

Appeal No. 1003/2013.  
Mr. Rizwanullah.

10.

06.02.2014

Counsel for the applicant, Mr. Zia Ullah, GP alongwith Dr. Daud for respondent No.1 present. Preliminary arguments heard and case filed perused.

The learned counsel for the appellant stated that the instant appeal has been filed on 24.06.2013 against the order of the Secretary, Khyber Pakhtunkhwa, Medical Faculty, Peshawar (respondent No.4) letter No. 712/MF dated 19.06.2013 addressed to the appellant alongwith others with a copy endorsed to the Secretary to Govt: KPK, Health Department (respondent No.3). Through this letter, the appellant has been informed that after approval from the Government of Khyber Pakhtunkhwa, Law Department, the faculty is filing Review Petition against the impugned judgment of the Supreme Court of Pakistan of 08.03.2013 in CPLA No. 400-P/2012 and case of the appellant would be decided after the matter is finally decided by the Supreme Court of Pakistan. He further stated that the impugned order dated 19.06.2013, of the respondent No.4 is illegal unlawful so need to be set aside and the respondent No.4 be directed to issue registration certificate to the appellant as has been issued to one of the similarly placed candidate Mr. Hassan Abbas; that the appeal is competent under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974; that the appellant has filed proper Departmental Appeal and also filed application for condonation of delay; that the issue relates to the terms and conditions of service of the appellant; that the respondent No.3 has not decided the Departmental Representation of the appellant within one month as the case was referred to him by the Hon'ble Peshawar High Court Mingora Bench vide its judgment dated 17.04.2013 in Writ Petition No. 2617/2012. He prayed that the order of the respondent No.4 dated 19.06.2013 to be declare illegal, unlawful and be set aside and he be directed to issue registration certificate to the appellant and also the respondent No. 1 be ~~restrained~~ restrained not to displace the appellant from the existing position and status-quo be granted till final decision of this appeal.

The learned Government Pleader while assisting the Tribunal was of the view that the Hon'ble Tribunal has got no jurisdiction to entertain the instant appeal for the reasons that the Medical Faculty whose order has been challenged before this Tribunal is an autonomous/ semi autonomous body and regulated

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1003/2013

Rizwanullah ..... Appellant

versus

Executive district officer(Health)  
Dir Lower at Timergarah and others..... Respondents.

I N D E X

S.No.	Description of documents	Annexures	Pages
1.	Memo of appeal		1 - 7
2.	Application with affidavit		8 - 9
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4.	Copy of appointment order	'B'	11 - 12
5.	Copy of letter dated 12-04-2012	'C'	0 - 13
6.	Copy of letter dated 28-05-2012	'D'	0 - 14
7.	Copy of judgment dated 11-04-2012 in W.P. No. 3969/2010	'E'	15 - 22
8.	Copy of judgment of supreme Court dated 8-03-2013 passed in C.P. No.400-p/2012	'F'	23 - 26
9.	Copy of High Court order dated 17-04-2013 in W.P.No. 2617-p/2012	'G'	27 - 29
10.	Copy of implementation application dated 5-06-2013, to respondent No.3	'H'	30 - 32
11.	Copy of implementation application dated 5-06-2013 to respondent No.4	'I'	33 - 35
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13.	Copy of letter dated 19-06-2013 by respondent No.4 and copies of diplomas of two candidates, Hassan Abbas & Rizwanullah.	'K, K/1&K/2'	39 - 41
14.	Copy of Medical & Dental degree Ordinance, 1982.	'M'	0 - 42

10.

06.02.2014

Appeal No. 1003/2013.  
Mr. Rizwan Ullah.  
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The learned Government Pleader while assisting the Tribunal was of the view that the Hon'ble Tribunal has got no jurisdiction to entertain the instant appeal for the reasons that the Medical Faculty whose order has been challenged before this Tribunal is an autonomous/ semi autonomous body and regulated

under executive No. SOIII(T) 4-16/77 dated 1<sup>st</sup> Nov 1977. It has its own funds and perform its functions through a Governing Body where Secretary to the Government of Khyber Pakhtunkhwa, Health Department, Peshawar (respondent No.3) by virtue of his position is one of its Members and President of the Faculty [sub-para(3)] of para-1 of the order ibid]; that the Governing Body not the Secretary Health Department (respondent No.3) ~~seems~~ to be the appellate authority; that the appeal is not maintainable there is no Departmental Appeal as required under Civil Servant (Appeal) Rules-1986 read with Secion-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974; that the appellant has got not cause of action and has no locus-standai as the order impugned is not a deny/rejection order; that the appeal is badly time barred as the appellant has not challenged the previous orders dated 12.04.2012 and 28.05.2013 before the appropriate authority; that the appeal in the present form is not maintainable; that the prayer in the appeal i.e issuance of registration certificate does not fall within the ambit of the terms and condition of service as provided in the Khyber Pakhtunkhwa Civil Servant Act 1973 and rules made their under.

In view of the above, the appeal being out of jurisdiction and not maintainable, is dismissed in limini, File be consigned to record.

**ANNOUNCED**

06.02.2014

Member

7. 19.12.2013 Counsel for the appellant and Dr.Javid Iqbal, Mo for respondents No.1, with Mr.Ziaullah, GP for the respondents present. Preliminary arguments partially heard. To come up for further preliminary arguments on 06.01.2014.

  
Member

8. 06.01.2014 Counsel for the appellant and Mr. Ahmad Jan, Junior Clerk with Mr. Zia Ullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for preliminary hearing on 16.01.2014.


  
Member

9. 16.01.2014 Counsel for the appellant and Mr. Ahmad Jan, Junior Clerk with Mr. Zia Ullah, GP for the respondents present. The learned counsel for the appellant submitted an application for condonation of delay and requested for adjournment. To come up for further preliminary hearing on 06.02.2014.

  
Member

3  
15.08.2013

Counsel for the appellant present and requested for adjournment. Case is adjourned. To come up for preliminary hearing on 18.09.2013.

  
Member

4  
18.09.2013

Counsel for the appellant present and submitted an application for adjournment. Application is allowed. To come up for preliminary hearing on 08.10.2013.

  
Member

5  
08.10.2013

Counsel for the appellant present. Arguments to some extent heard. The instant appeal has been filed on 24.06.2013 but in pursuance to the letter dated 09.06.2013 by the Secretary, Khyber Pakhtunkhwa, Medical Faculty, Peshawar, which seems to have been based on the judgment of the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat dated 17.04.2013. Pre-admission notice be issued to the respondents/Sr.GP to assist the Tribunal on 27.11.2013.

  
Member

6  
27-11-2013.


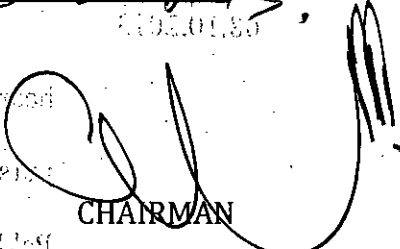
No one is present for the appellant. Due to strike of lawyers, counsel for the appellant is not available. Mr. Danish Khan and Mr. Ahmad Jooni Clerk for respondent No. 2. Mr. Mubal Jooni present for respondents to come up for assist the Tribunal on 19-12-2013.

  
Member.

**Form- A**  
**FORM OF ORDER SHEET**

Court of \_\_\_\_\_

Case No. 1003/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/06/2013	<p>The appeal of Mr. Rizwanullah presented today by Mr. Abdul Hameed 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	16-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>15-8-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1003/2013

Rizwanullah ..... Appellant

versus

Executive District Officer(Health)  
Dir Lower at Timergarah and others..... Respondents.

I N D E X

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14.	Copy of Medical & Dental degree Ordinance, 1982.	'M'	0 - 42



S.No.	Description of documents	Annexures	pages
15.	Copy of Health department Notification dated 2 September, 1977.	"A"	43 - 47
16	Vakalat Nama		

Rizwanullah  
Appellant

through

( Abdul Hameed )  
Advocate, Peshawar

Cell No. 0343-9025029

PESHAWAR

21-06-2013

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

service Appeal No. 1003 / 2013

Rizwanullah son of Faizul Haq,  
Junior Clinical Technician(JCT)  
(radiology), category 'D' Hospital, Munda  
Dir Lower, presently working at Rural Health  
Hospital/Centre, Lal Qilla (Maidan) Dir Lower  
.....

~~SECRET~~  
1003  
24-6-13

Appellant

versus

1. Executive District Officer(Health)  
Dir Lower at Timergarah.
2. Director General, Health Services,  
K.P.K. Peshawar.
3. Secretary to Government of K.P.K.  
Health Department/Chairman, K.P.K.  
Medical Faculty, Peshawar.
4. Secretary, K.P.K. Medical faculty,  
Peshawar

..... Respondents.

APPEAL UNDER SECTION 4 OF K.P.K. SERVICE TRIBUNAL  
ACT, 1974 against office order/letter No.

712 dated 19-06-2013 of respondent No.4, whereby  
the order dated 17-04-2013 by Peshawar High Court,  
Mingora Bench (D. Q) Swat, passed in writ petition  
No. 2617-P/2012 with regard to registration of  
diploma of the appellant was not implemented and  
complied with by respondent No.4 in letter and spirit  
and resultantly Secretary Medical Faculty, K.P.K.  
Peshawar (respondent No.4) has flatly refused  
registration of diploma of the appellant merely on  
flimsy grounds.

~~SECRET~~  
24/6/13

prayer-in-Appeal

that on acceptance of this appeal, the impugned letter dated 19-06-2013 issued by respondent No.4 be declared as illegal, unlawful and of no legal effect and therefore, be set aside.

Respondent No.4 be directed to issue registration certificate to the appellant as has been issued to similar placed candidate namely Hassan Abbas (JCT) by an order of the supreme Court dated 8-03-2013 passed in civil petition No. 400-p/2012 titled

"Agency-Civil Surgeon, Karram versus Hassan Abbas"

Respondent No.1 be restrained not to displace the appellant from the existing post and maintain status-quo till final decision of this appeal OR any other relief which is deemed fit and proper under the circumstances of the case may also be granted in favour of the appellant.

Respectfully sheweth;

1. That respondent No.1 i.e. Executive District Officer(Health) Dir Lower advertised some posts of para-medics staff in daily 'Mashriq' peshawar dated 21-08-2011. The appellant being eligible and fully qualified, applied for the same posts and consequently appellant after scrutiny of his application/documents was called for interview/test. The appellant after having qualified test and interview was appointed by respondent No.1 as Junior Clinical Technician (Radiology) at category 'D' Hospital Munda, Dir Lower by an order dated 9-03-2012, without any pre-condition mentioned in the appointment order that the candidate/appointee shall get their diplomas registered with K.P.K. Medical faculty, peshawar before

✓  
p. 39

- joining the said post. (Copy of the advertisement and appointment order dated 9-03-2012 are attached as Annexures "A" and "B" respectively).
2. That the appellant assumed the charge of the post on 10-03-2012 and after one month of appointment of the appellant, respondent No.1 issued letters dated 12-04-2012 and 28-05-2012, directing the appellant to get his certificate/diploma, obtained by him from PIMS Islamabad, registered with K.P.K. Medical Faculty, Peshawar, failing which his appointment order would be withdrawn/cancelled. (Copies of letters dated 12-04-2012 and 28-5-2012 are attached as Annexures 'C' and 'D' respectively).
  3. That it is pertinent to mention here that a similar another aggrieved candidate/appointee as JCT, namely Hassan Abbas who also obtained his diploma from PIMS Islamabad, but was refused registration of his diploma by respondent No.4, had filed earlier a writ petition bearing No. 3969/2010 titled "Hassan Abbas versus Agency Civil Surgeon and others" before Peshawar High Court, Peshawar for redressal of his grievances, which writ petition was allowed and accepted by a division bench of Peshawar High Court headed by Chief Justice Post Muhammad Khan whereby the Hon'ble High Court directed respondent No.4 to issue registration certificate to the petitioner within one month positively, failing which contempt of court proceeding will be initiated against the officials/respondents/deptt; concerned. (Copy of the judgment dated 11-04-2012 passed in writ petition No. 3969/2010 is attached as Annexure 'E').
  4. That after exhausting all departmental remedies, the appellant being aggrieved and having no other efficacious remedy for redressal of his grievances, ultimately filed a constitutional petition No. 2617-p/2012 before the Hon'ble

the Hon'ble Peshawar High Court, Mingora Bench (D. Q) Swat in writ petition No. 2617/2012, the appellant approached respondent No. 3 and 4 (Secretary Health, K.P.K. and K.P.K. Medical Faculty), conveying orders of the court for compliance and implementation. (Copy of the implementation applications addressed to Secretary Health and K.P.K. Medical Faculty are attached as Annexures 'H' and 'I' respectively).

