINARY

GOVERNMENT



B-9-
REGISTERED NO. PII

GAZETTE

Amir
P13

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY 19TH JANUARY, 2015.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 19th January, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/1869.—The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 13th January, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 15th January, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA MEDICAL TEACHING INSTITUTIONS REFORMS ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. IV OF 2015)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 19th January, 2015).

AN
ACT

to provide autonomy to the Government owned Medical Teaching Institutions and their affiliated teaching hospitals in the Province of the Khyber Pakhtunkhwa and to improve performance, enhance effectiveness, efficiency and responsiveness for the provision of quality healthcare services to the people of the Khyber Pakhtunkhwa

WHEREAS It is expedient to provide autonomy to the Government owned Medical Teaching Institutions and their affiliated teaching hospitals in the Province of the Khyber Pakhtunkhwa and to regulate on sound physical and technical footings the service being rendered by these institutions and to improve performance, enhance effectiveness, efficiency and responsiveness for the provision of quality healthcare services to the people of the Khyber Pakhtunkhwa and other matters ancillary and incidental thereto;

It is hereby enacted as follows:

CHAPTER-I
PRELIMINARY

1. **Short title, extent, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall apply to all the existing Medical Teaching Institutions in the public sector and such other institutions as Government may establish under section 3 of this Act or may have been established by law.

(4) It shall come into force at once.

CHAPTER-II
DEFINITIONS

2. **Definitions.**---In this Act, unless the context otherwise requires,-

- (a) "Basic Science Faculty" means all Medical Faculty not involved in patient care;
- (b) "Board" means the Board of Governors constituted under section 5 of this Act;
- (c) "Chairperson" means the Chairperson of the Board of Governors of a Medical Teaching Institution;
- (d) "Clinical Faculty" means a Medical Faculty involved in any manner with a clinical care of patients, whether diagnostic or therapeutic;
- (e) "College" means a Medical College or a Dental College in public sector;
- (f) "Consultant" means and includes-
 - (i) those medical faculties involved in patient care; or
 - (ii) those staff hired by the Medical Teaching Institution to act as service provider to the patients in hospital.
- (g) "Dean" means the academic head of a medical teaching institution;
- (h) "Medical Faculty" means the Basic Science Faculty and Clinical Faculty which includes Senior Registrar and above as well as Principal of a College, involved in teaching, training or patient care;
- (i) "Medical Teaching Institution" means a Medical College, a Dental College, or other health related teaching institutions and their affiliated teaching hospitals in the public sector or directly under the control of Government, which provides healthcare services, medical education and training, and medical research;

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- (j) "Government" means the Government of the Khyber Pakhtunkhwa;
- (k) "healthcare services" means preventive, curative, promotive, rehabilitative health services and include diagnostic, support services, laboratory, accident and emergency, pharmacy and paramedic support;
- (l) "member" means a member of the Board including Chairperson;
- (m) "prescribed" means prescribed by rules or regulations made under this Act;
- (n) "Principal" means the head of a College;
- (o) "regulations" means regulation made under this Act;
- (p) "rules" means rules made under this Act;
- (q) "Search and Nomination Council" means Search and Nomination Council notified by Government under section 8 of this Act; and
- (r) "section" means a section of this Act.

CHAPTER-III
MEDICAL TEACHING INSTITUTIONS

3. Establishment of Medical Teaching Institutions.---(1) Government may, by notification in the official Gazette, establish such Medical Teaching Institutions, as it may deem necessary and shall apply the provisions of this Act to such institutions.

(2) A Medical Teaching Institution established under this Act to which this Act is applied or an existing Medical Teaching Institution to which this Act applies shall be a body corporate having perpetual succession and a common seal with power to acquire hold and dispose of movable and immovable property and may in its name sue and be sued.

4. Objects of the Medical Teaching Institutions.---The objects of the Medical Teaching Institutions shall be-

- (a) to undertake all functions required for providing health facilities to the people, medical education and training and research and provide health facilities to the people of the Khyber Pakhtunkhwa; and
- (b) to perform such other functions as are assigned to it by Government from time to time.

5. Board of Governors.---(1) There shall be a Board of Governors for each Medical Teaching Institution to administer and manage its affairs.

