

994/13

16.10.2015

Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Mr. Muhammad Jan, GP for the respondents present. Arguments heard and record perused. Vide our detailed judgment of to-day in connected appeal No.992/2013, titled Mhammad Imran Versus Secretary Health Department, Government of Khyber Pakhtunkhwa, Peshawar etc.", this appeal is also disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
16.10.2015

  
MEMBER

  
MEMBER

25-9-14 Vide order sheet dated 10.12.2013, in connected appeal No. 992/2013, this appeal is adjourned to 08.12.2014.

READER.

8-12-14 Vide order sheet dated 10.12.2013, in connected appeal No. 992/2013, this appeal is adjourned to 16-2-15.

READER.

16-2-15 Vide order sheet dated 10.12.2013, in connected appeal No. 992/2013, this appeal is adjourned to 9-3-15.

READER.

9-3-15 Vide order sheet dated 10.12.2013, in connected appeal No. 992/2013, this appeal is adjourned to 20-3-15.

READER.

20-3-15 Vide order sheet dated 10.12.2013, in connected appeal No. 992/2013, this appeal is adjourned to 17-6-15.

READER.

Vide order sheet dated 10.12.2013, in connected appeal No. 992/2013, this appeal is adjourned to 28-8-15.

READER.

Vide order sheet dated 10.12.2013, in connected appeal No. 992/2013, this appeal is adjourned to 12-10-2015.

READER.

10.12.2013

Vide order sheet dated 10.12.2013 in connected appeal No. 992/2013, this appeal is adjourned to 15.1.2014.

READER

15-1-2014

Vide order sheet dated 10.12.2013 in connected appeal No. 992/2013, this appeal is adjourned to 21-2-14.

READER

21-2-14

Vide order sheet dated 10.12.2013 in connected appeal No. 992/2013, this appeal is adjourned to 18-3-14.

READER

18-3-14

Vide order sheet dated 10.12.2013 in connected appeal No. 992/2013, this appeal is adjourned to 11-4-14.

READER

11-4-14

Vide order sheet dated 10.12.2013 in connected appeal No. 992/2013, this appeal is adjourned to 12-5-14.

READER

12-5-14

Vide order sheet dated 10.12.2013 in connected appeal No. 992/2013, this appeal is adjourned to 25-6-14.

READER

25-6-14

Vide order sheet dated 10.12.2013 in connected appeal No. 992/2013, this appeal is adjourned to 25-9-14.

READER

Appeal No. 994/2013  
Mr. Muhammad Bilal

3.

11.09.2013

Counsel for the appellant present and heard on preliminary. Contended that the appellant has not been treated in accordance with the law/rules. Despite of clear direction of the Tribunal no proper procedure was observed. He made representation against the termination order which has not been responded within the statutory period of 90 days. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 10.12.2013 for submission of written reply.

Member.

4.


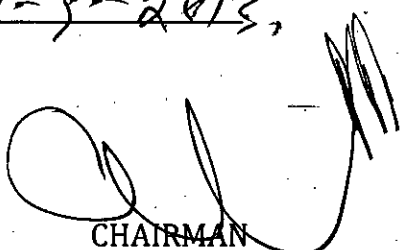
11.09.2013

This case be put before the Final Bench II for further proceedings.

Chairman

Form- A  
**FORM OF ORDER SHEET**

Court of \_\_\_\_\_  
Case No. 994/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/06/2013	<p style="text-align: center;">The appeal of Mr. Muhammad Bilal resubmitted today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-7-2013	<p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>11-8-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mr. Muhammad Bilal today on 17/05/2013 against the order dated 12.01.2013 against which he preferred a departmental appeal on 22/02/2013 which is premature as laid down in an authority reported as 2005-SCMR-890.


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

*not removed*

- 1- Appeal may be got signed by the appellant.
- 2- Copy of Judgment of this Tribunal dated 31.12.2009 mentioned in para-4 of the memo of appeal (Annexure-G) is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.

No. 797/ST,

Dt. 20/05 /2013

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr.M.Asif Yousafzai Adv. Pesh.

*Resubmitted after compliance*



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 994/2013.

Mohammad Bilal Vs Health Deptt:

**INDEX.**

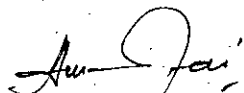

S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1-5
2-	Copy of appointment	A	6
3-	Medical fitness	B	7
4-	Charge report	C	8
5	Copy of stoppage of salary	D	9-10
6-	Copy of order of High Court	E	11-14
7-	Copy of termination order Dated 08.06.2009	F	15-17
8-	Decision of Service Tribunal	G	18-25
9 -	Copy of reinstatement order by Service Tribunal	H	26-27
10-	Copy of termination order Dated 12.01.2013	I	28-29
11-	Copy of departmental appeal	J	30-31
12-	Copy of inquires	K&L	32-36-4-37-38
13-	Wakalatnama		

Dated :-----/05/2013

  
APPELLANT

MOHAMMAD BILAL

THROUGH:

  
M.ASIF YOUSAFZAI  
ADVOCATE  
&  
TAIMUR ALI   
ADVOCATE

BEFORE THE KPK SERVICE TRIBUNAL

APPEAL NO. 999/2013

Mohammad Bilal, Ex- Ward Attendant,

MMT Hospital D.I.Khan

(Appellant)

Versus

- 1: The Secretary Health Deptt: KPK Peshawar
- 2: The Director General Health Services KPK Peshawar
- 3: The Medical Superintendent MMT Hospital D.I Khan
- 4: The Distt: Accounts Officer D.I Khan
- 5: The Chief Executive M.M.T Hospital D.I Khan (Respondents)

~~SECRET~~  
9/13  
17-5-2013

APPEAL UNDER SECTION – 4 OF THE KPK SERVICE TRIBUNALS ACTS 1974 AGAINST THE ILLEGAL TERMINATION ORDER DATED 12.01.2013 WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE WITHOUT FOLLOWING PROPER PROCEDURE AND NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITH STATUTORY PERIOD

~~SECRET~~  
17/5/13

PRAYER:

That on the acceptance of this impugned order dated 12.01.2013 may be set aside being passed arbitrarily, illegally, without observing procedure as directed by august Service

re-submitted to ~~MD~~  
and filed.

~~SECRET~~  
19/6/13



Tribunal. The respondent may further please be directed to reinstate the appellant with all back benefits and also grant the salaries of the appellant w.e from March 2009 till the termination dated 12.01.2013. Any other remedy which this august Tribunal deems proper may also be awarded in favor of appellant.

R/ SHEWETH

- 1- That the appellant was appointed as ward attendant in the MMT Hospital D.I by the competent authority vide order dated 25.10.2008 ,the appellant got medical fitness and took over the charge of the post on 1.11.2008 .copies of the order medical fitness and charge reporter attached as Annexure –A , B & C.
- 2 –The appellant was performing duties up to the entire satisfaction of the his superior of but all of sudden on coming new M.S the pay of the appellant was stopped vide order dated 11.03.2009 without any notice or chance of defense. Copy of the order is attached as Annexure – D.
- 3 - That the appellant against stoppage of the salaries filed a writ petition bearing No.207/09 in the august High Court. The hon,ble High Court in its decision held that since the petitioner is a civil servant, therefore he should approach to Service Tribunal and the mean while his writ petition was treated as departmental appeal which was sent to the departmental authority for decision up to 30.06.2009 positively. Copy of High Court decision is attached as Annexure – E.
- 4 – That as the departmental authority was failed to give decision on the appeal of the appellant up to 30.06.2009, as directed by the hon'able High Court,

therefore the appellant filed service appeal in this Tribunal but as the respondent No.3 had passed termination order on 08.06.2009. Therefore appeal for the payment of service of the appellant was become infructuous however the august Tribunal was pleased to direct the respondent NO.2 on 31.12.2009 for deciding the pending departmental appeal of the against the termination order within one month. Copies of termination order and the tribunal decision are attached as Annexure - F & G.

- 5- That after obtaining the rejection order. The appellant filed service appeal 869/ 2010 which was decided on 05.04.2012. The august Tribunal was kind enough to reinstate the appellant for proper departmental proceeding with full chance of defence . Copy of judgment is attached as Annexure – H .
- 6- That then the respondent Deptt reinstated the appellant on 29.11.2012 and then without following proper procedure and directions of the august tribunal again terminated the appellant on the basis of a so called publication vide order dated. 12.1.2013. Copy of termination order is attached as Annex-I.
- 7- That the appellant again filed departmental appeal on 20.2.2013 and waited for statutory period but no reply received by the appellant so for hence the present appeal on the following ground amongst others. Copy of departmental appeal is attached as Annex-J.

## GROUND

- A- That the impugned order of the termination and non-payment of salaries, and not taking any action on the appeal of appellant within statutory period are

illegal against the law, rules, norms of justice and passed without observing the proper procedure and principles of justice.

B- That the impugned order passed by the respondent Deptt is in utter violation of the principles of "Audi Altrem Partem" and judgments of the Supreme Court of Pakistan has held that this principles is to be read in every statute even not specifically, provided

C- That the appellant has been condemned unheard and no chance of personal hearing was provided to the appellant while passing the impugned order.

D- That in case of termination, charge sheet and statement of allegation are must and mandatory as per provision of law but in the instant case no such provisions of law has been followed. Thus termination order is totally illegal viod ab-initio.

E- That the appellant appointment order was remained in field for considerable long time and under the principles of "locus poenitentiae" the appellant's valuable rights created in pursuant to appointment order cannot be infringed.

F- That the impugned orders are arbitrary which is against the all norms and canons of justice.

- G- That Service Tribunal ordered to inquire in the matter in a proper way by giving full chance of defense to the appellant but the Deptt neither follow the directions nor conduct regular inquiry and terminated the appellant on the basis of publication of show cause notice in a slipshod manner.
- H- That the final rejection order is against the ruling of the Supreme Court of Pakistan in which it has been held that every order of the departmental authority must be speaking one and be based on well founded reasons, while in the present case no reasons given by Deptt: and even not responded the departmental appeal of the appellant, which is an arbitrary act on the part of the respondents.
- I- That in the instant matter, earlier inquires have been conducted and in both the inquires the re-instatement of the appellant has been recommended. Copies of the order is attached as Annexure – K.
- J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

MOHAMMAD BILAL

THROUGH:

  
M.ASIF YOUSAFZAI  
ADVOCATE

TAIMUR ALI  
ADVOCATE

A 6  
P

Annexure

OFFICE OF THE MEDICAL SUPERINTENDENT  
MMM TEACHING HOSPITAL DERA ISMAIL KHAN

OFFICE ORDER:

Mr. Mohammad Bilal S/O Rabnawaz R/O Moh: Bamoshahwali Dera City DIKhan is hereby appointed as Ward Attendant BPS-1 @Rs.2970/- plus allowances admissible under the Rules subjected to revision from time to time against the existing vacancy at Mufti Mehmood Memorial Teaching Hospital Dera Ismail Khan on the following terms and conditions according to the Government Policy:

- 1—His appointment in the Health Department is purely on contract basis and his services are liable to termination at any time without giving any notice or assigning any reason.
- 2—He will be governed by such rules made and instructions issued relating to traveling allowance, general provident fund, pension, leave, medical charges and conduct and discipline by the Government from time to time for the category of civil servant to which he belongs.
- 3—No TA/DA is allowed to him for joining duty.
- 4—In respect of other matters not specified in this appointment, the Rules/Regulations as applicable to Provincial Civil Servants shall apply.
- 5—The appointment is liable to terminations on 30 days notice on either side or payment of one basic pay in lieu thereof without assigning any reason.
- 6—If the above terms and conditions of appointment are acceptable to him, he should send his written confirmation by registered post or personally so as to reach the undersigned with-in one month of the receipt of this letter.
- 7—This offer of appointment will be treated as cancelled if he does not convey acceptance thereof or resumed duty within the specified time.
- 8—He will produce medical fitness certificate before resuming duty.

Medical Superintendent.  
MMM Teaching Hospital DIKhan

No. 169-172 Dated the DIKhan 25/10/2008  
Copy is forwarded to:

- 1—District Accounts Officer DIKhan
- 2—Head clerk MMMTH DIKhan
- 3—Accounts clerk MMMTH DIKhan
- 4—Mr. Mohammad Bilal S/O Rabnawaz R/O Dera City DIKhan

Medical Superintendent  
MMM Teaching Hospital DIKhan

**ATTESTED**

31/10/08

A-C-1/H3

~~PXI 156~~ B (7)

MEDICAL CERTIFICATE

Name of Official Muhammad Bilal

Caste or Race Axim

Father's Name Rab Nawaz

Residence Mohallah Bama Shah Teh & Distt D.I. Khan

Date of Birth 02/03/1979 (12/12/1973 (501-3))

Exact height by measurement 5'8"

Personal marks of identification A Scar on Rt. Leg

Signature of the Official M. Bilal

Signature of.....

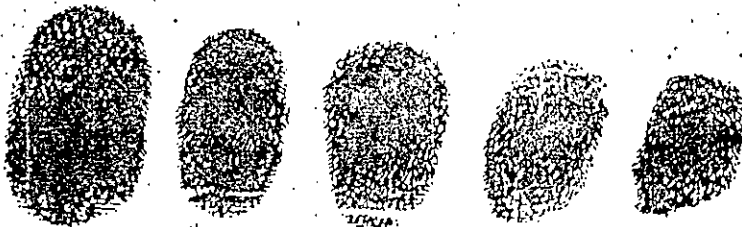
Head of office.....

Report on duty 31/10/08

Medical Superintendent  
Seal of Office Muhammad Memorial  
Teaching Hospital D.I. Khan  
31/10/08

I do hereby certify that I have examined Mr. Muhammad Bilal  
a candidate for employment in the Office of the M.M.M. Teaching Hospital D.I. Khan  
and can not discover that head any disease communicable or other constitutional  
affection or bodily infirmity except.....

I do not consider this as disqualification for employment in the office of the  
Health His age according to his own statement..... year and  
by appearance about..... years.



LEFT HAND THUMB AND FINGER  
IMPRESSIONS D.I. Khan

Medical Superintendent  
Muhammad Memorial  
Teaching Hospital D.I. Khan  
31/10/08

A

صاف عالی

خودمانہ لکڑا ریش ہے کہ فروری نے آپ

افس آرڈر نمبر ۱۶۹-۱۷۲ ۱۶/۰۲/۲۵

آج صرف ۱۱/۹۰۰۸

لیما سران حاضرین اپرٹ قبولی جانے

عین وزارت میں

لکڑا ریش

صدرین محمد علی ولد انوار احمد محمود محمود

سیال ڈی ایس اے

محمد بلال شیخ

OFFICE OF THE MEDICAL SUPERINTENDENT MAM TEACHING HOSPITAL DIKHAN

No. 316 16-1 Dated DIKhan the // 13/2009

To  
The District Accounts Officer,  
Dera Ismail Khan

Subject: STOPPAGE OF PAY.

Memo: Please reference to subject, it is submitted that:

The following staff, whose names are enlisted in the pay roll of February 2009 are recruited, violating the rules and regulation of recruitment.

The staff is physically not present on duty. No any NOC is obtained from District Government. Moreover their service record including Service Books, appointment orders, Medical Fitness etc are not available in this office.

S. No.	Name	Designation	BPS	Personnel No.	Account No.	Bank Branch	Pay
1	Muhammad Kamran	M&R Technician	09	00429261	PLS-1006916-2	UBL Circular Road DIK	4840/-
2	Muhammad Mehran	M&R Technician	09	00429264	PLS-8931-9	Khyber Bank DIKhan	4840/-
3	Najeeb Ullah	Junior Clerk	07	00429251	PLS-4006-6	NBP Circular Road DIKhan	4522/-
4	Muhammad Anwar Khan	Telephone Operator	06	00433203	PLS-8973-4	Khyber Bank DIK	4481/-
5	Sajid Khan	Generator Operator	05	00433201	PLS-15407900072701	HBL Bakhry Bazar DIK	4085/-
6	Muhammad Shafiq	Fireman	01	00429257	PLS-15407900066101	HBL Bakhry Bazar DIK	3966/-
7	Farida	Dai	02	00433202	PLS-15407900069301	HBL Bakhry Bazar DIK	4085/-
8	Sajida Bibi	Dai	02	00429253	PLS-4630-3	ABL Faqrini Gate DIK	4030/-
9	Tasleem Bibi	Dai	02	00429254	PLS-1359700232101	HBL Circular Road DIK	4030/-
10	Rukhsana Begum	Dai	02	00429256	PLS-15407900066701	HBL Bakhry Bazar DIK	4030/-
11	Rukhsana Bibi	Dai	02	00429255	PLS-4249-3	NBP Circular Road DIK	4030/-
12	Abdur Rashid	Chowkidar	01	00433369	PLS-1357900258701	HBL Circular Road DIK	4021/-
13	Yousaf Hayat	Ward Attendant	01	00429265	PLS-01021936	UBL Bakhry Bazar DIK	3966/-
14	Muhammad Imran	Ward Attendant	01	00429260	PLS-4349-3	ABL DIKhan	3966/-
15	Muhammad Anwar	Ward Attendant	01	00429262	PLS-4350-4	ABL DIKhan	3966/-

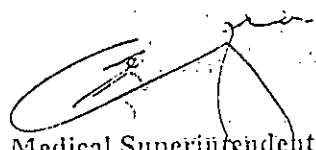
ATTACHED



Amir Khan (5) 10

16	Muhammad Bilal	Ward Attendant	01	00429258	PLS-6878-8	ABL Circular Road DIK	3966/-
17	Muhammad Faheem	Ward Attendant	01	00429252	PLS-4628-2	ABL Faqirni Gate DIKhan	3966/-
18	Muhammad Ali	Ward Attendant	01	0031092	PLS- 1357900232903	HBL Circular Road DIK	3966/-
19	Muhammad Irfan	Ward Attendant	01	00429263	PLS- 1359790010104401	HBL Circular Road DIK	3966/-
20	Muhammad Sajid	Cleaner	01	00431094	PLS-4627-8	ABL Faqirni Gate DIK	8327/-
21	Shah Nawaz	Cleaner	01	00431093	PLS- 13597900237401	HBL Circular Road DIK	8327/-
22	Bashir	Ward Attendant	01	00429259	PLS- 13597900225001	HBL Circular Road DIK	3966/-
23	Ikhtaq Ahmed	Ward Attendant	01	00429266	PLS-8926-0	Khyber Bank DIKhan	3966/-

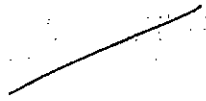
It is requested that to stop the pay of above mentioned staff, immediately to proceed further in the matter.

  
 Medical Superintendent  
 MMM Teaching Hospital  
 Dera Ismail Khan

No. /

Copy is forwarded to:-

1. The Director General Health Services NWFP Peshawar for information please.
2. The District Coordination Officer DIKhan for information.  
Dr. Muhammad Arif Ullah Khan DMS (Admin) MMM Teaching Hospital  
DIKhan for detail enquiry and report within 15 days.
3. Account Clerk MMM Teaching Hospital DIKhan for information and necessary action.

  
 Medical Superintendent  
 MMM Teaching Hospital  
 Dera Ismail Khan

  
 6/11/22  
 AMR

Annexure **D1**

P-XIX *Page*

**E 11**

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR.



WRIT PETITION NO. 227 OF 2009

- 1) MUHAMMAD KAMRAN SALEEM, M & R TECHNICIAN,  
SON OF HAJI ALLAH NAWAZ SALEEM,  
R/O STREET ASLAM FAQIR, D.I.KHAN.
- 2) MUHAMMAD MEHRAN, M & R TECHNICIAN,  
SON OF MUHAMMAD YUNAS,  
R/O QUARTER NO.3, ZANANA HOSPITAL, ASLAM FAQIR, D.I.KHAN.
- 3) NAJIBULLAH, JUNIOR CLERK,  
SON OF HAMED ULLAH,  
R/O DERA CITY D.I.KHAN.
- 4) MUHAMMAD ANWAR KHAN, TECHNICAL OPERATOR,  
SON OF RAB NAWAZ,  
R/O VILL: LONY, TEHSIL KULACHI, D.I.KHAN.
- 5) SAJID KHAN, GENERATOR OPERATOR  
SON OF FARHAD KHAN  
R/O MOHALLAH SHUKHI, KULACHI, D.I.KHAN.
- 6) MUHAMMAD SHAFIQUE, FIRESMAN  
SON OF QAZI MUHAMMAD ISHAQUE,  
R/O DERA CITY, D.I.KHAN.
- 7) MRS:FAZIDA, DAI,  
D/O DILLAWAR KHAN,  
R/O MOHALLAH JOGIAN WALA, DERA CITY, D.I.KHAN.
- 8) MST:SAJIDA BIBI, DAI  
D/O FAIZULLAH,  
R/O D.I.KHAN CITY.
- 9) MST:TASLEEM BIBI, DAI  
WIFE OF MUHAMMAD SALEEM,  
R/O RATA KULACHI, D.I.KHAN.
- 10) MST:RUKHSANA BEGUM, DAI,  
W/O MAQSOUD ANWAR,  
R/O NAJAF ABAD, KACHI PAIND KHAN, D.I.KHAN.
- 11) MST:RUKHSANA BIBI, DAI,  
W/O MUHAMMAD SHAKIR,  
R/O D.I.KHAN CITY, D.I.KHAN.
- 12) ABDULLUR RASHID, CROWDIDAR  
SON OF AMIR MUHAMMAD  
R/O GHARAH GUL DAD KULACHI, D.I.KHAN.
- 13) YOUSAF HAYAT, WARD ATTENDANT  
SON OF AZIZ KHAN,  
R/O DEFENCE COLONY, D.I.KHAN.
- 14) MUHAMMAD IMRAN, WARD ATTENDANT,  
SON OF MALIK SIRAJUDDIN  
R/O VILLAGE TIKAN NEW DERA, D.I.KHAN.