8. That respondent No. 4 (Secretary, Medical Faculty, Peshawar) in response to above directive of the Peshawar High Court Mingora Bench, has issued registration certificates in favour of three petitioners in writ petition No. 2617/2012 while registration certificates in respect of other two petitioners in the said writ petition including the appellant was flatly refused by Secretary, Medical Faculty and thus the appellant was discriminated illegally and unlawfully on flimsy grounds purely due to mis-interpretation and misconception of law involved in the matter. (Copies of the relevant registered certificates of three petitioners are attached as Annexures 'J', 'J/1' and 'J/2').
9. That it is worth mentioning to submit that case of Hassan Abbas (writ petitioner in writ petition No. 3969/2010 which was allowed by Peshawar High Court, Peshawar) has attained finality after dismissal of the civil petition No. 400-p/2012 filed by the Government and thus this verdict of the apex court is to be applied to all similarly placed persons/candidates/appointees. However, the appellant who obtained his diploma from PIMS Islamabad and Hassan Abbas who also obtained his diploma from PIMS Islamabad are quite similar and identical but alas despite this clear picture,

the appellant is being treated differently by respondent No.4 while accepting same for one person and refusing registration certificate to the appellant through its letter dated 19-06-2013. (Copy of the letter dated 19-06-2013 by respondent No.4 and copies of the diplomas obtained by Hassan Abbas and Rizwanullah (appellant) are attached as Annexures 'K; 'K/1 & K/2').

Now, the appellant approaches this Hon'ble Tribunal for seeking direction to respondent No.4 and 1 for issuance of registration certificate and releasing of the pay of the appellant on the following grounds amongst others :-

#### G R O U N D S

- a) That the impugned letter dated 19-06-2013 by respondent No.4 is illegal, in excess of jurisdiction, failure to exercise jurisdiction, malafidely and motivated by ulterior consideration, hence liable to be struck down.
- b) That respondent No.4 has mis-applied the law, in refusing of registration certificate and therefore, the same is illegal and without jurisdiction.
- c) That the appellant is entitled under the law to registration of his diploma as he meets the requirements of Medical and Dental Degree Ordinance, 1982 (Ordinance No. ~~XVI~~ of 1982) and also other notification concerned and therefore, the appellant be issued registration certificate. (Copies of the Notification dated September, 1977 and Ordinance of 1982 are attached as Annexures 'M' and 'N' respectively).
- d) That under Article 189 of the Constitution (1973), any decision of the Supreme Court shall to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan. Respondent No.4 is legally bound

to issue registration certificate in favour of the appellant in light of the Supreme Court judgment (Passan Abbas's case) as mentioned herein above.

- e) That the appellant has not been treated in accordance with law as envisaged by Article 4 of the Constitution.
- f) That refusal of the registration certificate is against the principle of natural justice.
- g) That any other ground, if any, will be taken by the appellant at the time of final arguments.

It is, therefore, most humbly prayed that on acceptance of this appeal, this Hon'ble Tribunal may be pleased to accept the appeal as prayed in the heading.

*Rizwanullah*  
Appellant

through  
*Abdul Hameed*  
Advocate, Peshawar

PESHAWAR

21-06-2013

VERIFICATION

verified on oath this day 21st of June, 2013 that the contents of the above service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Rizwanullah*  
Appellant

5. That balance of convenience is in favour of the applicant and if he is not paid the salary, he and his family will have to suffer economic losses/hardships.
6. That it is in the interest of justice, that the salary withheld by the respondent No.1 be released in favour of the applicant.

It is, therefore, respectfully prayed that on acceptance of this application, respondent No.1 may kindly be directed to release the salary of the applicant and status-quo may kindly be maintained till final decision of this service appeal.

Rizwanullah  
Applicant/Appellant

through

*Abdul Hameed*  
( Abdul Hameed )  
Advocate, Peshawar.

PESHAWAR

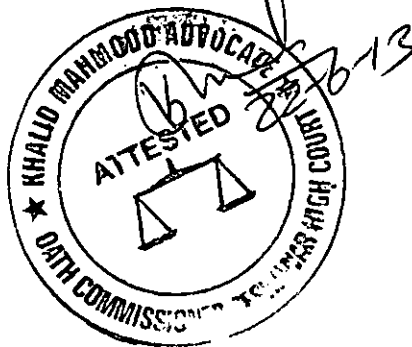
21-06-2013

AFFIDAVIT

I, Rizwanullah S/O Faizul Haq, BCT (Radiology) presently working at RHC Lal Qilla (Maidan) Dir Lower do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief.

Deponent

*Rizwanullah*





روزنامہ مشرق لہور مورخہ 21-8-2011

### اسامیاء خالی ہند

ای ڈی اڈنگر مسٹریٹ ریپبلکن گورنمنٹ ہسپتالوں میں مندرجہ ذیل آسامیوں ریگولر بنانے کے لیے طلبہ اور لائبر کے مقامی باشندگان سے درخواستیں مطلوب ہیں۔  
 نام آسامی اور بنیادی سکول

نمبر شمار	نام آسامی اور بنیادی سکول	آسامیوں کی تعداد	تاریخ کوریٹ
1	جمنٹر سکول (ریڈیا لوی) B-9	10	12-9-2011
2	جمنٹر سکول (سرجیکل) B-9	16	12-9-2011
3	جمنٹر سکول (ایجنٹ) B-9	15	12-9-2011
4	جمنٹر سکول (کارڈیالوجی) B-9	03	12-9-2011
5	جمنٹر سکول (پتھالوجی) B-9	10	12-9-2011
6	جمنٹر سکول (ایجنٹ) B-9	01	13-9-2011
7	جمنٹر سکول (MIP) B-9	01	13-9-2011
8	جمنٹر سکول (NICU) B-9	01	13-9-2011
9	جمنٹر سکول (انرجی) B-9	01	13-9-2011
9	سول (M&U) B-9	11	13-9-2011
10	کیمپس پریمر B-12	03	14-9-2011
11	جمنٹر سکول B-07	02	14-9-2011
12	سٹوڈنٹس B-06	02	15-9-2011
13	ایجنٹ B-06	01	14-9-2011
14	پریمر B-05	01	14-9-2011

نوٹ: درخواستیں مندرجہ ذیل تاریخوں تک جمع کی جائیں گی۔  
 (1) تمام آسامیوں کے ساتھ ساتھ درخواستیں قابل قبول نہیں ہوں گی (3) تمام منتخب امیدواروں کے دستخطات اسریٹیکٹ مستند اداروں سے تیار ہونے چاہئے۔  
 (4) تمام امیدواروں کے ساتھ ساتھ درخواستیں قابل قبول نہیں ہوں گی (5) مرنک عدسہ سے تمام درخواستوں کے مطابق دی جائیں گی (6) آسامیوں کی تعداد میں کمی بیشی ہو سکتی ہے۔  
 (7) تمام درخواستیں مندرجہ ذیل تاریخوں تک جمع کی جائیں گی (8) تحریری دست ناموں کے دن اصلی اسناد اور قریبی شہادتیں کارڈیالوجی (9) تمام امیدواروں کی شہادتیں کارڈیالوجی (10) تمام آسامیوں ریگولر بنانے کے لیے طلبہ اور لائبر کے مقامی باشندگان سے درخواستیں مطلوب ہیں۔  
 (11) تمام درخواستیں مندرجہ ذیل تاریخوں تک جمع کی جائیں گی (12) تمام درخواستیں مندرجہ ذیل تاریخوں تک جمع کی جائیں گی (13) تمام درخواستیں مندرجہ ذیل تاریخوں تک جمع کی جائیں گی (14) تمام درخواستیں مندرجہ ذیل تاریخوں تک جمع کی جائیں گی۔  
 (15) تمام درخواستیں مندرجہ ذیل تاریخوں تک جمع کی جائیں گی۔

0945-9250098 Also available on www.khyberpakhtunkwa.gov.pk

اشتراک مورخہ 21-8-2011 روزنامہ مشرق لہور

**ATTESTED**  
 [Signature]  
**ADVOCATE**

## OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) DIR LOWER

OFFICE ORDER.

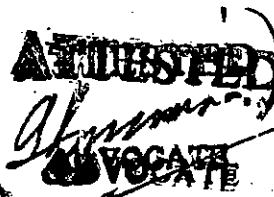
As recommended by the Departmental Selection Committee, the following candidates of District Dir Lower are hereby appointed as Junior Clinical Tech: (Radiology) BPS-09 (Rs. 6200-320-17600) plus usual allowances as admissible under the rules on regular contract basis against the vacant post of Junior Clinical Tech: (Radiology) in the Health Institutions in Dir Lower noted against their names on the following terms & conditions.

S.No.	Name, Father Name & Address.	Place of posting.
1	Noor ul Khaliq S/O Adam Khan Vill: Lalo Payeen Khal Dir Lower.	THQ Chakdara. Hosp:
2	Inam ud Din S/O Su'han ud Din Village Anbarzy Peto Dara Tehsil T/Gara Dir Lower.	DHQ Timergara. Hosp:
3	Inran ul Haq S/O Inam ul Haq Village Kandaro Khal Tehsil Timergara Dir Lower.	RHC Khal.
4	Aqwar Khan S/O Gul Zaman Khan Village Hanfia PO Mayar Tehsil Samarbagh Dir Lower.	THQ Samarbagh. Hosp:
5	Hussain Mohammad S/O Din Mohammad Village and PO Mafakand Payeen Dir Lower.	DHQ Timergara. Hosp:
6	Rizwan Ullah S/O Faiz Ullah Village Lagarai PO and Tehsil Lalqila Dir Lower.	Cat. D Hosp: Munda.
7	Yasid Khan S/O Dost Mohammad Khan village and PO Ouch Tehsil Ajenzai Dir Lower.	RHC Ouch.

Note: The Candidates at Sr. No. 2 & 8 being in-service are hereby appointed/adjusted against the post of JCT: (Radiology).

TERMS & CONDITIONS.