(2) The Board of each Medical Teaching Institution shall comprise such number of members as determined by Government but not exceeding ten members, with three of its members from Government Departments mentioned in sub-section (4) and seven members shall be from private sector.

(3) The members from private sector shall be appointed and notified by Government on the recommendation of the Search and Nomination Council constituted under section 8 of this Act and they shall have right to vote.

(4) The Government members shall include representatives from Health, Finance, Establishment and Administration Departments not below the rank of an Additional Secretary and they shall have no right to vote.

(5) The members from the private sector may include eminent technical and professional persons in their respective fields having significant aptitude and time available for improving hospital services, such as, legal, finance and economics, management, medical profession, retired civil servants, educationist, social workers, representative of civil society, businessman, and renowned philanthropist.

(6) The Chairperson shall be elected by the members from private sector through voting from amongst itself, who shall preside over the Board meetings. In case of his absence, the Chairperson may nominate a Board member as acting Chairman or if he has not done so, the members present shall elect an acting Chairperson for that meeting.

(7) The term of the members from the private sector including Chairperson shall be three years.

(8) The membership of members from private sector shall cease and fall vacant if, resigns, or fails to attend three consecutive meetings without sufficient cause or for any other reason which incapacitate to remain as member. Any such vacancy shall be filled in within one month.

(9) No person shall be appointed or remain as a member of the Board, if he-

- (a) is of unsound mind;
- (b) has applied to be adjudicated as an insolvent and his application is pending;
- (c) is an un-discharged insolvent;
- (d) has been convicted by a Court of law for an offence involving moral turpitude;
- (e) has been debarred from holding any office under any provisions of law; or
- (f) has conflict of interest with such position.

6. **Conduct of business.**---(1) All decisions of the Board shall be taken by consensus; and in case of division of opinion, the decision shall be taken by majority of votes:

⊙ Provided that in case of equality of votes, the Chairperson of the Board shall have a second casting vote.

(2) No act or proceedings of the Board shall be invalid, merely on the ground of existence of any vacancy.

(3) The quorum shall be two third of the total number of Board members.

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(4) The member count shall be determined by actual members being present and their vote shall not count.

(5) No member except specifically stated in the text shall, chair or be member of subordinate committee or sub-committee, to ensure unbiased oversight.

(6) The Board may hold meetings as frequently as required; provided that the Board shall hold at least one meeting on quarterly basis.

(7) Special meetings of the Board shall be convened on the special request of at least an third of the Board members for consideration of any important or urgent matter.

(8) Subject to the provisions of this Act and the rules made thereunder, a Committee constituted under this sub-section (8) shall perform such functions as may be prescribed.

(9) The remuneration for attending the Board meeting shall be such as may be prescribed by rules.

(10) The Secretary to the Board would be an employee of the Board, who would perform a secretarial and office functions of the Board at the direction of the Chairman; and would be responsible for taking minutes at the Board meetings, convening Board meetings, sending out letters to Board members as per direction of the Board Chairman.

7. Functions and powers of the Board.---(1) The Board shall be responsible for-

- (a) ensuring that the objectives of the Medical Teaching Institution in the overall ambit of Government policy are achieved, overseeing the strategic management, and providing strategic direction to the Medical Teaching Institution;
- (b) policy making of a Medical Teaching Institution and ensuring that the performance of a Medical Teaching Institution and its programmes are efficient and effective;
- (c) prescribe procedure for appointment, terms and conditions of service, disciplinary matters and other service matters for the employees of a Medical Teaching Institution;
- (d) approval of vision and mission statement of a Medical Teaching Institution;
- (e) approval of annual business plan;
- (f) review and approval of major transactions;
- (g) approval of new programs, and services and monitor their performance;
- (h) approval of financial plans and annual budget;

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- (i) approval of bye-laws for medical staff and oversee the process of appointment of members of the medical staff;
- (j) approval of programs and services to ensure that a Medical Teaching Institution fulfills legal, regulatory and accreditation requirements;
- (k) constitute Executive Committee, Finance Committee, Recruitment Committee and such other Committees or Sub-Committees, as it may deem appropriate; and
- (l) compliance to Government policies and standards and in case of any deviation from agreed standards or procedures shall obtain prior approval from Government.