10.8.2  
1075/89

ATTESTED  
EXAMINOR  
Peshawar High Court  
D.I.Khan Bench  
13/6/09

FILED TODAY  
Deputy Registrar  
06 MAY 2009

P/2

ATTESTED

A-D-2

~~12~~

P-XX

12

- 15) MUHAMMAD ANWAR, WARD ATTENDANT,  
SON OF MUHAMMAD RAMZAN,  
R/O GANHI SAMOZAI, D.I.KHAN.
- 16) MUHAMMAD BILAL, WARD ATTENDANT,  
SON OF RAB NAWAZ,  
R/O MOHALLAH BAMO SHAH WALI, DERA CITY, D.I.KHAN.
- 17) MUHAMMAD FAHIM, WARD ATTENDANT,  
SON OF GHULAM YASIN,  
R/O MOHALLAH KIRI ALIZAI, D.I.KHAN CITY, D.I.KHAN.
- 18) MUHAMMAD ALI, WARD ATTENDANT,  
SON OF RASHID AHMAD,  
R/O SHAH ALAM ABAD, D.I.KHAN.
- 19) MUHAMMAD IRFAN, WARD ATTENDANT,  
SON OF MUHAMMAD NAWAZ,  
R/O QALSER ABAD COLONY, D.I.KHAN.
- 20) MUHAMMAD SAJID, CLEANER,  
SON OF MUHAMMAD SADIQ,  
R/O D.I.KHAN CITY, D.I.KHAN.
- 21) SHAH NAWAZ, CLEANER,  
SON OF HAQ NAWAZ,  
R/O D.I.KHAN CITY, D.I.KHAN.
- 22) BASHIR, WARD ATTENDANT,  
SON OF MUHAMMAD NAWAZ,  
R/O D.I.KHAN CITY, D.I.KHAN.
- 23) IKHLAQ AHMAD, WARD ATTENDANT,  
SON OF MUSHTAQ AHMAD,  
R/O MOHALLAH SHIP SHAH, D.I.KHAN.

..... PETITIONERS

V E R S U S

- 1) GOVT. OF N.W.F.P. THROUGH SECRETARY HEALTH DEPARTMENT,  
CIVIL SECRETARIAT, PESHAWAR.
- 2) DIRECTOR GENERAL, (HEALTH SERVICES), N.W.F.P., PESHAWAR.
- 3) DR. SHAH JEHAN BALOCH, SENIOR MEDICAL OFFICER,  
MAULANA MUFTI MEHMOOD CIVIL HOSPITAL, D.I.KHAN.
- 4) DISTRICT ACCOUNTS OFFICER, DERA ISMAIL KHAN.
- 5) THE STATE THROUGH ADVOCATE GENERAL, NWFP, PESHAWAR.
- 6) Finance Department

..... RESPONDENTS

10/1/08

Q

107569

ATTESTED

EXAMINOR

Peshawar Health Dept  
D.I.Khan Bench

12/6/09

FILED TODAY

Deputy Registrar

06 MAY 2009

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A-D-3

XXI  
~~XXX~~

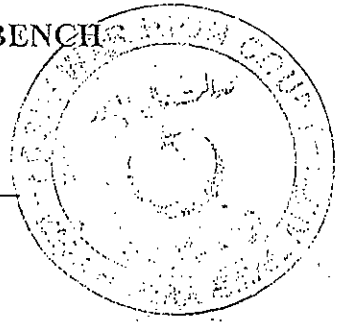
249

13

JUDGMENT SHEET  
PESHAWAR HIGH COURT D.I.KHAN BENCH

JUDICIAL DEPARTMENT

wf No. 207 of 2009



JUDGMENT

Date of hearing 9.6.2009

Appellant Muhammad Kamran Saleem & others by Mr. Khan Shah  
respondent Govt of NWFP & others by Mr. Saadullah Khan Shomani  
DAG & Mr. Rustom Khan Kundi Advocates

MUHAMMAD ALAM KHAN J.- Muhammad

Kamran Saleem and 22 others have through this writ petition challenged the order dated 11/3/2009 whereby their salaries have been stopped.

2. The grievances of the petitioners are that they have actually performed duties in accordance with law and the attendance register available on record duly signed by the then Medical Superintendent Doctor Shah Jehan supports their claim, that no NOC has been obtained from the DCO, that Mufti Mehmood Teaching Hospital is under the direct control of Provincial Government and not under the District Government

M. Alam

ATTESTED

EXAMINOR  
Peshawar High Court  
13/6/09

D.I.Khan and thus, there was no need for issuance of NOC, their appointment orders are intact, medical fitness, arrival reports and service books are available and annexed with the petition.

3. Mr. Rustom Khan Kundi advocate for respondent No. 4 argued that the petitioners are civil

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servants and in view of the bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan 1973, their case exclusively falls within the domain of NWFP Service Tribunal and thus the instant writ petition is not maintainable.

3. We have scanned the record and find that since the petitioners are civil servants, in view of the bar contained under Article 212 of the Constitution and the dicta handed down in the case of Muhammad Anees and others...Vs...Afzal Sher and others (PLD 1994 SC 539), the writ petition is not maintainable. However, instead of dismissing the same, in view of the dicta handed down in the case of Muhammad Ilyas Patwari...Vs...District Officer Revenue Peshawar etc (PLJ 2008 Peshawar 75), we treat it as representation on behalf of the petitioners and remit the same to Director General Health NWFP Peshawar/respondent No.2 with direction to decide the same positively by 30<sup>th</sup> June 2009 after hearing the petitioners or their learned counsel Khan

Askar Afridi Advocate. In case their grievances are not redressed, they will be at liberty to move afresh the appropriate Services Tribunal in the matter.

ATTESTED  
EXAMINER  
Peshawar  
13/6/09

ANNOUNCED  
9/6/2009.

13/6

M. Khan  
JUDGE

JUDGE

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Office of the Medical Superintendent MMM Teaching Hospital

Dera Ismail Khan

Office Order:-

Reference Director General Health Services NWFP Peshawar office letter No. 3786/Personal dated 15-05-2009.

The following employees of this Hospital recruited on 25-10-2008, with observing codal/legal formalities before making appointments, are hereby terminated w.c.f. the date of positing on 25-10-2008.

S.No	Name	B PS	Designation	Personal No.	Reason for Termination	Specific Deficiency
1.	Muhammad Kamran	09	Civil M&R Technician	00429261	Codal formalities for recruitment not followed i. No Advertisement in local or National Daily News Papers. ii. No Selection Committee constituted for the purpose. iii. No Interview/written/skill tests iv. No NOC obtained from DCO DIKhan for adjustment of Surplus -Pool staff. v. No formal approval from competent authority (DGHS) vi. MS Having no power of recruitment for BPS-1 to 15. vii. No power of recruitment through employment exchange for BPS- 1 to 4 till 03-11-2008. viii. Having No service record till March 2009.	Posted as Electrical M&R Technician (No such Post exists) while the approved post is of Civil M&R Technician.
2.	Muhammad Mehran	09	M&R Technician	00429264	Do	Do
3.	Najeeb Ullah	07	Junior Clerk	00429251	Do	No practical Experience
4.	Muhammad Anwar	05	Telephone Operator	00433203	Do	Do

**ATTESTED**  
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	Sajid Khan	05	Generator Operator	00433201	Do	
6.	Muhammad Shafiq	01	Fire Man	00429257	Do	
7.	Farida Bibi	02	Dai	004333202	Do	i. No approval for Dai Training. ii. Having no course completion certificate. iii. No qualification Certificate from Prov. Asstt: Director Public Health. iv. Having No result sheet from Prov: Asstt: Director Public Health.
8.	Sajida Bibi	02	Dai	00429253	Do	Do
9.	Tasleem Bibi	02	Dai	00429254	Do	Do
10.	Rukhsana Begum	02	Dai	00429256	Do	Do
11.	Rukhsana Bibi	02	Dai	00429255	Do	Do
12.	Abdur Rasheed	01	Chowkidar	00433369	Do	--
13.	Yousef Hayyat	01	Ward Attendant	00429265	Do	--
14.	Muhammad Imran	01	Ward Attendant	00429260	Do	--
15.	Muhammad Anwar	01	Ward Attendant	00429262	Do	--

17.	Muhammad Faheem	01	Ward Attendant	00429252	Do	--
18.	Muhammad Ali	01	Ward Attendant	00431092	Do	--
19.	Muhammad Irfan	01	Ward Attendant	00429263	Do	--
20.	Muhammad Sajid	01	Cleaner	00431094	Do	--
21.	Shah Nawaz	01	Cleaner	00431093	Do	--
22.	Bashir	01	Ward Attendant	00429259	Do	--
23.	Ikhlq Ahmad	01	Ward Attendant	00429266	Do	--

*Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan*

No. 1605-30/16-1 Dated 02-06-09  
CC:-

1. Director General Health Services NWFP Peshawar for information with reference to his office letter No cited above.
2. District Accounts Office DIKhan for information and necessary action.
3. Deputy Medical Superintendent Admn/Human Resources of this Hospital with reference to enquiry office No. 649/DMS/E-9 dated 11-04-2009.
4. All employees concerned with the remarks to deposit the salaries received by them up till now to the Government Treasury immediately.

*Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan*



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 861/2010

Date of institution ... 28.4.2010

Date of judgment ... 05.1.2012.



M.Kamran Saleem, Ex-M&R Tech:  
MMT Hospital, D.I.Khan.

... (Appellant)

VERSUS

1. The Secretary Health Department NWFP (KPK), Peshawar.
2. The Director General Health Services NWFP(KPK), Peshawar.
3. The Medical Superintendent Mufti Mehmood Hospital, D.I.Khan.
4. The Distt: Accounts Officer, D.I.Khan.
5. The Chief Executive, Mufti Mehmood Teaching Hospital, D.I.Khan. (Respondents)

APPEAL U/S 4 OF THE NWFP(KPK) SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ILLEGAL TERMINATION ORDER DATED 8.6.09  
WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM  
SERVICE WITHOUT FOLLOWING PROPER PROCEDURE AND  
AGAINST THE FINAL REJECTION ORDER DATED 31.3.10 PASSED ON  
THE DIRECTION OF THE HON'BLE SERVICE TRIBUNAL.

Mr. Muhammad Asif Yousafzai,  
Advocate.

---

For appellant

Mr. Sherafgan Khattak; AAG

---

For respondents.

Mr. Qalandar Ali Khan

..

Chairman

Mr. Sultan Mehmood Khattak,

Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:-

This single judgment shall also

dispose of the connected appeals, listed separately in the list annexed to this judgment, because similar questions have been raised for determination in all these appeals.

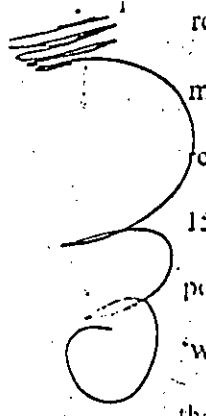
2. The appellant in this appeal as well as appellants in the connected appeals, mentioned above, were appointed on various posts i.e. M&R Technician/Junior Clerk/Ward Attendant/Cleaner/Dai/Fireman, respectively, in Mufti Mehmood Teaching Hospital, D.I.Khan by the Medical Superintendent, MMM Teaching Hospital, D.I.Khan (Respondent No.3) vide his separate orders dated 25.10.2008. After their appointment, the appellants got themselves medically examined and submitted their arrival reports; but vide memo. dated 11.3.2009, the M.S. (Respondent No.3) requested the District Accounts

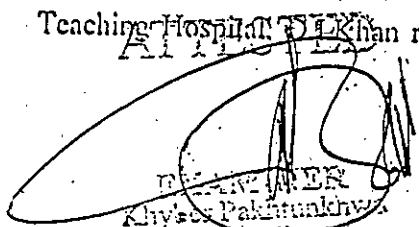
ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED

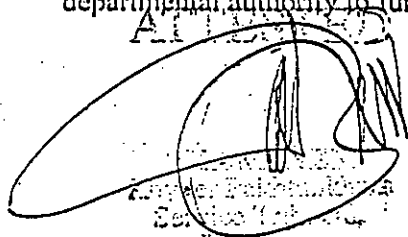
Officer, D.I.Khan to stop pay of 23 persons mentioned in the list/memo. on the ground that they were recruited, violating the rules and regulation of recruitment'; and that the 'staff is physically not present on duty.' No any NOC is obtained from District Government. Moreover their service record including service books, appointment orders, medical fitness etc. are not available in this office'. All the persons mentioned in the memo. approached Peshawar High Court, D.I.Khan Bench through Writ Petition, which treated the Writ Petition as representation on behalf of the petitioners and remitted 'the same to Director General Health NWFP, Peshawar/respondent No.2 with direction to decide the same positively by 30<sup>th</sup> June 2009 after hearing the petitioners or their learned counsel Khan Askar Afridi Advocate'. The Hon'ble Bench of the Peshawar High Court D.I.Khan Bench further observed in the judgment dated 9.6.2009 that in case their grievance was not redressed, they would be at liberty to move afresh the appropriate Service Tribunal in the matter. However; vide office order dated 8.6.2009, the Medical Superintendent, while referring to the letter of Director General Health Services, NWFP, Peshawar dated 15.5.2009, terminated services of all the said 23 persons with effect from the date of posting (appointment) on 25.10.2008 on the ground of their appointments being made 'without observing codal/legal formalities before making appointments'. In the meantime, the appellants lodged appeals for release of their pay, which were withdrawn after termination order dated 8.6.2009, and disposed of as withdrawn by this Tribunal vide order dated 31.12.2009. The appellants also preferred departmental appeals to the Director General Health Services, NWFP, Peshawar (Respondent No.2), which were rejected vide letter of the D.G Health to the M.S, MMTH, D.I.Khan dated 31.3.2010, hence these appeals on 28.4.2010 and 19.7.2010, respectively. It may be added here that two inquiries, one by Deputy Medical Superintendent (DMS).MMTH, D.I.Khan on the direction of M.S, MMTH, D.I.Khan and the other by the Executive District Officer(Health) Kohat on the direction of D.G Health Services, NWFP, Peshawar, were also conducted; and both the inquiry officers submitted their reports. In the first inquiry report, the DMS, MMM Teaching Hospital, D.I.Khan recommended that "although, the appointments have been



  
 MEMBER  
 Khuzdar Pakhankhwa  
 Service Tribunal,  
 Peshawar

made without observing codal/legal formalities before making appointments/filling of these posts. all these new recruitments have drawn their salaries from the Government exchequer from 01.11.2008 onwards for four consecutive months up till February 2009. So these appointments made may be legalized through formal approval from Director General Health Services NWFP Peshawar or otherwise". While in the second inquiry report, the EDO(H) Kohat recommended that "All the Class-IV employees(20 in Nos in the complaint) recruited, their services should be restored and their pay be released as no fault exists on their part. So far as the case of two M&R Tech. and one Junior Clerk are concerned their service should not be restored".

3. The appeals have been lodged on the grounds that the impugned order of termination, rejection order and stoppage of pay were illegal, against law, rules, norms of justice and passed without observing proper procedure and principles of justice; that the impugned orders passed by the respondent-department were in utter violation of principle of 'Audi alteram partem' and the Supreme Court of Pakistan had held in numerous judgments that this principle was to be read in every statute even not specifically provided for; that the appellants have been condemned unheard and no chance of personal hearing was provided to them while passing the impugned orders; that in case of termination, charge sheet and statement of allegations were must and mandatory as per provisions of law but in the case of appellants no such provision of law was followed, thus the termination order was totally illegal and void ab-initio; that the appointment orders of the appellants were in the field for considerable long time and under the principle of 'locus-poenitentiae', the appellants had acquired valuable rights in pursuance to the appointment orders which could not be infringed; that the termination order was based on malafide as after termination of the appellants some persons were appointed by respondent No.3 without observing codal formalities; that two inquiries were conducted in the matter and in both the inquiries reinstatement of the appellants was recommended; and that the final rejection order was against the judgments of the Supreme Court of Pakistan, requiring the departmental authority to furnish well founded reasons for its order.

Attested  


4. While District Accounts Officer, D.I.Khan (Respondent No.4) showed his no concern with the appeals and requested for deletion of his name from the list of respondents in his reply, the rest of the respondents vehemently contested the appeals in their written replies, wherein, they raised several legal and factual objections. They resisted the appeals on the grounds that neither the appellants were qualified nor No Objection Certificate, necessarily required for fresh recruitment, was obtained from DCO D.I.Khan. They claimed that competent authority for such fresh recruitment was Director General Health Services, KPK, Peshawar and that the appointments were made without inviting applications through press. The respondents also defended the impugned action of termination of services of the appellants and also rejection of their departmental appeals. They alleged that the appellants had also absented themselves from official duty, therefore, their salaries were stopped after they were served with notices and opportunity of hearing was provided to them. They further claimed that appointments were made purely on contract basis and services were, as such, liable to termination at any time without giving any notice and assigning any reason. The respondents also disputed claim of the appellants that inquiry officers had recommended restoration of their services.

5. The appellants filed rejoinders to the written replies/comments of the respondents, wherein, the contentions raised in the appeals were reiterated, besides refuting allegations of the respondents; where-after, arguments of the learned counsel for the appellants and learned AAG heard, and record perused.

6. The record would reveal that the appellants were appointed on the mentioned posts by the Medical Superintendent, Mufti Mehmood Teaching Hospital, D.I.Khan vide his separate orders dated 25.10.2008. The appellants got themselves medically examined and submitted their arrival reports. Though the respondents raised the plea that the appointments were made purely on contract basis and the service were liable to termination at any time without giving any notice and assigning any reason, yet they had no explanation when they were confronted with the judgment dated 9.6.2009 of the

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SECRETARY  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

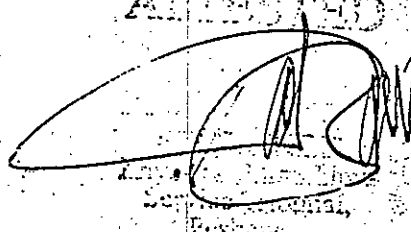
Peshawar High Court, D.I.Khan Bench, whereby the appellants were declared civil servants; and thereafter the issue was also not pressed further at the stage of arguments. The respondents, particularly respondent No. 3, after around five months of the appointment, requested the District Accounts Officer, D.I.Khan for stoppage of pay on 11.3.2009 in the first place and then the same authority issued termination order of all the appellants and few others w.e.f their posting/appointment on 25.10.2008, vide his impugned order dated 8.6.2009. The departmental appeals of the appellants were also rejected by the appellate authority i.e Director General Health Services (respondent No. 2) summarily, in the like manner, without furnishing any reason for rejection of the appeals.

7. It is thus clear that neither charge sheet/statement of allegation nor show cause notice preceded the impugned action of termination of services. In their written reply, the respondents alleged that appellants were charge sheeted and statement of allegations were issued to them during inquiry proceedings, besides publication of notices, but they could not place on record either the charge sheet/statement of allegation or notices issued to the appellants. The record contains two inquiry reports, one by Deputy Medical Superintendent, MMM Teaching Hospital, D.I.Khan and the other by EDO (H) Kohat; but neither of the two indicate that the appellants were provided opportunity of defence and hearing. In any case, both were fact findings inquiries and could not form basis for termination of services of the appellants in the absences of service of charge sheet/statement of allegation and show cause notices on the appellants prior to the termination of their services. Needless to say that the competent authority did not pay heed to the recommendations of these two inquiry officers for restoration of the services of the appellant and release of their pay 'as no fault existed on their part'; and, instead, terminated services of the appellants without conducting proper departmental/inquiry proceedings and providing opportunity of defence and hearing to the appellants in accordance with law/rules and judgments of the superior courts reported as 2007 PLC (CS)334 (Supreme Court of Pakistan), 2009 SCMR 663 (Supreme Court of Pakistan) and 1994 SCMR 2232 (Supreme Court of Pakistan).