1. Your appointment will be on regular contract basis.
2. You will not be entitled for pension and gratuity benefits.
3. You will not contribute to GP Fund.
4. You will avail the benefit of Contributory Provident Fund (CPF) through 10% contribution of minimum of her pay and 10% contribution to be made by the Government.
5. Your appointment will take place subject to provision of Health & age certificate from the Medical Superintendent DHQ Hospital Timergara and verification of your documents from the concerned Institution.
6. If you accept offer for appointment as Junior Clinical Tech: (Radiology) with the above terms and conditions, you should report to the Incharge

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**ADVOCATE**

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of concerned Health institutions in Dir Lower with in 15 days, otherwise offer will be considered automatically as cancelled.

Executive District Officer,  
(Health) Dir Lower.

No. 12911-1303 /Radiology Dated Timergara the 9<sup>th</sup> 03 /2012.

Copy forwarded to:-

1. The District Accounts Officer Dir Lower.
2. The EDO (Health) Shangia.
3. The Medical Superintendent DHQ Hospital Timergara.
4. The Incharge of the concerned Health Institutions.
5. The Accounts Clerk of this office.
6. The Officials Concerned.

For information and necessary action please.

Executive District Officer,  
(Health) Dir Lower.

**TESTED**  
*[Signature]*  
2012/03/09



13

Annex C

OFFICE OF THE  
EXECUTIVE DISTRICT OFFICER (HEALTH)  
DIR LOWER.

No. 2090-93 / Dated. 12 / 4 / 2012.  
Phone No. 0945-9250098.

To.

1. Mr. Noorul Khaliq S/O Adam Khan.
2. Mr. Imran ul Haq S/O Inam ul Haq.
3. Mr. Rizwan Ullah S/O Faizullah.
4. Mr. Faizam Ullah S/O Hazir Ullah.  
Jr. Clinical Technician (Radiology)

Subject: REGISTRATION OF CERTIFICATE/DIPLOMA.

As intimated by the Director General Health Services Khyber Pukhtunkhwa Peshawar vide letter No. 398-489/E.V, dated 06-01-2010 "that no certificate/diploma obtained from other institutions should be entertained unless the same is registered with KPK Medical Faculty", as you have been selected/appointed as Jr. Clinical Technician (Radiology) on dated 09-03-2012 in various Health Institutions in Dir Lower subject to the condition that you will be register your Diploma with Khyber Pukhtunkhwa Medical Faculty Peshawar.

You are hereby directed to register your Certificate/Diploma with Khyber Pukhtunkhwa Medical Faculty Peshawar with in 15 days of the receipt of this letter, otherwise your appointment order will be withdraw/cancelled.

Executive District Officer,  
(Health) Dir Lower.

No. 2094-95 /  
Copy forwarded to:-

1. The Director General Health Services Khyber Pukhtunkhwa Peshawar.
2. The Incharge of concerned Health Institutions.

For information please.

Executive District Officer,  
(Health) Dir Lower.

**ATTENDED**  
*[Signature]*  
**ADVOCATE**



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Annex D

OFFICE OF THE  
EXECUTIVE DISTRICT OFFICER (HEALTH)  
DIR LOWER

No. 2885-87 / Dated. 28/5/2012.

Phone No. 0945-9250098.

To,

1. Mr. Imran ul Haq S/O Inam ul Haq.
2. Mr. Rizwan Ullah S/o Faizullah.
3. Mr. Nizam Ullah S/O Hazir Ullah.  
Jr. Clinical Technician (Radiology)

Subject: REGISTRATION OF CERTIFICATE/DIPLOMA.  
Memo:-

You were directed to vide this office letter No. 2090-93 dated 12/04/2012 to register your Certificate/Diploma with Khyber Pukhtunkhwa Medical Faculty Peshawar with in 15 days of the receipt of this letter, but uptill now you have not submitted the registration/renewal of your diploma to this office.

You are finally directed to submit your Registration/renewal <sup>with</sup> ~~from~~ Khyber pakhtunkhwa Medical Faculty Peshawar within three days of the receipt of this letter, otherwise <sup>your</sup> appointment order will be withdraw/cancelled.

Executive District Officer,  
(Health) Dir Lower.

No. 2888-90

Copy forwarded to:-

1. The Director General Health Services Khyber Pukhtunkhwa Peshawar.
2. The Medical Superintendent DHQ Hospital Timergara.
3. The Incharge of concerned Health Institutions.

For information please.

**ATTESTED**  
  
**ADVOCATE**

Executive District Officer,  
(Health) Dir Lower.

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 3969 /2010

Hassan Abbass S/o Ashiq Ali  
Resident of Village Topaki, Tehsil & P.O. Sadda Kurram  
Agency presently resident at H.NO. 790-B, Street No. 34,  
Sector D-4 Phase-I hayatabad, Peshawar

.....Petitioner

Versus

1. Agency Surgeon Kurram Agency.
2. Director health (FATA) Khyber Road, Peshawar.
3. Medical faculty K.P.K., University Town, Peshawar through its Secretary.

.....Respondents

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

Respectfully Sheweth,

1. That the petitioner is a permanent resident of Village Topaki Tehsil and P.O. Sadda Kurram Agency and as such has a domicile of that area. (Copy of Domicile is attached as Annexure-'A').
2. That the petitioner passed his Matric examination from the Board of Intermediate & secondary Education, Kohat in the year 2005 and was accordingly issued a Certificate by the Board. (Copies of Detail Marks as well as Certificates

**ATTESTED**  
*[Signature]*  
**ADVOCATE**

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



C.O.C No. 181 /2010

in  
Writ Petition No.2377/2010

Hassan Abbas S/O Aashiq Ali  
Permanent resident of Village Topaki, Tehsil and P.O Sadda  
Kurram Agency, presently residing at House No.790-B, Street  
No.34, Sector D-4, Phase-I, Hayatabad, Peshawar.  
..... Applicant/ Petitioner

Versus

Dr. Siraj, Secretary, Medical Faculty, Abdara Road, University  
Town Peshawar. .... Respondent

APPLICATION FOR INITIATION OF CONTEMPT  
PROCEEDINGS AGAINST (DR. SIRAJ) SECRETARY,  
MEDICAL FACULTY, ABDARA ROAD, UNIVERSITY  
TOWN PESHAWAR.

Respectfully Sheweth:-

1. That the applicant/ petitioner was selected as Lab Technician by the Agency Surgeon at Headquarter Hospital Para-Chinar with the condition that he would produce a certificate of registration to be issued by Medical Faculty Peshawar.
2. That accordingly the applicant/ petitioner applied to the Secretary Medical Faculty for issuance of registration certificate but the matter was delayed for

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EXAMINER  
Peshawar High Court

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Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
PESHAWAR  
(Judicial Department)

COC No.181/2010 in WP No.2377/2010.

JUDGMENT

Date of hearing. 11.4.2012.

Petitioner (Hassan Abbas) By *Mr. Manzullah Barkomali Advocate*

Respondents. By *Mr. Azhar Yousof Advocate*  
\*\*\*\*\*  
*Mr. Obaid Razaq A.A.G.*

DOST MUHAMMAD KHAN, C.J.- In view of the directions issued to the respondents contained in our detailed judgment of even date in WP No.3969/2010, this contempt petition stands disposed of and the notice of contempt issued to the respondents is hereby discharged.

Announced:  
11.4.2012

*By Dost Muhammad Khan C.J.*  
*By Mian Farhad M.A.G.*

CERTIFIED TO BE TRUE COPY

*SF*  
Examiner 24/5/12  
Peshawar High Court Peshawar  
Authorised Under Article 87 of  
The Qanun-e-Shahadat Order 1984

"Quseem"

**ATTESTED**  
*[Signature]*  
**ADVOCATE**



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Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
PESHAWAR  
(Judicial Department)

WP No.3969/2010

JUDGMENT

Date of hearing. 11.4.2012.


Petitioner (Hassan Abbas) By Mr. Mazullah Bux Khandak Advocate

Respondents. By Mr. Dawid Razaq, A.A.G.

\*\*\*\*\*

DOST MUHAMMAD KHAN, C.I.- This single judgment shall also decide the connected contempt petition No. 181/2010 as the same has arisen out the order of this court which has not been complied with by the respondents within the given period of ten days. The order of the court in the earlier WP No.2377/2010 is dated 22.6.2010.

2. The case of the petitioner is that after acquiring the requisite academic qualification he successfully qualified the course of Medical Technology from Pakistan Institute of Medical Sciences Islamabad, session 2006-2008. These facts are not denied by the

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respondents nor the credentials of the petitioner have been questioned in any manner.

3. The Agency Surgeon Kurram, advertised through public notice posts of Lab Technicians, the petitioner, being a candidate, was interviewed on 9.12.2009 and was declared successful subject to the condition that registration certificate with regard to the diploma be produced and then he will assume the charge.

4. The petitioner applied to respondent No.3 for that purpose and also deposited, on his direction, the prescribed fee of Rs.3200/-, however, he was not granted the certificate and that too for no good reason.

5. While deciding the earlier WP No.2377/2010, this court directed the respondents to decide the application of the petitioner within ten (10) days but even then it was not complied with, therefore, the petitioner filed contempt petition No.181/2010 and also filed this constitutional petition.

6. Today, learned counsel for the parties and the parties were heard in person.

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**ADVOCATE**

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EXAMINER  
Peshawar High Court.

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7. The respondents were unable to deny the requisite qualification of the petitioner which he had acquired in due course; however, their only objection was that by the time he obtained the diploma from the relevant institute, it was not registered with the Medical Faculty of KPK.

8. When the respondents were confronted with the provision of Medical and Dental Degrees Ordinance and the Notification No. S.O.III(T)4-16/77, wherein it is stated that all Institutions (Medical Faculties) managed and controlled by the Provincial or Federal Government may grant or issue any such Diplomas to the successful candidates, then, why the registration is denied to the petitioner when he is qualified from an Institute of national repute from PIMS Islamabad sponsored by WHO, they were having no plausible answer to give and ultimately they conceded that in view of the high profile of the Institute, wherefrom the petitioner got the Diploma, cannot be questioned on any legal and factual grounds. Moreover, it was further conceded that the Medical Faculty of PIMS which granted the Diploma is

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**ADVOCATE**

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duly registered; hence, denial of registration certificate to the petitioner by the Medical Faculty of KPK is an act ab initio void, without lawful authority and of no legal effect. The replying respondents are required by law to do what has been prayed for in this writ petitioner, however, it is shocking to note that the replying respondents have, for no good reason, constrained the petitioner, peddling him up for such a long litigation which a deplorable conduct on their part.

9. Accordingly, the replying respondents (Medical Faculty KPK) is directed to issue Registration Certificate to the petitioner within one month positively otherwise, this time if the writ of the court is violated, then, no leniency would be shown to the respondents in the matter of contempt, however, in view of the peculiar facts and circumstances, at present we do not think it appropriate for proceeding against the respondents for contempt of court, giving them last opportunity to comply with the order of the court forthwith and for that reason the notice of contempt issued to them is hereby

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EXAMINER

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discharged. The writ petition is allowed in the above

terms. *Sy Dost Muhammad Khan*

Announced: *Sy Mirza Faisal Akbar*  
11.4.2012

*Judge*

\*Qaseem\*

CERTIFIED TO BE TRUE COPY

*SP* 24/5/12

Examiner  
Peshawar High Court Peshawar  
Authorised Under Article 87 of  
The Qanun-e-Shahadat Order 1984

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Date of Presentation of Application *18/4/12*  
No of Pages *7-p*  
Copying fee *1*  
Urgent Fee *1*  
Total *14*  
Date of Preparation of Copy *24/5/12*  
Date Given For Delivery *24/5/12*  
Date of Delivery of Copy *24/5/12*

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ADVOCATE

*Call by [Signature]*

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

PRESENT: Mr. Justice Nasir-ul-Mulk.  
Mr. Justice Iqbal Hameedur Rahman.