(2) Each Medical Teaching Institution shall be accountable to Government for its performance and shall regularly provide performance based data at set intervals based on Government's set performance monitoring format for the Medical Teaching Institutions with attendant reward and discipline measures and the Government shall also periodically evaluate the performance of the Medical Teaching Institutions against the set targets particularly related to efficiency, effectiveness and equity with attendant reward and discipline measures.

(3) The Board may delegate its powers for recruitment to various management levels within the Medical Teaching Institution.

8. Search and Nomination Council.---(1) Government shall constitute and notify a Search and Nomination Council, for recommendations of persons from private sector suitable to be appointed as members which shall consist of-

- | | | |
|-----|---|---------------|
| (a) | Minister for Health; | Chairman |
| (b) | Additional Chief Secretary Planning and Development Department; | Vice Chairman |
| (c) | Secretary to Government, Health Department; | Member |
| (d) | Vice Chancellor of the Khyber Medical University; | Member |
| (e) | a philanthropist with substantial contribution to the public healthcare system to be nominated by Government; | Member |
| (f) | a retired senior person from medical profession to be nominated by Government; and | Member |
| (g) | a representative of civil society to be nominated by Government. | Member |

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(2) The Chairman shall chair the meeting of the Council and in his absence, the Chairman shall chair the meeting.

(3) A member from private sector shall, unless otherwise directed by Government, hold office for a period of three years and shall be eligible for another term of three years or part thereof if Government may deem appropriate:

Provided that Government may remove a non-official member at any time after giving him an opportunity of being heard.

9. Teaching Institutions.---(1) All colleges in the Province of the Khyber Pakhtunkhwa shall affiliate with the Khyber Pakhtunkhwa Medical University for the purpose of their examination.

(2) The college shall be headed by a Principal and shall consist of Chairpersons of various departments of the college, including all medical faculties in the college.

(3) In each college, there shall be an Academic Council headed by Principal to plan and set principles and standards for teaching, research, training, development of curriculum, undertaking scholarly activity, ensuring, ethical and moral standards, student affairs and administration of colleges.

(4) The Principal shall be appointed by the Board for a period of three years through merit-cum-seniority process on such terms and conditions and having such qualification and experience as the Board may prescribe.

(5) The Chairperson of various departments for Medical Institutions shall be appointed by the Board for a period of three years through merit-cum-seniority based process, from amongst the Medical faculty on such terms and conditions and in such a manner as may be prescribed.

(6) The Dean, the Principal and the Chairpersons of various Departments may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

(7) In the performance of functions, the Dean shall be responsible to the Board while the Vice-Dean and Chairpersons of the department shall be responsible to the Dean and Academic Council.

(8) After the commencement of this Act, the working of Postgraduate Medical Institutions shall be streamlined under the rules.

10. Hospital Director.---(1) Each Board shall appoint a full time Hospital Director for the Medical Teaching Institution for a period of three years on the recommendation of a Recruitment Committee on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as Hospital Director.

(2) The Hospital Director shall possess a recognized Master's Degree in Hospital Management or Health Services Management or Business Management or Public Health or Hospital Administration or any other relevant management qualifications having experience of management in an organization or institution as may be prescribed:

Provided that a person, who possess a recognized medical degree may also apply for the post of Hospital Director with the condition that he shall have an additional management degree and experience provided in this sub-section and shall have no right to do private practice.

(3) The Hospital Director may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

(4) The Hospital Director shall be required to attend each Board meeting as co-opted member with no right of vote, to make presentations of his respective activities and update the Board on any functions or activities as required by the Board.

(5) In performance of his functions, the Hospital Director shall be responsible to the Board.

(6) The Hospital Director shall not have any conflict of interest with such a position.

11. Functions of the Hospital Director.---The Hospital Director shall be responsible-

- (a) for all non-clinical functions of the hospital;
- (b) preparation of the annual budget, and business plan for presentation and approval to the Board;
- (c) maintenance of building and engineering services;
- (d) maintenance and development of all ancillary services, including but not limited to pharmacy, nursing, materials management, human resources, clerical, communications and security services;
- (e) to act as the principal accounting officer responsible and accountable for maintaining the financial discipline and transparency; and
- (f) for implementation and execution of Board policies and to achieve the targets set by the Board.

12. Medical Director.---(1) Each Board shall appoint a full time, non-practicing Medical Director for the hospital for a period of three years on the recommendation of a Recruitment Committee, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as Medical Director.