ATTESTED

  
 MEMBER  
 Peshawar Service Tribunal  
 Peshawar

8. The respondents vehemently agitated the issue of appointment of the appellants, allegedly, without observing proper procedure and in violation of clear rules; but they lost sight of the fact that authority making such appointments should have been held responsible for illegality, if any, in the appointments and not beneficiary of the appointments in view of consistent view of the superior courts (2004 SCMR 1077- Supreme Court of Pakistan). Even otherwise, once the order had taken legal effect and created certain rights in favour of the appellant, it could not be withdrawn or rescinded in view of judgment reported as 2003 SCMR 410 ( Supreme Court of Pakistan). In these cases, the appellant, admittedly, not only reported their arrival, after medical examination, but had also drawn salary for certain period. The impugned order dated 08.06.2009 also suffers from illegality on account of the fact that the same has been given effect from a retrospective date i.e 25.10.2008, in view of clear judgments of the superior courts reported as PLD 2007 SC 52 (f) and 2002 SCMR 1124(c)(Supreme Court of Pakistan).
9. Apart from inherent legal defects in the proceedings leading to the impugned termination order, the appellate authority also failed to follow law and judgments of the superior courts while disposing of the departmental appeals of the appellants as the appeals were rejected in a summary way without furnishing any reason in violation of the provision of section 24-A(2) of the General Clauses Act, 1897 and judgment of the august Supreme Court of Pakistan reported as 1991 SCMR 2330 (Supreme Court of Pakistan).
10. The learned AAG also argued that services of the appellants were terminated during probation period; but he could not show anything to that effect in the impugned order, which is simply based on the ground that the appointments/recruitments were made without observing codal/legal formalities.
11. In short, the appellants have not been dealt with in accordance with law, and the impugned orders against them, as such, are not sustainable in law.
12. Consequently, on the partial acceptance of the appeals, both the orders of the competent authority dated 8.6.2009 and appellate authority dated 31.3.2010 are set aside,

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LIST OF CONNECTED APPEALS.



S.NO.	APPEAL NO.	NAME OF APPELLANT
1.	862/2010	Muhammad Mehran
2.	863/2010	Najeebullah
3.	864/2010	Ikhtlaq Ahmad
4.	865/2010	Shah Nawaz
5.	866/2010	Bashir
6.	867/2010	Mohammad Imran
7.	868/2010	Yousaf Flayat
8.	869/2010	Rukhsana Bibi
9.	870/2010	Mohammad Fahim
10.	871/2010	Mohammad Bilal
11.	872/2010	Mohammad Sajid
12.	873/2010	Mohammad Shafique
13.	874/2010	Rukhsana Begum
14.	875/2010	Farida
15.	876/2010	Sajida Bibi
16.	877/2010	Tasleem Bibi
17.	878/2010	Mohammad Irfan
18.	879/2010	Mohammad Ali
19.	1487/2010	Mohammad Anwar

Date of Issuance of Application 10-4-2012  
 Number of words 400  
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 Urgent 2  
 Total 6  
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 Date of Completion of Copy 10-4-2012  
 Date of Delivery of Copy 10-4-2012

Certified to be true copy  
  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar



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0966-747151-53  
0966-747154

Office of the  
Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

OFFICE ORDER:-

Reference Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar vide their judgment in service Appeal No. 861/2010 & other announced on 05-04-2012.

The following Appellants are re-instated for the purpose of departmental proceedings without any orders with regard to back benefits with immediate effect.

S.No	Name	Father's Name	Designation
1	Mr. Kamran Saleem	Allah Nawaz Saleem	M&R Technician (Electrical) (BPS-09)
2	Mr. Mohammad Mehran	Muhammad Younas	M&R Technician (Electrical) (BPS-09)
3	Mr. Najeeb Ullah	Hameed Ullah	Junior Clerk (BPS-07)
4	Mr. Shah Nawaz	Haq Nawaz	Cleaner (BPS-01)
5	Mr. Bashir	Muhammad Nawaz	Ward Attendant (BPS- 02)
6	Mr. Mohammad Imran	Malik Siraj-u-Din	Ward Attendant (BPS- 02)
7	Mr. Yousef Hayat	Abdul Aziz	Ward Attendant (BPS- 02)
8	Miss Rukhsana Bibi	W/O Muhammad Shakir	Dai (BPS- 02)
9	Mr. Mohammad Faheem	Ghulam Yasin	Ward Attendant (BPS- 02)
10	Mr. Mohammad Bilal	Rabnawaz	Ward Attendant (BPS- 02)
11	Mr. Mohammad Sajid	Muhammad Sadiq	Cleaner (BPS-01)
12	Mr. Mohammad Shafiq	Qazi Muhammad Ishaq	Fire Man (BPS-01)

**ATTESTED**

*(Signature)*



No	Name	Father's Name	Designation
13	Miss Rukhsana Begum	W/O Maqsood Anwar	Dai (BPS- 02)
14	Miss. Farida Bibi	Dilawar Khan	Dai (BPS- 02)
15	Miss Sajida Bibi	Faiz Ullah	Dai (BPS- 02)
16	Miss Fasteern Bibi	W/O Muhammad Saleem	Dai (BPS- 02)
17	Mr. Mohammad Irfan	Muhammad Nawaz	Ward Attendant (BPS- 02)
18	Mr. Mohammad Ali	Rasheed Ali	Ward Attendant (BPS- 02)
19	Abdur Rashid	Ameer Muhammad	Chowkidar (BPS-01)
20	Muhammad Anwar Khan	Rab Nawaz Khan	Telephone Operator (BPS-07)


Medical Superintendent  
 Mufti Mehmood Memorial Teaching Hospital  
 Dera Ismail Khan

No. 8326-49/11/2012 /Litt: Dated DIKhan the 29/11/2012

Copy forwarded to the:

1. Director General Health Services Khyber Pakhtunkhwa Peshawar, with reference to their letter No. 5614/P dated 30-08-2012.
2. Chief Executive/Principal Gomal Medical College DIKhan, with reference to their letter No. 4233-35/Esstt/PF dated 28-11-2012.
3. PS to Secretary Health Government of Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer DIKhan.
5. Accountant MMM Teaching Hospital DIKhan.
6. All concerned.

(For information and necessary action please)

  
 Medical Superintendent  
 Mufti Mehmood Memorial Teaching Hospital  
 Dera Ismail Khan



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0966-747151-52  
0966-747154

Office of the  
Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

Office Order:-

On the recommendation of Enquiry Officer's, the following staff of Mufti Mehmood Memorial Teaching Hospital DIKhan are herewith terminated with immediate effect, after fulfilling all the codal formalities, including Departmental Enquiry, Show Cause Notice published in Daily Newspaper's, detail as under;

S.No.	Name	Designation	BPS	Reason for Termination
1	Mr. Kamran Saleem	M&R Technician (Electrical)	BPS-09	No Sanctioned Post available.
2	Mr. Mohammad Mehran	M&R Technician (Electrical)	BPS-09	No Sanctioned Post available.
3	Mr. Najeeb Ullah	Junior Clerk	BPS-07	No codal formalities for recruitment observed.
4	Miss Rukhsana Begum	Dai	BPS-02	* No codal formalities for recruitment observed.
5	Miss. Farida Bibi	Dai	BPS-02	* Recruited against fake certificates.
6	Miss Sajida Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
7	Miss Tasleem Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
8	Miss Rukhsana Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
9	Mr. Ikhtlaq Ahamd	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
10	Mr. Bashir	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
	Mr. Mehmood Mehmood	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.

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S.No.	Name	Designation	BPS	Reason for Recruitment
17	Mr. Yousaf Hussain	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
18	Mr. Mohammad Faheem	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
19	Mr. Mohammad Bilal	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
20	Mr. Mohammad Irfan	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
21	Mr. Mohammad Ali	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
22	Mr. Mohammad Azeem	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
23	Mr. Mohammad Shafiq	Fire Man	BPS-01	* No codal formalities for recruitment observed.
24	Mr. Mohammad Sajid	Sweeper/Cleaner	BPS-01	* No vacant post available. * No codal formalities for recruitment observed.
25	Mr. Shah Nawaz	Sweeper/Cleaner	BPS-01	* No codal formalities for recruitment observed.

Medical Superintendent  
 Musfti Mehmood Memorial Teaching Hospital  
 Dera Ismail Khan

No. 235-62/01/2013 /Estt: Dated DIKhan the 12/01/2013

**Copy forwarded to the:**

1. Secretary Department of Health, Government of Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. Chief Executive/Principal Gomal Medical College DIKhan.
4. District Accounts Officer, DIKhan.
5. Deputy Medical Superintendent H/R MMM Teaching Hospital DIKhan.
6. Accountant MMM Teaching Hospital DIKhan.
7. All concerned for information.

(For information and necessary action please)

Musfti Mehmood Memorial Teaching Hospital  
 Dera Ismail Khan

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The Chief Executive,  
Gomal Medial College  
D.I.Khan.

Through: Proper Channel.

**Subject: DEPARTMENTAL APPEAL AGAINST ILLEGAL TERMINATION FROM SERVICE**

Respected Sir,

The appellant humbly submits as under:

1. That the appellant being eligible and having required qualification was appointed by the Medical Superintendent, Mufti Mehmood Memorial Hospital D.I.Khan after due course/ process of recruitment.
2. That, after furnishing Medical Fitness Certificate and taking over the charge of said post, the appellant started performing her official duties regularly with due diligence, care devotion and to the satisfaction of superiors and leave no stone unturned in performance of his/her official duties.
3. That during the period the services rendered by the appellant remained up-to the mark and no deficiency, inefficiency, negligence or irregularity of the appellant was reported.
4. That, due to the political influence, the M.S of MMMH while referring to the letter of director general health services, terminated the applicant.
5. That feeling aggrieved from the illegal termination orders of M.S MMMH D.I.Khan, the appellant filed an appeal along with others before learned Service Tribunal, who after hearing the counsel for the parties, accepted the appeal of appellants on 05-04-2012, set aside the orders and reinstated the appellant for the purpose of departmental proceedings with direction to

APPROVED  
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the department to proceed afresh in the case in accordance with law by providing opportunity of show cause/hearing before passing any order.

- 6. That M.S of MMMH D.I.Khan without reinstating the appellant, issued fresh termination order dated 12-01-2013 which is received on 16-01-2013. It is also patient to mentioned here that after receiving the termination, the back dated reinstatement order was received on 29-01-2013.
- 7. That M.S MMMH D.I.Khan did not issue any charge sheet, nor issue any show cause notice and without providing any opportunity of hearing according to the Judgment of Hon'ble Service Tribunal illegally terminated the applicant.

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the termination orders may please be set aside and appellant may graciously be re-instated with all back/future benefits

M. Bilal

Your Honorable Appellant

محمد بلال ولد محمد ربووار  
چاه ناول شاہ ، شاہ کلاں آباد  
ڈاکٹر جی پلاو ڈیرہ

Note: That this appeal is being filed directly to the Chief Executive as the Office of M.S MMMH D.I.Khan, was reluctant to forward this appeal, being through proper channel.

- 1. Copy to the Director General Health Services Peshawar.

From: Deputy Medical Superintendent.  
(Enquiry Officer)  
MMM Teaching Hospital  
Dera Ismail Khan

No. 648 / EQ  
Dated: 11/10/2009

To: The Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan

Subject: ENQUIRY REGARDING RECRUITMENTS MADE AT MUFTI MEHMOOD MEMORIAL TEACHING HOSPITAL, DIKHAN IN VIOLATION OF RULES OF RECRUITMENT.

TERMS OF REFERENCE:-

That the staff as per list attached appointed on 25-10-2008 are recruited in violation of the rules of recruitment.

Annexure -A

Description

The following 23 no appointments in deferent categories were made on 25-10-2009 under the signature of then Medical Superintendent Multi Mehmood Memorial Teaching Hospital DIKhan.

- 02 appointments in BPS-09 as M&R Technician
- 01 appointment in BPS 07 as Junior Clerk.
- 01 appointment in BPS- 06 as Telephone Operator.
- 01 appointment in BPS -05 as Generator Operator.
- 05 appointments in BPS-02 as Dais.
- 01 appointment in BPS- 01 as Fireman.
- 01 appointment in BPS- 01 as Chowkidar.
- 09 appointment in BPS- 01 as Ward Attendant.
- 02 appointment in BPS- 01 as Cleaner.

Since their appointments (except one Mr. Muhammad Kamran M& R Technician) no one turned up for duties at the Hospital till the last weak of March.

All the candidates appointed for the above mentioned different categories in Mufti Mehmood Memorial Teaching Hospital DIKhan submitted their arrival report on the same day i.e. 01-11-2008.

No record pertaining to their appointments was available in this office, for which the Steno/Accountant of this office was asked in verbal and then in written twice Vide No 375/76 dated 165-03-2009 and no-427/PF dated 21-03-2009 for production of said record so as to proceed further.

Copy attached for ready reference.

Annexure- B-C

In response, on 25-03-2009, a file containing appointment orders along with certain correspondence letters of Finance Department, Employment Exchange and Employment Exchange Registration Cards was handed over to the undersigned Vide Mr. Abdul Manan Steno grapher/Accountant letter No nil dated 24-03-2009.

Copy of letter from Abdul Manan attached for Ready Reference.

Annexure- D

**ATTESTED**  
*(Signature)*

(72) (33)

However other records pertaining to these appointments i.e. advertisement, applications of the candidates, service books, interview list, selection committee members list, merit list not available on the record of this office:

It was also learnt that service books which were initially not available with the concerned clerk were later on handed over by Mr. Atta Ullah Computer Operator of this office to the concerned clerk.

All these employees under enquiry were asked to appear before the enquiry officer from 24<sup>th</sup> to 28<sup>th</sup> March vide this office letter No.375-76 dated 16-03-09 through DMS Human Resource of this Hospital.

(Letter already attached as Annexure- B)

05 days time given for personal appearance was due to the fact that these new requirements did not attend their duties since their appointment and even then only 12 out of 23 appeared. The rest either not available as usual or abstained from appearing before the enquiry officer for reason best known to them:

The following had personal appearance:-

1. Muhammad Shafiq S/O Qazi Muhammad Ishfaq	Fire Man
2. Akhlaq Ahmad S/O Mushtaq Ahmad	W/A
3. Muhammad Irfan S/O Muhammad Nawaz	W/A
4. Muhammad Bilal S/O Rab Nawaz	W/A
5. Bashir S/O Muhammad Nawaz	W/A
6. Muhammad Ali S/O Rashid Ahmad	W/A
7. Najeeb Ullah S/O Hamzed Ullah	J/C
8. Shah Nawaz S/O Haq Nawaz	Cleaner
9. Faheem S/O Yasin	W/A
10. Muhammad Kamran S/O Allah Nawaz	M&R Technician
11. Muhammad Anwar S/O Rab Nawaz	T/Operator
12. Muhammad Mehran S/O Muhammad Younes	M&R Technician

~~33~~

34

73

Findings/observations

1. Staff drawing salaries against the above posts versus sanctioned strength given in the following table.

Category	No. of Posts drawing pay in October 08	No. of Posts drawing pay in November 08	Sanctioned Posts before Oct,08	Posts Sanctioned During Oct,08	Total Posts as per Budget Book	Excess drawl	Short drawl	Remarks
Ward Attendant	70	78	65	8	73	5	-	-
Chowkidar	15	16	20	1	21	-	5	-
Cleaner/ Sweeper	29	31	40	-	40	-	9	-
Telephone Operator	1	4	5	-	5	-	-	-
Fireman	-	1	1	-	1	-	-	-
Gen. Operators	-	1	1	-	1	-	-	-
J/Clerk	5	6	6	-	4	2	-	2 Posts of J/Clerk are sanctioned vide Finance Dept: No. BOVI/FD/4-64/005/MMT dated 17-08-2007 but not reflected in Budget Book 2008-09.
Civil Tech.	-	2	-	2	2	-	-	-
Dai	17	22	20	2	22	-	-	-

2. Employment exchange

Employment exchange was requested by then Medical Superintendent Mufli Mehmood Memorial Teaching Hospital DIKhan who is signatory to the appointment orders, to send eligible candidates for appointments in Mufli Mehmood Memorial Teaching Hospital DIKhan for vacancies against Class-IV.

Copy attached for ready reference.

(Annexure-E)



- No categories and other scales mentioned in the letter.
- No date for Interview/Selection was intimated to the Manager Employment Exchange.
- The Manager Employment Exchange provided 02 lists (09 + 14) of candidates (Hand Written) vide his office No. EE/DIK/Appt/127 dated 06-10-2008.

Copy of the letter from Manager Employment Exchange attached for ready Reference. (Annexure-F)

- The registration numbers issued by employment exchange are in the same consecutive order.
- Also there is duplication of registration Nos. as noted from the employment Registration Cards e.g. registration No 15/W/08 dated 08/09/08 for Rukhsana Bibi wife of Muhammad Shaker and the same registration No 15/W/08 dated 13/09/08 for Rukhsana Begum Wife of Maqsood Anwar. Similarly registration No 99/0/08 dated 08/09/08 for Shah Nawaz S/O Haq Nawaz and the same registration No. 99/0/08 dated 08/09/08 for Sajid S/O Sadiq Ali. Also the registration numbers in the hand written list provided by Manager Employment Exchange do not tally with the registration numbers of the registration cards in the above mentioned cases.

So all this raises questions about the entries made in Employment Exchange Registration Cards and the lists provided by Manager Employment Exchange. Copies of the lists along with the above noted Registration Cards for ready reference.

(Annexure-G)

3- Appointments Orders:-

The appointments orders are deficient regarding the following prescribed Government criteria.

- The appointments made are without formal advertisement.
- No selection committee duly approved was constituted for the purpose.
- No approval has been sought from Director General Health Services NWFP Peshawar for the selected candidates.
- All these appointees, having received their salaries from 01-11-2008 to Feb/2009, have not attended their duties (Except one Mr. Muhammad Kamran M&R Technician ),and are not on the roll call of DMS Human Resource as he was not informed formally about these appointments.
- The appointments are made on 25-10-2008 and all of these employees have submitted their arrival for duty on the same day i.e. 01-11-2008.
- The diary Nos. shown on the appointment orders do not tally with dairy/dispatch record of this office. This office dairy/dispatch register record shows no diary No for 25-10-2008.
- Most of the appointment orders are attached with recommendations from MPA's and Minister Health NWFP, even some having both. Looking at some of these recommendations, creates doubts in one's mind because it seems that a single recommended application by Minister Health has been tactfully photo copied for a number of applicants probably.

Copies of two such applications recommended by Minister Health NWFP attached for ready reference.

(Annexure-H)

Conclusion/Recommendation

All though, the appointments have been made without observing codal/legal formalities before making appointments/filling of these posts, all these new recruitments have drawn their salaries from the Government exchequer from 01-11-2008 onwards for four consecutive months up till February 2009. So these appointments made may be legalized through formal approval from Director General Health Services NWFP Peshawar or otherwise.



*Enquiry Officer*  
*Dr. Muhammad Arif Ullah*  
*DMS (Admin) MMM Teaching Hospital*  
*Dera Ismail Khan*

Departmental  
enquiry

37

ENQUIRY

INTRODUCTION:

The undersigned have been appointed as enquiry officer by the Director General Health Services NWFP, Peshawar vide his order No. 21721-23/18-1, dated 01/07/2009 (Page -1) on the complaint of staff of Mas'ud Mehmood Memorial Teaching Hospital D.I. Khan (page-1) against Dr. Shah Jahan Baloch MS MMM Hospital D.I. Khan.

SCOPE OF THE ENQUIRY:

To dig out the facts regarding appointment and termination of the affected employees of MMM Hospital D.I. Khan (Complainants).

FINDING:

In this connection the undersigned proceeded to D.I. Khan on 27/07/2009 in connection with enquiry at MMM Hospital D.I. Khan and checked the record of office of MMM Hospital D.I. Khan.

CONCLUSION:

After going through the record it was revealed that no proper advertisement was made in the Press for the post of BPS-5 and above and no other usual formalities i.e. constitution of Departmental Selection Committee were completed.

The post of MS MMM Hospital D.I. Khan is in grade-20 and is not clear whether he is appointing Authority or otherwise, clear cut Rules could not be found.

Moreover all the Class-IV employees including two M&R Tech. (BPS-09) and one Junior Clerk (BPS-07) were performing their duties, they were on Roll and their Service Books were prepared and they were drawing pay, as such all the appointment orders were acted upon.

It is also to mention that two vacant posts of Civil M&R Techs. were filled by Electrical Diploma Holders.

According the General Clauses Act, Section-21, when an authority serves an appointment order on some one and that is acted upon by him, then it

RECEIVED

becomes his right and he cannot be terminated without initiating disciplinary proceeding.

The General Clauses Act is enumerated as follow:-

"Provision of section 21 General Clauses Act 1897 postulate that an authority which passes an order is competent to vary, rescind or cancel the order passed by that authority but such power is not absolute as the same is subject to certain limitations. Where the order sought to be varied, rescinded or cancelled is communicated to other party and subsequent to that communication that party acts upon such order, a very valuable rights accrues to that party. Authority passing such order becomes functus officio to vary, rescind or cancel its earlier order as the law does not allow "Volte face" to the authority in circumstances (3000 CLC 442)".

"Authority empowered to pass an order can withdraw the order only if a decisive step in pursuance of the order has not been taken. Locus Poenitentiae not available to authority if such order has been acted upon and vested rights have accrued in pursuance of that order. Orderes having been implemented partly and right of appeal accruing to one party, authority has no power to withdraw such orders. Extent of availability of principle of Locus Poenitentiae to authority cited (1984 PL.C 663)".

"Power under section-21 to vary, rescind or cancel an order passed by an authority cannot be exercised in cases where order has already been communicated to other party and/or subsequent to that communication that party has acted upon it. In such case a very valuable right accrues to other party and authority passing order in such circumstances becomes incompetent to vary, rescind or cancel its previous order (NLR 1984 Civil 729-PLD 1985)".