Civil Petition No. 400-1/2012.  
(On appeal against the order dated 11.04.2012  
passed by Peshawar High Court, Peshawar,  
in W. P. No. 3969/2010)

Agency Surgeon Kurram Agency and others. Petitioner(s).

Versus

Hassan Abbas. Respondent(s).

For the Petitioner(s):

Mr. Laljan Khattak, AAG.

For the Respondent(s):

Mr. Maazullah Khan Barkandi, ASC.

Date of Hearing:


08.03.2013.

JUDGMENT

Iqbal Hameedur Rahman, J: - This petition for leave to appeal arises out of the judgment dated 11.04.2012 passed by learned Peshawar High Court, Peshawar, in W. P. No. 3969/2010, filed by the respondent, whereby it was allowed.

2. The matter being propounded through this instant petition is that the petitioners, Agency Surgeon Kurram Agency and others, advertised through public notice for appointment to the posts of Lab Technician. The respondent, Hassan Abbas, being eligible duly applied for the said post. He was later on interviewed on 09.12.2009 and was declared to be successful but his selection was subject to the condition that registration certificate with regard to diploma in Medical Technician, issued to the respondent by Pakistan Institution of Medical Sciences, Islamabad (hereinafter to be referred as "the PIMS") be produced which should be obtained through Medical Faculty, KPK, Peshawar. In this regard the respondent duly applied to petitioner No. 3, Medical Faculty KPK, Peshawar, and also

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Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar

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deposited the prescribed fee for the grant of the certificate in view of which he had earlier filed W. P. No. 2377/2010 titled Hassan Abbas vs. Agency, Surgeon, Kurrum Agency, etc. before the learned Peshawar High Court, Peshawar, wherein a direction had been issued to petitioner No. 3 to decide the application of the respondent within 10 days and with the said direction the writ petition was disposed off vide order dated 26.06.2010. The petitioner No. 3 did not comply with the said direction and the respondent filed contempt petition No.181/2010 in this regard. Thereafter the respondent again filed W. P. No.3969/2010 before the learned Peshawar High Court, Peshawar, impleading the petitioners as respondents. The same was heard alongwith the above referred contempt petition and it was decided through the impugned judgment in the following terms: -

"8. When the respondents were confronted with the provision of Medical and Dental Degrees Ordinance and the Notification No.S.O.III(T)4-16/77, wherein it is stated that all Institutions (Medical Faculties) managed and controlled by the Provincial or Federal Government may grant or issue any such Diplomas to the successful candidates, then, why the registration is denied to the petitioner when he is qualified from an Institute of national repute from PIMS Islamabad sponsored by WHO, they were having no plausible answer to give and ultimately they conceded that in view of the high profile of the Institute, wherefrom the petitioner got the Diploma, cannot be questioned on any legal and factual grounds. Moreover, it was further conceded that the Medical Faculty of PIMS which granted the Diploma is duly registered; hence, denial of registration certificate to the petitioner by the Medical Faculty of KPK is an act ab initio void, without lawful authority and of no legal effect. The replying respondents are required by law to do what has been prayed for in this writ petition, however, it is shocking to note that the replying respondents have, for no good reason, constrained the petitioner, peddling him up for such a long litigation which a deplorable conduct on their part.

9. Accordingly, the replying respondents (Medical Faculty KPK) is directed to issue Registration Certificate to the petitioner within one month positively otherwise, this time if the writ of the court is violated, then, no leniency would be shown to the respondents in the matter of contempt, however, in view of the peculiar facts and circumstances, at

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Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

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ADVOCATE

present we do not think it appropriate for proceedings against the respondents for contempt of court, giving them last opportunity to comply with the order of the court forthwith and for that reason the notice of contempt issued to them is hereby discharged. The writ petition is allowed in the above terms."

It is against this impugned judgment dated 11.04.2012 the petitioners have now filed the instant petition for leave to appeal.

3. Learned Additional Advocate General for the petitioners has contended that as per Section 3 of the Medical and Dental Degrees Ordinance, 1982 (hereinafter to be referred as "the Ordinance"), a notification with regard to the recognition of the PIMS was to be issued and presently said notification has not been issued as such the PIMS has not been included in the schedule of institutions duly recognized, therefore, the registration certificate cannot be conferred on account of provisions of Section 3 of the Ordinance and issuance of any certificate by it would amount to be a violation of law.

4. On the other hand the learned counsel for the respondent has controverted the stance taken by learned Additional Advocate General by filing concise statement on behalf of the respondent and states that the stance of the petitioners is belied from their own acts as they have already issued registration/recognition certificate to two persons namely Mikhar Hussain and Muhammad Ramzan and have produced the copies of their certificates issued by petitioner No. 3 as they had also obtained diploma in Medical Laboratory Technology from the PIMS. Learned Additional Advocate General when confronted with the same asserts that prior to 2008 the petitioner No. 3 has been issuing certificates but thereafter no certificate had been issued on account of above mentioned provision of the Ordinance.

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*[Signature]*

Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

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C. P. No. 400-P/2012.

5. We have heard the learned counsel for the parties and have gone through the material available on the record and have carefully examined the judgments of the High Court.

6. The perusal of the diploma of the respondent, which had been issued in the year 2008, makes it clear that it should have been duly considered by the petitioner No. 3, as it had already granted registration certificates previously to Iftikhar Hussain and Muhammad Ramzan. The case of the respondent is on the same footing.

7. In the above perspective where registration certificates have duly been issued to other persons, which has not been denied by the petitioners, it is a clear case of discrimination which is in violation to the fundamental rights granted to the citizens of Pakistan under Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.

8. In the above circumstances, no case for interference in the impugned judgment is called for. Resultantly, this petition being devoid of merits is

dismissed. Leave refused. /

PESHAWAR  
08.03.2013.  
(Farrukh)

*[Signature]*  
16/3

Not Approved for Reporting.

*Ed/- Nasir-ul-Mulk, J*  
*Ed/- Iqbal Hameed ur Rahman, J*

*Certified to be true copy*

*[Signature]*  
08.03.2013  
Deputy Registrar,  
Supreme Court of Pakistan,  
Peshawar.

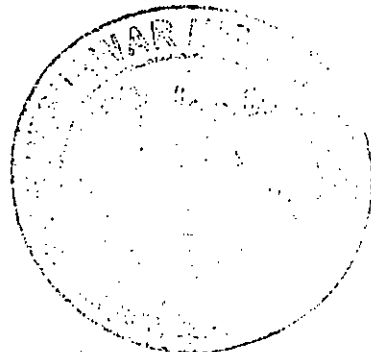
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**ADVOCATE**

Amir G

IN THE PESHAWAR HIGH COURT, PESHAWAR.

Writ petition No. 2617 P 2012



1. Asmatullah Khan S/O Gul Zaman,  
Junior Clinical Technician (Surgical)  
Rural Health Centre, Khal (Dir Lower)  
presently residing at village Mullazai,  
Tehsil and District Peshawar.
2. Rizwanullah S/O Faiz-ul-Haq,  
Junior Clinical Technician (Radiology)  
Category -D, Hospital Munda, Dir Lower,  
presently residing at H.No. 2 Street No.1,  
Sector K-2 Phase-3, Hayat Abad, Peshawar.
3. Iftikhar Ahmad S/O Sajawal Khan,  
Junior Clinical Technician (Pathology)  
Tehsil Headquarter Hospital, Ghakdara,  
Dir Lower, presently residing at Pajagai Road,  
Bashir Abad, Peshawar.
4. Fazal Wahid S/O Muhammad Zahid Khan,  
Junior Clinical Technician (Surgical)  
District Headquarter Hospital, Timergara  
Dir Lower, presently residing at City Town  
No.2 Street No.2 Mahtab Chowk (near Haji Camp)  
Peshawar.
5. Akbar Hussain S/O Anwarzada,  
Junior Clinical Technician (Surgical)  
D.H.O. Timergara, Dir Lower,  
presently residing at City Town No.2  
Street No.2 Mahtab Chowk (near Haji Camp)  
Peshawar.

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[Signature]  
Peshawar  
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..... petitioners

versus

1. Executive District Officer (Health)  
Dir Lower.
2. Director General, Health Services  
Khyber Pakhtoonkhwa, Peshawar.
3. Secretary to Government of K.P.K.  
Health Department/Chairman, K.P.K.  
Medical Faculty, Peshawar.
4. Secretary, Khyber Pakhtoonkhwa,  
Medical Faculty, Peshawar

..... respondents.

FILED TODAY

Deputy Registrar

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ADVOCATE

FORM OF ORDER SHEET

Court of .....  
Case No. ....

Order or other Proceedings with signature of Judge or Magistrate and that of petitioner or counsel where necessary.	Date of order or Proceedings	No. of order or Proceedings
<p>Learned D.A.G. present in Court accepts notice withdrawn/cancelled.</p> <p>3. Peshawar, failing which their appointment orders would be registered with Khyber Pakhtunkhwa Medical Faculty, directing the petitioners to get their certificates/diplomas issued impugned orders dated 12.4.2012 and 28.2.2012 one month of appointment of the petitioners, respondent No.1 appointed on their respective post vide order 09.3.2012. After petitioners after having qualified test and interview, were the respondents Health Department in daily Mashid. The petition some posts of Para-medics staff were advised by 2. The brief and essential facts of the instant petitioners without further loss of time.</p> <p>respondents No.3 and 4 to issue registration certificate to the ineffective upon the rights of petitioners with directions to respondent No.1, as illegal and without lawful authority and declaring the letters dated 12.4.2012 and 28.2.2012 of four others, through the instant writ petition, have prayed for</p> <p><b>MUHAMMAD DAUD KHAN, J.-</b> Asmullah Khan and Present: Mr. Abdul Hamid, advocate for the petitioners.</p> <p>W.P. No. 2817/2012.</p>	17.4.2013	

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of this petition and vehemently opposed the instant writ petition on the issue of jurisdiction of this Court.

4. The grievance of the petitioners relates to terms and conditions of service, who are admittedly civil servants, performing their duties on their respective posts in the Province.

5. This Court, under the provisions of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973 and the verdict of the apex Court in this regard, is not inclined to pass any findings with respect to grievance of the present petitioners, because the same relates to terms and conditions of their service. However, this Court treats the present petition as a departmental representation and refers the same to the Secretary Health Services, Khyber Pakhtunkhwa to decide the same in accordance with law within one month after receipt of copy of this order.

6. In case, the grievance of the petitioners is not positively considered, the Secretary Health is to render reasons for the decision in writing and also communicate the same to the petitioners.

The writ petition is disposed of in the above terms.

Announced.  
Dt: 17.4.2013.

~~Signature~~  
JUDGE

~~Signature~~  
JUDGE

Certified to be true copy

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EXAMINER

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23/04/13

TO

The Secretary to Government of KPK,  
Health Department/Chairman, K.P.K.  
Medical Faculty, Peshawar

Subject:- IMPLEMENTATION OF JUDGMENT/ORDER DATED 17-04-2013  
BY PESHAWAR HIGH COURT, MINGORABENCH(D.O) SWAT  
WHEREBY THE HON'BLE PESHAWAR HIGH COURT HAS DIRECTED  
THE OFFICIAL RESPONDENTS (SECRETARY HEALTH KPK AND  
K.P.K. SECRETARY MEDICAL FACULTY, PESHAWAR) TO ISSUE  
REGISTRATION CERTIFICATES IN FAVOUR OF THE PETITIONERS  
WHO OBTAINED THEIR DIPLOMAS FROM PIMS ISLAMABAD.