(2) The Medical Director shall possess a recognized Medical degree with managerial administrative qualification and experience of working in management positions in an institution or organization as may be prescribed.

(3) The Medical Director may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

(4) All clinical department heads will report to the Medical Director.

(5) The Medical Director shall be required to attend each Board meeting as co-opted member with no right to vote, to make presentations of his respective activities and update the Board on any functions or activities as required by the Board.

(6) In performance of his functions, the Medical Director shall be responsible to the Board.

(7) The Medical Director shall not have any conflict of interest with such a position.

13. Functions of the Medical Director.--- The Medical Director shall be responsible for all clinical functions of the hospital, including but not limited to:

(a) ensuring clinical excellence in all aspects of hospital function;

(b) ensuring timely, appropriate management of patients;

(c) ensuring the best outcomes for all patients;

(d) undertaking clinical governance for quality control;

(e) assessing and auditing existing clinical programs and developing new clinical programs; and

(f) develop an annual clinical budget, including capital medical equipment request for presentation to the Hospital Director and the Board.

14. Nursing Director.---(1) Each Board shall appoint a full time, non-practicing Nursing Director for a hospital for a period of three years on the recommendation of a Recruitment Committee, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as such.

(2) The Nursing Director shall possess such qualification and experience as may be prescribed.

(3) The Nursing Director may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

(4) The Nursing Director shall be required to attend each Board meeting as co-opted member with no right to vote, to make presentations of his respective activities and update the Board on any functions or activities as required by the Board.

(5) In performance of his functions, the Nursing Director shall be responsible to the Board.

(6) The Nursing Director shall not have any conflict of interest with such a position.

(7) The Nursing Director shall be responsible for all nursing functions, including training of nurses, ensuring adequate nursing staffing for all clinical needs, maintaining the highest nursing standards and performing regular audits of nursing functions.

(8) The Nursing Director shall perform such other functions as may be prescribed.

15. Finance Director.—Finance Director shall be appointed by the Board in the prescribed manner for a period of three years, who shall be an employee of a Medical Teaching Institution with minimum qualifications as may be prescribed and to perform such functions in relation to financial matters as may be prescribed.

16. Service of the Medical Teaching Institution.—(1) The Board may appoint such persons, experts or consultants in the service of a Medical Teaching Institution, as deemed necessary and on such terms and conditions as may be prescribed.

(2) Before the commencement of this Act, all administrative and teaching staff recruited by the Management Council in the prescribed manner under the Khyber Pakhtunkhwa Medical and Health Institution and Regulation of Health Care Services Ordinance, 2002, shall be considered as employees of the concerned Medical Teaching Institution and shall continue to serve the Medical Teaching Institution on the same terms and conditions as applicable to them immediately before the issuance of the notification under sub-section (3) of section 1, till further orders.

(3) On commencement of this Act, all the civil servants serving in an existing Medical Teaching Institution shall be given an option either to continue to serve the Medical Teaching Institution as civil servant or may opt for the employment of the Medical Teaching Institution. The option shall be exercised within a period of ninety days after the commencement of this Act. Those employees, who do not opt for their absorption in the Medical Teaching Institution so notified, shall serve the Medical Teaching Institution concerned on their existing terms and conditions.

(4) After the commencement of this Act, if the provisions of this Act are applied to any newly established Medical Teaching Institution within the meaning of section 3 of this Act, all civil servants serving in the Medical Teaching Institution, shall be given an option either to continue to serve the institution as civil servant, or may opt for employee of Institution. The option shall be exercised within period of ninety days after the notification of a Medical Teaching Institution under section 3 of the Act. Those employees, who do not opt for their absorption in the Medical Teaching Institution so notified, shall serve Medical Teaching Institution concerned, on their existing terms and conditions.

(5) The options under sub-section (4) once exercised shall be final. A civil servant, who opt to serve the Medical Teaching Institution, shall cease to be civil servant from the date of his absorption in the service of the Medical Teaching Institution concerned and their seniority, pension and other matters vis-à-vis with the employees of the Medical Teaching Institution, shall be determined in the manner, as may be prescribed by rules.