Moreover Services & General Administration Department (Regulation Wing) Notification No. SOR-II(S&GAD)1(10)/98, dated 13/11/2000 is very clear about such like "Illegal Recruitment". This notification bares one from terminating such employees (Copy attached).

RECOMMENDATION:

✓ All the Class-IV employees (20 in Nos in the complaint) recruited, their services should be restored and their pay be released as no fault exists on their part. So far as the case of two M&A Tech. and one Junior Clerk are concerned their service should not be restored.

*[Signature]*  
Dr. Shad Ali Khattak  
Executive Distt Officer  
(Health) Kohat.  
Enquiry Officer.

# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Secore Tribunal Peshawar

Mohammad Bilal

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Health Deptt.

(Respondent)  
(Defendant)


I/We Mohammad Bilal

& Taimul AG Adm

Do hereby appoint and constitute **M.Asif Yousafzai, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

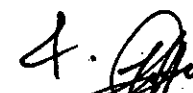
Dated \_\_\_\_\_/20



( CLIENT )

ACCEPTED

  
**M. ASIF YOUSAFZAI**  
Advocate

  
Taimul Ali

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

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

**APPEAL No. 994-1000/13**

Muhammad Bilal (Ward Attendant) & 8 other  
V/S  
Government of Khyber Pakhtunkhwa & others

**Index**

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3.	Copy of Audit Para No.12	B	14
4.	Notification of the Government Regarding Absent Staff	C	15
5.	Copy of Rejected Departmental Appeal	D	16
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15.	Copy of Fresh Advertisement alongwith Merit Protocol	N1-N3	53-54

Dated: 07-12-2013

**Respondent No. 03**



**Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan**

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

**APPEAL No. 994-1000/13**

Muhammad Bilal (Ward Attendant) & 8 other  
V/S  
Government of Khyber Pakhtunkhwa & others

**REPLY FROM THE RESPONDENTS No. 1, 2, 3, & 5.**

The Respondents No. 1, 2, 3 & 5 respectfully submit as under:-

**Preliminary objections:-**

1. That the instant appeal is not maintainable.
2. That the appeal is barred by law.
3. That the appellant has got no cause of action.
4. That the appellant has got no locus standi, to file instant appeal.

**OBJECTION ON FACTS:-**

1. **Incorrect;** 23 person's including the Appellant were recruited, purely on Contract Basis against different categories of posts (From BPS-1 to BPS-09) at Mufti Mehmood Memorial Teaching Hospital DIKhan, in the Year 2008, violating the "Appointment, Promotions & Transfer Rules" with the following irregularities;

- (i) Recruitment on fake certificates.
- (ii) Ex-cadre Recruitment.
- (iii) Recruitment over & above as per sanctioned posts.
- (iv) Non observance of codal formalities in appointments as;
  - (a) Advertisement.
  - (b) Departmental Selection Committee.
  - (c) Merit list.
  - (d) Interview/written /verbal/ skill test.
  - (e) Non availability of sanctioned Posts of Ward Attendant as per budget book.
  - (f) "No Objection Certificate" for surplus pool staff was granted from the District Government.
  - (g) District Employment Exchange was not involved for Class-IV recruitments.
  - (h) No formal approval, by the competent authority.

2. **Incorrect;** All the Appellants were found absent from their duties (Except Mr. Kamran M&R Technician) & they were getting pay on papers only. They were recruited on contract basis and were in probation period, subject to the verification of their antecedent certificates etc.

Moreover their service record including service books, appointment orders, medical fitness certificates etc were not available at the office of Medical Superintendent MMM Teaching Hospital DIKhan, which is evident from the initial facts finding report, submitted by Deputy Medical Superintendent (Admn) Mufti Mehmood Memorial Teaching Hospital DIKhan.

**(Copy attached as Annexure-A)**

The irregular appointment of class-IV was also observed by Audit Team vide advance Para No. 12.

**(Copy attached as Annexure-B)**

The Pay of Appellants was stopped vide Government directives, whereby it was mentioned that; "In the first instance the Pay of absent Government employee should be stopped forthwith".

**(Copy attached as Annexure-C)**

3. **Correct:** to the extent that Writ Petition No. 207 was filed by the Appellants at Peshawar High Court DIKhan Bench, which was not accepted. The Departmental Appeal was rejected on 03-03-2010, from the office of Director General Health Services N.W.F.P Peshawar.

**(Copy attached as Annexure-D)**

4. **Incorrect:** Initial termination order of Appellants was issued on 08-06-2009, after rejection of Departmental Appeal.

**(Copy attached as Annexure-E)**

The action against appointing authority was also recommended by Director General Health Services vide their letter No. 3786/P dated 15-05-2009 & No. 3912/P dated 22-05-2009. Reference letter No. SOB-I/HD/enquiry(AP-135)/2009-10 dated 16-11-2012, the pension of the said officer was stopped.

**(Copies attached as Annexure-F1, F2 & F3)**

5. **Correct:** As per direction of Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar, the Appellants were re-instated by this office; vide letter No. 8326-49/11/12/Lit dated 29-11-2012, for the purpose of Departmental proceedings.

**(Copies attached as Annexure-G1 & G2)**

6. **Incorrect:** As per direction of competent authority, a high level Enquiry committee, comprising of two Professors' & Deputy Medical Superintendent (Admn) was constituted, who submitted their detail report alongwith case to case recommendations.

The Enquiry report, alongwith official correspondings is attached herewith as;

**(Copy attached as Annexure-H1-H4)**



Show Cause notice, was published on 21-12-2012 in National Daily Express & on 23-12-2013 in Daily National AAJ as per recommendations of Enquiry Committee.

**(Copy attached as Annexure-I1-I2)**

Neither any reply was submitted by the Appellants, nor did they approach this office for personal hearing.

After fulfilling all codal formalities, their services were terminated on 12-01-2013.

**(Copy attached as Annexure-J)**

7. **Incorrect:** No Departmental Appeal, through proper channel against their termination was filed.

### **REPLY OF OBJECTIONS ON GROUNDS.**

**A. Incorrect:** All the codal formalities for termination were fulfilled detail as under;

- (i) As per budget book, No post of M&R Technician (Electrical) was available. The sanctioned post was of M& R Technician (Civil) against which the said appointment was made.

**(Copy of SNE attached as Annexure-K)**

- (ii) The certificates submitted by all Dai's, were fake, which were properly verified from the issuing authority.

**(Copies of verification letters attached as Annexure-L1-L3)**

- (iii) As per budget book, 65 posts of Ward Attendants were available, while excess appointment were made , over and above the sanctioned strength.

The copy of budget book alongwith scale audit report issued from the office of District Accounts Office DIKhan, for the month of December 2008 is attached.)

**(Annexure-M1-M2)**

- (iv) Post of Junior Clerk (BPS-07) was filled without observing codal formalities.
- (v) Employment Exchange was not involved for the recruitment against the posts of Class-IV.
- (vi) The Departmental action against the appointing officer was taken & his pension benefits are still withheld.
- (vii) As per decision of the Honorable Court, the Appellants were re-instated, for the purpose of Departmental proceedings.

- (viii) Enquiry committee was constituted under the directives of competent authority i.e. respondent No. 1,2 & 5 (Secretary Health, Director General Health Services, Chief Executive).
- (ix) Showcause notice was published in two leading National Daily News Papers, as per recommendation of Enquiry committee.
- (x) No any reply by the Appellants was submitted in response to Showcause notice, neither any one reported for personal hearing.
- (xi) Termination orders were issued, after fulfilling required codal formalities, by getting proper approval from the competent authority.
- (xii) No any Departmental Appeal through proper channel was filed, against the decision.
- (xiii) The vacant posts of Junior Clerk & others have been formally advertised & their recruitment is in its final stages as per Government Rules/ recommendations of enquiry committee. Copies of advertisements and sample of merit Proforma is attached herewith as:

**(Copy attached as Annexure-N1-N3)**

**B. Incorrect,** hence denied. No malafidae is involved & all the norms of justice were properly fulfilled as per Government Instructions, Rules & Regulations.

**C. Incorrect** hence denied. All the codal formalities were fulfilled, keeping in view the directives of Honorable Court.

**D.** Showcause notice/charge sheet was properly published in Daily News Papers, which was not replied at all.

**E. Incorrect:** The information was properly communicated to the Appellants on their postal addresses.

**F. Incorrect,** hence denied. The termination orders were issued after formal Enquiry, publishing of charge sheet/Showcause notice.

**G. Incorrect,** hence denied. The matter was enquired & it was proved that;

- (i) Recruitment was performed against Ex-Cadre, un-available sanctioned posts.
- (ii) Recruitment against fake certificates.
- (iii) Due to non performance of official duties.
- (iv) Recruitment rules were not followed.


**H. Incorrect,** hence denied. Appellants were provided with the chance for personal hearing & written statements, but they failed to avail this chance.

**I.** All the previous enquiries were regretted by the competent authority, including Appeal which was rejected.

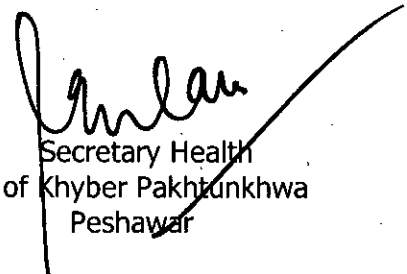
**J.** No comments.


It is therefore most humbly PRAYED that the instant Appeal may graciously be dismissed, with costs.

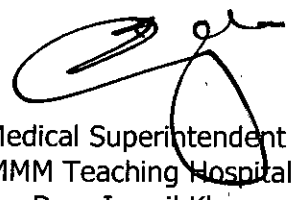
It is solemnly affirmed that the Contents of the replies are correct to the best of my knowledge and belief and are in accordance with advice from the Respondents No 1, 2, 3 and 5

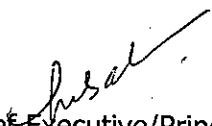
  
Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan

Your Humble Respondents

  
1. Secretary Health  
Govt: of Khyber Pakhtunkhwa  
Peshawar

  
2. Director General Health Services  
Khyber Pakhtunkhwa  
Peshawar

  
3. Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan

  
5. Chief Executive/Principal  
Gomal Medical College  
Dera Ismail Khan

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

**APPEAL No. 994-1000/13**

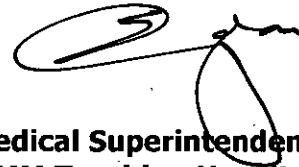
Muhammad Bilal (Ward Attendant) & 8 other  
V/S  
Government of Khyber Pakhtunkhwa & others

**Affidavit**

I Dr. Shah Jehan Baloch Medical Superintendent Mufti Mehmood Memorial Teaching Hospital DIKhan is solemnly affirmed that the contents of the replies are correct and to the best of my knowledge and belief and in accordance with advice from the Respondents No. 1, 2 & 5.

Dated: 07-12-2013

**Respondent No.03**



**Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan**

Deputy Medical Superintendent  
(Enquiry Officer)  
MMM Teaching Hospital  
Dera Ismail Khan

No. 648 /E9  
Dated: 11/04/2009

To

The Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan

Subject: **ENQUIRY REGARDING RECRUITMENTS MADE AT MUFTI MEHMOOD MEMORIAL TEACHING HOSPITAL DIKHAN IN VIOLATION OF RULES OF RECRUITMENT.**

**TERMS OF REFERENCE:-**

That the staff as per list attached appointed on 25-10-2008 are recruited in violation of the rules of recruitment.

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**Description**

The following 23 no appointments in deferent categories were made on 25-10-2009 under the signature of then Medical Superintendent Mufti Mehmood Memorial Teaching Hospital DIKhan.

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Since their appointments (except one Mr. Muhammad Kamran M& R Technician) no one turned up for duties at the Hospital till the last weak of March.

All the candidates appointed for the above mentioned different categories in Mufti Mehmood Memorial Teaching Hospital DIKhan submitted their arrival report on the same day i.e. 01-11-2008.

No record pertaining to their appointments was available in this office, for which the Steno/Accountant of this office was asked in verbal and then in written twice Vide No 375/76 dated 165-03-2009 and no 427/PF dated 21-03-2009 for production of said record so as to proceed further.

Copy attached for ready reference.

**Annexure- B-C**

In response, on 25-03-2009, a file containing appointment orders along with certain correspondence letters of Finance Department, Employment Exchange and Employment Exchange Registration Cards was handed over to the undersigned Vide Mr. Abdul Manan Steno grapher/Accountant letter No nil dated 24-03-2009.

Copy of letter from Abdul Manan attached for Ready Reference.

**Annexure- D**

( 23 )

However other records pertaining to these appointments i.e. advertisement, applications of the candidates, service books, interview list, selection committee members list, merit list not available on the record of this office.

It was also learnt that service books which were initially not available with the concerned clerk were later on handed over by Mr. Atta Ullah Computer Operator of this office to the concerned clerk.

All these employees under enquiry were asked to appear before the enquiry officer from 24<sup>th</sup> to 28<sup>th</sup> March vide this office letter No.375-76 dated 16-03-09 through DMS Human Resource of this Hospital.

**(Letter already attached as Annexure- B)**

05 days time given for personal appearance was due to the fact that these new requirements did not attend their duties since their appointment and even then only 12 out of 23 appeared. The rest either not available as usual or abstained from appearing before the enquiry officer for reason best known to them.

The following had personal appearance:-

- |   |                |
|---|----------------|
| 1. Muhammad Shafiq S/O Qazi Muhammad Ishfaq | Fire Man       |
| 2. Akhlaq Ahmad S/O Mushitaq Ahmad          | W/A            |
| 3. Muhammad Irfan S/O Muhammad Nawaz        | W/A            |
| 4. Muhammad Bilal S/O Rab Nawaz             | W/A            |
| 5. Bashir S/O Muhammad Nawaz                | W/A            |
| 6. Muhammad Ali S/O Rashid Ahmad            | W/A            |
| 7. Najeeb Ullah S/O Hameed Ullah            | J/C            |
| 8. Shah Nawaz S/O Haq Nawaz                 | Cleaner        |
| 9. Faheem S/O Yasin                         | W/A            |
| 10. Muhammad Kamran S/O Allah Nawaz         | M&R Technician |
| 11. Muhammad Anwar S/O Rab Nawaz            | T/Operator     |
| 12. Muhammad Mehran S/O Muhammad Younes     | M&R Technician |

Findings/observations

1. Staff drawing salaries against the above posts versus sanctioned strength given in the following table.

Category	No. of Posts drawing pay in October 08	No. of Posts drawing pay in November 08	Sanctioned Posts before Oct,08	Posts Sanctioned During Oct,08	Total Posts as per Budget Book	Excess drawl	Short drawl	Remarks
Ward Attendant	70	78	65	8	73	5	-	-
Chowkidar	15	16	20	1	21	-	5	-
Cleaner/ Sweeper	29	31	40	-	40	-	9	-
Telephone Operator	1	4	5	-	5	-	-	-
Fireman	-	1	1	-	1	-	-	-
Gen : Operators	-	1	1	-	1	-	-	-
J/Clerk	5	6	6	-	4	2	-	2 Posts of J/Clerk are sanctioned vide Finance Dept: No. BOVI/FD/4-64/005/MMT dated 17-08-2007 but not reflected in Budget Book 2008-09.
Civil Tech:	-	2	-	2	2	-	-	-
Dai	17	22	20	2	22	-	-	-

2. Employment exchange

Employment exchange was requested by then Medical Superintendent Mufti Mehmood Memorial Teaching Hospital DIKhan who is signatory to the appointment orders, to send eligible candidates for appointments in Mufti Mehmood Memorial Teaching Hospital DIKhan for vacancies against Class-IV.

Copy attached for ready reference.

(Annexure-E)

(25)

- No categories and other scales mentioned in the letter.
- No date for Interview/Selection was intimated to the Manager Employment Exchange.
- The Manager Employment Exchange provided 02 lists (09 + 14) of candidates (Hand Written) vide his office No. EE/DIK/Appt/127 dated 06-10-2008.

Copy of the letter from Manager Employment Exchange attached for ready Reference.

(Annexure-F)

- The registration numbers issued by employment exchange are in the same consecutive order.
- Also there is duplication of registration Nos. as noted from the employment Registration Cards e.g. registration No 15/W/08 dated 08/09/08 for Rukhsana Bibi wife of Muhammad Shaker and the same registration No 15/W/08 dated 13/09/08 for Rukhsana Begum Wife of Maqsood Anwar. Similarly registration No 99/0/08 dated 08/09/08 for Shah Nawaz S/O Haq Nawaz and the same registration No. 99/0/08 dated 08/09/08 for Sajid S/O Sadiq Ali. Also the registration numbers in the hand written list provided by Manager Employment Exchange do not tally with the registration numbers of the registration cards in the above mentioned cases.

So all this raises questions about the entries made in Employment Exchange Registration Cards and the lists provided by Manager Employment Exchange. Copies of the lists along with the above noted Registration Cards for ready reference.

(Annexure-G)

### 3- Appointments Orders:-

The appointments orders are deficient regarding the following prescribed Government criteria.

- The appointments made are without formal advertisement.
- No selection committee duly approved was constituted for the purpose.
- No approval has been sought from Director General Health Services NWFP Peshawar for the selected candidates.
- All these appointees, having received their salaries from 01-11-2008 to Feb/2009, have not attended their duties (Except one Mr. Muhammad Kamran M&R Technician ), and are not on the roll call of DMS Human Resource as he was not informed formally about these appointments.
- The appointments are made on 25-10-2008 and all of these employees have submitted their arrival for duty on the same day i.e. 01-11-2008.
- The diary Nos. shown on the appointment orders do not tally with dairy/dispatch record of this office. This office dairy/dispatch register record shows no diary No for 25-10-2008.
- Most of the appointment orders are attached with recommendations from MPA's and Minister Health NWFP, even some having both. Looking at some of these recommendations, creates doubts in one's mind because it seems that a single recommended application by Minister Health has been tactfully photo copied for a number of applicants probably.

Two such applications recommended by Minister Health NWFP for ready reference.

(Annexure-H)

(26)



Conclusion/Recommendation

All though, the appointments have been made without observing codal/legal formalities before making appointments/filling of these posts, all these new recruitments have drawn their salaries from the Government exchequer from 01-11-2008 onwards for four consecutive months up till February 2009. So these appointments made may be legalized through formal approval from Director General Health Services NWFP Peshawar or otherwise.



*Enquiry Officer*  
**Dr. Muhammad Arif Ullah**  
**DMS (Admin) MMM Teaching Hospital**  
**Dera Ismail Khan**

## Notice Board

<i>S.No</i>	<i>Name</i>	<i>Designation</i>	<i>BPS</i>	<i>Personal No.</i>
1.	Muhammad Kamran	M&R Technician	09	00429261
2.	Muhammad Mehran	M&R Technician	09	00429264
3.	Najeeb Ullah	Junior Clerk	07	00429251
4.	Muhammad Anwar	Telephone Operator	06	00433203
5.	Sajid Khan	Generator Operator	05	00433201
6.	Muhammad Shafiq	Fire Man	01	00429257
7.	Farida Bibi	Dai	02	00433202
8.	Sajida Bibi	Dai	02	00429253
9.	Tasleem Bibi	Dai	02	00429254
10.	Rukhsana Begum	Dai	02	00429256
11.	Rukhsana Bibi	Dai	02	00429255
12.	Abdur Rashid	Chowkidar	01	00433369
13.	Yousef Hayyat	Ward Attendant	01	00429265
14.	Muhammad Imran	Ward Attendant	01	00429260
15.	Muhammad Anwar	Ward Attendant	01	00429262
16.	Muhammad Bilal	Ward Attendant	01	00429258
17.	Muhammad Faheem	Ward Attendant	01	00429252
18.	Muhammad Ali	Ward Attendant	01	00431092
19.	Muhammad Irfan	Ward Attendant	01	00429243
20.	Muhammad Sajid	Cleaner	01	00431094
21.	Shah Nawaz	Cleaner	01	00431093
22.	Bashir	Ward Attendant	01	00429259
23.	Ikhlaq Ahmad	Ward Attendant	01	00429266

You are directed to appear before the Dr. Muhammad Arif Ullah DMS Admn MMM Teaching Hospital Enquiry Officer, and submit service books and other related record to this office with in one weak time.