Respected sir,

The petitioners in writ petition No. 2617/2012  
respectfully submit herewith a copy of the judgment dated 17-04-2013  
by Peshawar High Court, Mingora Bench (Dardul Qaza) Swat passed in writ  
petition No. 2617/2012 for perusal and implementation. (Copy of the  
judgment/order dated 17-04-2013 is annexure 'A').

The short facts of the case are that some posts of  
Para-medics staff were advertised by respondent/Health Department in  
Daily 'Mashriq'. The petitioners who had obtained their diplomas from  
PIMS Islamabad applied for the same and after having qualified tests  
and interview, were appointed on their posts vide order dated 9-03-2012.  
(Copy is Annexure 'B'). After one month of appointment of the petitioners  
respondent No.1 (E.D.O Health Dir Lower) issued impugned letters  
dated 12-04-2012 and 28-05-2012, directing the petitioners to get  
their certificates/diplomas registered with K.P.K. Medical Faculty,  
Peshawar failing which their appointment orders would be withdrawn/  
cancelled. (Copies are Annexures 'C' and 'D' respectively).

The petitioners thereafter invoked the constitutional  
jurisdiction of Peshawar High Court, Peshawar by filing the writ petition  
No 2617/2012, for seeking a relief with regard to registration of  
their diplomas, obtained by them from PIMS Islamabad. (Copy of W.P.

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No. 2617/2012 is Annexure 'E').

vide order/judgment dated 11-04-2012 by peshawar High Court, peshawar, passed in writ petition No. 3969/2010 titled "Hassan Abbas versus Civil Surgeon, Kurram Agency and others," whereby the <sup>replying</sup> respondent (K.P.K. Medical Faculty), peshawar was directed to issue Registration Certificate to the writ petitioner who obtained his diploma from College of Medical Technology, EIMS Islamabad. (Copy is Annexure 'F').

This judgment/order dated 11-04-2012 passed by peshawar High Court, peshawar in writ petition No. 3969/2010 titled "Hassan Abbas versus Agency Surgeon, Kurram Agency and others" was challenged by the Government before the Supreme Court of Pakistan by filing a civil petition No. 400-P/2012 and resultantly the apex court of Pakistan vide its judgment/order dated 8-03-2013, passed in civil petition No. 400-P/2012, dismissed the petition filed by the Government and upheld the judgment/order dated 11-04-2012 passed by Peshawar High Court, peshawar in writ petition No. 3969/2010. (Copy is Annexure 'G').

In this context reference is invited to an important judgment of the apex court of Pakistan reported in 1996 SCMR 1185 titled "Hameed Akhtar Niazi versus The Secretary Establishment Division, Government of Pakistan and others," whereunder a dictum has been laid down by the Supreme Court of Pakistan which is reproduced as under :-

"(c) service Tribunal Act(LXX of 1973)....  
 , , , , S.4-Constitution of Pakistan (1973), Art.212...  
 Appeal to service Tribunal or Supreme Court...  
 Effect...If the service Tribunal or Supreme Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such

**ATTESTED**  
  
**ADVOCATE**

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judgment by service Tribunal/Supreme Court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the service Tribunal or any other forum".

(Copy of the judgment 1996 SCMR 1185 is Annexure 'H').

That since the case of the petitioners is identical to that of writ petitioner in writ petition No. 3969/2010, which was upheld by the apex court of Pakistan, therefore, they also pray for similar relief, requesting that their diplomas obtained by them from <sup>the</sup> College of Medical Technology, PIMS, Islamabad be got registered by K.P.K. Medical Faculty, Peshawar on the analogy of Hassan Abbas, the petitioner in writ petition No. 3969/2010.

It is, therefore, most respectfully prayed that the judgment/order dated 17-04-2013 passed in writ petition No. 2617/2012 may kindly be implemented in its letter and spirit purely on the basis of apex court judgment dated 8-03-2013 passed in civil petition No. 400-P/2012 and the required Registration Certificates be issued to the petitioners enabling them to regularize their services and their pay, already with-held w.e.f. 10-03-2012, be released without further loss of time.

Your Most Obedient servant,

PESHAWAR

05-06-2013

- 1) Asmatullah, Jr. C.T.
- 2) Rizwanullah, Jr. C.T.
- 3) Iftikhar Ahmad, Jr. C.T.
- 4) Fazal Wahid, Jr. C.T.
- 5) Akbar Hussain, Jr. C.T.

ATTESTED  
  
 ADVOCATE

TO

The Secretary,  
Khyber Pakhtunkhwa,  
Medical Faculty, Peshawar.

Subject:- IMPLEMENTATION OF JUDGMENT/ORDER DATED 17-04-2013  
BY PESHAWAR HIGH COURT, MINGORA BENCH (D.O) SWAT  
WHEREBY THE HON'BLE PESHAWAR HIGH COURT HAS DIRECTED  
THE OFFICIAL RESPONDENTS (SECRETARY HEALTH KPK AND  
K.P.K. SECRETARY MEDICAL FACULTY, PESHAWAR) TO ISSUE  
REGISTRATION CERTIFICATES IN FAVOUR OF THE PETITIONERS  
WHO OBTAINED THEIR DIPLOMAS FROM PIMS ISLAMABAD.

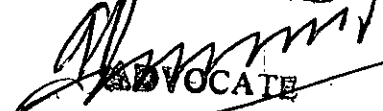
Respected sir,

The petitioners in writ petition No. 2617/2012  
respectfully submit herewith a copy of the judgment dated 17-04-2013  
by Peshawar High Court, Mingora Bench (Darul Qaza) Swat passed in writ  
petition No. 2617/2012 for perusal and implementation. (Copy of the  
judgment/order dated 17-04-2013 is annexure 'A').

The short facts of the case are that some posts of  
Para-medics staff were advertised by respondent/Health Department in  
daily 'Mashriq'. The petitioners who had obtained their diplomas from  
PIMS Islamabad applied for the same and after having qualified tests  
and interview, were appointed on their posts vide order dated 9-03-2012.  
(Copy is Annexure 'B'). After one month of appointment of the petitioners  
respondent No.1 (E.D.O Health Dir Lower) issued impugned letters  
dated 12-04-2012 and 28-05-2012, directing the petitioners to get  
their certificates/diplomas registered with K.P.K. Medical Faculty,  
Peshawar failing which their appointment orders would be withdrawn/  
cancelled. (Copies are Annexures 'C' and 'D' respectively).

The petitioners thereafter invoked the constitutional  
jurisdiction of Peshawar High Court, Peshawar by filing the writ petition  
No. 2617/2012, for seeking a relief with regard to registration of  
their diplomas, obtained by them from PIMS Islamabad. (Copy of W.P.

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No. 2617/2012 is Annexure 'E').

vide order/judgment dated 11-04-2012 by Peshawar High Court, Peshawar, passed in writ petition No. 3969/2010 titled "Hassan Abbas versus Civil Surgeon, Kurram Agency and others" whereby the <sup>replying</sup> respondent (K.P.K. Medical Faculty), Peshawar was directed to issue Registration Certificate to the writ petitioner who obtained his diploma from College of Medical Technology, BIMS Islamabad. (Copy is Annexure 'F').

This judgment/order dated 11-04-2012 passed by Peshawar High Court, Peshawar in writ petition No. 3969/2010 titled "Hassan Abbas versus Agency Surgeon, Kurram Agency and others" was challenged by the Government before the Supreme Court of Pakistan by filing a civil petition No. 400-P/2012 and resultantly the apex court of Pakistan vide its judgment/order dated 8-03-2013, passed in civil petition No. 400-P/2012, dismissed the petition filed by the Government and upheld the judgment/order dated 11-04-2012 passed by Peshawar High Court, Peshawar in writ petition No. 3969/2010. (Copy is Annexure 'G').

In this context reference is invited to an important judgment of the apex court of Pakistan reported in 1996 SCMR 1185 titled "Hameed Akhtar Niazi versus The Secretary Establishment Division, Government of Pakistan and others" whereunder a dictum has been laid down by the Supreme Court of Pakistan which is reproduced as under :-

"(c) Service Tribunal Act (LXX of 1973)....  
 , , , , S.4-Constitution of Pakistan (1973), Art.212...  
 Appeal to Service Tribunal or Supreme Court...  
 Effect...If the Service Tribunal or Supreme Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictum and rule of good governance demand that the benefit of such

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ADVOCATE

- 3 -

judgment by service tribunal/supreme court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the service tribunal or any other forum".

(Copy of the judgment 1996 SCMR 1185 is Annexure 'H').

that since the case of the petitioners is identical to that of writ petitioner in writ petition No. 3969/2010, which was upheld by the apex court of Pakistan, therefore, they also pray for similar relief, requesting that their diplomas obtained by them from <sup>College of</sup> Medical Technology, PIMS, Islamabad be got registered by K.P.K. Medical Faculty, Peshawar on the analogy of Hassan Abbas, the petitioner in writ petition No. 3969/2010.

It is, therefore, most respectfully prayed that the judgment/order dated 17-04-2013 passed in writ petition No. 2617/2012 may kindly be implemented in its letter and spirit purely on the basis of apex court judgment dated 8-03-2013 passed in civil petition No. 400-p/2012 and the required Registration certificates be issued to the petitioners enabling them to regularize their services and their pay, already with-held w.e.f. 10-03-2012, be released without further loss of time.

Your most obedient servant,

PESHAWAR  
05-06-2013

- 1) Asmatullah, Jr. C.T.
- 2) Rizwanullah, Jr. C.T.
- 3) Iftikhar Ahmad, Jr. C.T.
- 4) Fazal Wahid, Jr. C.T.
- 5) Akbar Hussain, Jr. C.T.