(6) If at any time, a Medical Teaching Institution reverts to Government for running under its own administration and management for any reason, the employees appointed under sub-section (1) shall continue to serve the Medical Teaching Institutions, on the same terms and conditions as applicable to them immediately before such reversion.

17. Private practice.—(1) After the commencement of this Act, all Consultants working in government hospitals, clinics, imaging facilities and laboratories shall be given an option either to do their private practice within the hospitals, clinics, imaging facilities and laboratories of the Medical Teaching Institutions or to do their private practice outside the hospitals, clinics, imaging facilities and laboratories of the Medical Teaching Institutions, as the case may be. The option shall be exercised within a period of sixty (60) days after the commencement of this Act. The question of option shall be further streamlined under the rules.

(2) The civil servants or the employees of the Medical Teaching Institution, as the case may be, if, opt for the private practice within the premises of the hospital, clinics, imaging facilities and laboratories of the Medical Teaching Institution, may be entitled to such increase in salary, adjustment bonuses or other ancillary benefits, as the Board may approve.

(3) The civil servants and the employees of the Medical Teaching Institutions, who do not opt for private practice within the premises of hospitals, clinics, imaging facilities and laboratories, shall be allowed to do their private practice outside the premises of the hospitals, clinics, imaging facilities and laboratories of the Medical Teaching Institutions and shall not be entitled for any increase in adjustment, bonuses or other ancillary benefits.

(4) In the performance of functions in the Hospital, the Consultant shall be responsible to the Hospital Management, with respect to service provider to the patient in the Hospital and shall follow all the rules and regulations relating to Hospital Management.

(5) The Medical Teaching Institution shall provide facilities for the most efficient use to allow the Consultants to perform their services at the highest level of excellence, including, where needed, equipment, nursing, ancillary or clerical staff, laboratory, imaging and inpatient and surgical services. The Medical Teaching Institution will remain open as long as necessary to provide these services. The individual Consultant shall be held responsible for the most efficient use of the facilities and shall be expected to provide cost and income projections for each new facility, equipment or service request with the support of Hospital Director and staff.

(6) Consultants professional fee shall not exceed the usual and customary fee for the same services in the community, assuring efficiency, and value for money to the client.

(7) Private patient billing shall consist of the professional fee component and Institutional charges representing the charges of the clinic, imaging facility, laboratory services, and other Institutional charges:

Provided that all patient billing shall be done only by the hospital, clinic, imaging facility or laboratory, and the professional fee component shall be returned to the Consultant.

(8) No reduction of the professional component income to the Consultant from the grant shall be permissible by the Medical Teaching Institution.

(9) A percentage share from the institutional charges shall be distributed between the employees of the Medical Teaching Institution, based on the performance and productivity, according to a format to be prescribed by rules.

18. Retention of fee.--- (1) Notwithstanding anything contained in any law or rules, the Medical Teaching Institution shall retain receipts from various fees levied by Government or the Board for the recurring and development expenditure of the Medical Teaching Institution.

(2) The amount realized from receipts of the Medical Teaching Institution shall not be deducted from the annual grant of the Medical Teaching Institution provided by Government. The amount realized from receipts shall be utilized as per specification by the Board.

19. Fund.---(1) There shall be a Fund to be known by the name of each Medical Teaching Institution and shall vest in the Medical Teaching Institution concerned.

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(2) The power to make regulations conferred by this section shall be subject to the condition of previous publication and, before making any regulations, the draft thereof shall be published, in the official Gazette, in two newspapers of wide circulation and on the website of the Medical Teaching Institution, for eliciting public opinion thereon within a period of not less than fifteen days from the date of publication.

25. **Overriding effect.**---Notwithstanding anything to the contrary contained in any other law, the provisions of this Act shall have an overriding effect and the provisions of any such law to the extent of such inconsistency to this Act shall cease to have effect.

26. **Repeal and saving.**---(1) The Ayub Medical College Board of Governors Ordinance, 1973 (Khyber Pakhtunkhwa Ord. No. XIX of 1978), the Khyber Pakhtunkhwa Institute of Ophthalmic Sciences Ordinance, 1999 (Khyber Pakhtunkhwa Ordinance No XI of 1999) and the Khyber Pakhtunkhwa Medical Teaching Institutions and Regulation of Health-Care Services Ordinance 2002, (Khyber Pakhtunkhwa Ord. No. XLVII of 2002), are hereby repealed.