*Medical Superintendent*  
*MMM Teaching Hospital*  
*Dera Ismail Khan*

CC:-

1. Dr. Muhammad Arif Ullah Enquiry Officer/DMS Admn MMM Teaching Hospital for information and necessary action.

*Medical Superintendent*  
*MMM Teaching Hospital*  
*Dera Ismail Khan*

(28)

# اطلاع

درج ذیل سٹاف کو اطلاع دی جاتی ہے کہ وہ 15 روز کے اندر اپنے تمام متعلقہ ریکارڈ بشمول سروس بک، شناختی کارڈ، جملہ دستاویزات لے کر دفتر ڈی ایم ایس ایڈمن برائے انکوائری حاضر ہوں۔

سیریل نمبر	نام	عہدہ	پوسٹل نمبر
1	محمد کامران	ایم ایڈ آر ٹیکنیشن	00429261
2	محمد مہران	ایم ایڈ آر ٹیکنیشن	00429264
3	نجیب اللہ	جوئیر کلرک	00429251
4	محمد انور خان	ٹیلی فون آپریٹر	00433203
5	ساجد خان	جزیئر آپریٹر	00433201
6	محمد شفیق	فائر مین	00429257
7	فریدہ	دائی	00433202
8	ساجدہ بی بی	دائی	00429253
9	تسلیم بی بی	دائی	00429254
10	رخسانہ بیگم	دائی	00429256
11	رخسانہ بی بی	دائی	00429255
12	عبدالرشید	چوکیدار	00433369
13	یوسف حیات	وارڈ اینڈنٹ	00429265
14	محمد عمران	وارڈ اینڈنٹ	00429260
15	محمد انور	وارڈ اینڈنٹ	00429262
16	محمد بلال	وارڈ اینڈنٹ	00429258
17	محمد فہیم	وارڈ اینڈنٹ	00429252
18	محمد علی	وارڈ اینڈنٹ	00431092
19	محمد عرفان	وارڈ اینڈنٹ	00429263
20	محمد ساجد	کلینر	00431094
21	شاہنواز	کلینر	00431093
22	بشیر	وارڈ اینڈنٹ	00429259
23	اخلاق احمد	وارڈ اینڈنٹ	00429266

سید

ڈاکٹر محمد عارف اللہ

ڈپٹی میڈیکل سپرنٹنڈنٹ

(29)

**Para No. 12**

**Fictitious and irregular pay Rs. 525960/- due to irregular appointment**

Appointment process of class IV was not according to Government of NWFP appointment Policy. While going through the security of the accounts record of the Medical Superintendent MMM Teaching Hospital DIKhan for the year 2007-2008, it was noticed during the physical verification on Service Books of official that the appointment process adopted during 2005-2008, was not transparent and according to the rules.

Pay of Rs.-525965 made to the official worked out as a test check seems to be irregular. (II) All Medical Certificate were doubtful, the signature of the MS seems to be signed by and expert one Signature of the then Medical Superintendent needed to be confirmed.

(II) There are also differences in the rates i.e. arrival and Medical Certificate as well as appointment order date.

(III) Some of the official were allowed monthly pay regularly but it was observed that they were habitual absent.

(IV) In some cases appointment order issued on one date i.e. of 01-11-2005. While the MC done after one month of the appointment order i.e. 28-11-2005 and arrival given on the same dated i.e. 01-11-2005. Audit opines that the process of the appointment was not transparent. The conducted in the appointment cases.

The matter is brought onto the notice of higher ups fro investigation and to probe into the matter.

S No

Form No

Name

Father Address

DIRECTORATE GENERAL HEALTH SERVICES N.W.F.P., PESHAWAR

NO. 15314-413 /E-I

Dated: 22.04.2009.

To

All the sub-offices of the Health Directorate NWFP, Peshawar.

Subject:- ABSENCE OF DOCTORS OTHER HEALTH EMPLOYEES FROM THEIR PLACE OF DUTY.

Memo:

It has been observed that many doctors/other Health employees absent themselves from duty without getting proper leave or prior permission from their controlling officer.

On absentsing from duty a Govt: servant renders himself liable to be proceeded against.

It is the duty of the immediate controlling officer to report the absence of Health employees to the higher authority at the earliest. The failure to do so amounts to misconduct on the part of immediate controlling officer.

To remedy the situation it is desired that in case of absence of Health employees their controlling officer should take the following steps before submitting the case to this Directorate:-

- ① In the first instance the pay of the absent Govt: employee should be stopped forthwith.
- ② The respective EDO(P)/MS of the Health facility should serve an absence notice on the absent Govt: servant at his home address through Registered letter asking him to report for duty at his place of posting within 14 days.
- ③ After the expiry of stipulated period, if no response is received, a similar exercise should be made with the same directions.

After the expiry of IInd stipulated period in case of non-compliance, a detailed report alongwith background of the case with proper recommendations be furnished to this Directorate so that disciplinary action may be recommended to Govt: against the absent Govt: servant after completing other codal formalities in this regard.

You are directed that the above instruction must be followed in letter and spirit.

DR. FAZAL MEEMOOD  
DIRECTOR GENERAL HEALTH  
SERVICES, NWFP, PESHAWAR.

NO.

/E-I,

Copy forwarded to the PS to Secretary to Govt: of NWFP Health Department, Peshawar, for information.

DR. FAZAL MEEMOOD  
DIRECTOR GENERAL HEALTH  
SERVICES, NWFP, PESHAWAR.

Noted  
13/5/09

2/11/15

DIRECTORATE GENERAL HEALTH  
SERVICES, NWFP, PESHAWAR.

NO. 1508 /Personnel

Date: 31/3/2010

To: The Medical Superintendent  
MMM Teaching Hospital, D I Khan.

Subject: SERVICE APPEAL NO. 1197/2009 ETC.

Reference your letter No. 3485/ dated 20.1.2010 on the subject noted above.

The appeals for the reinstatement into Govt Service in respect of the following ex-employees working under your control are hereby rejected:-

- 1). Muhammad Kamran Saleem, M&R Tech(BPS-9)
- 2). Muhammad Shafiq, Fire Man
- 3). Najeeb Ullah, J.Clerk
- 4). Tasleem Bibi, Dai
- 5). Muhammad Bilal, Ward Attendant.
- 6). Muhammad Imran, Ward Attendant.
- 7). Ikhlā Ahmad, Ward Attendant.
- 8). Muhammad Irfan, Ward Attendant.
- 9). Muhammad Anwar, Ward Attendant.
- 10). Shah Nawaz, Cleaner.
- 11). Bashir, Ward Attendant.
- 12). Abdur Rashid, Chowkidar.
- 13). Muhammad Mehran, M&RTech
- 14). Rukhsana Bibi, Dai
- 15). Rukhsana Begum, Dai.
- 16). Muhammad Ali, Ward Attendant.
- 17). Farida Bibi, Dai.
- 18). Muhammad Fahim, Ward Attendant.
- 19). Yousaf Hayat, Ward Attendant.
- 20). Sajida Bibi, Dai.
- 21). Muhamad Sajid, Cleaner
- 22). Sajid Khan, Generator Operator.
- 23). Muhammad Anwar, Telephone Operator.

The posts will, however, not be filled till the appeal period is completed. The above ex-officials may please be informed accordingly.

(DR. FAZAL MAHMOOD)  
DIRECTOR GENERAL HEALTH  
SERVICES, NWFP, PESHAWAR.

(31)

Office of the Medical Superintendent MMM Teaching Hospital  
Dera Ismail Khan

Office Order:-

Reference Director General Health Services NWFP Peshawar office letter No. 3786/Personal dated 15-05-2009.

The following employees of this Hospital recruited on 25-10-2008, without observing codal/legal formalities before making appointments, are hereby terminated w.e.f. their date of positing on 25-10-2008.

S.No	Name	B PS	Designation	Personal No	Reason for Termination	Specific Deficiency
1.	Muhammad Kamran	09	Civil M&R Technician	00429261	Codal formalities for recruitment not followed i. No Advertisement in local or National Daily News Papers. ii. No Selection Committee constituted for the purpose. iii. No Interview/written/skill tests iv. No NOC obtained from DCO DIKhan for adjustment of Surplus -Pool staff. v. No formal approval from competent authority (DGHS) vi. MS Having no power of recruitment for BPS-1 to 15. vii. No power of recruitment through employment exchange for BPS- 1 to 4 till 03-11-2008. viii. Having No service record till March 2009.	Posted as Electrical M&R Technician (No such Post exists) while the approved post is of Civil M&R Technician.
2.	Muhammad Mehran	09	M&R Technician	00429264	Do	Do
3.	Najeeb - Ullah	07	Junior Clerk	00429251	Do	No practical Experience
4.	Muhammad Anwar	05	Telephone Operator	00433203	Do	Do

(20)



	Sajid Khan	05	Generator Operator	00433201	Do	
6.	Muhammad Shafiq	01	Fire Man	00429257	Do	
7.	Farida Bibi	02	Dai	004333202	Do	i. No approval for Dai Training. ii. Having no course completion certificate. iii. No qualification Certificate from Prov. Asstt. Director Public Health. iv. Having No result sheet from Prov. Asstt. Director Public Health.
8.	Sajida Bibi	02	Dai	00429253	Do	Do
9.	Tasleem Bibi	02	Dai	00429254	Do	Do
10.	Rukhsana Begum	02	Dai	00429256	Do	Do
11.	Rukhsana Bibi	02	Dai	00429255	Do	Do
12.	Abdur Rasheed	01	Chowkidar	00433369	Do	
13.	Yousef Hayyat	01	Ward Attendant	00429265	Do	
14.	Muhammad Imran	01	Ward Attendant	00429260	Do	
15.	Muhammad Anwar	01	Ward Attendant	00429262	Do	

	Muhammad Bilal	01	Ward Attendant	00429258	Do	--
17.	Muhammad Faheem	01	Ward Attendant	00429252	Do	--
18.	Muhammad Ali	01	Ward Attendant	00431092	Do	--
19.	Muhammad Irfan	01	Ward Attendant	00429263	Do	--
20.	Muhammad Sajid	01	Cleaner	00431094	Do	--
21.	Shah Nawaz	01	Cleaner	00431093	Do	--
22.	Bashir	01	Ward Attendant	00429259	Do	--
23.	Ikhtlaq Ahmad	01	Ward Attendant	00429266	Do	--

8757-9  
*Medical Superintendent*  
*MMM Teaching Hospital*  
*Dera Ismail Khan*

No. 1605-3018-1 Dated 08-06-09  
 CC: -

1. Director General Health Services NWFP Peshawar for information with reference to his office letter No cited above.
2. District Accounts Office DIKhan for information and necessary action.
3. Deputy Medical Superintendent Admn/Human Resources of this Hospital with reference to enquiry office No. 649/DMS/E-9 dated 11-04-2009.
4. All employees concerned with the remarks to deposit the salaries received by them up till now to the Government Treasury immediately.

*Medical Superintendent*  
*MMM Teaching Hospital*  
*Dera Ismail Khan*

(22)



DIRECTORATE GENERAL HEALTH SERVICES NWFP PESHAWAR  
 NO. 3786 /Personnel  
 Date: 15 /05/2009.

10

✓ The Medical Superintendent,  
 MMM Teaching Hospital  
 D.I Khan.

14347  
 876/9

Subject: ILLEGAL APPOINTMENTS AT MMM TEACHING HOSPITAL D.I KHAN.

Memo:

Reference your letter No. 760 dated 18-04-2009, on the subject noted above.

Please inform this Directorate that under which rules you have submitted the case of employees appointed illegally for regularization to this Directorate.

If the appointments are made without fulfilling the codel formalities, you should scrutinize the each case in eyes of law and issue the termination orders to these individuals and also fix the responsibility on the officer who performed this illegal appointment.

You should complete all the procedure within one week.

*[Signature]*  
 DIRECTOR GENERAL HEALTH SERVICES, NWFP, PESHAWAR

Miscent

*[Handwritten initials and date]*  
 26/5



*[Handwritten signature]*  
 (18)

1st Reminder



M.S. MINISTRY, IHE.  
Diary No. 888  
Date: 22/06/08

DIRECTORATE GENERAL HEALTH  
SERVICES NWFP PESHAWAR  
NO. 3912 Personnel  
Date: 22 05 2009.

To

✓  
The Medical Superintendent,  
MMM Teaching Hospital D.I Khan

Subject:

ILLEGAL APPOINTMENTS/DIRECTIVE OF HEALTH  
MINISTER NWFP PESHAWAR.

Memo:

Please refer to this Directorate letter No. 3786 Personnel dated 15 5 2009.  
on the subject noted above, and expedite the case by fixing responsibility on the officer  
who has appointed these official illegally, as per directive of the Honourable Minister for  
Health NWFP.

~~See~~ DIRECTOR GENERAL HEALTH  
SERVICES, NWFP, PESHAWAR

*Handwritten notes:*  
C.M. Sa  
2/6/08

(19)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT PESHAWAR

NOTIFICATION

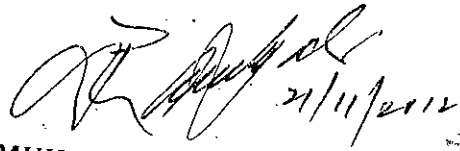
Dated 16.11.2012

No. SOB-I/HD/INQUIRY (AP-135)/2009-10: In light of three Enquiry reports conducted by Provincial Inspection Team, Director General Health Services and Medical Superintendent MMM Teaching D.I.Khan), Dr.Abdul Hameed Afridi, Ex-Medical Superintendent, MMM Teaching Hospital D.I.Khan was responsible for the loss of Rs.280,000/-. He has been retired from the Public Health School, Hayatabad Peshawar with effect from 9.9.2009. The competent authority is pleased to order that the Accountant General, Khyber Pakhtunkhwa Peshawar shall stop monthly pension (PPO No.50233) of Dr.Abdul Hameed Afridi till completion of the recovery

Secretary Health Khyber Pakhtunkhwa

Endorsement of even No. & date

1. The Accountant General Pakistan Revenue, Islamabad
2. The Accountant General, Khyber Pakhtunkhwa Peshawar
3. The Director General Health Services, Peshawar.
4. The Medical Superintendent MMM Teaching Hospital DIKhan
5. The Planning Officer-III Health Department w/r to their letter N.3-189/SPO-I/P&D/ Health/ 2012-13, dated 26.9.2012
6. Dr.Abdul Hameed Afridi Village Maira Kachori Pandu Road, Peshawar.
7. PS to Secretary Health.
8. PS to Special Secretary Health

  
(MUHAMMAD ZAKIR)  
SECTION OFFICER (BUDGET-I)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 861/2010

Date of institution ... 28.4.2010.  
Date of judgment ... 05.1.2012.



M. Kamran Saleem, Ex-M&R Tech:  
MMT Hospital, D.I.Khan.

... (Appellant)

VERSUS

1. The Secretary Health Department NWFP (KPK), Peshawar.
2. The Director General Health Services NWFP(KPK), Peshawar.
3. The Medical Superintendent Mufti Mehmood Hospital, D.I.Khan.
4. The Distt: Accounts Officer, D.I.Khan.
5. The Chief Executive, Mufti Mehmood Teaching Hospital, D.I.Khan. (Respondents)

APPEAL U/S 4 OF THE NWFP(KPK) SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ILLEGAL TERMINATION ORDER DATED 8.6.09  
WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM  
SERVICE WITHOUT FOLLOWING PROPER PROCEDURE AND  
AGAINST THE FINAL REJECTION ORDER DATED 31.3.10 PASSED ON  
THE DIRECTION OF THE HON'BLE SERVICE TRIBUNAL.

Mr. Muhammad Asif Yousafzai,  
Advocate.  
Mr. Sherafgan Khattak, AAG

For appellant

For respondents.

Mr. Qalandar Ali Khan  
Mr. Sultan Mehmood Khattak.

Chairman  
Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:-

This single judgment shall also dispose of the connected appeals, listed separately in the list annexed to this judgment, because similar questions have been raised for determination in all these appeals.

2. The appellant in this appeal as well as appellants in the connected appeals, mentioned above, were appointed on various posts i.e. M&R Technician/Junior Clerk/Ward Attendant/Cleaner/Dai/Fireman, respectively, in Mufti Mehmood Teaching Hospital, D.I.Khan by the Medical Superintendent, MMM Teaching Hospital, D.I.Khan (Respondent No.3) vide his separate orders dated 25.10.2008. After their appointment, the appellants got themselves medically examined and submitted their arrival reports; but vide memo. dated 11.3.2009, the M.S. (Respondent No.3) requested the District Accounts

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

and appellants are reinstated for the purpose of proper departmental proceedings, without any order with regard to back benefits, with direction to the respondent-department to proceed afresh in the case in accordance with law and also provide opportunity of showing cause/hearing before passing any order detrimental to the interest of the appellants. There shall, however, be no order as to costs.

ANNOUNCED  
05.4.2012

(SULTAN MEHMOOD KHATTAK)  
MEMBER

(QALANDAR ALI KHAN)  
CHAIRMAN

Certified to be true copy

MEMBER  
Khayes Ahmad Khan  
Service Tribunal,  
Peshawar

Date of Presentation of Application 10.4.2012  
Number of Words 2800  
Copying Fee 16  
Urgent 2  
Total 18  
Name of Copyist [Signature]  
Date of Completion of Copy 10.4.2012  
Date of Delivery of Copy 10.4.2012



0966-747067  
0966-747151-53  
0966-747154

Office of the  
Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

**OFFICE ORDER:-**

Reference Honorable Court of Service Tribunal Khyber Pakhtunkhwa Peshawar vide their judgment in service Appeal No. 861/2010 & other announced on 05-04-2012.

The following Appellants are re-instated for the purpose of departmental proceedings without any orders with regard to back benefits with immediate effect.

S.No	Name	Father's Name	Designation
1	Mr. Kamran Saleem	Allah Nawaz Saleem	M&R Technician (Electrical) (BPS-09)
2	Mr. Mohammad Mehran	Muhammad Younas	M&R Technician (Electrical) (BPS-09)
3	Mr. Najeeb Ullah	Hameed Ullah	Junior Clerk (BPS-07)
4	Mr. Shah Nawaz	Haq Nawaz	Cleaner (BPS-01)
5	Mr. Bashir	Muhammad Nawaz	Ward Attendant (BPS- 02)
6	Mr. Mohammad Imran	Malik Siraj-u-Din	Ward Attendant (BPS- 02)
7	Mr. Yousef Hayat	Abdul Aziz	Ward Attendant (BPS- 02)
8	Miss Rukhsana Bibi	W/O Muhammad Shakir	Dai (BPS- 02)
9	Mr. Mohammad Faheem	Ghulam Yasin	Ward Attendant (BPS- 02)
10	Mr. Mohammad Bilal	Rabnawaz	Ward Attendant (BPS- 02)
11	Mr. Mohammad Sajid	Muhammad Sadiq	Cleaner (BPS-01)
12	Mr. Mohammad Shafiq	Qazi Muhammad Ishaq	Fire Man (BPS-01)



No	Name	Father's Name	Designation
13	Miss Rukhsana Begum	W/O Maqsood Anwar	Dai (BPS- 02)
14	Miss. Farida Bibi	Dilawar Khan	Dai (BPS- 02)
15	Miss Sajida Bibi	Faiz Ullah	Dai (BPS- 02)
16	Miss Tasleem Bibi	W/O Muhammad Saleem	Dai (BPS- 02)
17	Mr. Mohammad Irfan	Muhammad Nawaz	Ward Attendant (BPS- 02)
18	Mr. Mohammad Ali	Rasheed Ali	Ward Attendant (BPS- 02)
19	Abdur Rashid	Ameer Muhammad	Chowkidar (BPS-01)
20	Muhammad Anwar Khan	Rab Nawaz Khan	Telephone Operator (BPS-07)

o/v

Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

*[Signature]*  
29/11/12

No. 8326-49/11/2012 /Litt: Dated DIKhan the 29/11/2012

**Copy forwarded to the:**

1. Director General Health Services Khyber Pakhtunkhwa Peshawar, with reference to their letter No. 5614/P dated 30-08-2012.
2. Chief Executive/Principal Gomal Medical College DIKhan, with reference to their letter No. 4233-35/Esstt/PF dated 28-11-2012.
3. PS to Secretary Health Government of Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer DIKhan.
5. Accountant MMM Teaching Hospital DIKhan.
6. All concerned.

(For information and necessary action please)

o/v

Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

*[Signature]*  
29/11/12



DIRECTORATE GENERAL HEALTH  
SERVICES, GOVT: OF KHYBER  
PAKHUNKHWA, PESHAWAR.  
NO \_\_\_\_\_ /Personnel  
DATED 30 /08/2012.

To,

The Secretary to Govt: of Khyber Pukhtunkhwa  
Health Department Peshawar.

Subject:

**ENQUIRY REPORT/ RECOMMENDATIONS IN SERVICE APPEAL  
NO. 861-8679/2010, TILTED AS MR. KAMRAN SALEEM V/S  
GOVT: OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT  
PESHAWAR & OTHERS.**

Dear Sir,

Kindly refer to the Chief Executive /Principal DHQ/MMM Teaching  
Hospital/GMC D.I Khan letter No. 2992/Estt/DGSH dated 03.08.2012, which is self  
explanatory for further necessary action.

Advise with regard to filing <sup>of an</sup> appeal against the judgment of the Service  
Tribunal is solicited please.

Yours faithfully,

**DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR**

No. 5614-15 /Personnel

Copy forwarded to the:

1. Assistant Director (Litigation) DGHS, KPK Peshawar.
2. Chief Executive DHQ/MMM Teaching Hospital/ GMC D.I Khan for necessary  
action being competent authority.

For Information.

**DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR**

Hafiz S.M All Shah

*Noted*

*27/8/12*

**MOST IMMEDIATE  
COURT MATTER.**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT

No. SOH(Lit-II) 13-913/2010  
Dated Peshawar 20/06/2012

To

The Director General, Health Services,  
Khyber Pakhtunkhwa, Peshawar.