**ATTESTED**  
*[Signature]*  
**ADVOCATE**

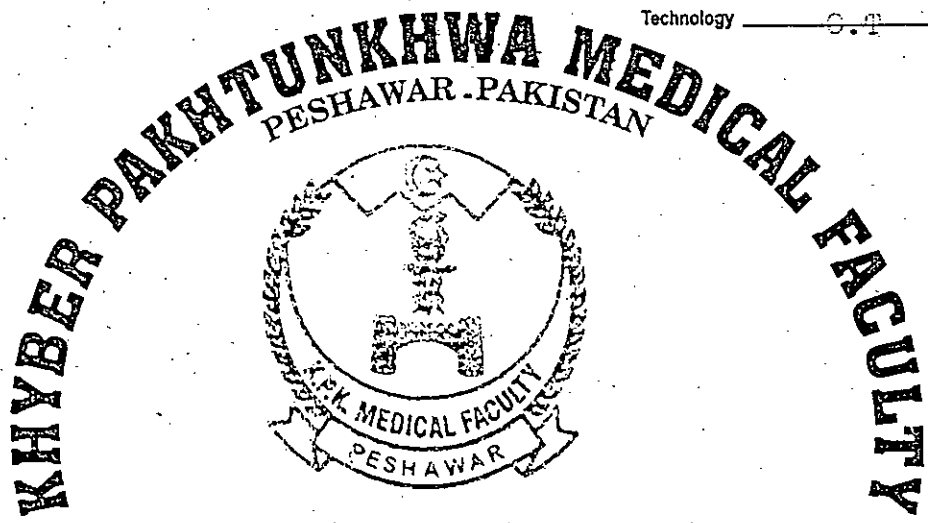
Serial No 75

Toll No 199/12113

Batch No \_\_\_\_\_

Examination Session 2002-04

Technology G.T



# Renewal Of Diploma

## REGISTRATION / ENROLMENT

*Valid for five years*

The Diploma registration of Mr / Miss / Mrs. Ashraf Ullah Son / Daughter of

Gul Zaman Khan bearing Registration No. KPE-08/12/2113 Enrolment / Provisional

Diploma Serial No. 3009 Dated 05-06-2013 is hereby renewed

from 06-2013 to 05/2018


KTR Let No 17 Dated 03-04-2013

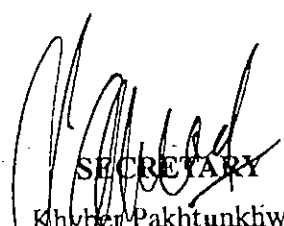
PIMS Let No P.5-20/2012/CMT/PIMS

Dated 15-5-2013

Prepared by:

Checked by:

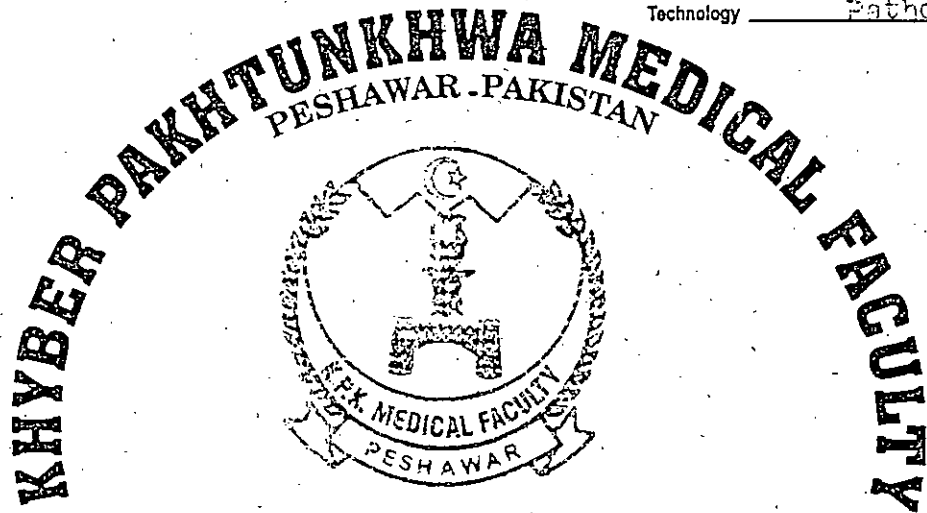
Verified by: 

  
**SECRETARY**  
 Khyber Pakhtunkhwa  
 Medical Faculty Peshawar

**ATTESTED**  
  
**ADVOCATE**

Serial No. 75  
Batch No. \_\_\_\_\_

Roll No. 12/PMS  
Examination Session 2011-2012  
Technology Pathology



## Renewal Of Diploma

REGISTRATION / ENROLMENT

*Valid for five years*

The Diploma registration of Mr / Miss / Mrs. Iftikhar Ahmad Son / Daughter of  
Sujawal Khan bearing Registration No. KPK MP/14/Path Enrolment / Provisional

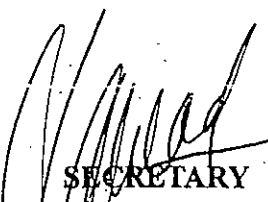
Diploma Serial No. 3306 Dated 05-06-2013 is hereby renewed  
from 06-2013 to 05-2018

KPK MP Let No 47/dated 06-04-2013  
PMS Let No P.5-20-1012-1014/13  
Dated 15-5-2013

Prepared by:

Checked by:

Verified by: 

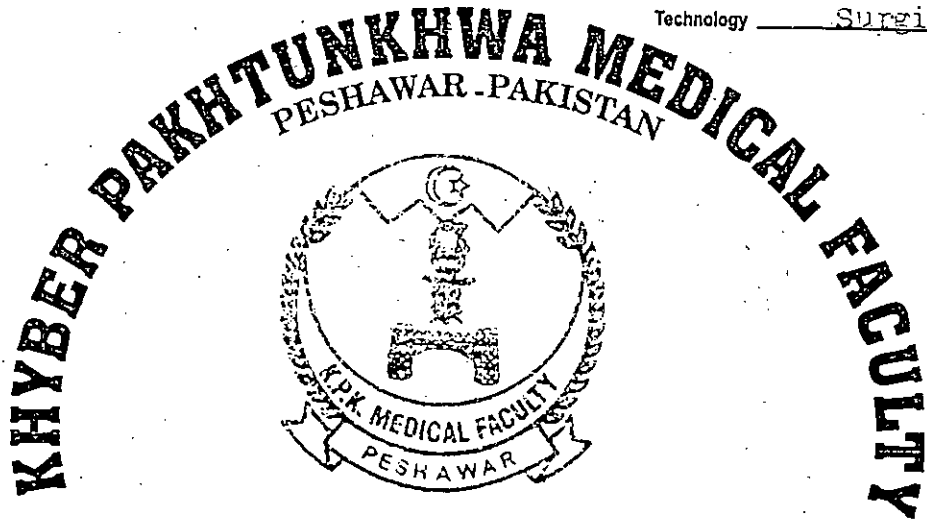
  
**SECRETARY**  
Khyber Pakhtunkhwa  
Medical Faculty Peshawar

**ATTESTED**

  
**ADVOCATE**

Serial No 77  
Batch No \_\_\_\_\_

Roll No 110/PIMS  
Examination Session 2007-08  
Technology Surgical



# Renewal Of Diploma

REGISTRATION / ENROLMENT

*Valid for five years*

The Diploma registration of Mr / Miss / Mrs. Fazal Wahid Son / Daughter of Muhammad Sahib Khan bearing Registration No. KPKMF/13/ST Enrolment / Provisional


Diploma Serial No. 5002 Dated 05-05-2013 is hereby renewed from 05-2013 to 05-2018


KPK MF Let No 47 Dated 15-04-2013


PIMS Let No P.S-20/2012-CMP/PLMS Dated 15-5-2013

Prepared by:

Checked by:

Verified by: 

  
**SECRETARY**  
Khyber Pakhtunkhwa  
Medical Faculty Peshawar

**ATTESTED**  
  
**ADVOCATE**

KHYBER PAKHTUNKHWA MEDICAL FACULTY PESHAWARNo. 712 /MF Dated: 19/06/2013

To

1. SALMAN AHMAD
2. HASSANULLAH
3. SADDAM
4. ABDUL MAJID
5. AMIR KHAN
6. MUHAMMAD ILYAS S/O MUHAMMAD IKRAM
7. MUSTAFA KAMAL S/O AZIZUR RAHMAN
8. ASMATULLAH S/O GUL ZAMAN KHAN
9. RIZWANULLAH S/O FAIZUL HAQ
10. IFTIKHAR AHMAD S/O SAJAWAL KHAN
11. FAZAL WAHID S/O MUHAMMAD ZAHID KHAN
12. AKBAR HUSSAIN S/O AMIR ZADA

Subject: IMPLEMENTATION OF JUDGMENT/ORDER/GRANT OF REGISTRATION

Refer to your application dated 5-6-2013, 27-5-2013 and 14-6-2013 on the subject cited above.

In this connection it is to inform you that the Government of Khyber Pakhtunkhwa Law Department has accorded sanction for filing Review Petition against the (impugned judgment of Supreme Court of Pakistan of 08-03-2013 in CPLA. 400-P/2012.

The fate of the candidates who have qualified from Boards would be decided once and for all after getting a final judgment from the Supreme Court of Pakistan as a result of the said Review except the applicant mentioned on Sr.no.7 above Mustafa Kamal who qualified his Post Basic Diploma in Specialized Nursing which does not fall in the purview of this office.

*[Signature]*  
Khyber Pakhtunkhwa Medical Faculty  
Peshawar.

No. \_\_\_\_\_ /MF dated \_\_\_\_\_

Copy to the:-

- 1- Registrar Peshawar High Court Peshawar I/O decision/order of 17-4-2013 in in W.P.No.520-M/2012 Muhammad Ilyas and others versus Government of Khyber Pakhtunkhwa and W.P.No.2617-P/2012 Asmatullah and four others vs Khyber Pakhtunkhwa.
- 2- Secretary Govt. of KPK Health Department, Peshawar Peshawar I/O decision/order of 17-4-2013 in in W.P.No.520-M/2012 Muhammad Ilyas and others versus Government of Khyber Pakhtunkhwa and W.P.No.2617-P/2012 Asmatullah and four others vs Khyber Pakhtunkhwa.

Secretary  
Khyber Pakhtunkhwa Medical Faculty  
Peshawar.

**ATTESTED**  
*[Signature]*  
**ADVOCATE**

S. NO. 1065

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

ROLL NO. 69E017

# COLLEGE OF MEDICAL TECHNOLOGY



## PAKISTAN INSTITUTE OF MEDICAL SCIENCES, ISLAMABAD PAKISTAN DIPLOMA

SESSION 2006 - 2008

This is to certify that Mr. / Miss. HASSAN ABBAS No, Dr ASHIQ ALI

Registration No. PH/SM - 0815410030 of the College of Medical Technology, P.I.M.S. Islamabad  
has successfully completed the course of B.Sc. Medical Technology and has

passed the examination in Annual: Supplementary

Held in Supplementary Examination, 2008

He/She is hereby awarded this **DIPLOMA** of

B.Sc. Medical Technology



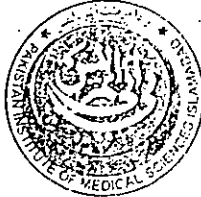
Signature of  
Controller of Examinations

Signature of  
Controller of Examinations

Marks obtained 453/1100

Grade/Position ---

Controller Examination (CMT)



Signature of  
Dr. Najib Ali S.M.O.

Dr. Najib Ali S.M.O.  
AHO Hospital, Feroz Khan

Executive Director (PIMS)

Dr. COL. (R) Dr. Javed Hussain

Principal (CMT)

ATTESTED  
Advocate

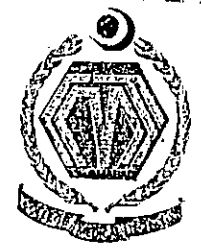
40

S. NO. 1249

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

ROLL NO. 590024

# COLLEGE OF MEDICAL TECHNOLOGY



## PAKISTAN INSTITUTE OF MEDICAL SCIENCES, ISLAMABAD PAKISTAN DIPLOMA

SESSION 2009 - 2010

This is to certify that Mr. / Miss. RIZWAN ULLAH No. / Do. SATYU HAO

Registration No. FELM - 1015410017 of the College of Medical Technology, P.I.M.S. Islamabad

has successfully completed the course of B.Sc. Medical Technology and has

passed the examination in Annual: Supplementary

Held in Annual Examination, 2010

He/She is hereby awarded this **DIPLOMA** of  
MEDICAL IMAGING TECHNOLOGY



Marks obtained 550/1100

Grade / Position " B "

Eng. Shah Afzal Khan  
Controller Examination (CMT)



[Signature]  
Executive Director (PIMS)

Prof. Dr. (Mrs.) Arif David  
Principal (CMT)

ATTESTED  
[Signature]  
ADVOCATE

41



Provincial Government may, by notifications in the official Gazette, and subject to such conditions as it thinks fit to in force, authorise in this behalf.