(2) All moveable or immoveable property including fixed assets of the Ayub Medical College and Institute of Ophthalmic Sciences and all liabilities pertaining to them shall be the property and liability of the concerned institution.

(3) Notwithstanding anything contained in any law for the time being in force, the services of all the employees of Ayub Medical College and Institute of Ophthalmic Sciences shall be deemed to be the services of medical institution concerned, regardless of their terms and conditions of service before the commencement of this Act.

(4) Notwithstanding the repeal of the laws under sub-section (1), the Medical Institution established under the repealed laws shall be deemed to have been established under this Act.

(5) All rules, regulations and orders made or issued under the repealed laws shall continue to hold ground, unless altered, amended, repealed or inconsistent to the provisions of this Act.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

OFFICE OF THE HOSPITAL DIRECTOR

MEDICAL TEACHING INSTITUTION, DHQ/MMM TEACHING HOSPITALS, DIKHAN
ALL COMMUNICATIONS SHOULD BE ADDRESSED TO THE HOSPITAL DIRECTOR MTI DHQ/MMM TEACHING HOSPITALS DIKHAN AND NOT TO ANY OTHER OFFICIALS

No. _____ / _____

Dated 5 / 7 / 2018

OFFICE ORDER

Khalid Zaman has been working as a Store Keeper MTI DHQ Teaching Hospital DIKhan. He was transferred from store and assigned other duty due to some complaints.

After his transfer from store he has come in open confrontation with administration and always seeks an opportunity to create problems for the administration.

He is involved in corruption/corrupt practices and has been facing serious enquiries.

This administration cannot pull on further with the Store Keeper. As such being a Government servant working on need basis his services are not required to this institution.

Therefore he is relieved from MTI DHQ Teaching Hospital DIKhan on administrative grounds and directed to report to Director General Health Services Khyber Pakhtunkhwa Peshawar.

It is pertinent to mention that the HONORABLE CHIEF ELECTION COMMISSION OF PAKISTAN has granted prior approval/permission of his transfer from MTI DIKhan.

6223 - 27
No. _____ / _____

Copy forwarded to the:-

1. Secretary to Chief Election Commission of Pakistan Islamabad.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. Finance Director MTI DIKhan.
4. Accounts/Establishment section MTI DHQ Teaching Hospital DIKhan.
- ✓ 5. Khalid Zaman Store Keeper.

HOSPITAL DIRECTOR
MTI DHQ/MMM TEACHING HOSPITALS
DIKHAN

Kamran Malik
HOSPITAL DIRECTOR
MTI DHQ/MMM TEACHING HOSPITALS
DIKHAN

D-22-

Government of Khyber Pakhtunkhwa
Health Department



No. SOH-I/HD/3-45/2017
Dated Pesh: the 6th Oct, 2017

To

1. The Hospital Director,
DHQTH/MMMTH, MTI, D.I.Khan
2. The Medical Director MTI,
DHQTH/MMMTH, MTI, D.I.Khan
3. The Dean,
Gomal Medical College, D.I.Khan

SUBJECT:- HUMAN RESOURCE MANAGEMENT WITH IN MTIs AND TRANSFER/POSTING OF
CIVIL SERVANTS IN MTIS

I am directed to refer to the subject noted above and to state that in the light of MTI Act 2015 as amended till date; clinical faculty and other staff concerned with clinical functions/health care activities of attached teaching hospitals of the medical college have to report to the Medical Director who is responsible for all clinical functions/health care activities of the MTI.

2. The Dean heads the Medical College and Academic Council has to prescribe and set principles for teaching research, training, development of curriculum, undertaking, scholarly activity, ensuring ethical and moral standard, students affairs and admission in colleges, therefore, the Dean has got nothing to do with the clinical staff working in the attached teaching hospitals.

3. The Hospital Director is responsible for non clinical functions but not management which includes transfer postings of the clinical faculty and other staff related with clinical functions/health care activities of the hospital He is responsible only for "maintenance and development" of human resource but not management of such staff.

4. Civil Servants working in MTIs, cannot be deputed from MTIs by Medical Director/Hospital Director/Dean but can be repatriated by Health Department only with the approval of the competent authority.