Subject:

**Service Appeal No. 861/201 – Mr. Kamran Saleem & 19 others  
VERSUS Govt: of Khyber Pakhtunkhwa Health Deptt: &  
Others.**

I am directed to refer to the subject noted above and to state that the said case has been decided in favour of the appellant. The Administrative Department approached the Law Department for filing CPLA before the Supreme Court of Pakistan but, the Committee decided in its meeting that the case is unfit for filing CPLA before the Supreme Court of Pakistan.

In this connection, a letter has been received from the office of the Medical Superintendent, Mufti Mehmood Memorial Hospital, D.I.Khan, requesting for further advice (Copy Annexed).

It is, therefore, requested to please constitute a Committee to scrutinize replacement on case to case basis and submit report to this Department within three (3) days positively.

Encl: As Above

Endst: No & date even:

Copy of the above is forwarded to the PS to the Secretary to Govt: of Khyber Pakhtunkhwa Health Department.

(Aurang Zeb Awan)  
Section Officer (Lit-II)

Section Officer (Lit-II)

*Handwritten notes and signatures:*  
21/6  
21/12  
21/06  
21/12

**Brief History of the Appeal No. 361-879/2010 titled as  
Kamran Saleem V/S Government of Khyber Pakhtunkhwa Peshawar.**

1. 23 candidates were recruited on Contract Basis against different posts (BPS- 01 to 09) at Mufti Mehmood Memorial Teaching Hospital Dikhan, violating the rules, and without observing codal formalities in year 2008, against vacant posts with following irregularities;

Copy of appointment orders attached as;

Annexure-I

- (i) Recruitment of 05 number Dai's was made against the fake certificates.  
Verification letter, from DGHS Peshawar attached as; Annexure-II
- (ii) No sanctioned post of M&R (Electrical) existed at the time of recruitment. (Ex-Cadre recruitment). Copy of SNE attached as; Annexure-III
- (iii) Over and above recruitments against sanctioned posts of Ward Attendants (Total Sanctioned Posts 73, Total Recruited 80).  
Copy of sanctioned posts & drawl is attached as; Annexure-IV-V
- (iv) No advertisement/no selection committee/no interview/written/skill tests.
- (v) No formal approval from the competent authority.
- (vi) No NOC from District Government.

2. (i) The officials were recruited purely on Contract Basis with the condition that their services will be liable to termination any time without giving any notice or assigning any reason.

- (ii) They were on probation period.
- (iii) All the staff (except one) were absent from their duties.
- (iv) No record pertaining to their appointments was available in the office.
- (v) Only 12 out of 23 appeared in person before the enquiry officer.

*SDG*  
*Mr. Asif Ali Health*  
*to constitute a committee*  
*and conduct enquiry*  
*in case of case 6*

3. The Detail of the concerned recruited officials is as under:

*Ms 20/5*

S.No	Name	Recruited as	Remarks
1	Mr. Kamran Saleem	M&R Technician (Electrical) BPS-09	No Sanctioned Post
2	Mr. Mohammad Mehran	M&R Technician (Electrical) BPS-09	No Sanctioned Post
3	Mr. Najeeb Ullah	Junior Clerk BPS-07	No codal formalities for recruitment observed
4	Mr. Ikhlaq Ahmad	Ward Attendant BPS02	*No codal formalities for recruitment observed. *Over & Above Recruitment against sanctioned strength.
5	Mr. Shah Nawaz	Cleaner BPS01	No codal formalities for recruitment observed
6	Mr. Bashir	Ward Attendant BPS- 02	*No codal formalities for recruitment observed.
7	Mr. Mohammad Imran		*Over & Above Recruitment against sanctioned strength.
8	Mr. Yousef Hayat		
9	Miss Rukhmana Bibi	Dai	Recruited against fake certificates.
10	Mr. Mohammed Faheem.	Ward Attendant BPS- 02	*No codal formalities for recruitment observed.
11	Mr. Mohammad Bilal		*Over & Above Recruitment against sanctioned strength.

S. #	Name	Recruited as	Remarks
12	Mr. Mohammad Sajid	Cleaner BPS-01	No codal formalities for recruitment observed
13	Mr. Mohammad Shafiq	Fire Man BPS-01	
14	Miss Rukhsana Begum	Dai BPS-02	Recruited against fake certificates.
15	Miss. Farida Bibi		
16	Miss Sajida Bibi		
17	Miss Tasleem Bibi		
18	Mr. Mohammad Irfan	Ward Attendant BPS-02	*No codal formalities for recruitment observed. *Over & Above Recruitment against sanctioned strength.
19	Mr. Mohammad Ali		
20	Mohammad Anwar		
21	Sajid Khan	Generator Operator BPS-01	No codal formalities for recruitment observed
22	Abdur Rashid	Chowkidar BPS-01	
23	Muhammad Anwar Khan	Telephone Operator BPS-07	

4. The irregularity was observed by the Audit Party which was properly communicated to the DGHS Khyber Pakhtunkhwa Peshawar.

5. 02 different enquires were conducted. Copy attached as; **Annexure-VI**

6. The termination orders were issued by this office under the directives of DGHS Khyber Pakhtunkhwa Peshawar. Copies attached as; **Annexure-VII-VIII-IX**

7. Departmental Appeal was rejected by DGHS Khyber Pakhtunkhwa Peshawar. Copy attached as; **Annexure-X**


8. The 20 terminated officials field an Appeal at Honorable Court of Service Tribunal Khyber Pakhtunkhwa against Health Department.

9. Joint Parawise comments, favoring the Government Plea, properly vetted by Public Prosecutor Service Tribunal Khyber Pakhtunkhwa were submitted in each and every case.

10. The Honorable Court of Service Tribunal Ruled that "The Appellants are re-instated for the purpose of proper Departmental proceedings, without any order with regard to back benefits, with direction the Respondent-Department to proceed afresh in the case in accordance with Law and also provide opportunity of showing cause/hearing before passing any order detrimental to the interest of the Appellants".

11. The existing position of the relevant posts is attached as; **Annexure-XI.**

Submitted for ready reference please.

  
**Medical Superintendent**  
**Mufti Mehmood Memorial Teaching Hospital**  
**Dera Ismail Khan**

**OFFICE OF THE PRINCIPAL GOMAL MEDICAL COLLEGE  
DERA ISMAIL KHAN**



No. 2937-41 /Estt:/MMMTH Dated DIKhan the 26 10 2012

Tel: Phone No. 9280338-39- 41 Fax# 9280340 Email: [gmc.principal@yahoo.com](mailto:gmc.principal@yahoo.com)

**OFFICE ORDER**

With reference to Health Directorate Khyber Pakhtunkhwa Peshawar office order No.4650/Personnel dated 11/07/2012, the enquiry committee comprising the following officers is hereby constituted with the direction to enquire the case as mentioned in above quoted referred letter and probe into the matter as per requirement i.e. replacement on case to case basis. The enquiry report must submit within three days positively for onward submission to high ups. All the relevant letters/documents are enclosed for guidance:

1. Professor Dr. Fidaullah
2. Professor Dr. Fazal-ur-Rehman
3. Dr. Arifullah DMS MMM Teaching Hospital DIKhan

*Chief Executive / Principal  
DHQ /MMM Teaching Hospital /  
Principal Gomal Medical College  
Dera Ismail Khan*

Cc:

1. The Director General Health Services Khyber Pakhtunkhwa Peshawar
2. Prof: Dr. Fidaullah Wazir Head of Anatomy Department
3. Prof: Dr. Fazal-Ur- Rehman Head of Paeds Department
4. The Medical Superintendent MMM Teaching Hospital DIKhan
5. Dr. Arifullah DMS MMM Teaching Hospital DIKhan .

*Chief Executive / Principal  
DHQ /MMM Teaching Hospital /  
Principal Gomal Medical College  
Dera Ismail Khan*

*DMS (Admin)  
for compliance*

*28/7/12*

*Noted  
31/7*

*IN file*

**OFFICE OF THE CHIEF EXECUTIVE/PRINCIPAL GOMAL MEDICAL COLLEGE  
DERA ISMAIL KHAN**

No. 299 /Estt/DGHS Dated: DIKhan the 03/08/2012

Tel: Phone No: 9280338-41 Fax #: 9280340 Email: gmc.principal@yahoo.com

To,

The Director General,  
Health Services, Khyber Pakhtunkhwa,  
Peshawar

Subject:


**Enquiry Report/Recommendations in Service Appeal No. 861-8679/2010,  
tilted as Mr. Kamran Saleem V/S Government of Khyber Pakhtunkhwa  
Health Department, Peshawar & Others.**

Sir,

Please reference to your office order No. 4650/Personnel Dated 11-07-2012, the detail enquiry report along with its recommendation is herewith submitted for your information and onward submission to the quarter concern.

Submitted for information and further necessary action please.

Enclosures = (65 pages)

  
Chief Executive/Principal  
DHQ/MMM Teaching Hospital/  
Principal Gomal Medical College  
Dera Ismail Khan

**Brief History, Observations & Recommendations of the  
Service Appeal No. 861-879/2010 titled as Mr. Kamran Saleem  
V/S Government of Khyber Pakhtunkhwa,  
Health Department, Peshawar & Others.**

1. 23 candidates were recruited on Contract Basis against different posts (BPS- 01 to 09) at Mufti Mehmood Memorial Teaching Hospital DIKhan, violating the rules, and without observing codal formalities in year 2008, against vacant posts with the following irregularities; Copy of appointment orders attached as; **Annexure-I**

- (i) Recruitment of 05 number Dai's was made against the fake certificates. Verification letter, from DGHS Peshawar attached as; **Annexure-II**
- (ii) No sanctioned post of M&R (Electrical) existed at the time of recruitment. (Ex-Cadre recruitment). Copy of SNE attached as; **Annexure-III**
- (iii) Over and above recruitments against sanctioned posts of Ward Attendants (Total Sanctioned Posts 73, Total Recruited 80). Copy of the budget book and scale audit register is attached as; **Annexure-IV-V**
- (iv) No advertisement/no selection committee/no interview/written/skill tests.
- (v) No formal approval from the competent authority.
- (vi) No NOC from District Government.

2. (i) The officials were recruited purely on Contract Basis with the condition that their services will be liable to termination any time without giving any notice or assigning any reason.

- (ii) They were on probation period.
- (iii) All the staff (except one) did not attend their duties and were absent.
- (iv) No record pertaining to their appointments was available in MS office.
- (v) Only 12 out of 23 appeared in person before the enquiry officer.

3. The Detail of the concerned recruited officials is as under:

S.No	Name	Recruited as	Remarks
1	Mr. Kamran Saleem	M&R Technician (Electrical) BPS-09	No Sanctioned Post available.
2	Mr. Mohammad Mehran		
3	Mr. Najeeb Ullah	Junior Clerk BPS-07	No codal formalities for recruitment observed.
4	Muhammad Anwar Khan	Telephone Operator BPS-06	* No codal formalities for recruitment observed. <b>* Had no Appeal in Service Tribunal.</b>
5	Miss Rukhsana Begum	Dai BPs- 02	* No codal formalities for recruitment observed.  * Recruited against fake certificates.
6	Miss. Farida Bibi		
7	Miss Sajida Bibi		
8	Miss Tasleem Bibi		
9	Miss Rukhsana Bibi		



S.No	Name	Recruited as	Remarks
10	Mr. Ikhtlaq Ahamd	Ward Attendant BPS- 01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
11	Mr. Bashir		
12	Mr. Mohammad Imran		
13	Mr. Yousef Hayat		
14	Mr. Mohammad Faheem		
15	Mr. Mohammad Bilal		
16	Mr. Mohammad Irfan		
17	Mr. Mohammad Ali		
18	Mohammad Anwar		
19	Mr. Mohammad Shafiq	Fire Man BPS-01	*No codal formalities for recruitment observed. * No vacant post available.
20	Sajid Khan	Generator Operator BPS-01	*No codal formalities for recruitment observed. * No vacant post available. <b>* Had no Appeal in Service Tribunal.</b>
21	Abdur Rashid	Chowkidar BPS-01	*No codal formalities for recruitment observed. * No vacant post available. <b>* Had no Appeal in Service Tribunal.</b>
22	Mr. Mohammad Sajid	Sweeper/Cleaner BPS-01	*No codal formalities for recruitment observed.
23	Mr. Shah Nawaz		

4. The irregularity was observed by the Audit Party which was properly communicated to the DGHS Khyber Pakhtunkhwa Peshawar.

5. Preliminary enquiry was conducted. Copy attached as; **Annexure-VI**

6. The termination orders were issued by the office of MS MMMTH DIKhan under the directives of DGHS Khyber Pakhtunkhwa Peshawar. Copies attached as;

**Annexure-VII-VIII-IX**

7. Departmental Appeal was rejected by DGHS Khyber Pakhtunkhwa Peshawar.

Copy attached as;

**Annexure-X**

8. The 20 terminated officials filed an Appeal at Honorable Court of Service Tribunal Khyber Pakhtunkhwa against Health Department. Copies attached as; **Annexure-XI**

9. Joint Parawise comments, favoring the Government Plea, properly vetted by Public Prosecutor Service Tribunal Khyber Pakhtunkhwa were submitted in each and every case.

10. The Honorable Court of Service Tribunal Peshawar Partially accepted the Appeal and set a side the orders of competent authority dated 08-06-2009 & 31-03-2010. The Honorable Court Ruled that "The Appellants are re-instated for the purpose of proper Departmental proceedings, without any order with regard to back benefits, with direction the Respondent-Department to proceed afresh in the case in accordance with Law and also provide opportunity of showing cause/hearing before passing any order detrimental to the interest of the Appellants". Copies attached as;

**Annexure-XII**

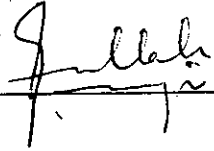
11. The existing vacant position of the relevant posts is attached as;

**Annexure-XIII**

## **Recommendations.**

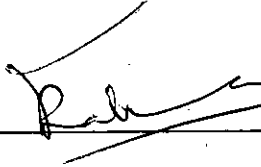
1. **S.No 01 & 02:**
  - (a) No codal formalities observed during recruitment for these posts.
  - (b) The sanction posts were of M&R Technician (Civil) , while the recruited candidates hold Electrical Diploma which is not eligible for these posts.
  - (c) Proper Departmental proceeding should be initiated against them for removal from service according to Rules.
  - (d) The posts must be filled as per service Rules.
2. **S.No 03 :**
  - (a) No codal formalities observed during recruitment for this post.
  - (b) Proper Departmental proceeding should be initiated against him for removal from service according to Rules.
  - (c) The posts must be filled as per service Rules.
3. **S.No 04 :**
  - (a) No codal formalities observed during recruitment for this post.
  - (b) He did not Appealed to the Court of Honorable Service Tribunal, so his termination order must be considered as valid.
  - (c) The posts must be filled as per service Rules.
4. **S.No 05 to 09 :**
  - (a) No codal formalities observed during recruitment for these posts.
  - (b) All the Dai's were recruited on the basis of fake certificates.
  - (c) Proper Departmental proceeding should be initiated against them for removal from service according to Rules.
  - (d) The posts must be filled as per service Rules.
5. **S.No 10 to 19 :**
  - (a) No codal formalities observed during recruitment for these posts.
  - (b) Proper Departmental proceeding should be initiated against them for removal from service according to Rules.
  - (c) The posts must be filled as per service Rules.
6. **S.No 20 & 21 :**
  - (a) No codal formalities observed during recruitment for these posts.
  - (b) Posts not available.
  - (c) They did not Appealed to the Court of Honorable Service Tribunal, so their termination order must be considered as valid.
7. **S.No 22 & 23 :**
  - (a) No codal formalities observed during recruitment for these posts.
  - (b) Proper Departmental proceeding should be initiated against them for removal from service according to Rules.
  - (c) The posts must be filled as per service Rules.

1. Professor Dr. Fida Ullah  
Head Department of Anatomy  
Gomal Medical College DIKhan



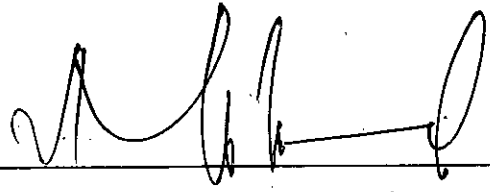
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2. Professor Dr. Fazal-ur-Rehman  
Head Department of Pediatrics  
Gomal Medical College DIKhan



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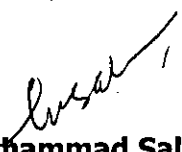
3. Dr. Muhammad Arif Ullah  
Deputy Medical Superintendent (Admn)  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan



---

Dated: 02-08-2012

**Countersigned by**



**Professor Dr. Muhammad Saleem Khan**  
**Chief Executive/Principal**  
**Gomal Medical College**  
**Dera Ismail Khan**



0966-747067  
0966-747151-53  
0966-747154

Office of the  
Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

No. 719/02/2013 /E-9

Dated: 06/02/2013

To

The Circle Officer,  
Anti Corruption,  
Dera Ismail Khan

Subject: Open Enquiry No. 33/2008.  
Respected Sir,

Pl; reference to your letter No. 71/CO/ACE/DIK dated 06-01-2013, the Parawise reply is as follows.

1. In the year 2007-2008, 23 officials were recruited, violating the rules, were re-instated as per directives of Honorable Service Tribunal Khyber Pakhtunkhwa.

On the directives of competent authority Secretary Health Khyber Pakhtunkhwa Peshawar, a high level enquiry committee was constituted & they were terminated due to the following basic reason.

- (i) Fake Certificate's.
- (ii) Ex-Cadre Recruitment.
- (iii) Over & above recruitment against sanctioned posts.
- (iv) Appointments, violating the Government rules & regulation.

Now the case is at the court of Service Tribunal under Implementation Petition No. 172/12, for which the date is fixed on 22-03-2013.

2. Reference Government Notification No. SOB-1/HD/Enquiry (AP-135.2009-10) dated 16-11-2012, Government of Health Department Khyber Pakhtunkhwa, issued a letter to A.G, Khyber Pakhtunkhwa to stop the monthly pension of Dr. Abdul Hameed Afridi (Ex-Medical Superintendent), till completion of recovery (copy attached).

3. In the year 2007-2008, Mr. Abdul Qadous Senior Clerk was Accountant, who handed over complete record to Mr. Abdul Manan on 18-08-2008. Their statements are herewith attached regarding related record.

The various contact number available at this office are as under;

(i)	Dr. Abdul Hameed Afridi	EX-Medical Superintendent	03469031606
(ii)	Mr. Masud Ayub Khan	Manager SMC	03459404058
(iii)	Mr. Abdul Qadous	Senior Clerk GMC DIKhan	03339965232
(iv)	Mr. Abdul Manan	Accountant MMMTH DIKhan	03459874441

Submitted for information & further necessary action please.

  
Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan



DIRECTORATE GENERAL HEALTH  
SERVICES, GOVT: OF KHYBER PAKHTUNKHWA,  
PESHAWAR.

NO \_\_\_\_\_/Personnel  
DATED 2 / 10 2013.

To,

The Secretary to Govt: of Khyber Pukhtunkhwa  
Health Department Peshawar.

Subject:

**SERVICE APPEAL NO. 861/2011 MR. KAMRAN SALEEM AND OTHER  
VERSUS GOVT: OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT  
AND OTHERS.**

Dear Sir,

Kindly refer to your letter No. SOH(Lit-II)13-913/2012 dated 19.08.2013 on the  
subject noted above.

I have the honour to state that the requisite information / reply has  
already been submitted your honour vide this Directorate letter No. 1662/Personnel dated  
04.04.2013 and No. 4969/Personnel dated 13.08.2013, (copy attached for ready reference).

Gist of Service Tribunal orders at para-12 is re-produced below:

'Consequently, on the partial acceptance of the appeal, both the orders  
of the competent authority dated 08.06.2009 and appellate authority dated 31.03.2010 are set  
aside, and appellants are reinstated for the purpose of proper department proceedings without  
any order with regard to back benefits, with direction to the respondent-department to proceed  
afresh in the case in accordance with law and also provide opportunity of showing cause/ hearing  
before passing any order detrimental to the interest of the appellant. There shall, however, be no  
order as to costs'.

In compliance of Service Tribunal orders above M.S MMM Teaching  
Hospital D.I Khan re-instated the following official for the purpose of departmental proceeding  
with out any orders with regard to back benefit with immediate effect vide office order bearing  
Endst :No. 8326-49/11/20-12/Litt dated 29.11.2012 (copy attached for ready reference).

M.S MMM Teaching Hospital D.I Khan issued another office order  
regarding termination with immediate effect after fulfilling all codal formalities including  
departmental enquiry , show cause notice vide office order bearing Endst: No. 235-  
62/01/2013/Estt: dated 12.01.2013 (copy attached for ready reference).

It is therefore requested that the case may be kindly be plead in the  
Service Tribunal in the best interest of Government.

The matter may kindly be considered as most urgent.

Yours faithfully

**DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR**

No 6158-59 /Personnel

Copy forwarded to the:-

1. Chief Executive MMM Teaching Hospital D.I Khan for information.
2. Assistant Director (Lit) DGHS, Khyber Pakhtunkhwa for information.