(d) for the purpose of completing the execution of any scheme which has not been fully executed by the Authority an of realising properties, funds and dues referred to in clauses (a) and (b), the functions of the Authority under this Ordinance shall be discharged by the Federal Government or by the agency determined by the Federal Government under clause (b), as the case may be;

(e) the agency referred to in clauses (b), (c) and (d) shall keep such accounts of all moneys respectively received and expended by it under this Ordinance as the Federal Government may prescribe.

33. If any difficulty arises in giving effect to any of the provisions of this Ordinance, especially in respect of the adjustment of the powers, functions and jurisdiction of the Authority under this Ordinance and those of the Port Qasim Authority under the Port Qasim Authority Act, 1973 the Federal Government may make such order as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

THE MEDICAL AND DENTAL DEGREES ORDINANCE, 1982.

ORDINANCE No. XXVI OF 1982

131st October, 1982

An Ordinance to repeal and, with certain modifications, re-enact the Medical Degrees Act, 1916.

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Medical Degrees Act, 1916;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Medical and Dental Degrees Ordinance, 1982.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. In this Ordinance, "scientific Medical and Dental System" means the scientific methods of Allopathic Medicine, Obstetrics, Surgery and Dentistry, but does not include the Homeopathic, Ayurvedic or Unani System of Medicine.

3. The right of conferring, granting or issuing in Pakistan degrees, diplomas, licences, certificates, or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise scientific Medical and Dental System shall be exercisable only by the authorities specified in the Schedule and by such other authority as the Federal Government or

4. Save as provided by section 3, no person in Pakistan shall confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise scientific Medical and Dental System.

5. Whoever contravenes the provisions of section 4 shall be punishable with rigorous imprisonment for a term which shall not be less than one year or more than five years and shall also be liable to fine which may extend to fifty thousand rupees; and, if the person so contravening is an association, every member of such association who knowingly and wilfully authorises or permits the contravention shall be punishable with rigorous imprisonment for a term which shall not be less than one year or more than five years and shall also be liable to fine which may extend to twenty-five thousand rupees.

6. Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by any authority referred to in section 3 or recognised by the Medical and Dental Council of Pakistan or uses any words to give a false impression that he was qualified to practise scientific Medical and Dental System shall be punishable with rigorous imprisonment for a term which shall not be less than one year or more than five years and shall also be liable to fine which may extend to fifty thousand rupees:

Provided that nothing in this section shall apply to the use by any person of any title, description or addition which he uses by virtue of any degree, diploma, licence or certificate conferred upon him or granted or issued to him in any subject other than medicine.

7. No Court shall take cognizance of an offence punishable under this Ordinance except upon a complaint made by the Secretary of the Medical and Dental Council or any person authorised by the Secretary and notified in the official Gazette.

8. No Court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under this Ordinance shall be bailable.

10. The Medical Degrees Act, 1916 is hereby repealed.

SCHEDULE

(See section 3)

I. Every University in Pakistan established by an Act of the Federal or Provincial Legislature.

II. College of Physicians and Surgeons of Pakistan.

Prohibition of unauthorised conferment of degrees, etc.

Contravention of section.

Penalty for falsely assuming or using Medical and Dental titles.

Cognizance of offences.

Jurisdiction of Magistrate.

Offences to be bailable.

Repeal.

ATTESTED

ADVOCATE

Annex M

42

Removal of difficulties.

Short title, extent and commencement.

Definitions.

Right to confer degrees, etc.

M

V

Act of 1982.

Act of 1916.

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
HEALTH DEPARTMENT

Notification.

Peshawar Sept: 1977.

No. S.O III(T)4-16/77 In exercise of the Powers conferred by section 3 of the Medical Degree Act 1916 (VII of 1961) Health Department Notification No. ME.II/2-56. Dated the 17<sup>th</sup> April, 1957 the Government of North West Frontier Province is pleased to constitute a Medical Faculty known as "North West Frontier Province Medical Faculty" and to authorize it to exercise powers of perform functions subject to the general control of the Government in the manner to the extent hereinafter appearing.

1. In this notification, unless the context other-wise requires: -
  - (a) "Faculty" means the North West Frontier Province Medical Faculty; and
  - (b) "Government" means the Government of the North West Frontier Province.
2. The faculty shall perform functions thought Governing body which shall consist of eleven members including one member from the Finance Department, to be appointed either by virtue of office or by name by Government.
3. Provided that the Secretary to the Government of North West Frontier Province, Health Department shall be one of its member, who shall also be its president.
  - (1) The Governing Body shall elect from among its members vice President.
  - (2) The Vice President shall, subject to his continuing as member of the Governing Body, held office for a term of two years.
4. A member of the Governing Body, other the a member appointed by virtue of office, shall held office fro a term not exceeding three years unless sooner removed by Government, and may be appointed for another term of three years.
5. No person shall be or shall continue to be member of the Governing Body - who
  - (a) is or at any time has been convicted of an offence involving
  - (b) is or at any time has been adjudicated in solvent; or
  - (c) is found lunatic or becomes of unsound mind; or
  - (d) is ore at any time has disqualified for employment in; or dismissed from, the service of Pakistan; or
  - (e) is under twenty one years of age; or
  - (f) is not a citizen of Pakistan

ATTESTED

ADVOCATE

- 6. Government may, by order in writing and after offering an opportunity of being heard, remove any member of the Governing Body, if he: -
  - (a) Refuses or fails to discharge or becomes, in the opinion of Government in capable of discharging his responsibilities under this Notification; or
  - (b) has, in the opinion of Government, abused his position as such member; or
  - (c) has absented himself from two consecutive meeting of the Governing Body without sufficient.

7. Notwithstanding anything contained in this Notification, Government may remove any member of the Governing Body at any time without assigning any reasons, and any member may at any time before the expiry of his term resign his office and on the acceptance of such resignation by Government he shall cease to be a member.

8. Government may fill in the vacancy in the Governing Body caused by the resignation, death or removal of any member and the person so appointed shall be a member for the unexpired term of the member who resigned, died or was removed as the case may be.

9. (1) The Head Quarters of the Faculty, shall be at Peshawar, and Governing Body shall ordinarily held its meetings at the Headquarters; provided that Government may direct the Governing Body to hold its meeting elsewhere.

10. (2) The Governing Body shall regulate its own procedure for convening meetings, circulations and services of notices of meetings, and keeping records of such meetings; Provided that it shall hold at least two meetings in a year, one in the month of April and other in October

1. The decision in the meeting of the Governing Body shall be taken by majority of the members present and voting and in case of equality of votes, the president or the Vice President as the case may be presiding over the meeting, shall have the casting vote.

2. Six members shall constitute quorum for a meeting of the Governing Body shall, be presided over by the President and his absence the Vice President shall preside over the meetings.

3. The meeting of the Governing Body shall be presided over by the President and his absence the Vice President shall preside over the meetings.

4. The minutes of the meeting shall be recorded and circulated by the Secretary; provided that in the absence of Secretary, the Presided or as the case may be, the Vice President, presiding over the meeting, may authorize any member to record and circulate the minutes of the meeting.

11. There shall be a whole time Secretary of the Governing Body, who shall be the Chief Executive Officer of the Faculty.

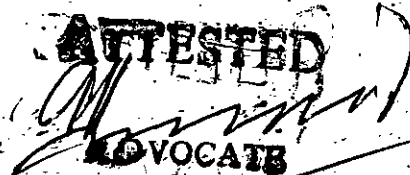
**ATTESTED**  
*[Signature]*  
 SECRETARY

12-

(1) The faculty shall have the right to confer grant or issue degrees, Diplomas, Licenses, Certificates or other documents stating or implying that the holder, grantee or recipient is qualified to practice Western, Medical Science, or to perform duties of the respective category.

(2) for the ultimate purpose of conferring, granting or issuing of Licenses and certificates on or to certain persons so as to enable them to perform duty as Medical Technicians, Health Assistants, Sanitary Inspectors, Medical and Health Auxiliaries, Dispensers, Dressers, Para Medical Workers in Leprosy, Radiographers or Laboratory Assistants or any other category that may be approved by Government, the faculty shall perform all or any of the following function :-

- (i) To prescribe courses of study and curriculum;
- (ii) To recognize medical institutions for imparting instruction and providing training.
- (iii) to prescribe standards, qualifications, eligibility and produce for admission of persons in such institutions;
- (iv) to prescribe standards, eligibility and produce for holding examinations;
- (v) to provide for conducting and making arrangement of examinations and for preparation, results of such examinations.

**ATTESTED**  
  
**PROVOCATE**

- (vi) To receive grants gifts and donations and other contributions whether generally for specific purpose.
- (vii) To fix, demand and receive fee and other charges from the students and candidates;
- (viii) To institute awards, scholarships and prize;
- (ix) To hold, control and administer the property and funds of the faculty.
- (x) To proper, process and pass the annual budget;
- (xi) To make provision for buildings, premises, furniture, apparatus, books and other means required to carry out the purposes of the faculty;
- (xii) To sanction such expenditure as may be necessary to carry out the purposes of the faculty;
- (xiii) To confer grant or issue, license, diplomas, degree and certificates on or to the persons who qualified in the prescribed courses and examinations so as to enable them to perform duties and functions as Medical technicians, health assistants, sanitary inspectors, dispensers, Medical and Health auxiliaries, dressers, Para Medical Workers, in leprosy, Radiographers, Laboratory Assistants, or any other category of persons who may be approved by Government and to prescribe forms of license and certificates to be issued or granted to such persons;
- (xiv) To appoint sub-committee from among its members for any specific purposes; and
- (xv) To do all other acts necessary for carrying out the purposes of the Faculty.

13. The Faculty shall be competent to acquire, hold and disposed off property, both movable and immovable.
14. The Faculty shall have a fund to which shall be credited its income from fees, donations, trusts, bequests, endowments, contributions, grants and other sources. The fund shall be maintained in accordance with the orders passed by the Government from time to time.
15. (1) The Faculty shall maintain proper accounts and other relevant records and prepare annual statement of accounts, in accordance with such directions as may be issued by Government, and Auditor General of Pakistan.
- (2) The annual statement of accounts of the faculty shall be submitted to Government within six months of closing of the financial year.

**ATTESTED**

*[Signature]*  
**ADVOCATE**

- (3) The accounts of the Faculty shall be audited by the Auditor General of Pakistan.
- 16. (1) The Faculty may, subject to such general or special order as Government may, from time to time, give, appoint such officers and servants as it considers necessary for the efficient performance of its functions on such terms and conditions as may be prescribed by bye-laws.
- (2) The Faculty shall employ such officers and other persons as may be transferred to it by Government, on such terms and conditions as may be determined by Government.
- 17. The Governing Body may, by General or Special order in writing, direct that such of its powers, duties or functions shall, in such circumstances and under such conditions, if any, as may be specified in order, be exercisable also by the President or such Officer as may be specified therein.
- 18. The Governing Body may with the previous approval of Government, make bye-laws not inconsistent with this notification to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provision of this notification.

Sd/-  
**SECRETARY TO GOVERNMENT OF  
 NORTH WEST FRONTIER PROVINCE  
 HEALTH DEPARTMENT**

Endst: No.S.O III(T) 4-16/77      Dated Pesh 1<sup>st</sup> Nov. 1977.