The above instructions and legal positions may be followed in letter and spirit.

s/c

(Taslem Khan)
Section Officer-I

Endst No and date even
c.c

1. Secretary to Boards of Governor, of MTI D.I.Khan
2. Director Finance MTI, D.I.Khan
For information and necessary action.

s/c

Section Officer-I

Rs. 5
Name of addressee: Hospital Director
Post town of destination: DHQ
Signature of booking official: [Signature]
Date stamp: 17/7
Service instruction over leaf

23

NOTICE

TO,

Hospital Director Medical Teaching Institution
DHQ Teaching Hospital D.I.Khan

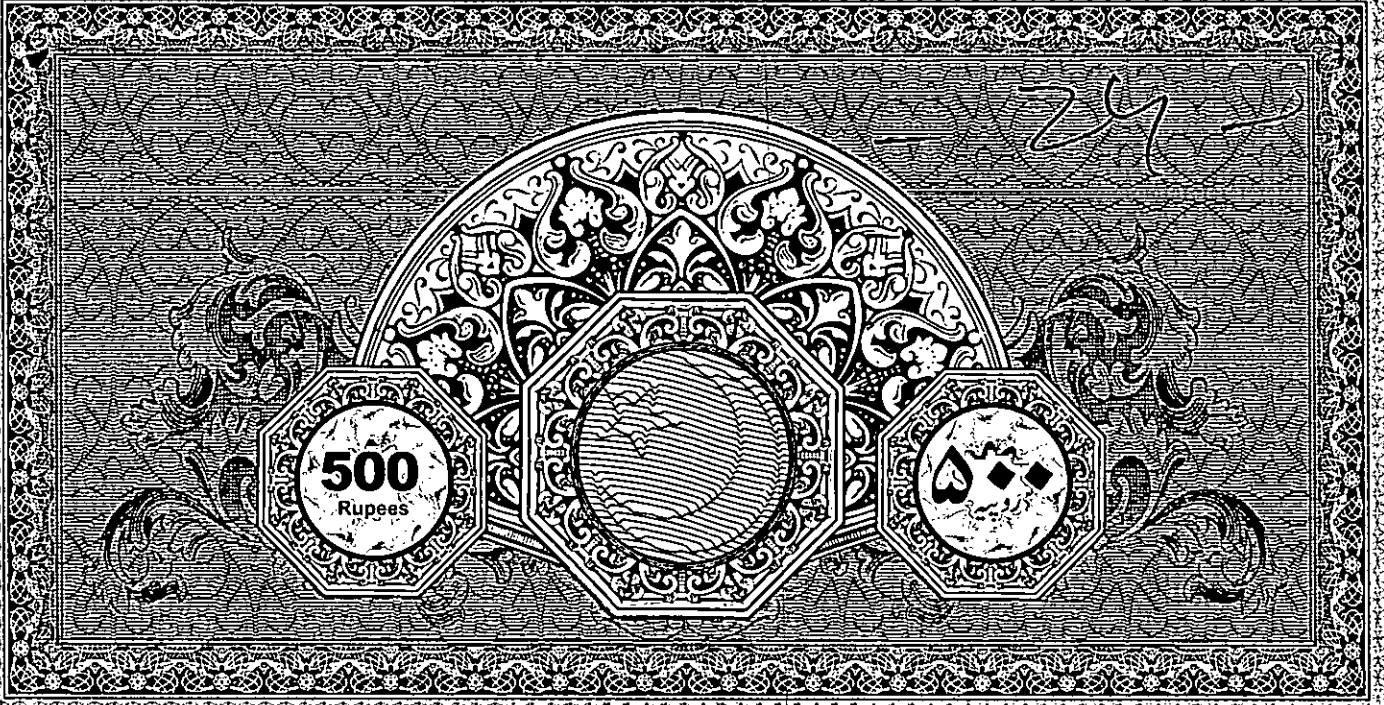
It Informed to you through this notice that Petitioner Khalid Zaman is going to file writ petition against order dated 05-07-2018.

[Signature]

DEPONENT

Urgent Mail Service is a letter/1st
class Mail through which despatch of
is prohibited.

0 0



PAKISTAN COURT FEE

Filed today 26.36

Att: Registrar
17-7-18

[Handwritten signature]

[Large handwritten signature]

[Faint, illegible text]

Handwritten notes and signatures on the left side of the page, including a signature and the number 3322.