**DIRECTOR GENERAL HEALTH  
SERVICES, K.P.K PESHAWAR**

Hafiz S.M Ali Shah

30/10/2013



اسلام آباد کراچی لاہور پشاور ملتان فیصل آباد راولپنڈی سکس ڈیڑھ گھنٹہ کی فاصلے پر شائع ہونے والا روزنامہ

جلد 1 شمارہ 82، جملہ ادھار 7، سہ ماہی 1434، 21 دسمبر 2012ء، 2069، ب فون 2654226-9 صفحات 12 قیمت 10 روپے

FRIDAY, DECEMBER 21, 2012

**شوکار نوٹس**

نام درج ذیل عطا مفتی محمود میموریل نیچنگ ہسپتال ڈیرہ اسماعیل خان کو بذریعہ شہنشاہ گاہ کیا جاتا ہے کہ بحال E&D رولر 2014ء کو نئی عمارت پر آپ کو ذیل وجوہات کے باعث نوکری سے فارغ کرنے کا فیصلہ کیا گیا ہے۔

نمبر شمارہ	نام	تصنیاتی عہدہ	ملاحظات
1	کامران سلیم	M&R Technician	☆ حکومت کی طرف سے: M&R Tech: BPS-09 Electrical کی پوسٹ میں مقرر نہیں ہیں۔ ☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی
2	محمد عمران	M&R Technician	☆ حکومت کی طرف سے: M&R Tech: BPS-09 Electrical کی پوسٹ میں مقرر نہیں ہیں۔ ☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی
3	محمد سید	Junior Clerk	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی
4	رشاد بیکم	Dai	☆ تصنیاتی پوسٹ میں جلی ریلنگ کے تحت عمل میں لائی گئی
5	فرید بی بی	Dai	☆ تصنیاتی پوسٹ میں جلی ریلنگ کے تحت عمل میں لائی گئی
6	ساجد بی بی	Dai	☆ تصنیاتی پوسٹ میں جلی ریلنگ کے تحت عمل میں لائی گئی
7	طہیر بی بی	Dai	☆ تصنیاتی پوسٹ میں جلی ریلنگ کے تحت عمل میں لائی گئی
8	رشاد بی بی	Dai	☆ تصنیاتی پوسٹ میں جلی ریلنگ کے تحت عمل میں لائی گئی
9	اطلاق احمد	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
10	محمد بشیر	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
11	سیران	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
12	ہست حیات	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
13	محمد نعیم	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
14	محمد کمال	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
15	محمد رفیق	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
16	محمد علی	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
17	محمد انور	Ward Attendant	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی ☆ مقرر شدہ پوسٹوں سے زائد مقرر ہوئی
18	محمد شفیق	Fireman	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی
19	محمد ساجد	Sweeper	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی
20	شاہد اوز	Sweeper	☆ تصنیاتی کورنٹ رولر، ریگولیشن کے مطابق نہیں ہوئی

لہذا آپ کو بذریعہ اس شہنشاہ عطا کیا جاتا ہے کہ اپنے دفاع میں جگہ کھانا یا بی بی ڈی طور پر پیش ہونا چاہئیں تو اس شہنشاہ کی اطلاع کے 15 دن کے اندر لکھی طور پر پیش ہو کر یا پھر ایمان دفتر ایم ایس مفتی محمود میموریل نیچنگ ہسپتال ڈیرہ اسماعیل خان دفتری لہقات میں داخل کر سکتے ہیں۔

میڈیکل پیرسٹنڈنٹ مفتی محمود میموریل نیچنگ ہسپتال ڈیرہ اسماعیل خان

## شہداء اور شہداء کی عورتوں کی ملازمتوں کی فراہمی کے لیے

تمام درج ذیل شہداء کے متعلق محکمہ صحت، شہداء اور شہداء کی عورتوں کی ملازمتوں کی فراہمی کے لیے ایک ایف ڈی ایف کے ذریعے درخواستیں جمع کروانی ہیں۔ درخواستیں 23 نومبر 2012ء کو جمع کروانی جائیں گی۔

نمبر	شہداء کی عورتوں کی ملازمتوں کی فراہمی کے لیے	تفصیلی عہدہ	تفصیلی عہدہ
1	کارکنان	M&R Technician	ہر حکومت کی طرف سے M&R Tech: Electrical BPS-09 کی پوزیشن منظور نہیں ہیں۔ ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی
2	گورنران	M&R Technician	ہر حکومت کی طرف سے M&R Tech: Electrical BPS-09 کی پوزیشن منظور نہیں ہیں۔ ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی
3	نچلے پوزیشن	Junior Clerk	تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی
4	رسائی ٹیم	Dai	تھیناتی پوسٹ چھٹی سرکلیکٹ کے تحت مل میں لائی گئی
5	رسائی ٹیم	Dai	تھیناتی پوسٹ چھٹی سرکلیکٹ کے تحت مل میں لائی گئی
6	سہارہ لائی	Dai	تھیناتی پوسٹ چھٹی سرکلیکٹ کے تحت مل میں لائی گئی
7	تھیناتی ٹیم	Dai	تھیناتی پوسٹ چھٹی سرکلیکٹ کے تحت مل میں لائی گئی
8	رسائی ٹیم	Dai	تھیناتی پوسٹ چھٹی سرکلیکٹ کے تحت مل میں لائی گئی
9	اطلاق امور	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
10	گورنران	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
11	گورنران	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
12	پوسٹ بیات	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
13	نچلے پوزیشن	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
14	گورنران	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
15	گورنران	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
16	محکمہ	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
17	گورنران	Ward Attendant	ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی
18	گورنران	Fireman	تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی
19	گورنران	Sweeper	تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی
20	شاہد آواز	Sweeper	تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی

یہاں آپ کو پوزیشنیں فراہم کی جاتی ہیں کہ اپنے ذاتی میں کوئی کام نہیں ہونا چاہیے اور ہر چیز ہونا چاہیے اور اس اشتہار کی اشاعت کے 15 روز بعد درخواستیں جمع کروانی جائیں گی۔ ہر تھیناتی گورنمنٹ روڈز ریگریشن کے مطابق نہیں ہونی ہر سکور شدہ پوسٹوں سے زائد ہونی۔

مینیجنگ ڈائریکٹر، محکمہ صحت، شہداء اور شہداء کی عورتوں کی ملازمتوں کی فراہمی کے لیے

0966-747067  
0966-747151-53  
0966-747154



Office of the  
Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

### **Office Order:-**

On the recommendation of Enquiry Officer's, the following staff of Mufti Mehmood Memorial Teaching Hospital DIKhan are herewith terminated with immediate effect, after fulfilling all the codal formalities, including Departmental Enquiry, Show Cause Notice published in Daily Newspaper's, detail as under;

S.No.	Name	Designation	BPS	Reason for Termination
1	Mr. Kamran Saleem	M&R Technician (Electrical)	BPS-09	No Sanctioned Post available.
2	Mr. Mohammad Mehran	M&R Technician (Electrical)	BPS-09	No Sanctioned Post available.
3	Mr. Najeeb Ullah	Junior Clerk	BPS-07	No codal formalities for recruitment observed.
4	Miss Rukhsana Begum	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
5	Miss. Farida Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
6	Miss Sajida Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
7	Miss Tasleem Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
8	Miss Rukhsana Bibi	Dai	BPS-02	* No codal formalities for recruitment observed. * Recruited against fake certificates.
9	Mr. Ikhtlaq Ahamd	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
10	Mr. Bashir	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
11	Mr. Mohammad Imran	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.



NO.	Name	Designation	BPS	Reason for Termination
12	Mr. Yousef Hayat	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
13	Mr. Mohammad Faheem	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
14	Mr. Mohammad Bilal	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
15	Mr. Mohammad Irfan	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
16	Mr. Mohammad Ali	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
17	Mohammad Anwar	Ward Attendant	BPS-01	* Over & Above Recruitment against sanctioned strength. * No codal formalities for recruitment observed.
18	Mr. Mohammad Shafiq	Fire Man	BPS-01	*No codal formalities for recruitment observed. * No vacant post available.
19	Mr. Mohammad Sajid	Sweeper/Cleaner	BPS-01	*No codal formalities for recruitment observed.
20	Mr. Shah Nawaz	Sweeper/Cleaner	BPS-01	*No codal formalities for recruitment observed.

  
Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

No. 235-62/01/2013 /Estt:

Dated

DIKhan the

12/01/13 12/01/2013

**Copy forwarded to the:**

1. Secretary Department of Health, Government of Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. Chief Executive/Principal Gomal Medical College DIKhan.
4. District Accounts Officer, DIKhan.
5. Deputy Medical Superintendent H/R MMM Teaching Hospital DIKhan.
6. Accountant MMM Teaching Hospital DIKhan.
7. All concerned for information.

(For information and necessary action please)

  
Medical Superintendent  
Mufti Mehmood Memorial Teaching Hospital  
Dera Ismail Khan

Office of M.S. MMM Teaching Hospital DIKhan  
No. 2513/SNE Dated 22/8/2008

To,  
The Special Secretary Finance,  
Finance Department, N.W.F.P.,  
Peshawar.

Subject: SNE For Creation Of Staff For MMM Teaching  
Hospital DIKhan.

Dear Sir,

It is submitted for your kind information that MMM Teaching Hospital DIKhan is 200 bedded hospital (Type B). Most of packages on developmental side are completed, handed over to Health Department & the hospital has started functioning. The Provincial Finance Department has provided the posts of specialists along with support staff but there still exist deficiencies of various categories of staff. Costly equipments have been purchased for the hospital through developmental budget but no qualified person is available for their look after/maintenance. As such the creation of posts of civil M&R Technicians (BPS-9) are very essential for the purpose. Besides, creation of posts of Class-iv and dais may also be considered sympathetically for smooth running of the institution. SNE proposal is accordingly submitted for consideration and approval please.

  
Medical Superintendent

MMM Teaching Hospital DIKhan

(14)

FORM-BM 16  
 SNE PROPOSED BY THE MEDICAL SUPERINTENDENT MMM TEACHING  
 HOSPITAL DIKHAN FOR THE CREATION OF ADDITIONAL POSTS IN  
 MUFTI MEHMOOD MEMORIAL TEACHING HOSPITAL DIKHAN UNDER  
 07-HEALTH-0731-HOSPITAL SERVICES-073101-GENERAL HOSPITAL  
 SERVICES FOR THE YEAR 2008-09.

<u>Minor Head &amp; Primary Unit</u> <u>Of Appropriation</u>	<u>BPS</u>	<u>No. Of Posts</u> <u>Required</u>	<u>Rate Of Pay</u>	<u>Amount</u>
- Total Charges 0000				<b>Rs. 1277122</b>

AO-115-Pay of Estab.

Rs. 823240

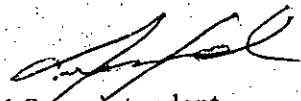
1. Four Civil M&R Tech.	09	04	3185x11x4	Rs.140140
2. Twelve Dai	02	12	2700x11x12	Rs.356400
3. Twelve Ward Attendaant	01	12	2475x11x12	Rs.326700
0200- Total Regular Allownces				Rs.453882

AO-1202-House Rent

Rs.255882

AO 1217-Medical Charges

Rs.198000

  
 Medical Superintendent  
 MMM Teaching Hospital  
 DIKhan.

(15)

FORM-BM 16  
 SNE PROPOSED BY THE MEDICAL SUPERINTENDENT MMM TE  
 HOSPITAL DIKHAN FOR THE CREATION OF ADDITIONAL POS  
 MUFTI MEHMOOD MEMORIAL TEACHING HOSPITAL DIKHAN  
 07-HEALTH-0731-HOSPITAL SERVICES-073101-GENERAL HOSI  
 SERVICES FOR THE YEAR 2008-09.

<u>Minor Head &amp; Primary Unit Of Appropriation</u>	<u>BPS</u>	<u>No. Of Posts Required</u>	<u>Rate Of Pay</u>	<u>Amo</u>
<b>- Total Charges 0000</b>				<b>Rs. 12771</b>

AO-115-Pay of Estab.

Rs. 8232


1. Four Civil M&R Tech	09	04	3185x11x4	Rs.14
2. Twelve Dai	02	12	2700x11x12	Rs.3
3. Twelve Ward Attendaant	01	12	2475x11x12	Rs.3
0200- Total Regular Allownces				Rs.4

AO-1202-House Rent

Rs.2

AO 1217-Medical Charges

Rs.1

  
 Medical Superintendent  
 MMM Teaching Hospital  
 DIKHAN.

GOVERNMENT OF N.W.F.P.  
HEALTH DEPARTMENT

SUBJECT:- SNE FOR CREATION OF STAF FOR MUFTI MEHMOOD  
TEACHING HOSPITAL, D.I.KHAN.

Will the Budget Officer-VI, Govt. of NWFP, Finance Department, please refer to the subject noted above?.

Enclosed please find herewith a copy of letter No.2570/SNE, dated 1<sup>st</sup> September 2008 received from Medical Superintendent, Mufti Mehmood Teaching Hospital, D.I.Khan on the subject noted above, which is self explanatory, alongwith SNE (fresh) proposal regarding creation of posts, for consideration and approval please. As stated by the MS in his letter that most of the packages on developmental side are completed, therefore creation of the additional demanded posts may be looked in to favourably and essential posts created for smooth running of the institution, as per criteria.

Encl: (As Above)

(KHAN ZALI)  
SECTION OFFICER (BUDGET)

The Budget Officer-VI,  
Finance Department  
Govt. of NWFP, Peshawar.

U.O. NO.SOB/HD/1-1/2006-07/D.I.Khan

Dated Pesh: the 19<sup>th</sup> September, 2008.

C.C.

Medical Superintendent, Mufti Mehmood Teaching Hospital, D.I.Khan w/r to his letter referred to above, for information and with the request to pursue the matter further in Finance Department.

  
SECTION OFFICER (BUDGET)

(16)

GOVERNMENT OF NWFP,  
FINANCE DEPARTMENT

NO.BOV/4-64/2007-08/Vol.II  
Dated Peshawar the 23<sup>rd</sup> Sept: 2008.

To,

The Secretary to Govt. of NWFP,  
Health Department, Peshawar.

Subject: SNE FOR CREATION OF POSTS IN MUFTI MEHMOOD TEACHING HOSPITAL, DIKHAN.

Dear Sir,

I am directed to refer to Health Department's U.O. letter No.SOB/HD/1-1/2006-07/DIKhan, dated 19<sup>th</sup> September 2008, addressed to this Department and copy thereof endorsed to Medical Superintendent, Mufti Mehmood Teaching Hospital, DIKhan on the subject noted above and to convey the concurrence of this Department for creation of the following Twelve (12) numbers of additional posts in Mufti Mehmood Teaching Hospital, DIKhan with immediate effect subject to observance of all codal / legal formalities before making appointment/filling of these posts :-

S.No.	Name of post & BPS	No. of posts.
1	Civil M&R Technician (BPS-9).	2
2	Dai (BPS-2).	2
3	Ward Attendant (BPS-1).	8
	<b>Total</b>	<b>12</b>

2- The expenditure involved is debitable to the function cum object classification 07-Health-073-Hospital Services-0731-General Hospital Services-073101-General Hospital Services-DI4131-Mufti Mehmood Teaching Hospital, DIKhan and will be met out from the sanction budget grant of the CFY 2008-09.

Yours faithfully,

(ABDUS SAMAD)  
BUDGET OFFICER-VI

C.C.

1. District Accounts Officer, DIKhan.
- ✓ 2. Medical Superintendent, Mufti Mehmood Teaching Hospital, DIKhan w/r to letter referred to above.

  
BUDGET OFFICER-VI

(17)



DIRECTORATE  
GENERAL HEALTH SERVICES  
N.W.F.P PESHAWAR

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

E-Mail Address: [nwfpdghs@peshawar.com](mailto:nwfpdghs@peshawar.com)  
Office Ph# 091-9210269  
Exchange# 091-9210187, 9210196  
Fax # 091-9210230

2869  
03/02/10

No: 73 /RH/DAI VERIFICATION

Dated 27 / 01 / 2010.

To:

The Medical Superintendent  
Mufti Mehmood Memorial  
Teaching Hospital D. I. Khan.

SUBJECT: VERIFICATION OF DAI PASSING CERTIFICATE.

Memo:

Reference your letter No. 3377/ dated 11/01/2010, on the subject noted above.

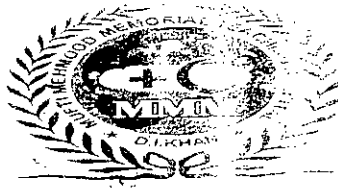
The Photo copies of the following Dai Certificate are returned herewith with under mentioned.

S.NO.	NAME OF DAI	CERTIFICATE NO.	REMARKS
01.	Miss Rukhsana Maqsood W/O Maqsood Anwar.	Nil	Provide original Certificate.
02.	Rukhsana Bihi D/O M. Shakir	1785	FAKE.
03.	Tasleem Bibi D/O M.Salim.	1775	FAKE
04.	Farida Bibi D/O Dilawar Khan	1780	FAKE.
05.	Sajida Bibi D/O Fayyaz Ahmad	1735	FAKE.

*Noted*

*[Signature]*  
DEPUTY DIRECTOR (R.H)  
DGHS N.W.F.P.PESHAWAR.

(10)



Phone No. 0966-747067  
Fax No. 0966-747067

Office of the  
Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan

No. 1536-B/E-6

Dated: 01/06/2009

To

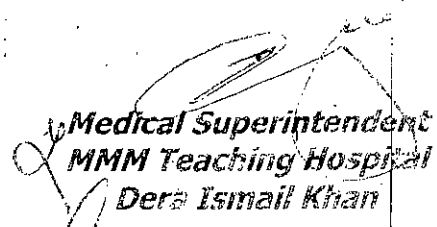
The Director General  
Health Services NWFP  
Peshawar.

Subject: Certificates of Dai Examination.  
R/Sir,

Pl: refer to subject, it is stated that the following Dai's were recruited in Mufti Mehmood Memorial Teaching Hospital DIKhan on 25-10-08 are having no qualifying original "Dai Training Examination Certificates" from the office of Director General Health Services NWFP Peshawar.

S.#	Name of Dai	Father/Husband Name	Period of Training	Date of Examination
1.	Sajida Bibi	Fayyaz Ahmad	No Certificate Available	Not Available
2.	Tasleem Bibi	Muhammad Saleem	No Certificate Available	Not Available
3.	Rukhsana Bibi	Muhamamd Shakir	No Certificate Available	Not Available
4.	Rukhsana Begum	Maqsood Anwar	No Certificate Available	Not Available
5.	Farida Bibi	Dilwar Hussain	No Certificate Available	Not Available

It is therefore requested, to verify and issued original Dai Passing Certificates for regularization of their services.