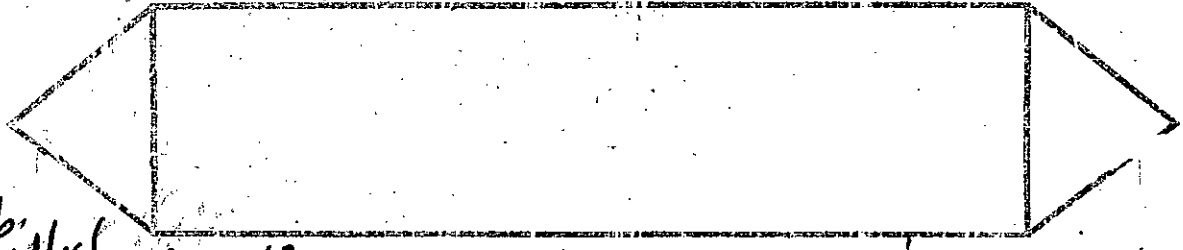
Copy forwarded for information to: -

- 1) All Administrative Secretaries NWFP Peshawar.
- 2) All attached Department NWFP Peshawar.
- 3) Secretary to Government of Punjab, Health Department, Lahore
- 4) The Accountant General NWFP Peshawar.
- 5) The Secretary to Governor NWFP Peshawar.
- 6) The Director Health Services, NWFP Peshawar.
- 7) The Administrator, Govt Lady Reading Hospital, Peshawar.
- 8) The Administrator, Hayat Shahced Teaching Hospital, Peshawar.
- 9) The Principal, Khyber Medical College, Peshawar.
- 10) The Manager, Government Printing Press, Peshawar

Sd/-  
 (Dr. Mohammad Israr)  
 Section Officer Health (III)  
 Health Department

**ATTESTED**  
*[Signature]*  
**ADVOCATE**

بعد المثل خدیجہ بیگم کی سربراہی میں



2013ء منتخب ایسٹریٹ

21 جون

مورخہ  
مقدمہ  
دعوی  
جرم

رضوان اللہ ولد نصیر الحق  
جوہر کلینک ٹیکنیشن (Radiology)  
کیٹیڈی "D" ہسپتال منڈہ ڈیر لور  
حال لائن قلعہ (میدان) ہسپتال ڈیر لور  
باعث خرابی آنکھ

پتھام اگر بیگم کی سربراہی میں  
در لور و طرہ (سینٹر)

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و نقل کارروائی متعلقہ  
آن مقام لاور کیلئے عبدالحمید ایسٹریٹ اور  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوفہ کے مقدمہ کی نقل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رائی نامہ کرنے و تقرر ثالثہ و فیصلہ بر حلف دینے جواب دہی اور اقبال دشمنی اور  
بصورت ڈگری کرنے اجراء اور معمولی چیک و روپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیقی  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کے طریقہ یا ایسٹریٹ کی برآمدگی اور منسوخی  
نیز دلائل کرنے ایسٹریٹ نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ہے، مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کے سبب لیم ہڈا و کالت نامہ لکھد یا کہ سندر ہے۔

2013

ماہ جون

21

الرقوم

واہ  
نادر کے لئے منظور ہے

Attested  
Accepted  
Kamran

Counsel for  
Appellant/Advocate  
Peshawar

Rizwanullah  
Rizwanullah  
J.C.T (Radiology) Munda Hospital

Before KPC Service Tribunal Peshawar

Appeal No 1003/2013

Liznannlah VS EDO Health DIR (4)  
& others,

Application for adjournment

Respectfully Sheweth:

1. That the above titled Case is fixed today on 18/09/2013, for Preliminary hearing,
2. That today my Tard WP No 2184/2012 & WPNr: 338/2012 are fixed before Psh area High Court & therefore I cannot attend this Tribunal.

It is, therefore, requested that the Case may be adjourned to any convenient date.

Dated  
18/9/2013

Appellant  
Through  
Kamal [Signature]  
Advocate/Counsel  
for appellant



**OFFICE OF THE DISTRICT HEALTH OFFICER DIR LOWER AT TIMERGARA**

**AUTHORITY LETTER.**

Dr.Daud Khan Coordinator National Program BPS-17 Dir Lower and Mr. Ahmad Jan Junior Clerk of this office are hereby authorized to attend the office of Government Pleader Service Tribunal Khyber Pakhtunkhwa Peshawar for discussion in case No.1003/2013 of "Mr. Rizwanullah JCT Radiology vs Government of Khyber Pakhtunkhwa Health Department" on dated 27-11-2013 on behalf of the undersigned.

Sd/xxx



District Health Officer  
Dir Lower

Dated Timergara the 26 /11/2013

No. 5166-69

Copy for information to the:-

1. Government Pleader Service Tribunal Khyber Pakhtunkhwa Peshawar.
2. Additional Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
3. Dr.Daud Khan Coordinator National Program Dir Lower.
4. Mr.Ahmad Jan Junior Clerk District Health Office Dir Lower.

  
District Health Officer  
Dir Lower 

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

service Appeal No. 1003/2013

Rizwan Ullah son of Faizul Haq,  
Junior Clinical Technician(JCT)  
(Radiology) .....Applicant/ appellant

versus

Executive District officer(Health)  
Dir Lower at Timergarah etc.....Respondents.

APPLICATION FOR CONDONATION OF DELAY.

(IF ANY).

Respectfully sheweth;

1. That the applicant/appellant has filed the above captioned appeal before this Hon'ble Tribunal. The contents of this appeal may be read as an integral part of this application.
2. That the applicant/appellant was validly and legally appointed as Junior Clinical Technician(JCT) (Radiology) by the competent authority and after one month of assumption of charge as JCT, the applicant was directed to get his diploma registered from K.P.K. Medical Faculty but the applicant after great struggles and efforts failed to do so.
3. That ultimately the applicant/appellant filed a writ petition No. 2617/2012 before peshawar High Court, Mingora Bench(D.Q) Swat. This writ petition was decided on 17-04-2013 and the Hon'ble Court treated this writ petition as departmental representation and referred it to secretary Health K.P.K., directing him to decide the same in

accordance with law within one month. Earlier a similar writ petition of another petitioner who was similarly placed filed a writ petition bearing No. 2480/2010 filed by Dr. Muhammad Iqbal Versus Chief Secretary, K.P.K., challenging his transfer before Peshawar High Court, Peshawar. The Chief Justice Ejaz Afzal Khan treated this writ petition as a representation before Departmental Authority and directed K.P.K. Chief Secretary for decision in accordance with law as expeditiously as possible. Consequently, Dr. Muhammad Iqbal thereafter filed service appeal No. 2007/2010 before this Hon'ble Tribunal for redressal of his grievances which was accepted by this Hon'ble Tribunal. (Copy enclosed).

4. That after the judgment of the Supreme Court of Pakistan passed in civil petition No. 400-P/2012 filed by Agency Surgeon, Kurram Agency versus Hassan Abbas was decided on 3-03-2013, the appellant/applicant was verbally asked by the K.P.K. officials (Medical Faculty) to deposit registration fee and he accordingly deposited Rs. 6,400/- on account of registration of diploma. (Copy of receipt is enclosed).

5. That since valuable rights of the applicant/appellant are involved in the above appeal, therefore, the applicant may not be knocked out merely on the basis of technicalities including limitation (reliance is placed on Supreme Court judgment reported as PLO 2003 SC 724).

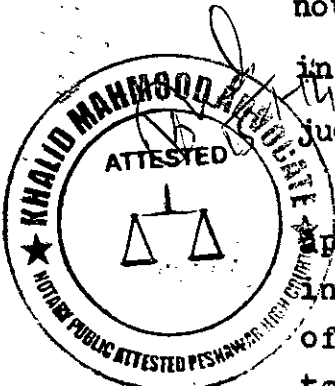
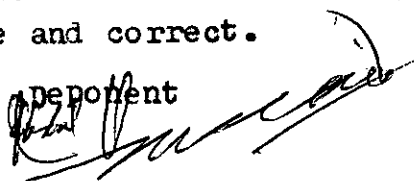
It is, therefore, requested that the instant application may graciously be accepted and the delay (if any) in filing of the appeal may please be condoned in the interest of justice and the appeal may be decided on merits and mere technicalities may please be avoided.

AFFIDAVIT

I, Abdul Hameed, Advocate, Peshawar as per instruction of my client do hereby declare and affirm that the contents of the above application are true and correct.

Applicant/Appellant  
through  
(Abdul Hameed)  
Advocate, Peshawar

deponent



No-1921  
dt: 2-4-2013

The Secretary  
Medical Faculty  
K P K

Subject:- APPLICATION FOR REGISTRATION OF DIPLOMA

Respected Sir

With due respect it is stated that I have received a two year diploma medical technology(Radiology) from an Institute of Medical Sciences (PIMS) Islamabad.  
I want to register my diploma with medical faculty of KPK.  
Therefore kindly grant me the issuance of registration certificate for my better future I will be thankful to

Yours Obediently  
*Rizwan Ullah*

Rizwan Ullah S/O  
Faizul Haq  
JCT Radiology C.II Hospital Munda.

**ATTESTED**  
*[Signature]*  
ADVOCATE

For Depositors

For Khyber Pakhtoon Khwa Medical Faculty,  
Peshawar

No. 9 Dated 1/4/13

NATIONAL BANK OF PAKISTAN  
TEHKAL PAVAN PESHAWAR  
P.L.S. NO. 1077-78

Name of Candidate RIZWAN ULLAH

On account of Common Dip. Degree

and Inspection of [Signature]

Rupees (in Words) Five Thousand Four Hundred

*رکوعان الله*

**ATTESTED**  
*[Signature]*  
ADVOCATE

Accounts Office Dir at Tinargar  
PAYROLL REGISTER  
For the month of October, 2013

Page : 1,907  
Date : 28.10.2013

BSO : DR7611 District Health Officer (Other Health  
2148 15% Adhoc Relief All 930.00

Payroll Section : 001 section 1

Cash Center: 02

PAYMENTS  
Branch Code: 220363 MUNDA 15,829.00

DEDUCTIONS  
Habib Bank limited 849.00-  
MUNDA

NET PAY  
MUNDA

14,990.00 01.10.2013 31.10.2013  
Acct. No: 79001667-03

00701802 RIZWANULLAH  
PAYMENTS

Prev Pers No:  
AMOUNT

DESIG: Jr. CLINICAL TECH RAD(00006242)  
DEDUCTIONS  
AMOUNT

Grade: 09 NTH:  
LDAR/FUND

Postle No.:  
PRINCIPAL

Gazetted/Non-Gazetted: N  
REPID BALANCE

0001 Basic Pay 6,580.00  
1000 House Rent Allowance 1,146.00  
1210 Convey Allowance 20 1,840.00  
1300 Medical Allowance 1,000.00  
1923 URA-OTHER 20%(1-15) 1,000.00  
1924 Adhoc Allowance 2011 573.00  
1925 Adhoc Allowance 2011 1,910.00  
2110 Adhoc Relief Allow ( 1,316.00  
2148 15% Adhoc Relief All 987.00

3009 GPF Subscription - Rs 595.00-  
3501 Benevolent fund 180.00-  
3511 Addl Group Insurance 7.00-  
3604 Group Insurance 67.00-

GPF:

11,305.00

PAYMENTS  
Branch Code: 253849

16,352.00  
ABL DARD KUMBAR MAIDAN-

DEDUCTIONS  
Allied Bank Limited 849.00-

NET PAY  
KUMBAR MAIDAN

15,503.00 01.10.2013 31.10.2013  
Acct. No: 01-212-0008-3

Sir

Respondent No 1  
have already been released