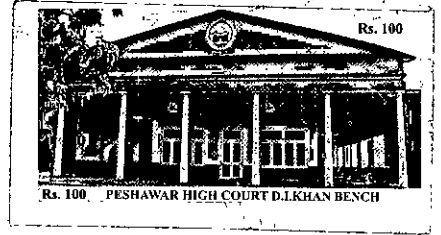


TREASURY D.I.KHAN
28 JUN 2018
PAID

Habib Ullah Khan
Stamps Vender
Kachhri D.I.Khan

25

VAKALATNAMA



IN THE COURT OF PESHAWAR HIGH COURT BENCH D.I.KHAN

Khalid Zaman **VERSUS** *Govt of KPK etc*

TITLE *writ Petition*

I/WE *Partitioner* Filed today *26/3/18*

The Above Named *Khalid Zaman* hereby appoint *Registrar* *17-7-18*

MUHAMMAD ANWAR AWAN ADVOCATE SUPREME COURT,

in the above Captioned Cases to all or any of the following Acts Deeds & Things.

- ✓ To Appear, Act & Plead for Me/Us in the above mentioned cases in this Court/Tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
- ✓ To Sign, Verify, File OR Withdraw all proceedings, Petitions, Appeals, Affidavits, Applications for Compromise OR Withdrawals OR for the Submission of Arbitration of the said case OR any other Documents may be Deemed Necessary OR Advisable by them by the Conduct, Prosecution OR Defense of the above case at all its stages.
- ✓ To Receive Payments, Issue receipts for all moneys that may be OR become Due & Payable to us during the course on Conclusion of the Proceedings.
- ✓ To do all other Acts & Things, Which may be Deemed Necessary OR Advisable during the course of Proceedings.

AND HEREBY AGREE:

- To Ratify Whatever Advocates may do the Proceedings.
- Not to Hold the Advantages Responsibilities if the said case be proceed Ex-parte OR Dismissed in Default in Consequence of their Absence from the Court when it is called for Hearing.
- That the Advocates shall be entitled to withdraw from the Prosecution of the said case if the Whole or any part of the Agreed Fee Remain Un-Paid.
- That Advocates may be Permitted to argue any other point at the time of Arguments.

In Witness Whereof I/We have signed this Vakalatnama here under the Contents of which have been Read/Explained to Me/Us which is fully understood by Me/Us.

Dated: *17/7/18*

Accepted By:

Anwar Adv

**MUHAMMAD ANWAR AWAN
ADVOCATE SUPREME COURT
03339962231**


[Signature]

SIGNATURE OF EXECUTANT (S)

30 JAN 1951

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of Order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
20.7.2018	<p><u>C.M.No.827-D/2018 in</u> <u>W.P.No.733-D/2018.</u></p> <p><u>Present:</u> Muhammad Anwar Awan, Advocate for the petitioner. ***</p> <p>Mr. Ahmad Ali Khan, Advocate accepted notice of the C.M and submitted Vakalatnama on behalf of respondent No.7.</p> <p>Adjourned to 02.8.2018.</p> <p style="text-align: right;"> <u>JUDGE</u></p>


affai
for
21/7

*Habib/**

(SB)
Hon'ble Mr. Justice Shakeel Ahmad

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of Order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
02.8.2018	<p><u>C.M.No.827-D/2018 in</u> <u>W.P.No.733-D/2018.</u></p> <p><u>Present:</u> Muhammad Anwar Awan, Advocate for the petitioner.</p> <p>Mr. Ahmad Ali Khan, Advocate for respondent No.7.</p> <p>***</p> <p>Through the instant C.M, the petitioner seeks suspension of office order dated 05.7.2018, whereby he has been relieved from performing duties as Store Keeper in MTI DHQ Teaching Hospital, D.I.Khan. It is alleged that he is a civil servant and has been wrongly relieved by the Hospital Director who has got no jurisdiction.</p> <p>Since the subject matter of C.M relates directly to the main writ petition, therefore, notice be issued to respondents No.1 to 6 for a date to be fixed in the first available D.B.</p> <p style="text-align: right;"> <u>JUDGE</u></p>

*Office
for
2/8*

Habib/**

(SB)

Hon'ble Mr. Justice Muhammad Nasir Mahfooz