  
Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan



## Detail list of Staff According to Pay Roll

Designation:- Dai

S.No	Name's	Father's/Husband Name	Date of Appointment	Personal No	Branch	Bank A/C No.	Remarks
1	Sajida Bibi	Fayyaz Ahmad	25-10-2008	429253	ABL Muryali/Faqirni Gate	PLS-4630-3	Dai Passing Certificate from Director General Health Services NWFP Peshawar not available
2	Tasleem Bibi	Muhammad Saleem	25-10-2008	429254	HBL Circular Road	13597900232101	
3	Rukhsana Bibi	Muhammad Shakir	25-10-2008	429255	NBP Circular Road	PLS-4630-3	
4	Rukhsana Begum	Maqsood Anwar	25-10-2008	429256	HBL Aashiana Shoping Center	154'07900066701	
5	Farida Bibi	Dilwar Khan	25-10-2008	433202	HBL Aashiana Shoping Center	15407900069301	

Medical Superintendent  
MMM Teaching Hospital  
Dera Ismail Khan

12/2008

Accounts Office D.I.Khan  
SCALE AUDIT REGISTER  
For the month of December, 2008

000						Job/Job Title	Total_ACT	Permanent_ACT	Temporary_ACT	Other_ACT	Difference	PaySec	Grade
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	81 ASST: ACCOUNTS OFFICER	1	1	0	0	1-	section 1 17	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	81	1	1	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	172 ASSISTANT PROFESSOR	1	0	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	172	1	0	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	315 CHARGE NURSE	1	0	0	0	1-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	315 CHARGE NURSE	3	0	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	315 CHARGE NURSE	44	0	0	0	3-	section 1 16	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	315	3	0	0	44	44-	section 1 16	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	405 COORDINATOR	50	3	0	0	3-	section 1 16	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	405	1	1	0	44	50-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	446 DENTAL SURGEON	1	1	0	0	1-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	446	1	1	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	477 DEPUTY MEDICAL SUPERINTEN	1	1	0	0	1-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	477 DEPUTY MEDICAL SUPERINTEN	1	1	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	477	1	1	0	0	1-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	719 HEAD NURSE	2	2	0	0	1-	section 1 17	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	719	1	1	0	0	2-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	777 INSTRUCTOR	1	1	0	0	1-	section 1 16	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	777	1	1	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	933 MEDICAL OFFICER	1	1	0	0	1-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	933 MEDICAL OFFICER	1	1	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	933 MEDICAL OFFICER	3	0	0	0	1-	section 1 17	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	933 MEDICAL OFFICER	1	0	0	0	3-	section 1 17	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	933 MEDICAL OFFICER	2	1	0	0	1-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	933 MEDICAL OFFICER	7	3	0	0	2-	section 1 17	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	935 MEDICAL SUPERINTENDENT	1	1	0	0	7-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	935	1	1	0	0	1-	section 1 20	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	1291 SENIOR MEDICAL OFFICER	1	1	0	0	1-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	1291 SENIOR MEDICAL OFFICER	1	1	0	0	1-	section 1 17	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	1291 SENIOR MEDICAL OFFICER	1	1	0	0	1-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	1291	3	0	0	0	1-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	1300 SENIOR REGISTRAR	2	0	0	0	3-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	1300	2	0	0	0	3-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	1542 WOMEN MEDICAL OFFICER	1	0	0	0	2-	section 1 18	
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK	1542	1	0	0	0	2-		
DI4131-MS	MUFTI	MEHMOOD	MEM	TECH	HOSDIK		1	0	0	1	1-	section 1 17	
							72	17	7	48	72-		

6/M/000

	Job/Job Title	Total_ACT	Permanent_ACT	Temporary_ACT	Other_ACT	Difference	PaySec	Grade
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 581 ANESTHESIA ASSISTANT	0	0	0	0	0	3-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 581 ANESTHESIA ASSISTANT	0	0	0	0	0	3-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 597 ASSISTANT STORE KEEPER	0	0	0	0	0	4-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 243 BEHISHTI	0	0	0	0	0	1-section	106
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 243 BEHISHTI	0	0	0	0	0	1-section	100
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 297 CARPENTER	0	0	0	0	0	1-section	105
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 297 CARPENTER	0	0	0	0	0	1-section	116
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 315 CHARGE NURSE	0	0	0	0	0	1-section	100
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 315 CHARGE NURSE	0	0	0	0	0	1-section	116
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 357 CHOWKIDAR	0	0	0	0	0	15-section	100
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 357 CLEANER	0	0	0	0	0	15-section	100
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 357 CLEANER	0	0	0	0	0	3-section	100
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 367 COMPUTER OPERATOR	0	0	0	0	0	5-section	101
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 367 COMPUTER OPERATOR	0	0	0	0	0	6-section	108
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 389 COMPUTER PROGRAMMER	0	0	0	0	0	1-section	108
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 390 COMPUTER PROGRAMMER	0	0	0	0	0	1-section	103
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 431 DAI	0	0	0	0	0	14-section	103
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 431 DAI	0	0	0	0	0	4-section	102
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 431 DAI	0	0	0	0	0	5-section	105
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 434 DARK ROOM ASSISTANT	0	0	0	0	0	1-section	106
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 434 DARK ROOM ASSISTANT	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 447 DENTAL TECHNICIAN	0	0	0	0	0	7-section	100
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 447 DENTAL TECHNICIAN	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 490 DHOKI	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 490 DHOKI	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 493 DIETICIAN	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 493 DIETICIAN	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 504 DISPENSER	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 504 DISPENSER	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 545 DRIVER	0	0	0	0	0	3-section	105
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 545 DRIVER	0	0	0	0	0	1-section	104
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 562 ECHO CARDIOGRAPHY TECH	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 562 ECHO CARDIOGRAPHY TECH	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 575 ELECTRICIAN	0	0	0	0	0	2-section	106
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 575 ELECTRICIAN	0	0	0	0	0	2-section	101
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 637 FIRE MAN	0	0	0	0	0	1-section	105
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 637 FIRE MAN	0	0	0	0	0	1-section	105
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 744 HOUSE KEEPER	0	0	0	0	0	1-section	107
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 744 HOUSE KEEPER	0	0	0	0	0	4-section	107
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 801 JUNIOR CLERK	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 801 JUNIOR CLERK	0	0	0	0	0	1-section	105
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 846 LABORATORY ASSISTANT	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 846 LABORATORY ASSISTANT	0	0	0	0	0	1-section	105
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 846 LABORATORY ASSISTANT	0	0	0	0	0	1-section	109
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 846 LABORATORY ASSISTANT	0	0	0	0	0	1-section	103
N	DI4131-MS MUFTI MEHMOOD MEN TECH HOSDIK 847 LABORATORY ATTENDANT	0	0	0	0	0	1-section	103

Store Keeper ① Cleaner ⑤

32N1000				Job Job Title	Total_ACT	Permanent_ACT	Temporary_ACT	Other_ACT	Difference	PaySec	Grade					
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	347	0	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	310	0	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	310	0	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	310	0	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	330	0	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	320	0	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	390	0	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	390	0	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1014	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1014	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1014	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1014	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1025	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1025	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1025	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1091	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1091	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1094	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1094	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1172	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1172	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1183	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1183	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1183	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1258	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1258	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1400	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1400	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1416	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1416	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1420	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1420	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1430	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1430	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1437	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1437	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1446	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1446	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1446	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1446	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1519	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1519	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1519	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1519	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1520	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1520	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1520	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1520	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1559	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1559	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1559	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1600	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1600	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1604	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1604	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1604	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1604	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1696	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1696	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1696	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1696	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1796	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1796	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1796	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1796	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1812	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1812	1	0	0	0	0	0	0	0
X	014131	NS	MUFTI	MEHMOOD	REN	TECH	HOSDIX	1812	1	0	0	0	0	0	0	0

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Total post of Ward Attendant = 73  
 Draw pay in 11/12/2008 = 80  
 Post Extra = 07 surplus

Draw 80  
 Post 73  
 Surplus = 07

NC21017 (013)  
HEALTH

## 73101 GENERAL HOSPITAL SERVICES

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME			NUMBER OF POSTS 2008-2009	BUDGET ESTIMATES 2008-2009	RELEASES 2008-2009
			Rs	Rs	Rs
07	HEALTH				
073	HOSPITAL SERVICES				
0731	GENERAL HOSPITAL SERVICES				
073101	GENERAL HOSPITAL SERVICES				
DI4131	Multi-Mehmood Teaching Hospital D.I.Khan				
G013	Generator Operator	(BPS-05)	1	30,000	30,000
H065	House Keeper	(BPS-05)	1	35,000	35,000
R014	Receptionist	(BPS-05)	2	40,000	40,000
D112	Driver	(BPS-04)	4	120,000	120,000
T949	Tubewell Operator	(BPS-03)	2	60,000	60,000
D007	Dai	(BPS-02)	20	440,000	440,000
W004	Ward Orderli	(BPS-02)	5	80,000	80,000
A01156	Total Pay of Contract Staff		148	6,078,000	6,078,000
C057	Chowkidar	(BPS-01)	20	960,000	960,000
D060	Dhobi	(BPS-01)	10	478,000	478,000
F022	Fireman	(BPS-01)	1	48,000	48,000
M010	Mali	(BPS-01)	10	472,000	472,000
N005	Naib Qasid	(BPS-01)	1	48,000	48,000
P047	Plumber	(BPS-01)	1	48,000	48,000
S162	Sweeper	(BPS-01)	40	2,104,000	2,104,000
W039	Ward Attendant	(BPS-01)	65	1,920,000	1,920,000
A012	TOTAL ALLOWANCES			2,002,000	2,002,000
A012-1	TOTAL REGULAR ALLOWANCES			8,872,000	8,872,000
A01201	Senior Post Allowance			13,000	13,000
A01202	House Rent Allowance			1,600,000	1,600,000
A01205	Dearness Allowance			3,900,000	3,900,000
A01207	Washing Allowance			3,000	3,000
A01208	Dress Allowance			200,000	200,000
A01209	Special Additional Allowance			781,000	781,000
A01217	Medical Allowance			495,000	495,000
A01224	Entertainment Allowance			10,000	10,000
A01226	Computer Allowance			20,000	20,000
A01236	Deputation Allowance			200,000	200,000
A01244	Adhoc relief			340,000	340,000

# مشرق

مسل اشاعت کے 46 سال

روزنامہ مشرق پشاور اسلام آباد ..... (4) ..... 8 اگست 2013ء

### آسامیاں شالی شین

مفتی محمود میموریل ٹیچنگ ہسپتال ڈیرہ اسماعیل خان میں درج ذیل آسامیوں کیلئے مستقل بنیاد پر تعیناتی کیلئے طبعاً ڈیرہ اسماعیل خان کے کونٹی امیدواروں سے درخواستیں مطلوب ہیں۔ جو ریکرڈنگ کے سامنے درج ذیل مقررہ معیار، میرٹ پر پورا اترتے ہوں۔

نمبر	آسامی	تعلیم	مرکب	مقررہ قابلیت
1	ایم ایچ آر ٹی سی (Civil)	09	30x18 سال	☆ تسلیم شدہ بورا سے تفرک ہوسکتی ہے ☆ ٹیکنیکل بورا سے سول انجینئرنگ کا بورا ☆ بورا آف ٹیکنیکل ایجوکیشن پشاور میٹروپولیٹن کونسل سے رجسٹرڈ ☆ حلقہ ٹیڈ میں ٹرینر
2	جوڈیشل ٹیچنگ (ریگولری)	09	30x18 سال	☆ تسلیم شدہ بورا سے تفرک ہوسکتی ہے ☆ سرکاری سیکولر کالجوں سے رجسٹرڈ بورا ہونے کی ضرورت ہے
3	جوڈیشل ٹیچنگ (اسٹیبوری)	09	ایسا	ایسا
4	جوڈیشل ٹیچنگ (مرٹل)	09	ایسا	ایسا
5	جوڈیشل ٹیچنگ (ایڈوائسری)	09	ایسا	ایسا
6	جوڈیشل ٹیچنگ (ایڈوائسری)	09	ایسا	ایسا
7	جوڈیشل ٹیچنگ (ایڈوائسری)	09	ایسا	ایسا
8	جوڈیشل ٹیچنگ (ایڈوائسری)	09	ایسا	ایسا
9	جوڈیشل ٹیچنگ (ایڈوائسری)	09	ایسا	ایسا
10	جوڈیشل ٹیچنگ (ایڈوائسری)	09	ایسا	ایسا
11	سٹور کیپر	07	ایسا	☆ تسلیم شدہ بورا سے تفرک ہوسکتی ہے ☆ سرکاری سیکولر کالجوں سے رجسٹرڈ بورا ہونے کی ضرورت ہے ☆ جی ایچ ایف میں رجسٹرڈ
12	سٹور کیپر	06	ایسا	☆ تسلیم شدہ بورا سے تفرک ہوسکتی ہے ☆ سرکاری سیکولر کالجوں سے رجسٹرڈ بورا ہونے کی ضرورت ہے ☆ جی ایچ ایف میں رجسٹرڈ
13	ٹرانسکرپٹ	07	ایسا	☆ تسلیم شدہ بورا سے تفرک ہوسکتی ہے ☆ ٹیچنگ بورڈ 130 ایڈوائسری منڈ ☆ کپی ہارڈ کورس والے کورس میں دی جانے کی ترجیح ہے
14	گلیڈن آفیسر	07	ایسا	☆ تسلیم شدہ بورا سے تفرک ہوسکتی ہے ☆ ایڈوانسڈ گریجویٹ ہونے کی ضرورت ہے ☆ (پبلک ریلوے ایسوسی ایشن) ۲۲ گریج ☆ ترقی پزیر کلاس ایڈوانسڈ گریجویٹ ہونے کی ضرورت ہے
16	وائی لاء آفیسر	02	ایسا	☆ ماسٹر ڈیگرم ایڈوانسڈ گریجویٹ ہونے کی ضرورت ہے

(1) درخواست فارم ہسپتال سے ہفتی اوقات میں دفتر ہذا سے حاصل کئے جاسکتے ہیں (2) درخواستیں ہر صدمہ تقو ل اسناد (ڈویس ایل، ششماخی کارڈ، طبی اسناد، پاسپورٹ سائز تصویر وغیرہ) دفتر ہذا میں مورخہ 08-2013-31ء تک پیش کرنا ضروری ہے (3) ٹیسٹ انٹرویو کیلئے جہانمی کے بعد اطلاع بذریعہ خط لکھ کر کے چھ پر دی جائیگی۔ (4) امیدوار کو ہائیڈرو کے موقعت پر اپنے اصل دستاویزات ساتھ لے آئیں۔ (5) ٹیسٹ انٹرویو میں جن کے ساتھ مطلوبہ دستاویزات مشکوک نہ ہوں مسترد کر دی جائیں گی۔ (6) ٹیسٹ انٹرویو کیلئے آنے والے کسی امیدوار کوئی اسناد کوئی اسناد لے کر آئے گا۔ (7) سرکاری ملازمین اپنے ٹیکس کی سہولت سے درخواستیں ارسال کریں۔ (8) حکومت کے مخصوص کردہ کوڈ کے لئے صفحہ اولیٰ اور ہسپتال ہذا سے رجسٹرڈ آفیسر ہذا کے پاس سے درخواست دینے کے قابل ہیں۔ (9) برائے مزید معلومات [www.mmmthdikhana.com](http://www.mmmthdikhana.com)

ڈاکٹر شاہ جہان بلوچ  
میڈیکل سپرنٹنڈنٹ مفتی محمود میموریل ٹیچنگ ہسپتال ڈیرہ اسماعیل خان  
(INF) 2182 (A) PESHAWAR  
[www.hyberpaktunhwa.gov.pk](http://www.hyberpaktunhwa.gov.pk)

2

years. The contract shall stand automatically terminated on the expiry of the initial period. In case of requirements of the job, fresh contract would be executed.

9- Notice period.

2 months notice or two months salary in lieu thereof.

10- Training

Equal opportunity of training (local) and self-enhancement will be provided to the contract employees.

11- Benevolent Fund

Same facilities as admissible to government servants (Rate to be prescribed by the Government).

12- Contributory Provident Fund

5% of minimum of pay by the employee and 5% contribution by the Govt.

2-

It has further been decided that :-

- i- Contract employees will not contribute to G.P. Fund and will not be entitled to pension, gratuity benefits.
- ii- Contract appointments (BPS 1-10) will be made on the recommendations of Departmental Selection Committee (DSC) whereas contractual appointments from BPS-11 to BPS-15 will be made on the recommendations of NWFP Public Service Commission.
- iii- Contract appointment in BPS-16 and above will be made through Public Service Commission.
- iv- Appointments will be made on the basis of existing Zonal allocation.
- v- The Contract Policy will be applicable to all initial recruitment posts in all Government Departments except the uniformed personnel in the Police and Prisons Departments and Judiciary, the ministerial staff such as Peons, Chowkidars, Drivers etc would however be appointed on contract.
- vi- Establishment and other Departments will maintain an integrated management information system for monitoring employment.
- vii- Separate board with regard to maintenance of accounts for contribution towards Benevolent Fund and Contributory Provident Fund will be established for contract employees.

3-

The above Policy instructions would be implemented with immediate effect.

Yours faithfully

(HAFIZ NAFIULLAH)  
ADDL. FINANCE SECY. (REG/ADMN.)

Contd: On P.3....

From :- The Secretary to Govt. of NWFP,  
Finance Department.

2

To

- 1- All Administrative Secretaries to Government of NWFP.
- 2- The Senior Member, Board of Revenue, NWFP.
- 3- The Secretary to Governor NWFP, Peshawar.
- 4- The Secretary, Provincial Assembly, NWFP.
- 5- All Heads of Attached Departments NWFP.
- 6- All District Coordination Officers/District Nazims/  
Political Agents/District & Sessions Judges NWFP.
- 7- The Registrar, Peshawar High Court, Peshawar.
- 8- The Chairman, NWFP, Public Service Commission.
- 9- The Chairman, NWFP; Services Tribunal, Peshawar.
- 10- The Secretary, Board of Revenue, NWFP, Peshawar.

SUBJECT:- CONTRACT POLICY - 2002.

Dear Sir,

I am directed to refer to the subject noted above and to state that the Provincial Government has approved the following terms and conditions of contractual employment/recruitment against initial recruitment posts in all Government Departments :-

1- Pay

(i) Pay in case of first appointment.

Minimum of relevant pay scale, subject to relaxation by Competent Authority in case of higher qualifications and experience, provided further that in special cases where officials of the required competence, expertise and experience are not readily available, the Competent Authority may in consultation with the Finance Deptt provide enlarged salaries and privileges package.

6761  
6-11-02

S. Admn

DAO NWFP  
9/11/02

(ii) Appointment on higher post.

Will be equally considered for appointment against higher post if found eligible on the basis of competence, expertise and experience.

2- Annual increment

After completion of one year of service.

3- Conveyance Allowance.

As per government rules.

4- House Rent Allowance

(Same as above).

5- Leave

(Same as above).

6- TA/DA

(Same as above).

7- Medical Allowance

(Same as above).

8- Contract period

Minimum 3 years provided sanction of the post is not less than 3



**Final Merit List of Eligible Candidates applied for the post of JCT Pathology at MMM Teaching Hospital DIKhan**

Total Post = (03)

S.No	Name	Father Name	Domicile	Date of Birth	Address	Matric (50)			Technical Qualification (20)			Total Academic (70)	Higher Qualification (12)			Experience (10)			Written Test/Interview (05)	Total Score (100)	Remarks		
						Mark Obtained	Total Marks	Matric Score			Technical Qualification Score			01 Stage Above FA/Fsc (6)	02 Stage Above BA/Bsc (8)	03 Stage Above MA/Msc (12)	1 Year (4)	2 Years (7)				3+ Years (10)	
								1st Div (50)	2nd Div (38)	3rd Div (30)	1st Div (20)		2nd Div (15)										3rd Div (12)
1	Muhammad Kamran	Abdul Qayyam Khan	DIKhan	04-02-1988	M. Kamran Anotmy Deptt: GMC DIKhan	408	850	--	38	--	--	15	--	53	--	8	--	--	--				
2	Furqan Ullah	Faiz Ullah		05-03-1992	Moh: Sherqi Khil Panyala DIKhan	533	900	--	38	--	--	15	--	53	--	--	--	--	--				
3	Khalil ur Rehman	Gul Muhammad		20-04-1990	Moh: Pasni Gul Malng General Store Daraban Kalan	676	1050	50	--	--	--	15	--	65	--	8	--	--	--				
4	Salah-u- Din	Ahmad Din		24-02-1990	Village Musa Khar P/O Mandra Kalan DIKhan	625	1050	50	--	--	--	15	--	65	--	8	--	--	--				

\* The Merit is calculated according to their total numbers as well as their age.

**Terms and Condition:-**

1. They will be on probation initially for the period of Two Years extendable for a further period, not exceeding One Year.
2. Their Selections will be subject to Medical Fitness and verification of character and Antecedents/Educational qualification etc.
3. Their Services will be dispensed at any tiem if their work and conduct found unsatisfactory are any error found in official record.
4. They will submit an undertaking on judicial stamp paper to MS MMMTH DIKhan that the documents submitted are correct and not fake.  
Moreover they have not be dismissed from any service by any Government are semi Government, Organization.

**Chairman**  
Dr. Shah Jehan Baloch  
Medical Superintendent MMMTH  
Dera Ismail Khan

**Member**  
Dr. Umar Shah  
Executive District Officer Health  
Dera Ismail Khan

**Member**  
Dr. Saeed Hassan  
DMS H/R MMMTH  
Dera Ismail Khan

**Member**  
Dr. Malik Iqbal Javaid  
SMO MMMTH  
Dera Ismail Khan

**BEFORE THE SERVICE TRIBUNAL KHYBER PKHTUNKHWA PESHAWAR.**

**Appeal No. 994 of 2013**

**Muhammad Bilal**

**Versus**

1. The Secretary Health Department KPK Peshawar.
2. The Director General Health Services KPK Peshawar.
3. The Medical Superintendent MMT Hospital D.I.Khan.
4. The District Accounts Officer, D.I.Khan.
5. The Chief Executive MMT Hospital D.I.Khan.

RESPECTED SHEWETH SIR,

1. Incorrect/Not admitted Para not related with the respondent No. 4.
2. In correct/Not admitted Para not related with the respondent No. 4.
3. Incorrect/Not admitted Para not related with respondent No. 4 being on administrative matter.
4. Incorrect/Not admitted Para not related with the respondent No.4 matter related to the concerned Department.
5. Incorrect/Not admitted Para not related with the respondent No. 4 matter related to the concerned Department.
6. Incorrect/Not admitted Para not related with the respondent No.4 matter related to the concerned Department.
7. Incorrect/Not admitted Para not related with the respondent No. 4 matter related to the concerned Department.

It is therefore; humbly prayed that on acceptance of this Para wise reply, the name of the respondent No. 4 may graciously be deleted from the penal of Respondent.

  
District Accounts Officer,  
Dera Ismail Khan.  
(Respondent No. 4).

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

**Appeal No. 994 of 2013**

**Muhammad Bilal**

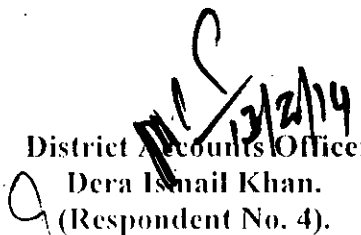
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District Accounts Officer,  
Dera Ismail Khan.  
(Respondent No. 4).